

# *U.S. NUCLEAR REGULATORY COMMISSION*

## *DIRECTIVE TRANSMITTAL*

**TN:** DT-97-15

**To:** NRC Management Directives Custodians

**Subject:** Transmittal of Directive 5.7, "Technical Assistance to Agreement States"

**Purpose:** Directive 5.7 is being revised to reflect a routine administrative change in the reference section, page 4 of the directive, to add the Commission's policy statement.

**Office and  
Division of Origin:** Office of State Programs

**Contact:** Spiros Droggitis, 415-2367

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**Availability:** Rules and Directives Branch  
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# Technical Assistance To Agreement States

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## Directive 5.7

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# U. S. Nuclear Regulatory Commission

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## Technical Assistance to Agreement States

### Directive 5.7<sup>\*</sup>

#### Policy

(5.7-01)

As authorized under Section 274 of the Atomic Energy Act of 1954, as amended, it is the policy of the U.S. Nuclear Regulatory Commission to provide technical assistance to Agreement States, as appropriate. NRC provides three types of technical assistance to Agreement States: routine, special, and programmatic (see Section (5.7-04), "Definitions"). Under usual circumstances, routine technical assistance is provided to Agreement States as a regular part of NRC's day-to-day interaction with States. Circumstances may arise, however, that require a response above the usual level of interaction. A State may not have the special technical expertise that is available to the NRC to address a particular need, or a State may experience a temporary constraint on resources. Technical assistance to an Agreement State in the latter circumstance will be on a case-by-case basis when the NRC believes that such assistance is necessary to ensure adequate protection of the public health and safety. In providing technical assistance to Agreement States, NRC will concentrate its resources on those areas that an Agreement State may not be able to address through its own expertise or contractual support for its program. All regulatory decisions remain the responsibility of the Agreement State. (011)

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<sup>\*</sup>Management Directive (MD) 5.7 does not apply to technical assistance provided by NRC to both Agreement and non-Agreement States when responding to radiological emergencies under the Federal Radiological Emergency Plan (FRERP). MD 5.7 also does not apply to special circumstances in which NRC may voluntarily offer to provide technical assistance to Agreement States, for example, to help analyze and investigate a significant incident or event.

## Policy

(5.7-01) (continued)

This management directive supersedes Office of State Programs (OSP) Internal Procedure D.12, "Special Technical Assistance," dated June 24, 1983, and recognizes the maturity demonstrated by the Agreement States in the management of their radiation control programs. This directive also describes how technical assistance to Agreement States will be provided by the NRC. (012)

## Objectives

(5.7-02)

- To establish a process for determining when and if NRC should provide special or programmatic technical assistance to Agreement States. (021)
- To establish a process for determining the extent and conduct of this assistance. (022)

## Organizational Responsibilities and Delegations of Authority

(5.7-03)

### The Commission

(031)

Approves policy matters related to providing technical assistance to Agreement States.

### Executive Director for Operations (EDO)

(032)

Provides oversight of the activities described herein.

## Organizational Responsibilities and Delegations of Authority

(5.7-03) (continued)

### Director, Office of State Programs (OSP) (033)

- Coordinates the review of technical assistance requests from Agreement States with regional administrators and directors of affected program offices. (a)
- Reviews technical assistance requests to ensure that they are consistent with Commission policy and that they contain— (b)
  - Sufficient information to enable the NRC to provide an adequate technical response to the issues addressed in the State's request, such as an evaluation of the issue and, if appropriate, a proposed resolution. (i)
  - Evidence that the State had pursued alternative means of addressing the issue on its own, including attempting to obtain assistance from other agencies within the State, other Agreement States, or independent organizations such as the Conference of Radiation Control Program Directors (CRCPD), or procuring consultants or contractors. (ii)
- Coordinates any recommendations on the request and provides the agency response to the State, as appropriate. (c)
- Ensures that appropriate headquarters and regional offices have an opportunity to provide input into the development of the response to the request. (d)
- Assists office directors and regional administrators in determining the appropriate means for providing the assistance, including the level of staff involvement and the timing of the agency response. (e)

Organizational Responsibilities and  
Delegations of Authority  
(5.7-03) (continued)

Director, Office of State Programs (OSP)  
(033) (continued)

- Plans, schedules, and arranges meetings with the State to coordinate the assistance. (f)
- On assistance requests other than those received directly by a region or other offices, responds to the State, identifying an NRC contact and providing a schedule for accomplishing the assistance. (g)

Office Directors and  
Regional Administrators  
(034)

- Advise the Director, OSP, and other affected offices of initial inquiries from States about technical assistance. (a)
- Evaluate the ability of their respective offices and regions to respond to technical assistance requests from the Agreement States and provide this information to OSP. (b)
- Participate in meetings with State officials as required to clarify the assistance request and to ensure a timely and appropriate response to the request. (c)
- Approve and provide the requested assistance in the timeframe agreed upon. (d)
- When additional clarification of the request is necessary, the affected office obtains clarification either orally or in writing and prepares correspondence confirming the agreed-upon technical assistance. (e)

Organizational Responsibilities and  
Delegations of Authority  
(5.7-03) (continued)

Office Directors and  
Regional Administrators  
(034) (continued)

- Ensure that neither NRC nor its contractors and/or consultants will act in a decision-making capacity. (f)

Definitions  
(5.7-04)

**Programmatic Technical Assistance.** General technical assistance provided to an Agreement State that is experiencing problems of a programmatic nature. This assistance will usually involve support in the licensing and/or inspection aspects of the State's regulatory program.

**Routine Technical Assistance.** Technical assistance provided to Agreement States as a usual part of NRC's day-to-day interaction with Agreement States. This assistance may include, but not be limited to, the discussion of minor technical issues in licensing and compliance.

**Special Technical Assistance.** Technical assistance requiring specific assignment of NRC staff or consultants for a specified period and for a specific job. The appropriate regional office or the Director, OSP, will designate projects as special technical assistance projects.

Applicability  
(5.7-05)

This directive applies to and must be followed by all NRC headquarters and regional employees who are responsible for



## Applicability

(5.7-05) (continued)

accepting and responding to technical assistance requests from an Agreement State as authorized under Section 274 of the Atomic Energy Act of 1954, as amended.

## References

(5.7-06)

Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.).

Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States 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).

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