UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555-0001

NRC INSPECTION MANUAL

IIPB

Change Notice 00-001

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	Number	Date	Number	Date
1.	IMC 2810	07/08/94	IMC 2810	02/03/00

TRAINING: No special training requirements have been identified for any documents issued with this change notice.

REMARKS: IMC 2810 (Master Material License Inspection Program) has been revised to clarify responsibilities, guidance, and nomenclature. It also incorporates minor changes due to additions, deletions, and revisions in the Enforcement Policy and organizational units within NRC due to reorganizations.

DISTRIBUTION: Standard

END

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TABLE OF CONTENTS

Table of Contents Current through Change Notice 00-001, Issued 02/03/00

PART CHAPTER

0000 NRC Inspection Manual[1]

0030 Policy and Guidance for Development of NRC Inspection Manual Programs 04/30/97 (97-005)
0040 Preparation, Issuing, and Revising of Documents for Inspection Manual 09/27/95 (95-013)
0045 Requests for Regional Review and Comment on Inspection Program 09/14/98 (98-013)

0100 Program Responsibilities

0102 Oversight and Objectivity of Inspectors and Examiners at Reactor Facilities 06/29/99 (99-010)
0111 Monitoring Activities for the DOE West Valley Demonstration Project 12/10/85 (85-40)

0200 Program Management Reports

0230 Morning Report 10/30/92 (92-011)

0300 Inspection Policy

0300 Announced and Unannounced Inspections 03/24/94 (94-010)
0301 Coordination of NRC Visits to Commercial Reactor Sites 09/30/94 (94-016)
0302 Inspection Program Evaluation Activities 09/27/95 (95-013)
0303 Item Reporting 11/30/99 (99-019)

[1]The date and numbers in parentheses to the right of the chapter/inspection procedure title are the issue date and the change notice number under which the title was issued.

PART

CHAPTER

0304 Plant Performance Review 09/26/96 (96-020)
0312 Technical Assistance for Radiation Safety Inspections at Nuclear Fuel Cycle Facilities and Materials Licensees' Sites 08/28/95 (95-010)
0330 Guidance for NRC Review of Licensee Draft Documents 07/08/96 (96-015)
0350 Staff Guidelines for Restart Approval 12/31/98 (98-020)

0400 Enforcement Policy

0500 Tracking Systems

0600 Documentation of Program Findings

0610 Inspection Reports 06/22/98 (98-009)
0620 Inspection Documents and Records 07/08/96 (96-015)
0630 Analysis of the Impact of Noncompliance with Physical Security Requirements 10/01/82 (82-09)

0700 Communications With Licensees

0720 Nuclear Regulatory Commission Generic Communications Regarding Nuclear Reactor Issues 03/21/94 (94-009)
0730 Generic Communications Regarding Materials and Fuel Cycle Issues 11/15/99 (99-018)

0800 Feedback - Improving the Regulatory Process

0801 Inspector Feedback 01/01/83 (83-01)

0900 Reporting of Events/Incidents

0970 Potentially Generic Questions Identified by Regional Offices 08/30/91 (91-011)

1000 Regional Office Program Interfaces

1007 Interfacing Activities Between Regional Offices of NRC and OSHA 09/14/98 (98-013)
1010 Independent Assessment and Analysis 01/20/87 (87-02)

PART

CHAPTER

1100 Notifications of Meetings and Conferences

1100 Notification of Significant Meetings 08/06/87 (87-27)
1110 Potential Abnormal Occurrences 04/25/78 (78-13)
1120 Preliminary Notifications 12/27/94 (94-021)

1200 Inspector Requirements

1201 Conduct of Employees 06/29/99 (99-010)
1220 Processing of NRC Form 241, "Report of Proposed Activities In Non-Agreement States," and Inspection of Agreement State Licensees Operating Under 10 CFR 150.20 09/08/97 (97-014)
1230 Quality Assurance Program for Radiological Confirmatory Measurements 10/01/83 (83-12)
1232 Collection, Preparation, and Shipment of Independent Measurement Samples 11/18/86 (86-52)
1240 Inspector Access at Power Reactors 09/18/81 (81-23)
1245 Inspector Qualification For the Office of Nuclear Reactor Regulation Inspection Program 12/02/96 (96-023)
1245 APP A Training Requirements For Inspector Classifications 01/21/98 (98-001)
Sec. I BWR Operations Inspector 09/14/99 (99-015)
Sec. II Westinghouse PWR Operations Inspector 09/14/99 (99-015)
Sec. III Combustion Engineering PWR Operations Inspector 09/14/99 (99-015)
Sec. IV Babcock & Wilcox PWR Operations Inspector 09/14/99 (99-015)
Sec. V Reactor Engineering Support Inspector 09/14/99 (99-015)
Sec. VI Reactor Health Physics Inspector 09/14/99 (99-015)
Sec. VII Reactor Safeguards Inspector 09/14/99 (99-015)
Sec. VIII Reactor Technical Specialist/Team Member 09/14/99 (99-015)
Sec. IX Reactor Emergency Preparedness or Health Physics Specialist/Team Member 09/14/99 (99-015)
Sec. X Non-Power Reactor Inspector 09/14/99 (99-015)
Sec. XI Emergency Preparedness Inspector 09/14/99 (99-015)
Sec. XII NRR Vendor Inspector 12/02/96 (96-023)
Sec. XIII Reactor Decommissioning Inspector 09/14/99 (99-015)
Sec. XIV Technical Assistance Inspector 01/21/98 (99-015)
1245 APP B Inspector Training and Qualification Journal 01/21/98 (98-001)
Sec. I BWR Operations Inspector 09/14/99 (99-015)
Sec. II Westinghouse PWR Operations Inspector 09/14/99 (99-015)
Sec. III Combustion Engineering PWR Operations Inspector 09/14/99 (99-015)
Sec. IV Babcock & Wilcox PWR Operations Inspector 09/14/99 (99-015)
Sec. V Reactor Engineering Support Inspector 09/14/99 (99-015)
Sec. VI Reactor Health Physics Inspector 10/10/97 (97-017)
Sec. VII Reactor Safeguards Inspector 10/10/97 (97-017)
Sec. VIII Reactor Technical Specialist/Team Member 09/14/99 (99-015)
Sec. IX Reactor Emergency Preparedness or Health Physics Specialist/Team Member 10/10/97 (97-017)

PART

CHAPTER

Sec. X Non-Power Reactor Inspector 10/10/97 (97-017)
Sec. XI Emergency Preparedness Inspector 10/10/97 (97-017)
Sec. XII NRR Vendor Inspector 10/10/97 (97-017)
Sec. XIII Reactor Decommissioning Inspector 10/10/97 (97-017)
Sec. XIV Technicalk Assistance Inspector 01/21/98 (98-001)
1246 Formal Qualification Programs in the Nuclear Material Safety and Safeguards Program Area 03/27/98 (98-005)

1300 Incident Response

1300 Incident Response Actions - Responsibility and Authority 03/12/84 (84-08)
1301 Response to Non-Emergency Incidents Involving Radioactive Material 11/12/96 (96-022)
1302 Action Levels For Radiation Exposures and Contamination Associated With Materials Events Involving Members of the Public 12/31/97 (97-019)
1303 Requesting Emergency Acceptance of Radioactive Material by the U.S. Department of Energy (DOE) 07/27/95 (95-009)
1330 Response to Transportation Accidents Involving Radioactive Materials 07/19/84 (84-22)
1360 Use of Physician and Scientific Consultants in the Medical Consultant Program 01/27/99 (99-001)

