

(STP-05-018, March, Program, SA-104)

March 8, 2005

ALL AGREEMENT STATES, MINNESOTA, PENNSYLVANIA

FINAL STP PROCEDURE SA-104, "REVIEWING THE COMMON PERFORMANCE INDICATOR, TECHNICAL QUALITY OF LICENSING ACTIONS" (STP- 05- 018)

On March 4, 2005, the Office of State and Tribal Programs (STP) completed its revision of STP Procedure SA-104, *Reviewing the Common Performance Indicator, Technical Quality of Licensing Actions*. The final procedure along with the redline/strikeout version of the procedure and the Resolution of Comments can be found at: <http://www.hsr.d.ornl.gov/nrc/procfm.htm>. This procedure incorporates and documents current practices and reflects Agreement State comments received in response to our May 7, 2004, All Agreement States Letter [STP-04-034](#) and comments received from NRC Offices.

If you have any questions regarding this communication, please contact me at 301-415-3340 or the individual named below.

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STP Procedure Approval

Reviewing the Common Performance Indicator, Technical Quality of Licensing Actions - SA-104

Issue Date: March 9, 2005

Expiration Date: March 9, 2008

Paul H. Lohaus
Director, STP

Original Signed

Date: 3/9/2005

Aaron T. McCraw
Procedure Contact, STP

Original signed

Date: 3/4/2005

NOTE

The STP Director's Secretary is responsible for the maintenance of this master copy document as part of the STP Procedure Manual. Any changes to the procedure will be the responsibility of the STP Procedure Contact.



Procedure Title:
*Reviewing the Common Performance Indicator,
Technical Quality of Licensing Actions*
Procedure Number: SA-104

Page: 1 of 7
Issue Date:

I. INTRODUCTION

This document describes the procedure for conducting reviews of NRC Regional Offices and Agreement States using the Common Performance Indicator, Technical Quality of Licensing Actions [NRC [Management Directive \(MD\) 5.6](#), *Integrated Materials Performance Evaluation Program (IMPEP)*].

II. OBJECTIVES

- A. To verify that license reviews are thorough, complete, consistent, and of acceptable technical quality with health and safety issues properly addressed.
- B. To ensure that decisions regarding the issuance, denial, amendment, termination, or renewal of materials licenses are made in a technically sound fashion, and in a manner consistent with approved NRC or Agreement State guidance.
- C. To verify that essential elements of license applications have been submitted and that these elements meet current regulatory guidance for describing the isotopes and quantities used, qualifications of personnel who will use material, facilities and equipment, financial assurance, and operating and emergency procedures sufficient to establish the basis for licensing actions.
- D. To confirm that license reviewers have the proper signature authority for the cases they review independently.
- E. To determine that license tie-down conditions are usually stated clearly and are inspectable.
- F. To verify that deficiency letters clearly state regulatory positions and are used at the proper time.
- G. To confirm that reviews of renewal applications demonstrate a thorough analysis of a licensee's inspection and enforcement history.
- H. To verify that applicable guidance documents are available to reviewers and are followed.

- I. To determine the status of complex decommissioning sites formerly managed by the NRC under the Site Decommissioning Management Plan (SDMP) and transferred to States whose Agreements became effective after August 26, 1999.

III. BACKGROUND

This performance indicator evaluates the technical quality of the licensing program, on the basis of an in-depth, on-site review of a representative cross-section of licensing actions, decommissioning actions, bankruptcies, and notifications. Technical quality includes not only the review of the application and completed actions, but also an examination of any renewals that have been pending for more than a year because the failure to act on such requests may have health and safety implications.

IV. ROLES AND RESPONSIBILITIES

A. Team Leader:

Determines which team member(s) is assigned lead review responsibility for this performance indicator. The principal reviewer should meet the appropriate requirements as specified in [MD 5.10](#), *Formal Qualifications for Integrated Materials Performance Evaluation Program (IMPEP) Team Members*.

B. Principal Reviewer:

Selects licenses to be reviewed, reviews relevant documentation, conducts staff discussions, and maintains a summary of all licenses reviewed.

V. GUIDANCE

A. Scope

1. This procedure applies only to review (for adequacy, accuracy, completeness, clarity, specificity, and consistency) of the technical quality of completed materials licensing actions issued by the Region or Agreement State in the period since the last review.
2. This procedure excludes non-Atomic Energy Act licenses and reviews issued by NRC Headquarters personnel.

3. While it is also necessary to evaluate an Agreement State's sealed source and device evaluation program, uranium recovery program, and low-level radioactive waste program, those reviews will be conducted as non-common performance indicators for Agreement State programs. This procedure is not intended to apply to those reviews.

