



## NMSS Procedure Approval

### *Regional State Liaison Officer Program, SL-100*

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**NOTE**

***Any changes to the procedure will be the responsibility of the NMSS Procedure Contact. Copies of NMSS procedures will be available through the NRC website <https://scp.nrc.gov>***

**I. INTRODUCTION**

This procedure generally describes the functions of the Regional State Liaison Officer (RSLO) program and the responsibilities of NRC staff who implement it.

**II. OBJECTIVE**

- A. Delineate the roles, responsibilities, and duties that NRC staff have in carrying out the NRC's State Liaison Officer (SLO) program.
- B. Provide background and reference materials related to NRC staff duties and responsibilities.

**III. BACKGROUND**

The Division of Materials Safety, Security, State, and Tribal Programs (MSST), Office of Nuclear Material Safety and Safeguards (NMSS), manages the NRC's SLO program. The SLO program was established in 1976 upon recommendations from the National Governors Association and other State organizations for the NRC to improve coordination and communication with the States. Under this program, each Governor appoints an individual to serve as the State's primary liaison to the NRC.

Within each Regional Office, the RSLO or the Regional Governmental Liaison Officer<sup>1</sup> implements the SLO program by facilitating communications between the NRC and the States relative to NRC activities. RSLOs maintain communications with the Governor-appointed SLOs, other State and Local officials, and in some Regions, with Federally recognized Tribal governments affected by, or interested in NRC activities.

RSLOs are part of the Regional Organization and report directly to the Office of the Regional Administrator.<sup>2</sup> The RSLOs' familiarity with Regional priorities as well as State, Local, or Federally recognized Tribe specific issues enables them to communicate effectively and efficiently within their Region.

**IV. ROLES AND RESPONSIBILITIES**

The roles and responsibilities noted here are general and not prescriptive. The roles and responsibilities are dictated by the specific needs of each NRC Region, Regional Offices of other Federal organizations, and individual States, local governments, and Federally recognized Tribal governments located within each Region. Since the RSLOs report to Regional Management, prioritization of the responsibilities listed in this procedure will differ from Region to Region. This variance is acceptable and appropriate and meets the mission of the agency.

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<sup>1</sup> NRC staff in the Regional Offices that implement the SLO program are interchangeably termed Regional State Liaison Officers (RSLOs) or Regional Governmental Liaison Officers. In this procedure, RSLO will be used to represent both terms for the purpose of clarity.

<sup>2</sup> The term Regional Management will be used in this procedure to mean the Office of the Regional Administrator.

**A. MSST Director:**

1. Provides policy and program guidance to Regional Management regarding implementation of NRC's SLO program.
2. Solicits Regional Management input and comments on SLO program policy, guidance, and other matters which could impact the RSLOs and the Regional Office.
3. Keeps senior program office management informed on pertinent RSLO activities and issues associated with policy or guidance implementation. Implements agency direction regarding significant changes in policy for the SLO program.
4. Periodically convenes RSLO counterpart meetings.
5. Holds the National SLOs Conference with the Regions at least triennially, or more often as needed.
6. When needed, serves as a communications interface between NRC and a variety of organizations and groups, including other Federal agencies, national or State organizations, States, county and local government organizations, and Federally recognized Tribal governments.

Examples of national organizations include the Organization of Agreement States, Inc., the National Governors' Association, the National Association of Regulatory Utility Commissioners, the National Council of State Legislators, Conference of Radiation Control Program Directors, Inc., and Tribal Radioactive Materials Transportation Committee.

7. Periodically engages the Regions on communication strategy, best practices, and lessons learned to determine whether changes to the SLO program are warranted.
8. Provides budget/funding to support periodic Regional SLO meetings.
9. Designates MSST staff to serve as Liaison Program Manager.

**B. MSST, Liaison Program Manager**

1. Serves as primary point of contact for the RSLOs in MSST on programmatic issues.
2. Coordinates routine calls and meetings with RSLOs to share information and keep apprised of Regional liaison activities.
3. Plans and coordinates the National SLOs Conference.

**C. Regional Administrator**

Regional Management, principally through the RSLOs, implements the NRC's SLO program. Regional Management responsibilities regarding the RSLOs include, but are not limited to:

1. Providing day-to-day direction and supervision of the RSLO consistent with the policy and program direction provided by MSST and Regional policies and practices.
2. Keeping the RSLO informed of events, issues and problems in the Region which may impact, or which may be of interest to the States, Tribal or other government organizations.
3. Assuring that MSST is promptly informed of any generic issues (those beyond a single licensee, facility, or State) of possible interest to the States, Federally recognized Tribal governments and/or other government organizations.
4. Directing the issuance of appropriate NRC information to the States in a timely manner in accordance with pertinent document handling requirements.
5. Contacting and meeting with Federal, State, Tribal, and local officials, as necessary.
6. Concurring on NRC information issued to the State by the RSLO and originated in the Regional Office where the information affects other Regional divisions or involves significant policy issues; concurrence is not typically necessary for information prepared by MSST and released through the Regional Office as a matter of convenience.
7. Upon the appointment of a new RSLO, issuing an internal NRC announcement and sending letters to key State contacts introducing the new RSLO.
8. Supporting resident inspectors' interaction with local government officials, as appropriate.
9. Ensuring that appropriate State, Tribal, and Local government officials are invited to End-of-Cycle meetings (or other similar periodic meetings), consistent with the requirements of the Revised Reactor Oversight Process.
10. Assigning RSLOs to the Regional Incident Response Team to ensure effective liaison and communications with State, Federal, and other outside organizations for NRC emergency exercises and for response to actual events as appropriate.

