



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

May 25, 2018

ALL AGREEMENT STATES, VERMONT, WYOMING

ISSUANCE OF REVISION TO MANAGEMENT DIRECTIVE 5.9 "ADEQUACY AND COMPATIBILITY OF PROGRAM ELEMENTS FOR AGREEMENT STATE PROGRAMS" (STC-18-035)

**Purpose:** To inform the Agreement States, as well as States with pending Agreement State applications, that the Office of Nuclear Material Safety and Safeguards (NMSS) has revised and issued Management Directive (MD) 5.9, "Adequacy and Compatibility of Program Elements for Agreement State Programs."

**Background:** On October 18, 2017, the U.S. Nuclear Regulatory Commission (NRC) published the Agreement State Program Policy Statement in the *Federal Register* (82 FR 48535). In parallel with completing the policy statement, the NRC staff initiated a revision of MD 5.9 to reflect the changes resulting from revision to the policy statement. On July 18, 2017, NMSS provided the Agreement States with a proposed revision to MD 5.9 for comment in RCPD-17-009, "Opportunity to Comment on Draft Revision to Office of Nuclear Material Safety and Safeguards' Management Directive 5.9, 'Adequacy and Compatibility of Program Elements for Agreement State Programs.'" On August 2, 2017, the NRC staff conducted a webinar to highlight proposed changes to MD 5.9 and answer questions. Several Agreement States provided comments. The NRC staff considered all comments received and made several related changes in the final MD. A summary of all Agreement State comments received and responses can be found in the NRC's Agencywide Documents Access and Management System (ADAMS) at Accession No. [ML17303A315](#).

**Discussion:** The revised MD was approved on April 26, 2018. The revisions to MD 5.9:

- Reflect organizational changes resulting from the merger of the Office of Nuclear Material Safety and Safeguards and the Office of Federal and State Materials and Environmental Management Programs in October 2014.
- Reflect changes and revisions made when the Policy Statement on Adequacy and Compatibility of Agreement State Programs and the Policy Statement of Principles and Policy for the Agreement State Program were combined to form the Agreement State Program Policy Statement including changes to Compatibility Category B.
- Update the compatibility review process to include that the Standing Committee on Compatibility reviews program elements (including regulations).
- Retitled from "Adequacy and Compatibility of Agreement State Programs" to "Adequacy and Compatibility of Program Elements for Agreement State Programs."

MD 5.9 is available in ADAMS at Accession No. [ML18081A070](#).

If you have any questions regarding the revision to MD 5.9, please contact the individual named below.

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SUBJECT: ISSUANCE OF REVISION TO MANAGEMENT DIRECTIVE 5.9 "ADEQUACY AND COMPATIBILITY OF PROGRAM ELEMENTS FOR AGREEMENT STATE PROGRAMS"

**ML18129A372**

<b>OFC</b>	NMSS/MSST	NMSS/MSST	NMSS/MSST
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<b>DATE</b>	5/10/18	5/21/18	5/25/18

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