B. Evaluation Procedures

1. The principal reviewer should refer to Part III, *Evaluation Criteria*, of MD 5.6 for specific evaluation criteria. The definition of the term "Materials Licensing Action" can be found in the Directive's Glossary.
2. All Regional or Agreement State materials licensing actions since the last performance review are candidates for review. Reviews of license terminations, bankruptcies, and complex decommissioning will be treated as a subset of this common performance indicator.
3. Depending upon the size of the Regional or Agreement State program, the principal reviewer should select between 10-25 licensing actions for review. Whenever possible, the selected licenses should represent a cross-section of the Agreement State's or Region's workload, including as many different license reviewers and license categories as practical. No attempt should be made to evaluate Regional performance on a State-by-State basis for this indicator. A mix of medical and academic uses (e.g., universities, community hospitals, teletherapy licenses, physicians, and broad scope facilities) and industrial use licenses (e.g., radiography, irradiators, gauges, and measuring devices) should be selected for review. Whenever possible, the selected licenses should include at least two new licenses, at least three major program amendments (including one denial), at least three license renewals, and at least one license termination or bankruptcy. Licenses authorizing activities with significant environmental impact potential, requiring an emergency plan, and requiring financial assurance should be included whenever possible. Complex decommissioning licensing activities should also be reviewed, if available. Termination of complex decommissioning sites formerly managed by the NRC under SDMP and transferred to States whose Agreements became effective after August 26, 1999 should be reviewed, if applicable.
4. In accordance with STP Procedure [SA-1000](#), *Implementation of the Grants Program for Funding Assistance for Formerly Licensed Sites in Agreement States*, the reviewer should include a sampling of Agreement State actions implemented through the Grant Program, if applicable.

5. If the initial review indicates a systematic weakness on the part of one reviewer, or problems with respect to one or more type(s) of licensing action(s), additional similar license files should be obtained and reviewed, in order to determine the magnitude of the programmatic weakness and its root cause. If previous reviews indicate a programmatic weakness in a particular area, additional casework in that area should be reviewed to assure that the weakness has been addressed.
6. If the evaluation of the 10-25 licensing actions does not reveal any programmatic weaknesses, no additional casework needs to be reviewed.
7. Licensing actions pending completion for unusually long periods of time (e.g., amendments not completed for periods greater than six months or renewals not completed for periods over one year), should be identified specifically, in order to determine whether or not there have been any safety-significant impacts on each licensee's program.

C. Review Guidelines.

1. The response generated by the Region or Agreement State to relevant questions in the IMPEP questionnaire should be used to focus the review.
2. For the Regions, both tallies and lists of completed licensing actions can normally be obtained from the License Tracking System (LTS). This information can be obtained prior to the Regional visit from the Office of Nuclear Material Safety and Safeguards' (NMSS) Division of Industrial and Medical Nuclear Safety. Once the appropriate license files are selected, a call to the Region can be made to have the licenses pulled and ready for review at the time of the visit.
3. For Agreement States, the principal reviewer in coordination with the team leader should consider the quantitative and qualitative responses to the questionnaire as well as general knowledge about the nature and scope of the specific program under review in determining the license files to be reviewed on site.

D. Review Details.

For the technical quality of licensing actions, the principal reviewer should evaluate the following:

1. Technical correctness with regard to license conditions, issue and expiration dates, and nomenclature in distribution licenses;

2. Applications are properly completed and signed by an authorized official;
3. Any significant errors, omissions, deficiencies or missing information in licensing action files (i.e., documents, letters, file notes, and telephone conversations). Licenses should be properly supported by information in the file. Any significant deficiencies related to health and safety should be documented, discussed with the team leader and communicated to the Agreement State;
4. Improper and/or illegal license authorizations. Any variances/exceptions to standards should receive management approval and not undermine health and safety;
5. Appropriate financial assurance instruments are in place for licenses authorizing possession of radionuclides, quantities, or a combination thereof that meet the criteria for financial assurance requirements;
6. Any pre-licensing visits completed for complex and major licensing actions;
7. Procedures for reviewing licenses prior to renewal to assure that supporting information in the file reflects the current scope of the licensed program;
8. Licensing guides, checklists, and policy memoranda consistent with current NRC practice (For the Regions: the emphasis should be on proper implementation of same). New standards and guidance that have been generated by the NRC or the State since last renewal/amendment have been incorporated into the licensing process (See NUREG-1556, *Consolidated Guidance About Materials Licenses*, Vol. 1-20, for NRC-generated licensing guidance);
9. Appropriate use of signature authority;
10. Consideration of the present compliance status of licensees during reviews of licensing actions;
11. Use of standard license conditions to expedite and provide uniformity to the licensing process, whenever practicable;
12. Verification of legally binding requirements, such as license conditions, implemented by Agreement States in place of promulgated regulations;

13. Implementation of licensing initiatives. In particular, the reviewer should identify these initiatives for a performance-based review (i.e., radiography certification, general licensing programs, etc.).
14. Appendix A, IMPEP License File Reviewer Guidance, was developed to assist in reviewing certain completed licensing actions. However, the principal reviewer should not feel compelled to address every item in the guidance or to use the guidance for each type of licensing action selected for review.

