

U.S. NUCLEAR REGULATORY COMMISSION MANAGEMENT DIRECTIVE (MD)

MD 5.7	TECHNICAL ASSISTANCE TO AGREEMENT STATES	DT-13-07
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EXECUTIVE SUMMARY

1 Directive ~~and Handbook~~ 5.7 ~~are is~~ being revised to update the process for the submission and review of a request for NRC technical assistance, to clarify when NRC technical assistance will be provided on a cost-reimbursable basis, and to reflect organizational changes. Procedure SA-1001, "Technical Assistant to Agreement States" replaces Handbook 5.7.

TABLE OF CONTENTS

I. POLICY.....	2
II. OBJECTIVES.....	2
III. ORGANIZATIONAL RESPONSIBILITIES AND DELEGATIONS OF AUTHORITY.....	2
A. Commission.....	2
B. Executive Director for Operations (EDO).....	2
C. Director, Office of Federal and State Materials and Environmental Management Programs (FSME).....	2
D. Office Directors and Regional Administrators.....	3

IV. APPLICABILITY.....	4
V. DIRECTIVE HANDBOOK.....	4
VI. REFERENCES.....	4

I. POLICY

It is the policy of the U.S. Nuclear Regulatory Commission to provide technical assistance to Agreement States as authorized under Section 274 of the Atomic Energy Act of 1954, as amended. Management Directive (MD) 5.7 describes the types of NRC technical assistance available to Agreement States and the steps that NRC staff shall follow in determining the appropriate type of response to a request for technical assistance received from an Agreement State.

II. OBJECTIVES

- Provide guidance to NRC and Agreement State management on the submission and review of requests for NRC technical assistance.
- Establish guidance in determining when and if NRC should provide routine, special, or programmatic technical assistance to Agreement States.
- Establish a process for determining the extent and conduct of this assistance.

III. ORGANIZATIONAL RESPONSIBILITIES AND DELEGATIONS OF AUTHORITY

A. Commission

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

B. Executive Director for Operations (EDO)

Provides oversight of the activities described herein.

C. Director, Office of ~~Federal and State Materials and Environmental Management Programs (FSME)~~ Nuclear Material Safety and Safeguards (NMSS)

1. Coordinates the review of technical assistance requests from Agreement States with regional administrators and directors of affected program offices.

2. Reviews technical assistance requests to ensure that they are consistent with Commission policy and that they contain—
 - (a) Sufficient information to enable NRC to provide adequate technical response to the issues addressed in the Agreement State's request, such as an evaluation of the issue and, if appropriate, a proposed resolution.
 - (b) Evidence that the Agreement State had pursued alternative means of addressing the issue on its own, including attempting to obtain assistance from other agencies within the State or Commonwealth, other Agreement States, or independent organizations such as the Conference of Radiation Control Program Directors, the Organization of Agreement States, or procuring consultants or contractors.
3. Coordinates any recommendations on the requests and provides the agency response to the Agreement State, as appropriate.
4. Ensures that appropriate headquarters and regional offices have an opportunity to provide input into the development of the response to the request.
5. 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.
6. Plans, schedules, and arranges meetings with the Agreement State to coordinate the assistance.
7. On assistance requests, other than those received directly by a region or other offices, responds to the Agreement State, identifies an NRC contact, and provides a schedule for accomplishing the assistance.

D. Office Directors and Regional Administrators

1. Advise the Director of [FSME-NMSS](#) and other affected offices of initial inquiries from Agreement States about technical assistance.
2. Evaluate the ability of their respective offices and regions to respond to technical assistance requests from Agreement States and provide this information to [FSMENMSS](#).
3. Participate in meetings with Agreement State officials as required to clarify the assistance request and to ensure a timely and appropriate response to the request.

4. Approve and provide the requested assistance in the timeframe agreed upon by the NRC office providing the assistance and the Agreement State.
5. When additional clarification of the request is necessary, the lead office responding to the technical assistance request (most often the office reviewing the initial inquiry) obtains clarification either orally or in writing from the Agreement State and prepares correspondence confirming the agreed-upon technical assistance.
6. Ensure that neither NRC nor its contractors and/or consultants will act in a decisionmaking capacity when providing technical assistance or responding to a request for technical assistance from an Agreement State.

IV. APPLICABILITY

- A. The policy and guidance in this directive and handbook apply to all NRC employees.
- B. MD 5.7 does not apply to technical assistance provided by NRC to Agreement States when responding to radiological emergencies under the National Response Framework, Nuclear and Radiological Annex. 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).

V. DIRECTIVE HANDBOOK

Handbook 5.7 [consists of NMSS Procedure SA-1001, "Technical Assistant to Agreement States. It provides guidance to the staff of NRC and Agreement States on the submission and review of requests for NRC technical assistance. SA-1001 is available at <https://scp.nrc.gov/>.](#)

VI. REFERENCES

Nuclear Regulatory Commission Documents

Commission Policy Statements—

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 at 46 FR 36969, July 16, 1981, and 48 FR 33376, July 21, 1983).

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).

Management Directive 5.6, "Integrated Materials Performance Evaluation Program (IMPEP)."

United States Code

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