**D. RSLO**

Each Region has one or more designated RSLOs who report to the Regional Management. Because each Region and each State have differing priorities and concerns, RSLOs are flexible in how they implement MSST policies and guidance. What is a significant issue in one Region may be a minor concern in another; therefore, the guidance in this document is general in nature and is not prescriptive. Each RSLO is expected to work with their Regional Management, and when needed, MSST, to prioritize their time and resources in accordance with the needs within their Region. RSLO responsibilities may include but are not limited to the following. Additional information and guidance on the RSLO's roles and responsibilities can be found in Appendix A.

1. Maintaining effective communications with MSST, the States, Federally recognized Tribal governments, and other government entities within the Region, and other interested or affected organizations as appropriate or necessary.
2. Maintaining an awareness of issues important to the States, Tribes and Local governmental officials as appropriate.
3. Maintaining an awareness of State, Federally recognized Tribal governments and other government entity issues of interest to the NRC.
4. Arranging for Commissioner and other NRC meetings with State, Tribal, and Local officials.
5. Tracking developments of low-level radioactive waste compacts in their Regions.
6. Tracking State nuclear related legislative developments in their Regions.
7. Negotiating memoranda of understanding (MOUs) with States and Federally recognized Tribal governments within their Regions.
8. Appearing before State legislative hearings and nuclear advisory boards.
9. Maintaining liaison with regional offices of various Federal agencies, such as the Department of Homeland Security, U.S. Environmental Protection Agency, Occupational Safety and Health Administration, Department of Energy, and Army Corps of Engineers, as appropriate.
10. Serving on committee(s) as appropriate, e.g. the Regional Assistance Committee(s), the Regional Incident Response Team and when required, actively participating as a member of DHS/Federal Emergency Management Agency (FEMA) Assessment Teams wherever a Disaster Initiated Review is required to be conducted to assess the ability of offsite response organizations to effectively implement their radiological emergency plans following either a man-made or natural disaster.
11. Establishing and maintaining relationships, as appropriate, with county and municipal elected and appointed officials with jurisdictions affected by the 10-

mile EPZ, such as County Board, County Supervisor, Sheriff, Emergency Management, Mayor, Municipal Manager, Police Chief, and Fire/EMS Chief. Establish and maintain relationships with State and Federal level Emergency Preparedness/Incident Response counterparts.

12. As directed by Regional Management, referring matters of regulatory interest such as non-allegations to the appropriate Federal, State, Tribal or Local government agency.
13. Maintaining current contact information for Federal, Tribal, State, and Local agencies or officials within the Region.

## **V. GUIDANCE**

### **A. Interactions with SLOs and Tribal Contacts**

The RSLO serves as the primary NRC point of contact for Governor-appointed SLOs and other State, Tribal and Local officials in the Region. The RSLO also serves as the NRC Regional contact for the regional offices of other Federal organizations and maintains awareness of all relevant State activities involving NRC matters by:

1. Providing SLOs with timely information on NRC activities, including, but not limited to preliminary notifications, press releases, proposed rules and policy statements, draft environmental assessments, enforcement notifications, upcoming public meetings, and opportunities for stakeholder involvement.
2. Serving as the regional point of contact for information on the Reactor Oversight Process.
3. Coordinating State and Tribal requests to observe NRC inspections at NRC licensed facilities.

### **B. Emergency Preparedness and Incident Response:**

1. Participating in NRC planned incident response drills, exercises and related public outreach activities.
2. Attending and providing periodic liaison training to Incident Response Operations responders.
3. Participating in Regional Assistance Committee evaluations of planned exercises, as appropriate.

### **C. Maintaining contact with Regional representatives of State Public Utility Commissions, National Association of Regulatory Utility Commissioners, including monitoring electric utility restructuring, as appropriate.**

- D. Following activities of national organizations such as National Governor's Association, National Conference of State Legislatures, Conference of Radiation Control Program Directors, and the National Congress of American Indians, as appropriate.
- E. Maintaining an awareness of the States' progress in the low-level waste disposal facility site selection process through its liaison activities and discussing the regulatory process with State officials and the public.
- F. Providing State officials with NRC licensed plant performance information, event notification and follow-up information, as requested.
- G. Acting as primary point of contact for all NRC interactions with State, Federally recognized Tribal Government, and local officials within the Region.
- H. Monitoring State, Tribal, and Local legislative activities as appropriate. Testifying when appropriate at State Legislative hearings and representing the NRC before State intergovernmental groups and at State meetings at which NRC activities are discussed.
- I. For Regions with Agreement States, maintaining awareness of Agreement State issues and ensuring the Regional State Agreement Officer(s) (RSAOs) are aware of State, Federal, Tribal and Local issues so the RSLOs and RSAOs can provide backup support for each other as needed.
- J. Headquarters Counterpart Interactions:
  - 1. Notifying the NRC's Office of Congressional Affairs of Federal level legislator relevant activities, outreach meetings, interest, and requests for information.
  - 2. Maintaining appropriate Program Office (Office of Nuclear Reactor Regulation (NRR), Office of Nuclear Security and Incident Response (NSIR), and NMSS points of contact for awareness of licensing activities in the Region and agency-wide to support outreach activities.
  - 3. Maintaining NSIR points of contact in support of incident response, participation in standard radiological emergency preparedness and hostile action-based drills and exercises; current status of emergency planning rulemaking; ongoing offsite response organization interactions, and outreach activities.
- K. Regional Counterpart Interactions.
  - 1. Coordinating with Regional Office of Public Affairs as well as the Regional Divisions of Reactor Projects (DRP) and Reactor Safety (DRS) and other technical divisions (such as the Division of Fuel Facility Inspection) on content and planning for emergent communications (e.g. event notifications, preliminary notifications) and outreach activities.

