

U.S. NUCLEAR REGULATORY COMMISSION

DIRECTIVE TRANSMITTAL

TN: DT-04-14

To: NRC Management Directives Custodians

Subject: Transmittal of Management Directive 9.15, "Organization and Functions, Office of State and Tribal Programs"

Purpose: Directive 9.15 is being revised to reflect goals in STP's Strategic and Operating Plans and the current STP organization. The handbook for MD 9.15 has also been deleted.

No change bars appear in MD 9.15 because of the extent of the revision.

Office of Origin: Office of State and Tribal Programs

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Volume: 9 NRC Organization and Functions

Directive: 9.15, "Organization and Functions, Office of State and Tribal Programs"

Availability: Rules and Directives Branch
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Organization and Functions Office of State and Tribal Programs

**Directive
9.15**

Contents

Supervision	1
Agreement State Program	1
Federal, State, and Tribal Liaison Program	2
Functions	3
Agreement State Program	3
Federal, State, and Tribal Liaison Program	4
Delegation of Authority to the Director	5
Redelegation of Authority by the Director	6
Redelegation of Authority to the Deputy Director	6
Functional Description for the Director	6
Functional Description for the Deputy Director	7
References	7



U. S. Nuclear Regulatory Commission

Volume: 9 NRC Organization and Functions

STP

Office of State and Tribal Programs Directive 9.15

Organization and Functions

Supervision

(9.15-01)

The Office of State and Tribal Programs (STP) is headed by a director who reports to the Deputy Executive Director for Materials, Research and State Programs (DEDMRS). The office is organized such that staff report directly to the director and the deputy director. STP has no additional managers or supervisors in the office. Regional State Agreement and Regional State Liaison Officers in each region, who report to Regional Management, assist STP in administering the Agreement State and the Federal, State, and Tribal Liaison Programs. (011)

STP is responsible for two program areas: the Agreement State Program and the Federal, State, and Tribal Liaison Program, which are implemented through Headquarters and the regional offices. (012)

AGREEMENT STATE PROGRAM

Through the Agreement State Program, States may enter into formal agreements with NRC by which those States assume regulatory responsibility over certain byproduct, source, and small quantities of special nuclear material. NRC assists States intending to become Agreement States through briefings on agency procedures, review of draft application documents, and

Volume 9, Organization and Functions
Office of State and Tribal Programs
Directive 9.15

Supervision

(9.15-01) (continued)

review and approval of new proposed agreements. NRC reviews Agreement State programs for continued adequacy to protect public health and safety and for continued compatibility with NRC's regulatory program. STP also provides assistance to States expressing interest in establishing programs to assume NRC regulatory authority under Section 274b of the Atomic Energy Act of 1954 (AEA), as amended. (a)

NRC technical assistance to Agreement States continues after the agreement is signed. Specifically, STP works to provide for early and substantive involvement of the Agreement States in the development of new and revised NRC policies, regulations, guidance, procedures, and security initiatives in an effort to use risk-informed, performance-based regulations, reduce unnecessary regulatory requirements, and streamline agency licensing and inspection programs. (b)

The AEA, as amended, requires NRC to ensure that Agreement States administer radiation control programs that provide adequate protection of public health and safety in a manner compatible with NRC's regulatory programs. To carry out this responsibility, NRC maintains close contact with the Agreement States and conducts periodic onsite Integrated Materials Performance Evaluation Program (IMPEP) reviews of Agreement State radiation control programs. (c)

FEDERAL, STATE, AND TRIBAL LIAISON PROGRAM

Through the Federal, State, and Tribal Liaison Program, NRC works in cooperation with Federal, State, and local governments, as appropriate; inter-State organizations; and Native American Governments to ensure that NRC maintains effective relations and communications with these organizations and to promote greater awareness and mutual understanding of the policies, activities, and concerns of all parties involved as they relate to radiological safety at NRC-licensed facilities. Specifically, STP establishes and

Supervision

(9.15-01) (continued)

maintains effective communications at the policy level between NRC and other pertinent Federal agencies, as well as the Council on Environmental Quality. STP represents NRC and its policies to other Federal agencies and serves on appropriate interagency committees. STP also maintains communications with governor-appointed State Liaison Officers and with those Native American Governments potentially affected by, or otherwise interested in, NRC regulatory affairs.

