

## EXAMPLES OF LESS THAN SATISFACTORY FINDINGS OF A PROGRAM PERFORMANCE FOR LOW-LEVEL RADIOACTIVE WASTE (LLRW) DISPOSAL

The effectiveness of a program is assessed through the evaluation of the criteria listed in Section III, Evaluation Criteria, of MD 5.6. These criteria are NOT intended to be exhaustive but provide a starting point for the IMPEP review team to evaluate this indicator. The review team should also take into consideration other relevant mitigating factors that may have an impact on the program's performance under this performance indicator. The review team should consider a less than satisfactory finding when the identified performance issue(s) is/are programmatic in nature, and not isolated to one aspect, case, individual, etc. as applicable.

This list is not all inclusive and will be maintained and updated in the IMPEP Toolbox on the state communications portal Web site: <https://scp.nrc.gov>.

The IMPEP Team should take a holistic approach when reviewing these examples and take into consideration the impact on health, safety, and security. There would have to be multiple examples of impact on health, safety, or security to result in a less than satisfactory rating. For this non-common performance indicator, the team will provide one overall finding.

A finding of "satisfactory, but needs improvement" should be considered when more than a few or a small number of the cases or areas reviewed involve performance issues or deficiencies in high risk-significant regulatory areas, but not to such an extent that the finding would be considered unsatisfactory.

The following are examples of review findings that resulted (or could result) in a program being found "**satisfactory, but needs improvement**" for this indicator:

### Performance Indicator (sub-element) issues:

#### Technical Staffing and Training

- There were vacancies in the Program which resulted in a backlog of inspections. Inspections were frequently completed late. Program management has not prioritized the inspection backlog based on health and safety risk significance.
- More than a few inspectors and license reviewers have not completed the required training in accordance with IMC 1248 which has adversely affected the quality and timeliness of licensing actions and inspections.

#### Status of the Materials Inspection Program

- There have been more than a few missed or overdue inspections over the review period. The Program was aware of what inspections were conducted overdue and identified actions but did not document or implement actions to conduct inspections at the required frequencies.

#### Technical Quality of Inspections

- Management (or designated senior staff) did not perform accompaniments for more than a few of the inspectors during the review period. During the review team accompaniments, the Program inspectors missed some health and safety issues.

- For more than a few inspections conducted by the Program, the review team identified that inspectors either did not use appropriate survey instrumentation or was not in calibration. As a result, Program inspectors could not perform independent measurements of licensee activities.

#### Technical Quality of Licensing Actions

- The review team found that the Program failed to conduct necessary analyses in all areas to ensure that the performance assessment used appropriate input values and to ensure that the sensitivity to certain key input values was identified.
- There was no independent assessment made by the Program for the technical basis provided by the licensee for more than a few licensing actions. There was an appearance that the license reviewer accepted the licensee's analysis without adequate review and there was no documentation of an independent review. The review team identified technical issues with the licensee's technical basis document.

#### Technical Quality of Incident and Allegation Activities

- For more than a few cases, the Program did not conduct an inspection for incidents that could have resulted in releases or doses in excess of regulatory limits, but instead the Program evaluated the incident in the office and delayed an on-site review.
- For more than a few cases, the review team identified that handling of allegations was not treated consistently across the Program. The Program's policy only allowed the submission of written allegations and not oral allegations and missed identifying potential health and safety concerns.

Consideration should be given to a finding of "**unsatisfactory**" when a review demonstrates the presence of one or more of the following conditions:

#### Performance Indicator (sub-element) issues:

##### Technical Staffing and Training

- There were ongoing vacancies in the Program which resulted in a chronic backlog of inspections. Most inspections were completed late. Program management has not prioritized the backlog based on health and safety risk significance.
- Most inspectors and license reviewers have not completed the required training in accordance with IMC 1248 which has adversely affected the quality and timeliness of licensing actions and inspections.

##### Status of the Materials Inspection Program

- Most required inspections have been missed or overdue for the review period. The Program was aware of what inspections were conducted overdue and identified actions but did not document or implement actions to conduct inspections at the required frequencies.

##### Technical Quality of Inspections

- Management (or designated senior staff) did not perform accompaniments for most of the inspectors during the review period. During the review team accompaniments, the Program inspectors missed several health, safety, and security issues.

- For most inspections conducted by the Program, the review team identified that inspectors either did not use appropriate survey instrumentation or the instrumentation was not in calibration. As a result, Program inspectors could not perform independent measurements of licensee activities.

#### Technical Quality of Licensing Actions

- The review team found that the Program failed to conduct necessary analyses in all areas to ensure that the performance assessment used appropriate input values and to ensure that the sensitivity to certain key input values was identified.
- There was no independent assessment made by the Program for the technical basis provided by the licensee for more than a few licensing actions. There was an appearance that the license reviewer accepted the licensee's analysis without adequate review and there was no documentation of an independent review. The review team identified technical issues with the licensee's technical basis document.

#### Technical Quality of Incident and Allegation Activities

- For most cases, the Program did not conduct an inspection for incidents that could have resulted in releases or doses in excess of regulatory limits, but instead the Program evaluated the incident in the office and delayed an on-site review.
- For most cases, the review team identified that handling of allegations was not treated consistently across the Program. The Program did not take oral allegations and missed identifying potential health and safety concerns.