2. Coordinating with Regional DRP and DRS on scheduling, participation/resources and content for local outreach meetings.

**VI. APPENDIX**

Appendix A: Handbook on RSLO Guidance

**VII. REFERENCE**

The following documents for RSLO Guidance Handbook are available in Agencywide Document Access Management System (ADAMS):

1982 RSLO Guidance (Frank Young) (11/4/82) [ML033450375](#)

54 FR 7530 Policy Statement on NRC Interactions with States (2/22/89) [ML033450316](#)

57 FR 6462 Policy Revision to Permit Adjacent State Observations of NRC Inspections (2/25/92) [ML033450312](#)

Executive Order 12866: Regulatory Planning and Review (9/30/93) [ML040070197](#)

Executive Order 12875: Enhancing the Intergovernmental Partnership (10/26/93) [ML040550043](#)

EPA's Policy on Native Americans (3/14/94) [ML040160791](#)

Clinton memo on to Interact with Native American Tribal Governments (4/29/94) [ML033450323](#)

DOE Memo on Government-to-Government Relations with Native American Tribal Governments (5/18/94) [ML040160784](#)

Letter to D. Homer, US DOI Bureau of Indian Affairs (6/17/94) [ML040120159](#)

Letter to Homer, D, Bureau of Indian Affairs on Prairie Island Dakota Community (6/17/94) [ML040360214](#)

Letter to Deer, A., Assistant Secretary of Indian Affairs on Prairie Island Dakota Community (3/27/95) [ML040360215](#)

61 FR 29424 - 29426 Department of Justice Policy on Indian Sovereignty and Government-to-Government Relations (6/10/96) [ML040160781](#)

Letter from Morris, L. Bureau of Indian Affairs regarding Prairie Island Dakota Community (8/7/96) [ML040160798](#)

SECY 96-187 Policy Issues Raised in Meeting with Prairie Island Dakota Indian Representatives (8/28/96) [ML040120574](#)



SRM for SECY 96-187, "Policy Issues Raised in Meeting with Prairie Island Indian Representatives (11/13/96) [ML040120150](#)

Letter to C. Campbell, Prairie Island Community regarding Clinton memorandum (12/2/96) [ML040120156](#)

Regional State Liaison Officer Program Guidance (6/22/98) [ML040260038](#)

Executive Order 13175 'Consultation and Coordination With Indian Tribal Governments' (11/6/00) [ML040070159](#)

U.S. Nuclear Regulatory Commission Interaction with Native American Tribes (12/28/09) [ML092800263](#)

NUREG/BR-0520 "State Programs at the U.S. Nuclear Regulatory (10/1/15) [ML15294A009](#)

Management Directive 5.2 "Cooperation with States at Commercial Nuclear Power Plants and Other Nuclear Production or Utilization Facilities (9/29/16) [ML18073A141](#)

82 FR 2402 Tribal Policy Statement (1/9/17) [ML17011A243](#)

82 FR 46840 and 82 FR 48635 "Agreement State Program Policy Statement" (10/6/17) [ML17262B197](#) and (10/18/17) [ML17285A131](#)

NUREG-2173, Revision 1 "Tribal Protocol Manual" (7/31/18) [ML18214A663](#)

Management Directive 5.1 "Consultation and Coordination with Governments and Indian Tribes" (7/6/20) [ML112351312](#)

## VIII. ADAMS REFERENCE DOCUMENTS

For knowledge management purposes, all previous revisions of this procedure, as well as associated correspondence with stakeholders, that have been entered into ADAMS are listed below.

No.	Date	Document Title/Description	Accession Number
1	12/5/05	STP Procedure SL-100	ML061170420
2	7/14/10	NMSS Procedure SL-100	ML101810461
3	2/16/2021	NMSS Procedure SL-100	ML20346A512

Appendix  
Handbook on Regional State Liaison Officers Guidance

**I. Introduction**

The Division of Materials Safety, State, and Tribal Programs (MSST) within NMSS has the responsibility for: (1) recommending policy and developing programs relating to regulatory relationships with State, Tribal, and Local governments, and national, interstate and Tribal organizations; (2) assuring effective liaison with State, Tribal and Local jurisdictions and governmental organizations; and (3) serving as the primary point of contact for other external organizations having an interest in NRC policies. Specifically, MSST plans, and directs the agency's program for consultation, outreach, and liaison with government entities.

**A. Federal Liaison Overview**

MSST maintains effective communications between NRC and other Federal agencies (e.g., the U.S. Environmental Protection Agency, the Department of Energy, the Department of the Interior, the National Park Service, and the Historic Preservation Advisory Council).

**B. State Liaison Overview**

Under the SLO program, each Governor is asked to appoint a SLO to serve as the primary point of contact between the State and NRC (a listing of current SLOs can be found at <https://scp.nrc.gov/asdirectory.html>). The SLO provides a communication channel between the State and the NRC and keeps the Governor informed of all significant nuclear regulatory and related public health and safety matters. The SLO provides the NRC with information on State-specific issues (i.e., State radiological health, emergency preparedness, public utility commission actions, and State nuclear safety agency matters). In turn, through the RSLOs, the NRC keeps the SLO informed on matters of interest to the State, responds to State requests for information, and acknowledges State recommendations concerning matters within the NRC's regulatory jurisdiction.

