

U.S. NUCLEAR REGULATORY COMMISSION DIRECTIVE HANDBOOK (DH)

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

Directive and Handbook 5.7 are 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.

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I. 1REQUESTS FOR TECHNICAL ASSISTANCE FROM AGREEMENT STATES

A. 1General

NRC provides three types of technical assistance to Agreement States: routine, special, and programmatic. Routine technical assistance is provided as part of NRC's daily

interaction with Agreement States, special technical assistance may require specific assignment of NRC staff or consultants for a specified period and for a specific job, and programmatic technical assistance is addressed as part of the Integrated Materials Performance Evaluation Program (IMPEP) process.

B. Requests for Routine Technical Assistance

1. Under usual circumstances, routine technical assistance is provided to Agreement States as a regular part of NRC's day-to-day interaction with Agreement States. This assistance may include, but is not limited to, the discussion of technical issues regarding licensing, compliance, and security. Routine technical assistance may be discussed as part of routine communication and exchange of information between NRC and the Agreement States, or an Agreement State may submit the request in an e-mail file or in a letter to the appropriate NRC regional office or the Director of the Office of Federal and State Materials and Environmental Management Programs (FSME).
2. Examples of routine technical assistance include requests for and the sharing of information on licensing, inspection, security, and enforcement activities. The information could include provision or clarification of NRC policy and guidance such as regulations, NUREG-series reports, regulatory guides, sealed source and device (SS&D) technical specifications, or licensing and inspection guidance.
3. NRC staff may perform confirmatory reviews of portions of completed Agreement State technical assessments, on a case-by-case basis, when resources are available. For example, an Agreement State may have completed an SS&D review that identified unusual specifications. The Agreement State may share the completed review with NRC and may ask if the NRC has any previous experience with the unusual specifications, or an Agreement State may ask NRC to perform a confirmatory review of the Agreement State's results regarding the unusual specification.
4. An Agreement State also may make an inquiry regarding its interpretation and implementation of a specific regulation and whether NRC would interpret the equivalent NRC regulation in a similar manner.

C. Requests for Special Technical Assistance

1. Circumstances may arise that require a response above the routine level of interaction with Agreement States. An Agreement State may not have the special technical expertise that is required to address a particular need, or an Agreement

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- State may experience a temporary constraint on resources. Consequently, an Agreement State may request direct special technical assistance from NRC that would involve NRC licensing and inspection staff conducting independent licensing and inspection activities for the Agreement State, for a specified period and for a specific job. Such assistance may also include the services of an NRC consultant.
2. Direct technical assistance to an Agreement State in these circumstances will be conducted on a case-by-case basis when NRC believes that such assistance is necessary. The provision of such assistance will be based on the availability of staff resources and any assistance will be cost reimbursable. The appropriate regional office or the Director of FSME will designate projects as special technical projects.
 3. To request NRC special technical expertise assistance, an Agreement State should submit a letter to the appropriate NRC regional office or the Director of FSME requesting the specific assistance (specify period and specific job) certified by an Agreement State manager (radiation control program director, agency head, or other equivalent manager) that the necessary resources or technical expertise is not available within the Agreement State. The Agreement State should also include evidence that the Agreement State 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 Organization of Agreement States, the Conference of Radiation Control Program Directors, or procuring contractors or consultants.

D. Requests for Programmatic Technical Assistance

1. Programmatic issues may arise in an Agreement State that impact resources such as staffing, funding, and equipment, and, as a result, impact the Agreement State's ability to maintain a program that is adequate and compatible with NRC's materials program. Under such circumstances, an Agreement State may request NRC technical assistance through the process described above in Section I.C of this handbook, "Requests for Special Technical Assistance."
2. Direct technical assistance to an Agreement State in these circumstances will be conducted on a case-by-case basis when NRC believes that assistance is necessary because of a lack of adequate resources and to ensure adequate protection of the public health and safety. The provisions of assistance will be based on the availability of staff resources and any assistance will be cost reimbursable.
3. 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. This assistance may involve support in the licensing or inspection aspects of the Agreement State's regulatory program.~~

- ~~4. Programmatic issues are addressed as part of the IMPEP review process. IMPEP, under which NRC conducts a performance review of each NRC region and each Agreement State on a periodic basis, is described in Management Directive 5.6, "Integrated Materials Performance Evaluation Program (IMPEP)." See also the Commission's Policy Statements on the Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States through Agreement and the Adequacy and Compatibility of Agreement State Programs.~~
- ~~5. Nothing in this section shall be construed as affecting the authority of any Agreement State. All regulatory decisions remain the responsibility of the Agreement State.~~