1400 Reserved

1405 IE Feedback to the Office of Standards Development 05/01/78 (78-15)
1415 State Contracts for Environmental Monitoring 06/28/91 (91-009)
1420 NRC TLD Direct Radiation Monitoring Network 10/01/83 (83-12)
1430 Procedure for Access to Proprietary Data in [10 CFR 2.790(a)(4) and (d)] IE Files by GAO Employees 03/06/78 (78-07)

1500 Reserved

1600 Emergency Preparedness

1601 Communication Protocol For Assessing Offsite Emergency Preparedness Following a Natural Disaster 09/02/97 (97-013)

1700 Reserved

PART

CHAPTER

1800 Reserved

1900 Reserved

2000 Reserved

2100 Reserved

2200 Reserved

2300 Reserved

2400 Low Level Waste Program

2401 Near-Surface Low-Level Radioactive Waste Disposal Facility Inspection Program 02/28/97 (97-003)

2500 Reactor Inspection Program

2514 Light Water Reactor Inspection Program - Startup Testing Phase 08/21/89 (89-013)
2514 APP. A Startup Test Program Inspection Procedures 04/15/94 (94-018)
2515 Reactor Inspection Program - Operations Phase 03/09/99 (99-003)
2515 APP. A Core Inspection Program Procedures 07/23/98 (98-011)
2515 APP. B Regional Initiative and Reactive Inspection Program Procedures 05/04/98 (98-006)
2515 APP. C Use of Insights Derived From Probabilistic Risk Assessment (PRA) 09/08/97 (97-014)
2515 C-2 Use of Probablistic Risk Ranking Information 09/08/97 (97-014)
2515/109 Revision 4 Inspection Requirements for Generic Letter 89-10, "Safety-Related Motor-Operated Valve Testing and Surveillance" 07/23/98 (98-011)
2515/132 Malevolent Use of Vehicles at Nuclear Power Plants 01/18/96 (96-002)

PART

CHAPTER

2515/133	Implementation of Revised 49 CFR Parts 100-179 and 10 CFR Part 71 [03/15/96 (96-005)]
2515/136	Operation of Dual Function Containment Isolation Valves 09/30/97 (97-016)
2515/137 Rev. 1	Inspection of Medium-Voltage and 480 Volt Air Circuit Breakers 03/09/98 (98-004)
2515/138	Evaluation of the Cumulative Effect of Operator Workarounds 05/04/98 (98-006)
2515/139	Inspection of Licensee's Implementation of Generic Letter 96-01, "Testing of Safety Related Logic Circuits" 07/23/98 (98-011)
2515/140	Periodic Verification of Design-Basis Capability of Safety-Related Motor-Operated Valves (GL96-05) 09/29/98 (98-015)
2515/141 Rev. 1	Review of Year 2000 (Y2K) Readiness of Computer Systems at Nuclear Power Plants 08/02/99 (99-012
2515/142	Draindown During Shutdown and Common-Mode Failure (NRC Generic Letter 98-02)) 06/18/99 (99-009)
2515/143	Shearon Harris Spent Fuel Pool (C&D) Expansion 10/15/99 (99-016)
2516	Policy and Guidance For The License Renewal Inspection Program 02/03/99 (99-002)
2530	Integrated Design Inspection Program 04/24/85 (85-17)
2535	Design Verification Programs 03/24/89 (89-007)
2545	Research and Test Reactor Inspection Program - Operations Phase 06/13/85 (85-23)
2561	Decommissioning Power Reactor Inspection Program 08/11/97 (97-012)
2561/003	Re-Examination of Year 2000 (Y2K) Program Activities at Selected Decommissioning Reactors 11/30/99 (99-019)

2600 Fuel Cycle Facility Inspection Program

2600	Fuel Cycle Facility Operational Safety and Safeguards Inspection Program 04/08/96 (96-007)
2600 App A	04/08/96 (96-007)
2600/002	Fuel Cycle Inspections of Licensees in States Which Have Been Denied Access to Low-Level Waste Disposal Facilities 03/11/91 (91-004)
2600/003	Operational Safety Review 01/27/99 (99-001)
2600/004	Headquarters Inspections of Critical Mass and Rare-Earth Fuel Cycle Licensees 01/27/99 (99-001)
2600/005	Criticality Safety Programs at Fuel Cycle Facilities 10/12/99 (99-017)
2601	Team Assessments of Fuel Cycle and Materials Licensees 05/04/90 (90-004)
2602	Decommissioning Inspection Program For Fuel Cycle Facilities and Materials Licensees 06/04/97 (97-007)
2603	Inspection of the Nuclear Chemical Process Safety Program at Fuel Cycle Facilities 01/16/96 (96-001)
2603/001	Chemical Safety Inspections of Fuel Cycle Licensees 01/16/96 (96-001)
2604	Licensee Performance Review 08/26/96 (96-018)

PART

CHAPTER

2605 Decommissioning Procedures For Fuel Cycle and Material Licensees 11/12/96 (96-022)
2610 Inspection Program at Nuclear Fuel Services Plant Erwin, Tennessee 01/09/86 (86-01)
2620 On-Site Construction Reviews of Remedial Action at Inactive Uranium Mill Tailing Sites 02/11/93 (93-002)
2630 Gaseous Diffusion Plant Operational Safety and Safeguards Inspection Program 12/30/96 (96-026)
2641 In-Situ Leach Facilities Inspection Program 09/02/97 (97-013)
2681 Physical Protection and Transport of SNM and Irradiated Fuel Inspections of Fuel Facilities 09/26/96 (96-020)
2681 Exh. 5 08/20/86 (86-40)
2681 Exh. 6 08/20/86 (86-40)
2681/05 Physical Security Inspection For Category I Fuel Cycle Facilities 05/04/90 (90-004)
2681/06 Protected Area Housekeeping 07/10/90 (90-006)
2682 Technical Assistance for Safeguards MC&A Inspections at Fuel Facilities 06/18/84 (84-18)
2683 MC&A Safeguards Inspection of Fuel Facilities 07/22/99 (99-011)
2690 Inspection Program For Dry Storage of Spent Reactor Fuel at Independent Spent Fuel Storage Installations 04/09/97 (97-004)
2690 App A Inspection Program for an ISFSI Located at a Reactor Site 04/09/97 (97-004)
2690 App B Inspection Program for an ISFSI Located Away From Any Reactor Site 04/09/97 (97-004)

2700 Licensee Contractor and Vendor Inspection Program

2700 Vendor Inspection Program (VIP) 10/29/90 (90-013)

2800 Materials Inspection Program

2800 Materials Inspection Program 12/30/99 (99-020)
2800/026 Followup Inspection of Formerly-Licensed Sites Identified as Potentially Contaminated 05/04/98 (98-006)
2800/027 Inspections of Amersham Model 600 and Industrial Nuclear Model IR-100 Exposure Devices 02/05/98 (98-002)
2800/028 Inspections of Strontium-90 Opthalmic Applicators 09/28/98 (98-014)
2801 Uranium Mill 11e.(2) Byproduct Material Disposal Site and Facility Inspection Program 09/02/97 (97-013)
2805 Inspection at Temporary Job Sites for Licensees Who Operate in More Than One Region 02/09/87 (87/03)

PART

PROCEDURE

2810 Master Materials License Inspection Program 02/03/00 (00-001)
2815 Construction and Preoperational Inspection of Panoramic, Wet-Source-Storage Gamma Irradiators 07/07/86 (86-35)
2882 Transfer of NRC License Files to Agreement State(s) 12/05/83 (83-15)