The NRC negotiates MOUs with States on various NRC and State activities involving mutual cooperation (see "Policy on Cooperation with States at Commercial Nuclear Power Plants and Other Nuclear Production or Utilization Facilities," 54 FR 7530, February 22, 1989, and amended to address adjacent States, 57 FR 6462, February 25, 1992). This policy sets out the general cooperation framework with States by routinely keeping Governor-appointed SLOs informed on matters of interest to the States and responding to all requests from States in a timely manner. The policy identifies the SLO as the primary State contact for all requests involving observation of NRC inspections of plants or facilities. This policy is implemented through Management Directive 5.2 "Cooperation with States at Commercial Nuclear Power Plants and Other Nuclear Production or Utilization Facilities."

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C. Tribal Liaison Overview

NRC acknowledges the sovereign rights of federally recognized Tribal governments. Working with the Tribal Liaisons in NMSS along with other staff across the agency, NRC maintains government-to-government communications with those Tribes and national organizations, Tribal interest in nuclear related activities provides for case-by-case exchanges of information on specific issues related to NRC's policy and regulatory authority. Exchanges of information have covered reactor licensing and inspection activities, reactor license renewal, radioactive waste disposal and transport, and uranium recovery licensing, and long-term strategies for treating uranium mill tailings. NRC also maintains a cooperative relationship with the National Congress of American Indians. See <https://tribal.preprod.nrc.gov/> for additional information on the NRC's Tribal Policy Statement and the NRC's Tribal Policy Manual.

**II. Regional State Liaison Officer (RSLO) General Overview**

MSST manages the overall SLO program while the RSLOs carry out the day-to-day activities of the program. The RSLOs serve as the NRC's primary point of contact for the SLOs. RSLOs report directly to the Regional Administrator and support other Regional management. Since the RSLOs are located in the Regional Offices, they are familiar with current State issues and concerns, and thus, are able to respond efficiently to State inquiries.

This document provides suggested general guidance for RSLOs for implementing the SLO program and carrying out other intergovernmental liaison duties. Regional priorities and concerns vary; and in turn, the duties, and responsibilities of each RSLO will vary and will largely be dictated by Regional management expectations. Accordingly, this handbook is not intended to be prescriptive.

**III. RSLO Duties: Interfaces and Relationships**

A. RSLO General Responsibilities

RSLOs are expected to establish and maintain effective mutual working relationships with each SLO. SLOs are the Governor's appointed principal point of contact with the NRC and play a key role in communications between the NRC and the State. The RSLO is also expected to maintain similar relationships with other Federal, Tribal, State, and Local government officials, as appropriate. Generally, the RSLO is responsible for:

1. Performing assigned work; RSLOs are responsible to Regional management for implementing policy and guidelines provided by the Region or, as appropriate, MSST.
2. Attending hearings and other public meetings as NRC's liaison to States, Tribes, and other government entities.
3. Arranging for NRC speakers for State, Tribal, and Regional Federal relations purposes, including making presentations as needed. RSLOs will conduct this activity in accordance with Regional

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guidance.

4. Advising Regional management on whether to participate in meetings regarding State, Tribal, or other government entity activities. Obtaining Regional management's concurrence before scheduling meetings on issues that could impact other Regional divisions or involve significant policy issues.
5. Informing Regional management of State and Tribal relations information released from their Office.
6. Keeping MSST and Regional management informed of activities involving States, Tribes, or other government entities that could potentially impact other NRC activities and responsibilities.
7. Coordinating NRC regulatory activities with the Regional Offices of other Federal agencies, as needed.
8. Participating in RSLO counterpart meetings and the National SLO Conference.
9. Maintaining a general knowledge of NRC programs relevant to State, Tribal and Local governments, and Regional Federal agencies.
10. Maintaining a general knowledge of NRC's Agreement State Program sufficient to serve as a backup liaison to Agreement States as needed.
11. Establishing and maintaining effective communications with State, Federal, Tribal, and Local government representatives.
12. Identifying information or subject areas of interest to States, Tribes, or other government officials.
13. Maintaining an awareness of State and Tribal issues that are of interest to NRC.
14. Assisting in negotiating MOUs with States or other Regional government entities.
15. Reviewing and processing requests to observe NRC inspections within the Region's area of responsibility.
16. Informing MSST and Regional management of nuclear related legislative developments.
17. Upon the request of the respective FEMA Regional Assistance Committee (RAC) chairperson, participate as a member of Department of Homeland Security/Federal Emergency Management Agency (DHS/FEMA) Assessment Teams wherever a Disaster Initiated Review is required to be conducted to assess the ability of Offsite Response Organizations to effectively implement their

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radiological emergency plans following either a man-made or natural disaster.

18. Provide State officials with NRC licensed plant performance information, event notification, and follow-up information, as requested.
19. Maintain current contact information for Federal, Tribal, State, and Local agencies, or officials within the Region.
20. As directed by Regional management, refer matters of regulatory interest such as non-allegations to the appropriate Federal, State, Tribal, or Local government agency.

B. Frequent Interfaces and Relationships

1. Internal to NRC

a. Headquarters

i. Offices of the Commission

<http://www.nrc.gov/about-nrc/organization/nrcorg.pdf>

RSLOs may be asked to assist in obtaining background information for a Commissioner visit to a facility. RSLOs may also be called upon to arrange Commissioner visits with Governors or other State officials.

ii. Office of Nuclear Security and Incident Response

<http://www.nrc.gov/about-nrc/organization/nsirfuncdesc.html>

Division of Security Operations

<http://www.nrc.gov/about-nrc/organization/nsirfuncdesc.html#dso>

NRC advisories regarding security or threat information are typically generated and issued by the Division of Security Operations (DSO) in NSIR. MSST provides updated distribution lists for SLOs and State Radiation Control Program Directors (RCPDs) at the request of DSO to facilitate issuance of the advisories to the appropriate State contacts.