Functions

(9.15-02)

As the primary contact for policy matters that may affect the interests or activities of State, county, local, and Native American Governments, STP performs the following functions: (021)

AGREEMENT STATE PROGRAM

- Provides assistance to States expressing interest in establishing programs to assume NRC regulatory authority under Section 274b of the AEA, as amended. (a)
- Provides technical assistance to States in the review of proposed State regulations, licensing and inspection program descriptions, and other pertinent matters regarding State radiation control issues. (b)
- Develops and maintains policies and procedures to address issues in the Agreement State Program as they arise. (c)
- Develops, revises, and implements STP procedures to carry out Commission policies and program revisions in order to maintain public health and safety, promote common defense and security, establish more efficient and effective approaches to program management, ensure effective communications

Volume 9, Organization and Functions
Office of State and Tribal Programs
Directive 9.15

Functions

(9.15-02) (continued)

with stakeholders, and reduce regulatory burden where possible. (d)

- Provides for early and substantive State involvement in development of new or revised NRC policies, guidance, procedures, and security initiatives to enhance the timely and effective implementation of risk-informed, performance-based regulatory initiatives. (e)
- Periodically reviews Agreement State radiation control programs to ensure that State programs adequately protect the public health and safety and remain compatible with NRC's regulatory programs. (f)
- Provides technical assistance, including training, to the States regarding State regulations, licensing, inspection, enforcement actions, allegations, incident response, and specific or unusual radiation applications requiring specialized expertise and knowledge. (g)

FEDERAL, STATE, AND TRIBAL LIAISON PROGRAM

- Implements the State Liaison Officer Program whereby each Governor appoints a State official as the primary point of contact between the State and NRC. (a)
- Implements the Commission's policy on cooperation with nuclear reactor host and adjacent States to permit States to observe and participate in NRC inspections at reactors. (b)
- Participates in NRC-planned incident response drills and exercises both at headquarters and in the regions. (c)
- Participates in the development and implementation of policy matters concerning State Public Utility Commissions. (d)

Functions

(9.15-02) (continued)

- Provides advice and assistance to the Commission, the EDO, and other NRC senior management and staff on matters affecting the States, county and local governments, and Native American Governments. (e)
- Facilitates communications with other Federal agencies, including serving as NRC's National Environmental Policy Act liaison with the Council on Environmental Quality. (f)
- Establishes and maintains effective communications with pertinent State organizations, including, but not limited to, the Organization of Agreement States (OAS) and the Conference of Radiation Control Program Directors (CRCPD) regarding NRC safety, policy, procedural, and security matters that may affect State radiation control programs. (g)
- Periodically convenes State representatives to discuss safety matters of mutual interest and to facilitate effective and efficient communications among NRC and the States. (h)
- Performs any other functions assigned by the DEDMRS. (i)

Further information on specific programs may be found in the NRC Management Directives, Volume 5, "Governmental Relations and Public Affairs." (022)

Delegation of Authority to the Director

(9.15-03)

The NRC EDO has delegated to the Director of STP the authority to take any actions necessary to carry out the functions assigned by this directive or other official directives or communications, subject to the limitations they may prescribe.

Volume 9, Organization and Functions
Office of State and Tribal Programs
Directive 9.15

Redelegation of Authority
by the Director
(9.15-04)

Unless expressly prohibited, the Director of STP may redelegate his or her authority in writing to others within STP, subject to the following conditions:

- The Director shall inform the EDO, the Secretary of the Commission, the General Counsel, and the Director of the Office of Human Resources of the re delegation in writing and shall specifically identify any limitations on further redelegations of authority. (041)
- The Director shall maintain a record of all redelegations. (042)

Redelegation of Authority
to the Deputy Director
(9.15-05)

The Deputy Director of STP is authorized to act for the Director in the Director's absence.

Functional Description
for the Director
(9.15-06)

- Oversees and directs the NRC Agreement State Program. (061)
- Ensures that Agreement State programs are periodically reviewed to determine whether they remain adequate and compatible with NRC regulatory programs. (062)
- Oversees and directs NRC's Federal, State, and Tribal Liaison Program. (063)

Functional Description

for the Director

(9.15-06) (continued)

- Oversees NRC's cooperation and liaison activities with other Federal agencies. (064)
- Advises and assists NRC management and staff in understanding and considering the views and concerns of the States, county and local governments, and Native American Governments. (065)
- Oversees and directs communications with State, county, and local government entities and Native American Governments on nuclear-related matters. (066)

Functional Description

for the Deputy Director

(9.15-07)

- Assists the Director in overseeing and directing all STP activities. (071)
- Serves as Acting Director in the Director's absence. (072)

References

(9.15-08)

Code of Federal Regulations

Section 274, "Cooperation with States," Atomic Energy Act of 1954, as amended (42 U.S.C. 2021).

Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by State through Agreement (46 FR 7540, January 23, 1981, as amended by policy statements published at 46 FR 36969, July 16, 1981, and 48 FR 33376, July 21, 1983).

Volume 9, Organization and Functions
Office of State and Tribal Programs
Directive 9.15

References

(9.15-08) (continued)

Policy Statement on NRC Interactions with States (54 FR 7530 - 7539, February 25, 1989).

Policy Revision to Permit Adjacent State Observations of NRC Inspections (57 FR 6462 - 6468, February 25, 1992).

Evaluation of Agreement State Radiation Control Programs (60 FR 54734, October 25, 1992).

Statement of Principles and Policy for the Agreement State Program; Policy Statement on Adequacy and Compatibility of Agreement State Programs (62 FR 46517 - 46525, September 3, 1997).

U.S. Nuclear Regulatory Commission

Management Directives, Volume 5, "Governmental Relations and Public Affairs."