2900 Performance Appraisal Program

2900 Performance Appraisal Program DI 04/04/85 (85-14)
2901 Team Inspections 09/13/99 (99-014)
2920 Construction Appraisal Team Inspection Program 03/29/85 (85-11)

3000 Management Meetings

30800B Initial Management Meeting - Materials Licensees 10/01/76 (76-26)

3100 Reserved

3200 Reserved

3300 Reserved

3400 Reserved

3500 Quality Assurance

35501 QA for the Startup Test Program 01/20/84 (84-04)
35701 Quality Assurance Program Review 04/14/92 (92-004)
35702 Inspection of Quality Verification Function 09/29/98 (98-015)
35703 Graded Quality Assurance 06/29/99 (99-010)
35750 QA Program Measuring and Test Equipment 04/14/92 (92-004)

3600 Organization and Administration

36100 10 CFR Part 21 Inspections at Nuclear Power Reactors 08/30/91 (91-011)
36800 Organization 08/21/92 (92-010)
36801 Organization, Management, and Cost Controls at Permanently Shutdown Reactors 08/11/97 (97-012)

PART

PROCEDURE

3700 Design, Design Changes, Modifications

37001 10 CFR 50.59 Safety Evaluation Program 06/24/98 (98-010)
37550 Engineering 11/15/99 (99-018)
37551 Onsite Engineering 06/24/98 (98-010)
37700 Design Changes, and Modifications 09/17/90 (90-10)
37701 Facility Modifications 12/08/86 (86-54)
37702 Design Changes and Modifications Program 12/04/87 (87-38)
37703 Tests and Experiments Program 04/14/92 (92-004)
37801 Safety Reviews, Design Changes, and Modifications at Permanently Shutdown Reactors 08/11/97 (97-012)
37828 Installation And Testing Of Modifications 08/29/88 (88-11)

3800 Procurement

38701 Procurement Program 04/14/92 (92-004)
38702 Receipt, Storage and Handling of Equipment and Materials Program 04/14/92 (92-004)
38703 Commercial Grade Dedication 04/08/96 (96-007)

3900 Records

39701 Records Program 04/14/92 (92-004)
39702 Document Control Program 04/14/92 (92-004)
39745 Class I Non-Power Reactors Organization and Operations and Maintenance Activities 08/07/92 (92-009)

4000 Review and Audit

40001 Resolution of Employee Concerns 06/03/97 (97-006)
40002 Inspections to Review Allegations 08/26/96 (96-018)
40500 Effectiveness of Licensee Process to Identify, Resolve, and Prevent Problems 05/03/99 (99-008)
40501 Licensee Self-Assessments Related to Team Inspections 06/11/97 (97-008)
40702 Audit Program 04/14/92 (92-004)
40703 Offsite Support Staff 04/14/92 (92-004)
40704 Implementation, Audit Program 04/14/92 (92-004)
40745 Class I Non-Power Reactor Review and Audit and Design Change Functions 08/07/92 (92-009)
40755 Class III Non-Power Reactors 08/07/92 (92-009)
40801 Self-Assessment, Auditing, and Corrective Action at Permanently Shutdown Reactors 08/11/97 (97-012)

PART PROCEDURE

4100 Training

41500 Training and Qualification Effectiveness 06/13/95 (95-007)

4200 Procedures

42001 Emergency Operating Procedures 06/28/91 (91-009)
42700 Plant Procedures 11/15/95 (95-015)
42745 Class I Non-Power Reactor Procedures 08/07/92 (92-009)

4300 Vendor Procedures

43001 Reactive Inspection of Nuclear Vendors 10/11/94 (94-018)

4400 Reserved

4500 Geotechnical/Foundation

4600 Structural Concrete

4700 Containment (Post-Tensioning)

4800 Structural Steel and Supports

4900 Piping

49001 Inspection of Erosion/Corrosion Monitoring Programs 12/11/98 (98-019)
49055 Reactor Coolant Pressure Boundary Piping Record Review 08/16/82 (82-07)

5000 Mechanical Components and Equipment

50001 Steam Generator Replacement Inspection 09/12/95 (95-012)
50002 Steam Generators 12/31/96 (96-024)

5100 Electrical Components and Systems

PART	PROCEDURE	
5200	Instrumentation Systems and Components	
	52001	Digital Retrofits Receiving Prior Approval 03/02/98 (98-003)
	52002	Digital Retrofits Not Receiving Prior Approval 03/02/98 (98-003)
5300	Containment Penetrations	
5400	Cleanliness	
5500	Welding	
	55050	Nuclear Welding General Inspection Procedure 06/20/83 (83-06)
	55100	Structural Welding General Inspection Procedure 06/20/83 (83-06)
	55150	Weld Verification Checklist 06/20/83 (83-06)
5600	Calibration	
	56700	Calibration 03/02/98 (98-003)
5700	Nondestructive Examination, Destructive Examination and Fabrication Testing	
	57050	Visual Testing Examination 03/09/99 (99-003)
	57060	Liquid Penetrant Testing Examination 03/09/99 (99-003)
	57070	Magnetic Particle Testing Examination 03/09/99 (99-003)
	57080	Ultrasonic Testing Examination 03/09/99 (99-003)
	57090	Nondestructive Examination Procedure Radiographic Examination Procedure Review/Work Observation/Record Review 06/14/93 (93-005)
5800	Special Processes	
5900	Reserve Shutdown System	
6000	Fuel Fabrication, Handling and Storage	
	60705	Preparation for Refueling 07/27/95 (95-009)
	60710	Refueling Activities 07/27/95 (95-009)
	60745	Class I Non-Power Reactor Fuel Movement 10/03/94 (94-017)
	60801	Spent Fuel Pool Safety at Permanently Shutdown Reactors 08/11/97 (97-012)

PART

PROCEDURE

60850B Fuel Storage and Handling 10/01/76 (76-28)
60851 Design Control of ISFSI Components 05/02/96 (96-010)
60852 ISFSI Component Fabrication By Outside Fabricators 02/01/96 (96-003)
60853 On-Site Fabrication of Components and Construction of an ISFSI 02/01/96 (96-003)
60854 Preoperational Testing of an ISFSI 05/09/96 (96-011)
60855 Operation of an ISFSI 02/01/96 (96-003)
60856 Review of 10 CFR 72.212(b) Evaluations 11/30/99 (99-019)

6100 Surveillance

61700 Surveillance Procedures and Records 09/13/83 (83-11)
61701 Complex Surveillance 06/07/85 (85-21)
61702 Surveillance of Core Power Distribution Limits 10/01/80 (81-02)
61705 Calibration of Nuclear Instrumentation Systems 05/12/86 (86-25)
61706 Core Thermal Power Evaluation 07/14/86 (86-36)
61707 Determination of Reactor Shutdown Margin 10/11/85 (85-31)
61708 Isothermal and Moderator Temperature Coefficient Determinations 10/11/85 (85-31)
61709 Total Power Coefficient of Reactivity at Pressurized Water Reactors 07/14/86 (86-36)
61710 Control Rod Worth Measurements (PWR) 10/11/85 (85-31)
61715 Verification of Containment Integrity 12/23/86 (86-60)
61720 Containment Local Leak Rate Testing 10/03/85 (85-30)
61725 Surveillance Testing and Calibration Control Program 03/02/98 (98-003)
61726 Surveillance Observations 06/24/98 (98-010)
61728 Independent Measurement of RCS Leak Rates for a PWR 01/01/84 (84-02)
61745 Class I Non-Power Reactor Surveillance 08/07/92 (92-009)