Additionally, NSIR and MSST have the ability to send time-sensitive advisories directly to SLOs and RCPDs through the Headquarters Operations Officers (HOO). RSLOs may be asked to inform State representatives of issued advisories, to verify that States have timely received them, and to inform MSST, and NSIR of unsuccessful communications. RSLO's should be sufficiently informed of such communications to ensure they familiar with issues that might result in questions from Tribal, State, or Local officials. When providing advisories or other information of a non-publicly available, sensitive nature, RSLOs should be careful to follow NRC encryption policy for e-mail transmission outside the agency.

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Upon request, RSLOs will provide assistance to the NSIR Federal Security Coordinator.

Division of Preparedness and Response  
(<https://www.nrc.gov/about-nrc/organization/nsirfuncdesc.html#dpr>)

The Division of Preparedness and Response (DPR) develops and implements policies and programs that respond to incidents involving licensed facilities and materials. This includes coordination with Federal, State, and Local governments, and licensees.

DPR, in cooperation with the Regions, supports the conduct of State outreach programs designed to increase and improve NRC's interactions with States during exercises and emergencies. DPR seeks to improve States' understanding of incident response at facilities for which NRC is the lead Federal agency. RSLOs are usually involved in planning and conducting these meetings. The NRC attempts to exercise and/or meet with each State every 3 years.

#### iii. Other Program Offices

Program offices routinely need to inform or consult with States on proposed rules and policies, licensing actions, or other projects. In some cases, a program office will enlist MSST's aid in obtaining States' views on a particular issue or project, which is typically done through the RSLOs.

Sometimes States are invited to comment on proposed NRC rules or guidance through the NRC web page at:

(<http://www.nrc.gov/about-nrc/regulatory/rulemaking.html>)

Sometimes program offices will ask MSST to assess State views, which is typically done through RSLOs.

Office of Nuclear Reactor Regulation  
(<http://www.nrc.gov/about-nrc/organization/nrrfuncdesc.html>)

Pursuant to 10 CFR 50.91(b), NRR consults with designated affected State officials, such as the SLO, on matters affecting the licensing of nuclear power plants. Further information on NRR's process can be found in NRR Office Instruction LIC-101, License Amendment Review Procedures. Questions regarding licensing issues at nuclear power plants should be directed to the specific NRR project manager. A list of NRR project managers may be found at: (<http://www.nrc.gov/reactors/operating/project-managers.html#pwr>).

Office of Nuclear Material Safety and Safeguards

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<http://www.nrc.gov/about-nrc/organization/nmssfuncdesc.html>)

NMSS is responsible for the licensing and regulation of facilities and materials associated with the processing, transport, and handling of nuclear materials, including uranium recovery activities, and the fuel used in commercial nuclear reactors. NMSS is responsible for establishing and maintaining effective communications and working relationship between the NRC and States, Local government, other Federal agencies, and Federally Recognized Tribal Governments. NMSS administers the Agreement State, State Liaison, and Tribal Liaison programs.

Management of high-level radioactive waste is a highly visible and long-term Federal and State activity <http://www.nrc.gov/waste/hlw-disposal.html>). Certain States, Tribes, and Local governments have continued interest in these activities. RSLOs need to be aware of their interests and subsequently will need to follow any NRC action on high-level waste. MSST maintains the lead for liaison with States, Tribes, and Local governments for activities related to high-level radioactive waste.

The RSLOs should keep up-to-date on major high-level radioactive waste storage, transportation, and disposal <http://www.nrc.gov/waste.html>) issues in their respective States. They should be alert to State, Tribal, and Local government political developments, and concerns. Such developments and concerns should be brought to the attention of Regional management and MSST. MSST will communicate developments and concerns to the appropriate NMSS division.

State, Tribal and Local officials will be informed of opportunities for comment on draft National Environment Policy Act documents developed by NMSS for licensing actions and shall be notified of any public meetings for the proposed project. Although MSST and the RSLOs are not directly involved in the consultation process for NMSS actions, the RSLOs can aid in introducing NRC staff to pertinent State and Local officials. RSLOs can assist NRR project managers by providing timely notification of State reviewing official status changes that they are aware of such as retirements, replacements, or resignations of SLOs when such individuals are the State reviewing official.

On July 6, 1982, revisions to 10 CFR Part 71 and 73 became effective requiring licensees to provide notification of the shipment of most spent fuel and high-level radioactive waste to designated State officials. Annually, MSST revises the Parts 71, and 73 representative list. The list may be found at the link for “Governor's Designees for Notification of Transport of Nuclear Waste” at <https://scp.nrc.gov/asdirectory.html>.

Questions pertaining to the rules governing waste transportation

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should be addressed to the Division of Fuel Management in NMSS.

In general, RSLOs should be aware of decommissioning activities within their Region, and work to keep impacted State, Local, and Tribal officials informed of NRC related activities.

Office of Public Affairs (OPA)

(<http://www.nrc.gov/about-nrc/organization/opafuncdesc.html>)

OPA (headquarters or Regional) staff should ensure MSST and RSLOs are timely informed of NRC press releases that may interest external entities. This will assist RSLOs in keeping their contacts up-to-date. The RSLO should also inform MSST and OPA of situations or information that pertain to NRC or its licensees that have media or special interest group implications. RSLOs should inform MSST of changes to State, Tribal, and Local government official e-mail addresses, to ensure that NRC press releases are distributed.