E. Review Information Summary.

At a minimum, the summary maintained by the principal reviewer will include:

1. The licensee's name, city, and state;
2. The license number;
3. The license reviewer's initials;
4. The type of licensing action (e.g., new, amendment, renewal, or termination);
5. The date the licensing action was issued;
6. The type of licensed operation (e.g., program code or license category);
7. The amendment number.

F. Discussion of Findings with the Region or Agreement State.

The reviewer should follow the guidance given in STP Procedure [SA-100](#), *Implementation of the Integrated Materials Performance Evaluation Program (IMPEP)*, for discussing technical findings with reviewers, supervisors, and management.

VI. APPENDIX

A. IMPEP License File Reviewer Guidance.

VII. REFERENCES

1. NRC Management Directive 5.6, *Integrated Materials Performance Evaluation Program (IMPEP)*.
2. NRC Management Directive 5.10, *Formal Qualifications for Integrated Materials Performance Evaluation Program (IMPEP) Team Members*.
3. NUREG-1556, *Consolidated Guidance About Materials Licenses*, Vol. 1-20.
4. STP Procedure SA-100, *Implementation of the Integrated Materials Performance Evaluation Program (IMPEP)*.
5. STP Procedure SA-1000, *Implementation of the Grants Program for Funding Assistance for Formerly Licensed Sites in Agreement States*.

TIE-DOWN DOCUMENT DESCRIPTION (LETTER, TELCON, FAX, E-MAIL, ETC.)	DATE	O.K.	OR COMMENTS
1. APPLICATION			
2. DEFICIENCY LETTER RESPONSE			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
ITEM	O.K.	COMMENTS OR QUESTIONS	
APPLICATION DEFICIENCIES IDENTIFIED BY REVIEWER:			
CORPORATE OFFICER SIGNATURE, DATE			
ISOTOPE, FORM, QUANTITY, AUTHORIZED USE			
PLACES OF USE (INCLUDING TEMP JOB SITE, FIELD, ETC)			
DESCRIPTION OF FACILITY (HOODS, SHIELDING, ETC.)			
ID & DUTIES OF AUTHORIZED USERS, RSO, RSC			
USER QUALIFICATIONS, TRAINING, SUPERVISION			
INSTRUMENTS & CALIBRATION			
SS&D IDENTIFICATION; LEAK TEST PROCEDURES; USES & ENVIRONMENTAL CONDITIONS ACCORDING TO SS&D SHEETS			
SERVICE PROCEDURES (DOSE CALIBRATOR TESTS, IR, ETC.)			
PERSONNEL MONITORING, BIOASSAYS			
OPERATING PROCEDURES			
EMERGENCY PROCEDURES OR PLAN			
SECURITY, POSTING REQUIREMENTS			
PROCUREMENT, RECEIPT PROCEDURES			
INVENTORY, RECORDKEEPING REQUIREMENTS			
TRANSPORTATION OF RAM			
WASTE DISPOSAL (INCINERATION, COMPACTING, ETC.)			
EFFLUENT RELEASE & RECORDS			
SPECIAL AUTHORIZATION			
MONITORING AND SURVEY PROGRAM			
INTERNAL AUDITS			
FINANCIAL ASSURANCE IF NEEDED			
QA/QC/QM			
ALARA, ACTION LEVELS			