6200 Maintenance

62001 Boric Acid Corrosion Prevention Program 08/01/91 (91-010)
62002 Inspection of Structures, Passive Components, and Civil Engineering Features at Nuclear Power Plants 12/31/96 (96-024)
62003 Inspection of Steel and Concrete Containments at Nuclear Power Plants 06/11/97 (97-008)
62700 Maintenance Program Implementation 06/03/97 (97-006)
62702 Maintenance Program 02/28/97 (97-003)
62703 Maintenance Observation 10/19/95 (95-014)
62704 Instrumentation Maintenance (Components and Systems) Observation of Work, Work Activities, and Review of Quality Records 03/02/98 (98-003)

PART

PROCEDURE

62705 Electrical Maintenance (Components and Systems) Observation of Work, Work Activities, and Review of Quality Records 02/20/87 (87-05)
62706 Maintenance Rule 09/12/95 (95-012)
62707 Maintenance Observations 11/15/99 (99-018)
62801 Maintenance and Surveillance at Permanently Shutdown Reactors 08/11/97 (97-012)

6300 Construction Testing

6400 Fire Prevention/Protection

64100 Postfire Safe Shutdown, Emergency Lighting and Oil Collection Capability at Operating and Near-Term Operating, Reactor Facilities 03/16/87 (87-09)
64150 Triennial Postfire Safe Shutdown Capability Reverification 03/16/87 (87-09)
64704 Fire Protection Program 06/24/98 (98-010)

6500 Reserved

65051 Low-Level Radioactive Waste Storage Facilities 06/13/86 (86-30)

6600 Reserved

6700 Reserved

6800 Reserved

6900 Non-Power Reactor Inspection

69001 Class II Non-Power Reactors 04/09/97 (97-004)
69003 Class I Non-Power Reactor Operator Licenses, Requalification, and Medical Activities 04/09/97 (97-004)
69004 Class I Non-Power Reactor Effluent and Environmental Monitoring 04/09/97 (97-004)
69005 Class I Non-Power Reactor Experiments 04/09/97 (97-004)

7000 Preoperational Testing

70307 Containment Integrated Leak Rate Test - Procedure Review 03/07/86 (86-13)
70313 Containment Integrated Leak Rate Test 11/12/85 (85-36)

PART

PROCEDURE

70323 Containment Leak Rate Test Results Evaluation 10/03/85 (85-30)
70370 Testing Piping Support and Restraint Systems 03/07/86 (86-13)

7100 Operations (License & TS Requirements)

71001 Licensed Operator Requalification Program Evalulation 07/23/98 (98-011)
71002 License Renewal Inspection 02/03/99 (99-002)
71500 Balance of Plant Inspection 09/30/88 (88-14)
71707 Plant Operations 12/31/98 (98-020)
71711 Plant Startup from Refueling 11/12/86 (86-50)
71714 Cold Weather Preparations 12/26/91 (91-018)
71715 Sustained Control Room and Plant Observation 04/14/92 (92-004)
71750 Plant Support Activities 06/24/98 (98-010)
71801 Decommissioning Performance and Status Review at Permanently Shutdown Reactors 08/11/97 (97-012)
71846B Review of Conduct of Operations 10/01/76 (76-24)

7200 Startup Testing

72300 Startup Test Procedure Review 01/20/84 (84-04)
72301 Startup Test Results Evaluation 01/20/84 (84-04)
72302 Startup Test Witnessing and Observation 01/20/84 (84-04)
72400B Overall Startup Test Program 07/01/80 (80-16)
72500B Initial Fuel Loading Procedure 04/30/75 (75-16)
72502B Initial Criticality Procedure Review (BWR) 04/30/75 (75-16)
72504B Heatup Phase Procedure Review 04/30/75 (75-16)
72508B Power Ascension Procedure Review: HPCI System 07/01/80 (80-16)
72509B Power Ascension Procedure Review: Control Rod Drive System 07/01/80 (80-16)
72510B Power Ascension Procedure Review - Relief Valves and MSIVs 04/30/75 (75-16)
72512B Startup Test Procedure Review - RCIC or Recircclation Pump Trip 04/30/75 (75-16)
72514B Startup Test Procedure Review - Turbine Trip/Generator Trip 07/01/80 (80-16)
72516B Startup Test Procedure Review - Shutdown From Outside the Control Room (Group A) 07/01/80 (80-16)
72517B Startup Test Procedure Review: Loss of Offsite Power (Group A & B) 07/01/80 (80-16)
72518B Startup Test Procedure Review - Core Performance 07/01/80 (80-16)
72524 Initial Fuel Loading Witnessing 01/20/84 (84-04)
72526 BWR Initial Criticality Witnessing 01/20/84 (84-04)

PART

PROCEDURE

72532	Power Level Plateau Data Review (BWR) 01/20/84 (84-04)
72564B	Precritical Test Procedure Review - Protective Trip Circuit or Rod Drop Measurement 07/01/80 (80-16)
72566B	Precritical Test Procedure Review - RES Lead Test or or Pressurizer Effectiveness 07/01/80 (80-16)
72570B	Initial Criticality Procedure Review (PWR) 07/01/80 (80-16)
72572B	Low Power Test Procedures Review Moderator Temperature Coefficient and Boron Worth or Control Rod Worth and Pseudo Rod Ejection Worth 07/01/80 (80-16)
72576B	Power Ascension Test Procedure Review - Natural Circulation or Power Reactivity Coefficient Measurement 07/01/80 (80-16)
72578B	Power Ascension Test Procedure Review - Evaluation of Core Performance 07/01/80 (80-16)
72580B	Power Ascension Test Procedure Review - Turbine Trip or Generator Trip 07/01/80 (80-16)
72582B	Power Ascension Test Procedure Review - Loss of Offsite Power (Group A) 07/01/80 (80-16)
72583B	Power Ascension Test Procedure Review: Shutdown from Outside the Control Room (Group B) 07/01/80 (80-16)
72584B	Power Ascension Test Procedure Review - Evaluation of Flux Asymmetry or Pseudo Rod Ejection Test 04/30/75 (75-16)
72592	PWR Initial Criticality Witnessing 01/20/84 (84-04)
72596B	Precritical Data Review 07/01/80 (80-16)
72600B	Power Level Plateau Data Review (25% PWR) 07/01/80 (80-16)
72608B	Power Level Plateau Data Review (50% PWR) 07/01/80 (80-16)
72616B	Power Level Plateau Data Review (75% PWR) 07/01/80 (80-16)
72624B	Power Level Plateau Data Review (100% PWR) 07/01/80 (80-16)
72700	Startup Testing - Refueling 11/12/86 (86-50)
72701	Modification Testing 04/14/92 (92-004)

7300 Inservice Inspection

73051	Inservice Inspection - Review of Program 01/14/86 (86-03)
73052	Inservice Inspection - Review of Procedures 01/14/86 (86-03)
73753	Inservice Inspection 06/24/98 (98-010)
73755	Inservice Inspection - Data Review and Evaluation 01/14/86 (86-03)
73756	Inservice Testing of Pumps and Valves 07/27/95 (95-009)

7400 Reserved

PART
PROCEDURE

7500 Reserved

7600 Reserved

7700 Reserved

7800 Reserved

7900 Water Chemistry

79501 LWR Water Chemistry Control and Chemical Analysis - Audits 02/24/89 (89-005)
79502 Plant Systems Affecting Plant Water Chemistry 12/31/91 (91-021)
79701 LWR Water Chemistry Control and Chemical Analysis - Program 12/31/91 (91-021)

8000 Environmental Protection

80521 Radiological Environmental Monitoring (Preoperational and Supplemental) 01/01/84 (84-01)
80721 Radiological Environmental Monitoring 12/31/91 (91-021)

