

INTERIM GUIDANCE FOR PRE-LICENSING VISITS TO
VERIFY THE LEGITIMACY OF CERTAIN NEW APPLICANTS
AND TO PROTECT AGAINST MALEVOLENT TERRORIST ACTIVITIES

1. **PURPOSE:** In the aftermath of the terrorist attacks on September 11, 2001, NRC has increased vigilance against potential malevolent terrorist activities. This guidance is specifically about pre-licensing visits for a new applicant with whom we are unfamiliar and who has requested certain materials indicated under the scope of this guidance. The process outlined below is focused to verify the validity of new applicant information, to assure they are who they claim to be. This interim guidance was developed from the NMSS/DNMS Division Directors' counterpart meeting on February 24- 25, 2003.

This interim guidance supplements and will be incorporated into the next revision of NUREG-1556, Volume 20, "Consolidated Guidance About Materials Licenses, Guidance About Administrative Licensing Procedures."

2. **SCOPE:** For security precautions, this interim guidance is to be followed for any new applicant who does not have a license and whose application requests any of the materials indicated below. In such cases, a pre-licensing visit shall be scheduled and completed by the process outlined below, before a technical review of the application is completed.
 - a. possession of greater than 10,000 curies of byproduct material in the form of sealed sources in panoramic irradiators, as defined in 10 CFR Part 36, that have dry or wet storage of the sealed sources, and in underwater irradiators in which both the source and the product being irradiated are under water, as defined in 10 CFR Part 36
 - b. possession of radionuclides and quantities of concern, indicated below:

americium-241	20 curies	curium-244	10 curies
californium-252	5 curies	iridium-192	20 curies
cesium-137	30 curies	plutonium-238	20 curies
cobalt-60	8 curies	strontium-90 (yttrium-90)	300 curies

3. **PROCESS TO SCHEDULE AND COMPLETE A PRE-LICENSING VISIT:** The routine processes for incoming applications are described in NUREG-1556, Volume 20, "Consolidated Guidance About Materials Licenses, Guidance About Administrative Licensing Procedures," (Volume 20). In particular, the roles of the regional licensing assistant (LA) and license reviewer are respectively described in Volume 20, Sections 3 and 4 at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/v20/>. The legitimacy of the applicant should be determined before investing time to complete the technical review of the application and before the applicant must be instructed in proper procedures for receiving and handling safeguards information (SGI-Modified).

Volume 20, Section 3, Licensing Assistant (LA) Guidance, describes initial processing of an incoming application and the acceptance review procedure that may be completed by

the LA before the new application is ready for the license reviewer to complete the technical review. The LA should specifically check the new application for the materials and amounts within the scope of this guidance. The LA will notify the cognizant supervisor (e.g. Materials Licensing Branch Chief) about an applicant who may be a candidate for a security, pre-licensing visit. The supervisor will determine if a pre-licensing visit is warranted and will assign the application to a license reviewer to complete the pre-licensing visit.

[NOTE–The supervisor’s determination to proceed with the pre-licensing visit and approval of the reviewer’s actions to complete the assignment must be documented.]

Volume 20, Section 4, License Reviewer Guidance, describes the technical review process for new applications (4.2) and indicates that licensing site visits (4.9) are appropriate in certain cases. The licensing site visits are intended for applicant requests that involve significant or unique technical issues. A reviewer may complete a significant licensing action that warrants a near-term onsite inspection (4.12). Checklists to document the significance of the action and a sample memorandum from the reviewer to the inspection supervisor to schedule the near-term inspection are included (Appendix C, C.5).

The security, pre-licensing visit differs from the licensing site visit (4.9). The security, pre-licensing visit is intended to be a simple, cursory inspection to verify certain information that was certified by the applicant on NRC Form 313. The pre-licensing visit differs from the near-term inspection (4.12) that results from a significant licensing action that was already issued to the applicant. The security, pre-licensing visit may be coordinated with a designated inspection staff member in order to accomplish the following objectives. The reviewer or inspector will verify:

- a. the address of use,
- b. the type of facility is consistent with the type of use requested by the applicant,
- c. the personnel at the facility are consistent with those represented in the application and are familiar with the application (e.g., the applicant’s organizational structure, the radiation safety officer of record, requested radionuclides and amounts, purpose for which radionuclides will be used, proposed locations for receipt, storage, and use of radionuclides),
- d. that individuals are aware of NRC and NRC requirements and basic radiation safety for the materials, amounts, and types of use requested in the application.

4. QUESTION OF THE LEGITIMACY OF THE NEW APPLICANT: The reviewer or inspector will immediately contact the cognizant supervisor when significant discrepancies or deficiencies exist between the new application information and the observations, interviews, and conclusions from the security, pre-licensing visit. The regional office will coordinate with NMSS to deny the application (4.11) in which the staff has any question about the applicant’s suitability; integrity (e.g., lack of candor or submission of inaccurate or misleading information); or ability or commitment to comply with NRC regulations (e.g., 10 CFR 30.33, 40.32, or 70.23).

Early identification and coordination with NMSS on these issues is necessary on a case by case basis to ensure that Regional and NMSS staff agree on an appropriate strategy for handling the application.