ITEM	O.K.	COMMENTS OR QUESTIONS
LICENSE FILE		
FILE ORDERLY; COMPLETE WITH APPLICATION, DEFICIENCY LETTERS, ALL AMENDMENTS, ETC.		
TELCONS, CHECKLISTS INCLUDED		
PEER REVIEW DOCUMENTED		
LICENSING PROCESS		
DEFICIENCIES CLEARLY STATED IN LETTER		
APPLICANT RESPONSE ADEQUATE OR FOLLOWED-UP		
PRE-LICENSING VISIT CONDUCTED AND DOCUMENTED		
LICENSEE'S COMPLIANCE HISTORY CONSIDERED		
SUPERVISORY REVIEW CORRECTED ALL PROBLEMS		
LICENSE		
LICENSE CORRECTLY LISTS MATERIALS TO BE POSSESSED AND AUTHORIZED USE		
NORMAL CONDITIONS FOR LICENSE TYPE INCLUDED		
SPECIAL OR MODIFIED CONDITIONS PROPER		
TIE-DOWN CONDITION COMPLETE		
REGULATIONS CITED		
EXPIRATION DATE CORRECT		
SIGNATURE LINE, DATE O.K.		
TERMINATED LICENSES		
ITEM	O.K.	COMMENTS OR QUESTIONS
APPLICATION FOR TERMINATION		
ACCEPTABLE METHOD OF RAM DISPOSAL TRANSFER TO ANOTHER STATE LICENSEE <input type="checkbox"/> TRANSFER TO OUT-OF-STATE LICENSEE <input type="checkbox"/> RETURN TO MANUFACTURER <input type="checkbox"/> SHIPMENT TO BURIAL SITE OR OTHER <input type="checkbox"/>		
SUPPORTING DOCUMENTS		
SS&D LEAK TESTS		
CURRENT COPY OF RECIPIENT'S LICENSE		
LICENSEE'S CLOSE-OUT SURVEY MAKE, MODEL, S/N OF INSTRUMENT <input type="checkbox"/> DATES OF SURVEY AND CALIBRATION <input type="checkbox"/> IDENTIFICATION OF PERSON MAKING SURVEY <input type="checkbox"/> ALL READINGS, INCLUDING BACKGROUND <input type="checkbox"/>		
VERIFICATION OF RECEIPT BY RECIPIENT FOR TRANSFER		
STATE'S ACTIONS		
LICENSEE'S STATEMENTS VERIFIED		
NEW JURISDICTIONAL AGENCY NOTIFIED		
NECESSARY ACTION TAKEN PROMPTLY TO PREVENT ABANDONMENT OF RAM		
TERMINATION INSPECTION CONDUCTED AND PROPERLY DOCUMENTED IF REQUIRED		

<p>REVIEW OF RECEIPTS</p>		
<p>TRANSFER AND/OR DISPOSAL RECORDS</p>		
<p>VERIFICATION OF TRANSFER AND DISPOSAL</p>		
<p>FACILITY SURVEY DOCUMENTATION</p> <ul style="list-style-type: none"> MAKE, MODEL, S/N OF INSTRUMENT <input type="checkbox"/> DATES OF SURVEY AND CALIBRATION <input type="checkbox"/> IDENTIFICATION OF PERSON MAKING SURVEY <input type="checkbox"/> ALL READINGS, INCLUDING BACKGROUND <input type="checkbox"/> 		

October 20, 2004

SUMMARY OF COMMENTS ON SA-104, "Reviewing the Common Performance Indicator, Technical Quality of Licensing Actions"

I. Sent to the Agreement States for Comment: May 7, 2004 (STP-04-034)

Comments Dated: Iowa - 5/18/04 (mark-up)
Washington - 5/24/04 (e-mail - no comments)

Iowa

Comment 1:

In Section V.A.3, NRC Headquarters personnel are excluded from the scope of the review. Why? NRC Headquarters personnel do everything correct all the time?

Response: NRC Headquarters personnel are outside the scope of the materials licensing program reviews, because the majority of NRC's materials licensing actions are completed in the Regional Offices. Therefore, Management Directive (MD) 5.6 does not include reviews of NRC Headquarters functions. However, since a number of sealed source and device (SS&D) reviews are conducted at Headquarters, an IMPEP-type review of NRC's SS&D program has been piloted using guidance and procedures developed for the Agreement State and NRC Regional Office reviews. There will be no change to the procedure based on this comment.

Comment 2:

Several comments were made regarding grammar and spelling. Most of the comments were accepted.

II. Sent to the NRC Offices for Comment: May 7, 2004

Comments Dated: NMSS - 5/18/04 (e-mail - no comments)
OGC - 5/27/04 (mark-up - no comments)
Region I - 6/2/04 (e-mail)
Region IV - 6/3/04 (email)
Region III - 6/7/04 (email)

Region I

Comment 1:

Section V.B.3.: The procedure indicates a minimum specific number of licensing action types to be reviewed. While its certainly important to review a cross section of different types of licensing actions, the actually number should be left to the principal reviewer and the team leader based on the program under review. For example, the review of a significant amendment to a license usually provides more insight to a program's performance than a simple renewal. Please revise this section of the procedure to allow the reviewer flexibility in the selection of licensing actions.

Response: We appreciate the comment; however, experience has demonstrated that a minimum number of files to be reviewed should be specified. It would be difficult to obtain a representative cross section of license types, to look at actions by each license reviewer, and to evaluate all the different types of licensing actions by looking at less than ten files. The intent of reviewing a cross section of license types is to ensure that health and safety issues are addressed adequately for all or most license types in the Agreement State's or Region's workload. No change to the procedure will be made based on this comment.

Comment 2:

Section V.B.3.: Add the review of emergency preparedness plans to the list of complex licensing actions.

Response: We agree with this comment and Section V.B.3. will be revised to include the review of licensees with emergency plans and licensees requiring financial assurance.

Comment 3:

Section V.B.4.: Change "any" to "a sampling of". Otherwise all actions will have to be reviewed.

Response: We agree with this comment and the procedure will be revised accordingly.