8100 Physical Security

81001 Independent Spent Fuel Storage Installations 08/30/91 (91-011)
81018 Security Plan and Implementing Procedures 05/09/84 (84-15)
81020 Management Effectiveness - Security Program 05/09/84 (84-15)
81022 Security Organization 05/09/84 (84-15)
81034 Security Program Audit 05/09/84 (84-15)
81038 Records and Reports 05/09/84 (84-15)
81042 Testing and Maintenance 05/09/84 (84-15)
81046 Locks, Keys, and Combinations 05/09/84 (84-15)
81052 Physical Barriers - Protected Areas 05/09/84 (84-15)
81054 Physical Barriers - Vital Areas, Material Access Areas, and Controlled Access Areas 05/09/84 (84-15)
81058 Security System Power Supply 05/09/84 (84-15)
81062 Lighting 05/09/84 (84-15)
81064 Compensatory Measures 05/09/84 (84-15)
81066 Assessment Aids 05/09/84 (84-15)
81070 Access Control - Personnel 05/09/84 (84-15)
81072 Access Control (Power Reactor) - Packages 05/09/84 (84-15)

PART PROCEDURE	
81073	Access Control (Fuel Facility) - Packages, Material, and SSNM 05/09/84 (84-15)
81074	Access Control - Vehicles 05/09/84 (84-15)
81078	Detection Aids - Protected Areas 05/09/84 (84-15)
81080	Detection Aids - VA, MAA, and CAA 05/09/84 (84-15)
81084	Alarm Stations 05/09/84 (84-15)
81088	Communications 05/09/84 (84-15)
81110	Operational Safeguards Response Evaluation (OSRE) 08/13/99 (99-013)
81310	Physical Protection of Shipments of Irradiated Fuel 02/20/86 (86-09)
81335	Physical Protection of Shipments of SNM of Moderate Strategic Significance (MSNM) 02/20/86 (86-09)
81340	Physical Protection of Shipments of SNM of Low Strategic Significance (LSNM) 02/20/86 (86-09)
81360	General Requirements for Physical Protection of Formula Quantities of Special Nuclear Material in Transit 08/20/86 (86-40)
81365	Records, Reports, and Planning for Physical Protection of Formula Quantities of Special Nuclear Material in Transit 08/20/86 (86-40)
81370	Specific Requirements for Physical Protection of Formula Quantities of Special Nuclear Materials in Transit 08/20/86 (86-40)
81401	Plans, Procedures, and Reviews 06/13/85 (85-23)
81402	Reports of Safeguards Events 06/13/85 (85-23)
81403	Receipt of New Fuel at Reactor Facilities 06/13/85 (85-23)
81411	Physical Protection for Reactors with Formula Quantities of Special Nuclear Material 11/04/85 (85-34)
81421	Fixed Site Physical Protection of Special Nuclear Material of Moderate Strategic Significance 06/13/85 (85-23)
81431	Fixed Site Physical Protection of Special Nuclear Material of Low Strategic Significance 11/04/85 (85-34)
81501	Personnel Training and Qualification - General Requirements 05/09/84 (84-15)
81502	Fitness For Duty Program 05/31/91 (91-008)
81601	Safeguards Contingency Plan - Implementation Review 05/09/84 (84-15)
81700	Physical Security Program for Power Reactors 07/01/97 (97-010)
81810	Protection of Safeguards Information 02/09/87 (87-03)
81815	Authorizations for Access to National Security Information (NSI) and Restricted Data (RD) 04/30/97 (97-005)
81820	Physical Protection Facility Approval and Safeguarding of National Security Information (NSI) and Restricted Data (RD) 04/30/97 (97-005)
81910	Alarm Stations 02/19/91 (91-003)
81911	Assessment 02/19/91 (91-003)
81912	Badge Control 02/19/91 (91-003)
81913	Communications 02/19/91 (91-003)
81914	Duress Alarms 02/19/91 (91-003)

PART

PROCEDURE

81915 EECP Machine Performance - Explosive Detectors 02/19/91 (91-003)
81916 EECP Machine Performance - Metal Detectors 02/19/91 (91-003)
81917 EECP Machine Performance - X-ray 02/19/91 (91-003)
81918 Emergency Power Supply 02/19/91 (91-003)
81919 Interior Alarms 02/19/91 (91-003)
81920 Intrusion Detection System 02/19/91 (91-003)
81921 Isolation Zone 02/19/91 (91-003)
81922 Keys, Locks, and Combinations 02/19/91 (91-003)
81923 Lighting 02/19/91 (91-003)
81924 MAA Barriers 02/19/91 (91-003)
81925 Personnel Searches 02/19/91 (91-003)
81926 Preventative Maintenance 02/19/91 (91-003)
81927 Protected Area Barriers 02/19/91 (91-003)
81928 Protected Area Housekeeping 02/19/91 (91-003)
81929 Strategic Special Nuclear Material Exit Searches 02/19/91 (91-003)
81930 Tactical Response Team Exercises 02/19/91 (91-003)
81931 Vehicle Barriers 02/19/91 (91-003)
81932 Vehicle Escorts 02/19/91 (91-003)
81933 Vehicle Searches 03/18/91 (91-005)
81934 Warehouse Searches 03/18/91 (91-005)
81935 Weapons Qualification 02/19/91 (91-003)

8200 Emergency Planning

82201 Emergency Detection and Classification 03/31/93 (93-003)
82202 Protective Action Decision Making 03/31/93 (93-003)
82203 Notifications and Communications 03/31/93 (93-003)
82205 Shift Staffing and Augmentation 03/31/93 (93-003)
82206 Knowledge and Performance of Duties (Training) 03/31/93 (93-003)
82207 Dose Calculation and Assessment 03/31/93 (93-003)
82301 Evaluation of Exercises for Power Reactors 12/31/96 (96-024)
82302 Review of Exercise Objectives and Scenarios for Power Reactors 06/24/98 (98-010)
82701 Operational Status of the Emergency Preparedness Program 12/31/96 (96-024)
82745 Research Reactor Emergency Plan 08/07/92 (92-009)

8300 Radiation Protection

83100 Occupational Exposure During SAFSTOR and DECON 12/30/91 (91-022)
83521 Radiation Protection - Startup 01/01/84 (84-01)
83522 Radiation Protection, Plant Chemistry, Radwaste, and Environmental: Organization and Management Controls 12/31/91 (91-021)

PART

PROCEDURE

83523 Radiation Protection, Plant Chemistry, Radwaste, Transportation and Environmental: Training and qualifications (Preoperational and Supplemental) 01/01/84 (84-01)
83524 External Occupational Exposure Control and Personal Dosimetry (Preoperational and Supplemental) 01/01/84 (84-01)
83525 Internal Exposure Control and Assessment (Preoperational and Supplemental) 01/01/84 (84-01)
83526 Control of Radioactive Materials and Contamination, Surveys, and Monitoring (Preoperational and Supplemental) 01/01/84 (84-01)
83527 Facilities and Equipment (Preoperational and Supplemental) 01/01/84 (84-01)
83722 Radiation Protection, Plant Chemistry, and Radwaste: Organization and Management Controls (Minimum/Basic) 01/01/84 (84-01)
83723 Training and Qualifications: General Employee Training Radiation Safety, Plant Chemistry, Radwaste, and Transportation 12/31/91 (91-021)
83724 External Occupational Exposure Control and Personal Dosimetry 12/31/91 (91-021)
83725 Internal Exposure Control and Assessment 12/31/91 (91-021)
83726 Control of Radioactive Materials and Contamination, Surveys, and Monitoring 12/31/91 (91-021)
83727 Facilities and Equipment (Basic) 01/01/84 (84-01)
83728 Maintaining Occupational Exposures Alara 12/31/91 (91-021)
83729 Occupational Exposure During Extended Outages 12/31/91 (91-021)
83743 Class I Non-Power Reactors Radiation Protection 10/03/94 (94-017)
83750 Occupational Radiation Exposure 03/15/94 (94-006)
83801 Inspection of Final Surveys at Permanently Shutdown Reactors 08/11/97 (97-012)
83822 Radiation Protection 04/09/97 (97-004)
83890 Closeout Inspection and Survey 03/07/94 (94-004)
83895 Radiation Protection - Followup on Expired Licenses 11/08/83 (83-13)
83895 Tbl I 07/11/85 (85-24)