Office of Congressional Affairs (OCA)

(<http://www.nrc.gov/about-nrc/organization/ocafuncdesc.html>)

OCA will coordinate Congressional members and staff contacts. OCA has designated Regional Coordinators for each Region that work directly with the RSLO to address any Congressional or State legislative inquiries. From time-to-time, State, or locally elected officials may request information from the Regional Office to support a Local concern or issue. These requests should be handled by the RSLO and coordinated with appropriate Regional and HQ offices for response.

Office of Enforcement (OE)

(<http://www.nrc.gov/about-nrc/organization/oefuncdesc.html>)

The RSLO provides the SLO advance notification of any escalated enforcement with NRC licensees in their respective State. Typically, this is coordinated with the Regional enforcement staff, and does not involve OE. However, if an order is issued by the OE and involves licensees in the State, then the notification process will involve OE.

### b. NRC Regions

#### Regional Administrators

RSLOs are part of the Regional organization, even though they implement MSST's Regional program. As such, RSLOs report to their respective Regional Administrator. The Regional Administrator and other Regional management will advise the RSLO on information issued to the State and issues that impact other Regional Offices or involve significant policy issues. Regional management concurrence is not necessary for routine RSLO communications or for information prepared by MSST and



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released through the Regional Office as a matter of convenience. The MSST Director provides policy and program guidance to Regional Administrators for carrying out State liaison functions that the Regional Administrator manages daily.

### Regional State Agreements Officers (RSAOs)

RSAOs are part of the technical division in Regions with Materials Program responsibilities. RSAOs facilitate communications between NRC and the Agreement States. (<https://scp.nrc.gov>)

RSAOs are the primary contact between the Agreement States and the NRC for matters involving the States' regulation of materials defined in Section 274 of the Atomic Energy Act. As such, RSAOs participate in reviews, and evaluation of Agreement State regulatory programs, to ensure consistency with the Atomic Energy Act.

Although the functions of the RSAO and RSLO are different, RSLOs should be prepared to provide back up to the RSAO in their absence or if needed to help address a significant issue. RSAOs should also be prepared to serve as back up to the RSLOs, depending on Regional needs, and concerns.

## 2. External to NRC

The RSLO maintain knowledge of the appropriate State representatives (e.g., SLO, Radiation Control Program Director, emergency preparedness director, public utility commission member, persons notified under 10 CFR Parts 71 and 73), Tribal, and/or Local government representatives. RSLOs should build a rapport with these parties so that their views can be obtained in a timely fashion, in a broad context of continuing exchange of information, and in an atmosphere of trust, confidence, and mutual respect. Since the RSLO is the primary point of contact, NRC management will rely considerably on the RSLO's judgment, and recommendations regarding the best persons to consult. It is anticipated that the RSLO can decide how to provide information without consulting Regional management.

For issues that require extensive interaction between NRC staff and State representatives, the RSLO should judge as to whether to continue as a point of contact between the State and the NRC requester, or whether the State, and knowledgeable NRC staff should communicate directly.

### a. Interactions with States

State Liaison Officers  
(<https://scp.nrc.gov/asdirectory.html>)

RSLOs serve as the primary NRC point of contact for State officials. In most cases, communications go through the SLO is either the State Radiation Control Program Director or the director of the State emergency management agency.

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MSST occasionally will need to survey States for information on a particular topic. The RSLO will be the individual in the Region to whom MSST will turn to assist in obtaining such information. RSLOs may be asked to suggest State individuals to participate in workshops or conferences. This should be handled the same as a request for State information. That is, the RSLO should ascertain the level of State participant expertise needed at the workshop or conference and approach State officials accordingly.

A key mechanism used by NRC in its program of intergovernmental relations is its Governor-appointed SLO. The NRC writes to each Governor asking them to appoint an individual who can provide a communication channel between the State and the NRC. It is preferred that the appointee be the key State regulator responsible for keeping the Governor completely informed on all significant nuclear regulatory and related public health and safety matters and who can provide the NRC with answers to questions posed to the States on particular issues. However, the final selection is at the discretion of the individual Governor.

The NRC will keep SLOs informed on matters of interest to their States, respond in a timely manner to a State's requests for information, and acknowledge State recommendations concerning matters within the NRC's regulatory jurisdiction. The RSLO will keep MSST informed of any changes in SLO contact information. Some general guidelines on interactions between RSLOs and SLOs follow.

- i. Upon change of either the RSLO or a SLO in the Region, communication between the new RSLO, and/or new SLO should be established promptly. This may be done either formally or informally, by an introductory letter, a telephone call, or a meeting.

Methods of initial conversation will be based on circumstances and RSLO and Regional management judgment. Regardless of the contact method, the initial communication should happen soon after the personnel change.

- ii. Possible topics for initial communications include:
  - a. A description of the scope of NRC's regulatory authority, including the role of the Regional Offices.
    1. A review of the current areas of mutual interest to the State and the NRC.
    2. A review of other State agencies and officials who have an interest in nuclear matters, such as State Radiation Control Program Directors, energy departments, emergency preparedness officials, and public utility commissioners.

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3. A reminder that the SLO should feel free to contact the RSLO at any time.
  - b. The RSLO is encouraged to visit SLOs whenever the need arises and especially if it can be coordinated with other travel to maintain a strong person-to-person relationship. The RSLO should also explore each SLO's desire, need, and value for conducting in-State briefings.
  - c. RSLOs should take advantage of opportunities to attend Regional or national State meetings, where multiple contacts with SLOs, and other officials can be made or maintained.
  - d. RSLOs are expected to maintain appropriate and timely dialogue with each SLO and other government officials. The goal is to develop a strong working relationship based on mutual trust so that the RSLO can be confident that any discussions will be complete and transparent even under difficult or emergent circumstances.