Comment 4:

Section V.B.8.: Delete this section. Section V.B.3. already requires the reviewer to look at a cross section of the Region's workload.

Response: Section V.B.3. requires the reviewer to review a cross section of the Region's workload by license type, not by State. Section V.B.8. clarifies that the reviewer should not look at a cross section of license types of the Region's workload on a State-by-State basis or attempt to evaluate the Region's performance on a State-by-State basis. To clarify this point, this statement will be moved to Section V.B.3.

Comment 5:

Section V.D.: Add a section that would have the reviewer verify the use of legally binding requirements (license conditions) that the State may use instead of regulations.

Response: We agree with this comment and the procedure will be revised accordingly.

Comment 6:

Section V.D.4.: Delete the word "issues"

Response: We agree with this comment and the procedure will be revised accordingly.

Comment 7:

Add an appendix for frequently asked questions. This would be an appropriate place to discuss issues such as the minimum number of licensing actions or the level of effort needed to review items identified in Section V.D.11.

Response: We agree with this comment; however, staff believes it is appropriate to issue this revision to the procedure at this time without a frequently asked questions appendix. The staff plans to gather additional information and experience with this procedure to develop the frequently asked questions appendix for the next revision and will include the two issues identified by this comment.

Region IV

Comment:

Region IV has one comment about Item 4 of the Evaluation Procedures. Specifically, the item directs the team member to review licensing actions including any Agreement State activities implemented through the Grant Program. I don't understand why this is part of the licensing indicator. It appears that the Agreement State activities would be inspection activities and should be included in the review of the Technical Quality of the Inspection Program.

Response: The original wording of Section V.4. was unclear. The text will be revised to clarify that only licensing actions implemented through the Grant Program should be reviewed using guidance in this procedure. The text will be revised as follows:

In accordance with STP Procedure SA-1000, *Implementation of the Grants Program for Funding Assistance for Formerly Licensed Sites in Agreement States*, the reviewer should include a sampling of Agreement State licensing actions implemented through the Grant Program, if applicable.

Region III

Comment 1:

Sections II(I) and V(B)(3) reference the Site Decommissioning Management Plan (SDMP). These sites are now called "complex sites" as described in SECY-04-0024, "Recommended Changes to the Nuclear Regulatory Commission's Decommissioning Program and Annual Decommissioning Program Report." The Commission's May 12, 2004 SRM on the subject approved the change.

Response: We are aware of the recent elimination of the SDMP designation. This change in the program occurred during the comment period. We appreciate the comment and will be revising the procedure as follows:

Revised Section II.I.

To determine the status of **complex decommissioning sites formerly managed by the NRC under the Site Decommissioning Management Plan (SDMP) sites** and transferred to States whose Agreements became effective after August 26, 1999.

Revised language in Section V.B.3.

Termination of **complex decommissioning sites formerly managed by the NRC under SDMP sites for** and transferred to States whose Agreements became effective after August 26, 1999 should be reviewed, **if applicable**.



OSTP Procedure Approval

*Reviewing **the** Common Performance Indicator, #4 Technical Quality of Licensing Actions - SA-104*

Issue Date:

Expiration Date:

Paul H. Lohaus
Director, STP

Date:

Aaron T. McCraw
Procedure Contact, STP

Date:

NOTE

The STP Director's Secretary is responsible for the maintenance of this master copy document as part of the STP Procedure Manual. Any changes to the procedure will be the responsibility of the STP Procedure Contact. Copies of STP procedures will be distributed for information.



Procedure Title:
***Reviewing the Common Performance Indicator
#4, Technical Quality of Licensing Actions***
Procedure Number: SA-104

Page: 1 of 7

Issue Date:

I. INTRODUCTION

This document describes the procedure for conducting reviews of NRC Regional offices and Agreement States using the Common Performance Indicator #4, Technical Quality of Licensing Actions [NRC Management Directive (MD) 5.6, *Integrated Materials Performance Evaluation Program (IMPEP)*].

II. OBJECTIVES

- A. To verify that license reviews are thorough, complete, consistent, and of acceptable technical quality with health and safety issues properly addressed.
- B. To ensure that decisions regarding the issuance, denial, amendment, termination, or renewal of materials licenses are made in a technically sound fashion, and in a manner consistent with approved NRC or Agreement State guidance.
- C. To verify that essential elements of license applications have been submitted and that these elements meet current regulatory guidance for describing the isotopes and quantities used, qualifications of personnel who will use material, facilities and equipment, financial assurance, and operating and emergency procedures sufficient to establish the basis for licensing actions.
- D. To confirm that license reviewers have the proper signature authority for the cases they review independently.
- E. To determine that license tie-down conditions are usually stated clearly and are inspectable.
- F. To verify that deficiency letters clearly state regulatory positions and are used at the proper time.
- G. To confirm that reviews of renewal applications demonstrate a thorough analysis of a licensee's inspection and enforcement history.
- H. To verify that applicable guidance documents are available to reviewers and are followed.
- I. To determine the status of complex decommissioning sites formerly managed by the

NRC under the Site dDecommissioning mManagement pPlan (SDMP) sites and transferred to States whose Agreements became effective after August 26, 1999.