8400 Radioactive Waste Management

84100 Special Nuclear Material Inspections At Near Surface Low-Level Waste Disposal Facilities In Agreement States 05/29/92 (92-006)
84101 Radioactive Waste Management 12/30/91 (91-022)
84521 Radwaste - Startup 01/01/84 (84-01)
84522 Solid Wastes (Preoperational and Supplemental) 01/01/84 (84-01)

PART

PROCEDURE

84523 Liquids and Liquid Wastes (Preoperational and Supplemental) 01/01/84 (84-01)
84524 Gaseous Waste System (Preoperational and Supplemental) 01/01/84 (84-01)
84525 Quality Assurance and Confirmation Measurements for In-Plant Radiochemical Analysis 05/23/85 (85-19)
84722 Solid Wastes 12/31/91 (91-021)
84723 Liquids and Liquid Wastes 12/31/91 (91-021)
84724 Gaseous Waste System 12/31/91 (91-021)
84725 Quality Assurance and Confirmatory Measurements for In-Plant Radiochemical Analysis 12/31/91 (91-021)
84750 Radioactive Waste Treatment, and Effluent and Environmental Monitoring 03/15/94 (94-006)
84850 Radioactive Waste Management - Inspection of Waste Generator Requirements of 10 CFR 20 and 10 CFR 61 03/07/94 (94-004)
84900 Low-Level Radioactive Waste Storage 09/02/97 (97-013)

8500 Material Control and Accountability

85102 Material Control and Accounting - Reactors 03/29/85 (85-10)
85200 MC&A for Licensees Possessing Less Than or Equal to One Effective Kilogram of SNM 04/10/85 (85-15)
85203 Facility Organization and Management Controls 01/17/86 (86-04)
85205 Facility Operations and Internal Controls 04/10/85 (85-15)
85207 Measurement Systems 01/17/86 (86-04)
85209 Measurement Control and Statistics 04/10/85 (85-15)
85211 Physical Inventory 01/17/86 (86-04)
85215 Records and Reports 01/17/86 (86-04)
85301 MC&A for Imports and Exports 07/18/84 (84-22)
85303 MC&A Management Structure and Personnel Training and Qualification 03/18/91 (91-005)
85305 Item Monitoring 03/18/91 (91-005)
85307 Process Monitoring 03/18/91 (91-005)
85309 Measurement Systems and Control 03/18/91 (91-005)
85311 Physical Inventory 03/18/91 (91-005)
85313 Alarm Resolution 03/18/91 (91-005)
85315 Accounting and Internal Control 03/18/91 (91-005)
85401 Management Structure 07/22/99 (99-011)
85402 Measurement Control 07/22/99 (99-011)
85403 Measurement Control Program 07/22/99 (99-011)
85404 Physical Inventory 10/23/96 (96-021)
85405 Item Control Program 07/22/99 (99-011)
85406 Resolution Program 10/23/96 (96-021)
85407 Assessment Program 07/22/99 (99-011)
85408 Recordkeeping 07/22/99 (99-011)
85420 Inspection of IAEA Safeguards for Inspectors at Power Reactors 06/22/88 (88-07)

PART

PROCEDURE

85425 Implementation of US/IAEA Safeguards Agreement at Fuel Facilities 06/22/88 (88-07)
85501 Inventory Program 07/22/99 (99-011)
85502 Detection Program 07/22/99 (99-011)
85503 Resolution Program 07/22/99 (99-011)

8600 Spent Fuel and Other Radioactive Material Packaging and Shipping

86001 Design, Fabrication, Testing, and Maintenance of Transportation Packagings 10/23/96 (96-021)
86700 Spent Fuel Pool Activities 06/07/85 (85-21)
86702B Spent Fuel Pool Activities 01/01/79 (78-48)
86721 Transportation (Basic) 01/01/84 (84-01)
86740 Inspection of Transportation Activities 10/30/92 (92-011)
86750 Solid Radioactive Waste Management and Transportation of Radioactive Materials 03/15/94 (94-006)

8700 Materials Safety Inspection

87101 Performance Evaluation Factors 02/11/97 (97-002)
87102 Maintaining Effluents From Materials Facilities As Low As Is Reasonably Achievable (ALRA) 11/20/94 (94-020)
87103 Inspection of Materials Licensees Involved in an Incident or Bankruptcy Filing 06/11/97 (97-008)
87104 Decommissioning Inspection Procedure for Materials Licensees 06/04/97 (97-007)
87110 Industrial/Academic/Research Programs 04/05/99 (99-005)
87110 AP A Industrial/Academic/Research Inspection Record 06/18/99 (99-009)
87110 Ap B Industrial/Academic/Research Inspection References 04/05/99 (99-005)
87111 Materials Processor/Manufacturer Programs 06/11/98 (98-008)
87111 Ap A Materials Processor/Manufacturer Inspection Record 06/18/99 (99-009)
87111 Ap B Materials Processor/Manufacturer Inspection References 06/11/98 (98-008)
87112 Irradiator Programs 06/11/98 (98-008)
87112 Ap A Irradiator Inspection Record 06/18/99 (99-009)
87112 Ap B Irradiator Inspection References 06/11/98 (98-008)
87113 Well Logging Programs 06/11/98 (98-008)
87113 Ap A Well Logging Inspection Record 06/18/99 (99-009)
87113 Ap B Well Logging Inspection References 06/18/98
87114 Fixed and Portable Gauge Programs 06/11/98 (98-008)
87114 Ap A Fixed and Portable Gauge Inspection Record 06/18/99 (99-009)
87114 Ap B Fixed and Portable Gauge Inspection References 06/11/98 (98-008)
87115 Nuclear Medicine Programs 05/07/98 (98-007)
87115 Ap A Nuclear Medicine Inspection Record 06/18/99 (99-009)
87115 Ap B Nuclear Medicine Inspection References 05/07/98 (98-007)

PART

PROCEDURE

87116 Medical Teletherapy Programs 05/07/98 (98-007)
87116 Ap A Medical Teletherapy Inspection Record 06/18/99 (99-009)
87116 Ap B Medical Teletherapy Inspection References 05/07/98 (98-007)
87117 Radiopharmacy Programs 05/07/98 (98-007)
87117 Ap A Radiopharmacy Inspection Record 06/18/99 (99-009)
87117 Ap B Radiopharmacy Inspection References 05/07/98 (98-007)
87118 Brachytherapy Programs 04/20/99 (99-007)
87118 Ap A Brachytherapy Inspection Record 06/18/99 (99-009)
87118 Ap B Brachytherapy Inspection References 04/20/99 (99-007)
87119 Medical Broad-Scope Programs 06/11/98 (98-008)
87119 Ap A Medical Broad-Scope Inspection Record 06/18/99 (99-009)
87119 Ap B Medical Broad-Scope Inspection References 06/11/98 (98-008)
87120 Industrial Radiography Programs 05/03/99 (99-008)
87120 A Industrial Radiography Inspection Record 06/18/99 (99-009)
87120 B Industrial Radiography Inspection References 05/03/99 (99-008)
87250 Locating Missing Materials Licensees 01/11/97 (97-002)
87654 Uranium Mill Site Decommissioning Inspection 09/02/97 (97-013)