Protocols for State Observation of NRC Inspections

Commission policy allows for qualified State personnel to observe NRC inspections at nuclear power plants. Some States routinely attend NRC meetings with licensees and/or observe NRC inspection activities. The State must agree to abide by an accompaniment protocol as noted in Management Directive 5.2, Exhibit 1, Appendix A: Protocol Agreement for State Observation of NRC Inspections.

b. Interactions with Tribes

NRC interaction with Tribal governments is primarily based on Tribes expressing interest in specific NRC regulatory activities or licensees. Working in close coordination with the Tribal Liaisons in MSST, the RSLOs commonly serve as the primary points of contact for Tribal nations interested in NRC activities in their Regions.

1. Guidance

The NRC's current practices for government-to-government interaction with Federally recognized Tribes reflect the spirit of Presidential Executive Orders and is governed by the Commission's Tribal Policy Statement. The NRC has demonstrated a commitment to achieving the Orders' objectives by implementing a case-by-case approach to interactions with Federally recognized Tribes. NRC's case-by-case approach has proven effective and allows for custom-tailored approaches that meet the Commission's needs and those of Tribes. The staff identifies and initiates dialogue with federally recognized Federally Recognized Tribal governments during NRC regulatory processes and activities. MSST staff has developed the Tribal Protocol Manual that reflects a set of practices, communication

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skills, cultural sensitivities and historical awareness, intended to foster, and promote effective interaction between NRC staff and Federally recognized Tribal governments. The Tribal Protocol Manual is also a reference tool intended to provide NRC management and staff with information that will allow NRC to develop and maintain government-to-government relationships with Tribes in preparation for, and throughout, NRC's regulatory processes. It is organized around major subject areas considered essential to gaining a better understanding of Federally recognized Tribes and issues of concern to them.

#### 2. Protocols for Tribal Nation Observation of NRC Inspections

The Region may consider entering protocol agreements with Tribal nations to observe certain inspections. For example, NRC Region III has established an inspection protocol with the Prairie Island Indian Community in Minnesota to allow Tribal representatives to observe NRC inspections at the Prairie Island Nuclear Power Plant. The Community meets the same requirements as an adjacent State (see Management Directive 5.2, Exhibit 1, Appendix A: Protocol Agreement for State Observation of NRC Inspections). This decision was based on the fact that the Prairie Island Indian Community is located within the 10-mile emergency planning zone for the Prairie Island plant.

#### c. Interactions with other Federal Agencies

##### 1. Federal Liaison Program Scope

The Federal Liaison Program is coordinated in the State Agreements and Liaison Programs Branch of MSST. The program represents NRC and its policies to other Federal agencies and interagency committees. RSLOs are responsible for coordinating regulatory activities and communication with the Regional Offices of Federal agencies.

##### 2. Department of Homeland Security

RSLOs may on occasion serve as an interface between NRC's NSIR and the State Homeland Security official. Specifically, RSLOs are responsible for verifying that appropriate State, and Tribal officials receive security advisories or Orders issued by NSIR's HOO.

If an RSLO receives a physical security inquiry or is provided physical security information from a State Homeland Security official, the RSLO should inform the Regional management, NSIR, MSST, and others, as appropriate.

As a part of DHS, FEMA is responsible for establishing Federal policies for and coordinating emergency planning, management, mitigation, and assistance functions of executive agencies. FEMA

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assists State, Local, and Tribal government agencies in their emergency planning. Its primary role is one of coordinating Federal, State, Local, and Tribal governments, and volunteer response actions.

Radiological emergency preparedness planning for protecting public health and safety in the event of an incident at a commercial nuclear power plant is a joint effort involving the licensee operating the plant and the Offsite Response Organizations including State and Local government agencies, as well as non-governmental agencies such as the American Red Cross. The purpose of this planning is to provide reasonable assurance that the public's health and safety will be protected in the event of an accident at a plant. The NRC has the responsibility for licensing and inspecting the plant's development and implementation of emergency plans. FEMA performs a similar role to evaluate the Offsite Response Organizations development and implementation of radiological emergency preparedness plans by reviewing plans and evaluating emergency exercises.

FEMA is organizationally divided into 10 Regions. Each of the NRC Regions includes two or more FEMA Regions, and the RSLO is responsible for maintaining communications between the Regional Office and the FEMA Regional staff within their Region. Contact is usually maintained between the RAC Chair and the REP staff.

RSLOs serve as the Commission's representative on the RAC. RACs are chaired by DHS/FEMA. As part of the RAC and with the concurrence of Regional management, RSLOs may assist FEMA in the evaluation of the performance of Offsite Response Organizations in emergency preparedness exercises. RSLOs may represent the Commission in exercise-related public meetings. As directed by Regional management, RSLOs may support the FEMA Region in joint training activities for Offsite Response Organizations.

The RSLO may also interact with Regional representatives of Federal Agencies that are members of the FEMA, RAC, and the Radiological Emergency Advisory Committee such as the Environmental Protection Agency, the Department of Health, and Human Services, the Food and Drug Administration, and the Department of Agriculture.

#### C. Special Issues, Requests, and Circumstances

1. Low-Level Radioactive Waste (LLW) Issues  
<http://www.nrc.gov/waste/low-level-waste.html>

The RSLO is NRC's chief Regional point of contact with the disposal site

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compact commissions proposed to be in their Region. The RSLO is also the liaison with any development or operating authority. The RSAO is the point of contact with Host State radiation regulatory agencies where the State has authority through an Agreement with the NRC to regulate the health and safety operations at a LLW disposal facility.