III. BACKGROUND

This performance indicator evaluates the technical quality of the licensing program, on the basis of an in-depth, on-site review of a representative cross-section of licensing actions, decommissioning actions, bankruptcies, and notifications. ~~The evaluation of t~~Technical quality includes not only the review of the application and completed actions, but also an examination of any actions renewals that have been pending for more than a year significant amount of time. ~~A delay on some actions because the failure to act on such requests~~ may have health and safety implications.

IV. ROLES AND RESPONSIBILITIES

A. Team Leader:

~~The team leader for the Regional or State review will d~~Determines which team member(s) is assigned lead review responsibility for this performance indicator. The principal reviewer should meet the appropriate requirements as specified in MD 5.10, *Formal Qualifications for Integrated Materials Performance Evaluation Program (IMPEP) Team Members*.

B. Principal Reviewer:

~~The principal reviewer is responsible for s~~Selectings licenses to be reviewed, reviewing relevant documentation, conducting staff discussions, and maintaining a summary of all licenses reviewed.

V. GUIDANCE

A. Scope

1. This procedure applies only to review (for adequacy, accuracy, completeness, clarity, specificity, and consistency) of the technical quality of completed materials licensing actions issued by the Region or Agreement State in the period since the last review.
2. This procedure excludes non-Atomic Energy Act licensees licenses and reviews issued by NRC Headquarters personnel.

3. While it is also necessary to evaluate an Agreement State's sealed source and device evaluation program, uranium recovery program, and low-level radioactive waste program, those reviews will be conducted as non-common performance indicators for Agreement State programs. This procedure is not intended to apply to ~~these~~ **those** reviews.

B. Evaluation Procedures

1. The principal reviewer should refer to Part III, (*Evaluation Criteria*), of MD 5.6 for specific evaluation criteria. The ~~Directive's Glossary defines~~ **definition of** the term "Materials Licensing Action" **can be found in the Directive's Glossary.**
2. All Regional or Agreement State **materials** licensing actions since the last performance review are ~~potential~~ candidates for review. Reviews of license terminations, bankruptcies, and complex decommissioning will be treated as a subset of this common performance indicator.
3. Depending upon the size of the Regional or **Agreement** State program, the principal reviewer should select between 10-25 licensing actions for review. Whenever possible, the selected licenses should represent a cross-section of the **Agreement** State's or Region's workload, including as many different license reviewers and license categories as practical. **No attempt should be made to evaluate Regional performance on a State-by-State basis for this indicator.** A mix of medical and academic uses (**e.g.,** universities, community hospitals, teletherapy licenses, physicians, **and** broad scope facilities, ~~etc.~~) and industrial use licenses (**e.g.,** radiography, irradiators, gauges, **and** measuring devices, ~~etc.~~) should be **sought selected for review.** Whenever possible, the selected licenses should include at least two new licenses, at least three major program amendments (including one denial), at least three license renewals, and at least one license termination or ~~one~~ bankruptcy. Licenses authorizing activities with ~~potential for~~ significant environmental impact **potential, requiring an emergency plan, and requiring financial assurance** should be included whenever possible. Complex decommissioning licensing activities should also be **sought reviewed, if available.** Termination of **complex decommissioning sites formerly managed by the NRC under SDMP sites for and transferred to** States whose Agreements became effective after August 26, 1999 should be reviewed, **if applicable.**
4. **In accordance with STP Procedure SA-1000, *Implementation of the Grants Program for Funding Assistance for Formerly Licensed Sites in Agreement States*, the reviewer should include a sampling of Agreement State actions implemented through the Grant Program, if applicable.**

45. If the initial review indicates a systematic weakness on the part of one reviewer, or problems with respect to one or more type(s) of licensing action(s), additional similar license files should be obtained and reviewed, in order to determine the magnitude of the programmatic weakness and its root cause. If previous reviews indicate a programmatic weakness in a particular area, additional casework **in that area** should be reviewed to assure ~~this~~ **that the** weakness has been addressed.
56. If the evaluation of the 10-25 licensing actions does not reveal any programmatic weaknesses, no additional casework needs to be reviewed.
67. Licensing actions pending completion for unusually long periods of time (e.g., amendments not completed for periods greater than six months or renewals not completed for periods over one year), should be identified specifically, in order to determine whether or not there have been any safety-significant impacts on each licensee's program.
7. ~~No attempt should be made to evaluate Regional performance on a state-by-state basis for this indicator.~~