8800 Fuel Facility Inspection

88001 On-Site Construction 04/15/94 (94-011)
88002 Operational Event Review and Feedback Programs at Fuel Cycle Facilities 12/20/96 (96-025)
88003 Reactive Inspection For Events At Fuel Cycle Facilities 08/10/98 (98-012)
88005 Management Organization and Controls 05/23/84 (84-17) 88010 Operator Training/Retraining 05/23/84 (84-17)
88015 Headquarters Nuclear Criticality Safety Program 12/20/96 (96-025)
88020 Regional Criticality Safety Inspection Program 12/20/96 (96-025)
88025 Maintenance and Surveillance Testing 05/23/84 (84-17)
88035 Radioactive Waste Management 05/23/84 (84-17)
88045 Environmental Protection 05/23/84 (84-17)
88050 Emergency Preparedness 04/08/96 (96-007)
88055 Fire Protection 01/14/91 (91-001)
88056 Process Safety Information 01/16/96 (96-001)
88057 Hazard Identification Information 01/16/96 (96-001)
88058 Standard Operating Procedures 01/16/96 (96-001)
88059 Site-Wide Safety Procedures 01/16/96 (96-001)
88060 Detection and Monitoring 01/16/96 (96-001)
88061 Chemical Safety Training 01/16/96 (96-001)
88062 Maintenance and Inspection 01/16/96 (96-001)
88063 Management of Change 01/16/96 (96-001)
88064 Emergency Response Procedures 01/16/96 (96-001)
88065 Incident Investigation 01/16/96 (96-001)
88066 Audits and Inspection 01/16/96 (96-001)
88100 Plant Operations 12/30/96 (96-026)
88101 Configuration Control 12/30/96 (96-026)

PART

PROCEDURE

88102 Surveillance Observations 12/30/96 (96-026)
88103 Maintenance Observations 12/30/96 (96-026)
88104 Decommissioning Inspection Procedure For Fuel Cycle Facilities 06/04/97 (97-007)
88105 Management Organization and Controls 12/30/96 (96-026)

8900 Fuel Facility and Materials Special Program

89001 In-Situ Leach (ISL) Facilities 09/02/97 (97-013)

9000 Reportable Matters and Report Reviews

90501B Reportable Matters - Startup Test Program 04/30/75 (75-16)
90700 Feedback of Operational Experience Information at Operating Power Reactors 11/15/99 (99-018)
90712 Inoffice Review of Written Reports of Nonroutine Events at Power Reactor Facilities 12/31/98 (98-020)
90713 In Office Review of Periodic and Special Reports 08/30/91 (91-011)
90714 Nonroutine Reporting Program 08/30/91 (91-011)

9100 Title 10 Requirements

9200 Planned Non-Routine Activities

92700 Onsite Followup of Written Reports of Nonroutine Events at Power Reactor Facilities 12/31/98 (98-020)
92701 Followup 03/14/94 (94-005)
92702 Followup on Corrective Actions for Violations and Deviations 03/14/94 (94-005)
92703 Followup of Confirmatory Action Letters 01/15/92 (92-001)
92709 Licensee Plans for Coping With Strikes 08/21/92 (92-010)
92711 Continued Implementation of Strike Plans During an Extended Strike 08/21/92 (92-010)
92712 Resumption of Normal Operations After a Strike 08/21/92 (92-010)
92718 Inventory Differences Action Guidelines and Followup 10/01/82 (82-09)
92720 Corrective Action 09/28/98 (98-014)
92901 Followup - Plant Operations 03/11/99 (99-004)
92902 Followup - Maintenance 03/11/99 (99-004)
92903 Followup - Engineering 03/11/99 (99-004)
92904 Followup - Plant Support 03/11/99 (99-004)

PART

PROCEDURE

9300 Non-Routine Activities

93001 OHSA Interface Activities 05/22/89 (89-009)
93702 Prompt Onsite Response To Events At Operating Power Reactors 08/30/91 (91-011)
93800 Augmented Inspection Team Implementing Procedure 08/02/99 (99-012)
93801 Safety System Functional Inspection (SSFI) 07/25/96 (96-016)
93802 Operational Safety Team Inspection (OSTI) 11/27/89 (89-015)
93803 Safety Systems Outage Modifications Inspection 04/27/89 (89-008)
93804 Risk-Based Operational Safety and Performance Inspection 01/15/92 (92-001)
93805 Maintenance Program 08/06/93 (93-070)
93806 Operational Readiness Assessment Team Inspections 09/29/98 (98-015)
93807 Systems Based Instrumentation and Control Inspection 01/29/93 (93-001)
93809 Safety System Engineering Inspection (SSEI) 06/23/97 (97-009)
93810 Service Water System Operational Performance Inspection (SWSOPI) 09/14/98 (98-013)
93811 Electrical Distribution System Functional Inspection (EDSFI) 02/03/99 (99-002)

9400 Technical Activities of an Administrative Nature

9500 Reserved

9600 Reserved

9700 Reserved

9800 Reserved

PART

PROCEDURE

9900 Technical Guidance[2]

99000	Technical Guidance 05/12/86 (86-26)
99100	Health Physics Positions 10/30/92 (92-011)

Reg. Guide 1.16,	Para. C.2.a(2) and C.2.b(2) - Reporting Requirements - Degraded Mode 04/01/79 (79-05)
Reg. Guide 1.16,	Para. C.2.a(3) - Reporting Requirements - Abnormal Degradation 04/01/78 (78-11)
Reg. Guide 1.16,	Para. C.2.a(4) - Reporting Requirements - Reactivity Anomalies 07/01/78 (78-24)
Reg. Guide 1.33 -	"Procedure Implementation" as used in Section 6.8.1 of Standard Technical Specifications 04/01/77 (77-05)
Reg. Guide 1.58 -	Qualifications of Nuclear Power Plant Inspection, Examination and Testing Personnel 04/01/77 (77-05)
ASME Secton III	American Society of Mechanical Engineers ASME Boiler and Pressure Vessel Code, Section III 06/16/89 (89-011)
ASME Section III & XI	American Society of Mechanical Engineers ASME Boiler and Pressure Vessel Code, Section III & XI 11/12/96 (96-022)
ASME Section IX	American Society of Mechanical Engineers ASME Boiler and Pressure Vessel Code, Section IX 05/12/86 (86-26)
ASME Section XI	American Society of Mechanical Engineers ASME Boiler and Pressure Vessel Code, Section XI 12/08/86 (86-54)
ASME Section XI	American Society of Mechanical Engineers ASME, Section XI 05/12/86 (86-26)
IEEE	Institute of Electrical and Electronic Engineers IEEE Standard 450-1975 05/12/86 (86-26)
ANSI	American National Standards Institute ANSI N18.7-1972 Section 5.1.5 05/12/86 (86-26)
ANSI	ANSI N18.7, Section 5.2.7 - Design and Construction Type Activities Conducted During the Operations Phase (Maintenance and Modifications) 04/01/77 (77-05)

[2] [XXXX.XX] attached to each document in Part 9900, is the file name for that document.