If time and duties permit, the RSLO should establish a working relationship with the compact commission and develop an understanding of its objectives. The RSLO may periodically brief Regional management, and MSST and Division of Decommissioning, Uranium Recovery and Waste Programs (DUWP) staff on compact commission activities, goals, and plans.

The RSLO should be alert to the following:

- a. State interest to negotiate an MOU for LLW packaging and transportation inspections with a State;
- b. Jurisdictional problems between compact States (individually or collectively) and the Federal government (NRC in particular).
- c. Technical or procedural questions regarding 10 CFR Part 61 or any other NRC regulations.
- d. Generic questions that, while arising in one compact group, might be expected to arise in others, including innovative solutions for resolving problems.

#### 2. Specific RSLO Action Regarding MOUs Pertaining to LLW Inspection

Since the passage of the LLW Policy Amendments Act, NMSS formulated an MOU that allows State inspectors to inspect waste packaging and shipping procedures on certain NRC licensees' premises. The model MOU was developed in response to State requests during formulation of LLW compacts.

The RSLO is responsible for initiating and coordinating these MOUs for NRC with States. MSST will support the RSLOs' MOU activities and should be informed of all significant negotiation developments. RSLOs should effectively communicate compacts' specific implementation and enforcement of sections that deal with waste transportation and packaging inspection procedures. If interest is expressed by a State in an MOU, the RSLO, in conjunction with MSST, should initiate action to accommodate the State. If the RSLO determines there would be minimal benefit to an MOU, that determination should be discussed with MSST and, if agreement is reached, subsequently discussed with the State.

#### 3. High-Level Radioactive Waste Issues

A highly visible long-term Federal/State activity is the management of high-level radioactive waste storage and disposal. Some States have continuing interest in these activities. The RSLOs need to be aware of States' interests

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and follow NRC's actions. MSST will notify the RSLOs and their management of any meetings that they should consider attending. RSLOs should keep informed of high-level radioactive waste disposal and storage issues in their Regions. Specifically, RSLOs should be aware of States, Tribes, and Local governments' political developments or concerns. Such developments and/or concerns should be brought to the attention of Regional management, DFM and MSST.

#### 4. Transportation of Nuclear Waste

NRC regulations in 10 CFR 71.97 and 10 CFR 73.37 require for the timely notification to Governor's prior to the transport of nuclear waste (including spent fuel) to, through or across their State boundaries. MSST updates this list annually (<https://scp.nrc.gov/special/designee.pdf>).

#### 5. Emergency Planning and Response

RSLOs are the primary contact between NRC's Regional response team and other government agencies. Nevertheless, radiological incident response roles and responsibilities for providing technical assistance to non-Agreement and Agreement States are assigned to Regional Administrators under Management Directive 8.2, "NRC Incident Response Program." Regional management may request RSLO assistance to fulfill these roles and responsibilities, particularly outreaching to States. For extended activations of the NRC emergency response organization, additional responders will supplement the RSLO in performance of this function. The RSLO may be called upon to assist in the training of these supplemental responders.

#### 6. Other Communications and Legal Interpretations

Formal communications with State, Tribal, or Local officials such as letters explaining regulatory matters MOUs, NRC statements of position regarding State legislation should not be issued until they are reviewed and concurred on by the affected NRC Offices (NRR, NMSS, OE, NSIR), MSST, and either the Regional Counsel, or the Office of the General Counsel (OGC). Counsel must concur on formal communications in writing. Any questions about legal interpretations should be directed to OGC. MSST provides program office concurrence coordination.

#### D. Requests for NRC Views

RSLOs may receive requests from State, Tribal, or other legislative officials for information, or for the NRC to be a witness at a licensee or public meeting. The request may be made directly to the RSLO or forwarded from another NRC office (Region or HQ). The RSLO should consult with Regional management to determine whether the request can be handled by the Region or whether MSST should be involved. Depending on the nature of the request, MSST may request the assistance of OGC. Additional information on this subject may be found in 10 CFR 9, Subpart D, *Production of Disclosure in Response to Subpoenas, or Demands of Courts or Other Authorities*.

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The RSLO will normally remain the Regional point of contact with the State or other government entity requesting an NRC witness unless directed otherwise by Regional management.

E. Requests to Attend or Participate at Meetings/Conferences

Barring any scheduling or prioritization conflicts, RSLOs should attend national organization meetings convened within their Region, when requested. MSST monitors these meetings' schedules and will notify RSLOs of any meetings to consider.

a. National SLO Conference

RSLOs should attend and participate in MSST's National SLO Conference. This conference is typically at least triennial. It provides RSLOs opportunity to interface with each other and for MSST to efficiently inform attendees of significant regulatory issues.

RSLOs should use the Conference also to hold separate discussions with SLOs and to interact with other NRC Regional and Headquarters staff.

b. Attendance at State, Local, or Tribal Nation Sponsored Meetings

RSLOs may be asked to attend meetings sponsored by State, Local, or Tribal governments. RSLOs may represent the NRC at these meetings to discuss regulatory issues. If the meeting purpose involves issues that are beyond the expertise of the RSLO, Regional management will determine the appropriate meeting participants.

c. Meetings of Professional Organizations

RSLOs should use their discretion when deciding whether to attend meetings of other professional organizations in coordination with the Regional Administrator. Representative organization meetings include, but are not limited to:

- Organization of Agreement States
- National Association of Regulatory Utility Commissioners
- National Council of State Legislatures
- Conference of Radiation Control Program Directors, Inc.
- National Radiological Emergency Preparedness
- Tribal Radioactive Materials Transportation Committee