C. Review Guidelines.

1. The response generated by the Region or **Agreement** State to relevant questions in the IMPEP questionnaire should be used to focus the review.
2. For the Regions, both tallies and lists of completed licensing actions can normally be obtained from the **Licensing Management Tracking** System (LMTS). This information can be obtained prior to the Regional visit from the Office of Nuclear Material Safety and Safeguards' (NMSS) Division of Industrial and Medical Nuclear Safety. Once the appropriate license files are selected, a call to the Region can be made to have the licenses pulled and ready for review at the time of the visit.
3. For Agreement States, the **principal reviewer in coordination with the** team leader should consider the quantitative and qualitative responses to the questionnaire as well as general knowledge about the nature and scope of the specific program under review in determining the license files to be reviewed on site.

D. Review Details.

For the technical quality of licensing actions, the principal reviewer should evaluate the following:

1. Technical correctness with regard to license conditions, issue and expiration dates, and nomenclature in distribution licenses;
2. Applications are properly completed and signed by an authorized official;
3. Any significant errors, omissions, deficiencies or missing information in licensing action files (i.e., documents, letters, file notes, and telephone conversations). Licenses should be properly supported by information in the file. Any significant deficiencies related to health and safety should be ~~noted~~ **documented, discussed with the team leader and communicated to the Agreement State**;
4. Improper and/or illegal license authorizations. Any variances/exceptions to standards should receive management approval and not undermine health and safety ~~issues~~;
5. **Appropriate financial assurance instruments are in place for licenses authorizing possession of radionuclides, quantities, or a combination thereof that meet the criteria for financial assurance requirements**;
56. Any pre-licensing visits completed for complex and major licensing actions;
67. Procedures for reviewing licenses prior to renewal to assure that supporting information in the file reflects the current scope of the licensed program;
78. Licensing guides, checklists, and policy memoranda consistent with current NRC practice (For the Regions: the emphasis should be on proper implementation of same). New standards and guidance that have been generated by the NRC or the State since last renewal/amendment have been incorporated into the licensing process (**See NUREG-1556, Consolidated Guidance About Materials Licenses, Vol. 1-20, for NRC-generated licensing guidance**);
89. Appropriate use of signature authority;
910. Consideration of the present compliance status of ~~the~~ licensees ~~in the~~ **during reviews of** licensing actions;
1011. Use of standard license conditions to expedite and provide uniformity to the licensing process, whenever practicable;
12. **Verification of legally binding requirements, such as license conditions, implemented by Agreement States in place of promulgated regulations**;

13. Implementation of licensing initiatives. In particular, the reviewer should identify these initiatives for a performance-based review (i.e., radiography certification, general licensing programs, etc.).

†14. Appendix A, IMPEP License File Reviewer Guidance, was developed to assist in reviewing certain completed licensing actions. However, the principal reviewer should not feel compelled to address every item in the guidance or to use the guidance for each type of licensing action selected for review.

E. Review Information Summary.

At a minimum, the summary maintained by the principal reviewer will include:

1. The licensee's name, city, and state;
2. The license number;
3. The license reviewer's initials;
4. The type of licensing action (e.g., new, amendment, renewal, or termination, etc.);
5. The date the licensing action was issued;
6. The type of licensed operation (e.g., program code or license category-);
7. The amendment number.

F. Discussion of Findings with *the* Region or *Agreement* State.

The reviewer should follow the guidance given in *OSTP* Procedure SA-100, *Implementation of the Integrated Materials Performance Evaluation Program (IMPEP)*, for discussing technical findings with reviewers, supervisors, and management.

VI. APPENDIX

- A. IMPEP License File Reviewer Guidance.

VII. REFERENCES

1. NRC Management Directive 5.6, Integrated Materials Performance Evaluation Program (IMPEP).
2. NRC Management Directive 5.10, *Formal Qualifications for Integrated Materials Performance Evaluation Program (IMPEP) Team Members*.
3. NUREG-1556, *Consolidated Guidance About Materials Licenses*, Vol. 1-20.
34. OSTP Procedure SA-100, *Implementation of the Integrated Materials Performance Evaluation Program (IMPEP)*.
5. STP Procedure SA-1000, *Implementation of the Grants Program for Funding Assistance for Formerly Licensed Sites in Agreement States*.

TIE-DOWN DOCUMENT DESCRIPTION (LETTER, TELCON, FAX, E-MAIL, ETC.)	DATE	O.K.	OR COMMENTS
1. APPLICATION			
2. DEFICIENCY LETTER RESPONSE			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

ITEM	O.K.	COMMENTS OR QUESTIONS
APPLICATION DEFICIENCIES IDENTIFIED BY REVIEWER:		
CORPORATE OFFICER SIGNATURE, DATE		
ISOTOPE, FORM, QUANTITY, AUTHORIZED USE		
PLACES OF USE (INCLUDING TEMP JOB SITE, FIELD, ETC)		
DESCRIPTION OF FACILITY (HOODS, SHIELDING, ETC.)		
ID & DUTIES OF AUTHORIZED USERS, RSO, RSC		
USER QUALIFICATIONS, TRAINING, SUPERVISION		
INSTRUMENTS & CALIBRATION		
SS&D IDENTIFICATION; LEAK TEST PROCEDURES; USES & ENVIRONMENTAL CONDITIONS ACCORDING TO SS&D SHEETS		
SERVICE PROCEDURES (DOSE CALIBRATOR TESTS, IR, ETC.)		
PERSONNEL MONITORING, BIOASSAYS		
OPERATING PROCEDURES		
EMERGENCY PROCEDURES OR PLAN		
SECURITY, POSTING REQUIREMENTS		
PROCUREMENT, RECEIPT PROCEDURES		
INVENTORY, RECORDKEEPING REQUIREMENTS		
TRANSPORTATION OF RAM		
WASTE DISPOSAL (INCINERATION, COMPACTING, ETC.)		
EFFLUENT RELEASE & RECORDS		
SPECIAL AUTHORIZATION		
MONITORING AND SURVEY PROGRAM		
INTERNAL AUDITS		
FINANCIAL SECURITY REQUIREMENT ASSURANCE IF NEEDED		
QA/QC/QM		
ALARA, ACTION LEVELS		

ITEM	O.K.	COMMENTS OR QUESTIONS
LICENSE FILE		
FILE ORDERLY; COMPLETE WITH APPLICATION, DEFICIENCY LETTERS, ALL AMENDMENTS, ETC.		
TELCONS, CHECKLISTS INCLUDED		
PEER REVIEW DOCUMENTED		
LICENSING PROCESS		
DEFICIENCIES CLEARLY STATED IN LETTER		
APPLICANT RESPONSE ADEQUATE OR FOLLOWED-UP		
PRE-LICENSING VISIT CONDUCTED AND DOCUMENTED		
LICENSEE'S COMPLIANCE HISTORY CONSIDERED		
SUPERVISORY REVIEW CORRECTED ALL PROBLEMS		
LICENSE		
LICENSE CORRECTLY LISTS MATERIALS TO BE POSSESSED AND AUTHORIZED USE		
NORMAL CONDITIONS FOR LICENSE TYPE INCLUDED		
SPECIAL OR MODIFIED CONDITIONS PROPER		
TIE-DOWN CONDITION COMPLETE		
REGULATIONS CITED		
EXPIRATION DATE CORRECT		
SIGNATURE LINE, DATE O.K.		
TERMINATED LICENSES		
ITEM	O.K.	COMMENTS OR QUESTIONS
APPLICATION FOR TERMINATION		
ACCEPTABLE METHOD OF RAM DISPOSAL TRANSFER TO ANOTHER STATE LICENSEE <input type="checkbox"/> TRANSFER TO OUT-OF-STATE LICENSEE <input type="checkbox"/> RETURN TO MANUFACTURER <input type="checkbox"/> SHIPMENT TO BURIAL SITE OR OTHER <input type="checkbox"/>		
SUPPORTING DOCUMENTS		
SS&D LEAK TESTS		
CURRENT COPY OF RECIPIENT'S LICENSE		
LICENSEE'S CLOSE-OUT SURVEY MAKE, MODEL, S/N OF INSTRUMENT <input type="checkbox"/> DATES OF SURVEY AND CALIBRATION <input type="checkbox"/> IDENTIFICATION OF PERSON MAKING SURVEY <input type="checkbox"/> ALL READINGS, INCLUDING BACKGROUND <input type="checkbox"/>		
VERIFICATION OF RECEIPT BY RECIPIENT FOR TRANSFER		
STATE'S ACTIONS		
LICENSEE'S STATEMENTS VERIFIED		
NEW JURISDICTIONAL AGENCY NOTIFIED		
NECESSARY ACTION TAKEN PROMPTLY TO PREVENT ABANDONMENT OF RAM		
TERMINATION INSPECTION CONDUCTED AND PROPERLY DOCUMENTED IF REQUIRED		

<p>REVIEW OF RECEIPTS</p> <p>TRANSFER AND/OR DISPOSAL RECORDS</p> <p>VERIFICATION OF TRANSFER AND DISPOSAL</p> <p>FACILITY SURVEY DOCUMENTATION</p> <ul style="list-style-type: none"> MAKE, MODEL, S/N OF INSTRUMENT <input type="checkbox"/> DATES OF SURVEY AND CALIBRATION <input type="checkbox"/> IDENTIFICATION OF PERSON MAKING SURVEY <input type="checkbox"/> ALL READINGS, INCLUDING BACKGROUND <input type="checkbox"/> 		
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