PART PROCEDURE	
ANSI	ANSI N45.2.9, Section 5.5 - Records Storage Facility 1/01/82 (81-28)
ANSI	ANSI N45.2.9, Section 5.6 - NRC Criteria for Records Storage Facilities 07/01/80 (80-17)
ANSI	ANSI/ASME NQA-1-1989, Supplement 17S-1, Section 5 09/17/90 (CN-010) (90-010)
STS Sec 1.0	Operability 05/12/86 (86-26)
STS Sec 1.0	Definitions 12/08/86 (86-54)
STS Sec 1.0	Operable/Operability 10/31/91 (91-015)
STS Sec 3.0	Acceptable Measurement Tolerances for Technical Specification Limits 10/01/78 (78-35)
STS Sec 3.0	Operability and Action Statement Requirements 07/01/80 (80-17)
STS Sec 3.0	Voluntary Entry Into Action Statement 01/01/82 (81-28)
STS Sec 3.0	Resolution of Degraded and Noncomforming Conditions 10/23/97 (97-018) [STS30DEG.TG]
STS Sec 3.0.3	Limiting Conditions for Operations 08/31/87 (87-30)
STS Sec 3.0 and 4.0	Limiting Conditions for Operation and Surveillance Requirements 07/22/87 (87-26)
STS Sec 3/4.6.4	Containment and Drywell Isolation Valves 06/09/88 (88-06)
STS Sec 3.7.5	Ultimate Heat Sink 11/25/88 (88-17)
STS Sec 3/4.8.1	TDI Diesel Generator Air Roll Tests 06/09/88 (88-06)
STS Sec 4.2.8.X.X	Surveillance Requirements - 125-Volt Battery Bank 10/01/79 (79-22)
STS Sec 4.5.1	Standard Technical Specifications (BWR) 05/12/86 (86-26)
STS Sec 4.7.9	Surveillance of Snubber Piston Settings 04/01/81 (81-08)
STS Sec 4.7.9.1.a	Establishment of Visual Inspection Intervals for Snubbers 10/01/78 (78-35)

PART PROCEDURE	
STS Sec 4.7.9.1(a)	Hydraulic Snubber Inspection Schedule 01/01/79 (78-48)
STS Sec 4.7.9.6	Operability of Hydraulic Snubbers With Empty Reservoirs 10/01/80 (80-24)
STS Sec 4.8.1.1.2 -	05/12/86 (86-26)
STS Sec 6.5.1	Onsite Committee Review of Unit Operations to Detect Potential Nuclear Safety Hazards 10/01/80 (80-24)
STS Sec 6.5.1.1	Licensee Review Responsibility for Matters Related to Nuclear Safety 01/01/82 (81-28)
STS Sec 6.5.1.6c and 6.5.2.7d	Licensee Review Responsibility for Proposed Changes to Facility Technical Specifications 01/01/82 (81-28)
STS Sec 6.5.2.8	Requirements for Off-Site Committee Audit Functions 10/01/78 (78-35)
STS Sec 6.9.1.7	Reporting Requirements - Reportable Occurrences 04/01/78 (78-11)
STS	Surveillance Sections - Locked or Otherwise Secured Components 10/01/77 (77-25)
STS Interp	Licensee Technical Specification Interpretations 02/03/97 (97-001)

Maintenance

Voluntary Entry Into Limiting Conditions For Operation Action Statements To Perform Preventive Maintenance 04/20/99 (99-023)

Assessing On-Line Leak Sealing of ASME Code Class 1 & 2 07/15/97 (97-011)

Filled Organic Coatings Used in Maintenance of Safety Related Equipment 10/11/94 (94-018)

Preconditioning of Structures, Systems, and Components (SSCs) Before Determining Operability 09/28/98 (98-014) [PRECOND.TG]

Mechanical

Freeze Plugs 06/14/93 (93-005)

Steam Generator Plugs and Sleeving Repairs 08/01/94 (94-014)

PART

PROCEDURE

Operations

Procedural Adherence 01/14/91 (91-001)

Notice of Enforcement Discretion 06/29/99 (99-010) [NOED.TG]

Notice of Enforcement Discretion For Gaseous Diffusion Plants 05/03/99 (99-008) [NOEDGAS.TG]

Safety and Compliance 09/09/97 (97-015) [SAFETY.TG]

Guidance on 10 CFR

CFR Discussions Containment Integrated Leak Rate Testing 12/08/86 (86-54)

Title 10 of the Code of Federal Regulations 12/08/86 (86-54)

10 CFR 30	License Condition, "Used by or under the supervision of...." 10/01/79 (79-23)
50	Byproduct Material Produced in Non-Power Reactors 09/30/88 (88-14)
50.34(a) & (b)	Status of PSAR After FSAR is Submitted 12/30/87 (87-39)
50.36	Changes to Facility Technical Specifications 01/01/77 (76-39)
50.54(o)	Guidance Relating to the Application of Appendix J - Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors 04/01/78 (78-11)
50.55(e)	Construction Deficiency Reporting 01/31/89 (89-002)
50.55a	Codes and Standards 02/22/73 (73-9)
50.55a(g)	Pump Operability Requirements 07/01/80 (80-17)
50.59	Changes to Facilities, Procedures and Tests (or Experiments) 01/01/84 (84-02)
50.59	Interim Guidance on the Requirements Related to Changes to Facilities, Procedures and Tests (or Experiment) 10/23/97 (97-018) [50_59R.CFR]
50.109	Backfitting 01/01/82 (81-28)
Part 50, App A	Definition of Leak-Before-Break Analysis 09/26/96 (96-020)

PART	PROCEDURE	
Part 50, App B		Responsibility - Review and Approval of Licensee QA Plans for Operation, 10/01/80 (80-24)
Part 50, App B		Applicability of Appendix B to Chemicals and Reagents, 04/01/77 (77-05)
Part 50, App B		Criterion II - Maintenance of Proficiency for Personnel Performing Activities Affecting Quality 07/01/81 (81-19)
Part 50, App B		Criterion VII - Guidance - Use of Certificate of Conformance 04/01/80 (80-08)
Part 50, App B		Criterion VII - Guidance - Procurement of Spare and Replacement Parts, 01/01/82 (81-28)
Part 50, App B		Criterion VII - Control of Purchased Materials, Equipment and Services 06/02/71 (71-16)
Part 50, App B		Criterion X & XVII - Inspection Documentation Guidance 01/14/88 (88-01)
Part 50		Appendix J, Containment Integrated Leak Rate Testing 12/08/86 (86-54)
70.51		Material Balance, Inventory, and Records Requirements 12/19/74 (74-11)
70.52		Report of Accidental Criticality or Loss of Special Nuclear Material 11/15/74 (74-010)

Interpretations

Materials License Conditions - Interpretations 05/12/71 (71-12)

END

UNITED STATES
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NRC IN SPECTION MANUAL

NMSS

MANUAL CHAPTER 2810

MASTER MATERIAL LICENSE INSPECTION PROGRAM

2810-01 PURPOSE

To establish the inspection program for licensees with a master material license (MML). These licensees conduct a variety of materials programs in several regions and have their own internal inspection programs. Note that the frequency and quality of internal inspections conducted by licensees might influence the type and frequency of U.S. Nuclear Regulatory Commission (NRC) inspections, but decisions about when and where to conduct NRC inspections remain with the NRC.

2810-02 OBJECTIVES

02.01 To establish the program for NRC inspections of MMLs.

02.02 To provide standard guidance on inspecting MML's to NRC inspectors.

02.03 To define the role of the assisting regional offices that provide support to the lead regional office, and the role of the lead regional office that has primary responsibility for inspecting a particular licensee.

02.04 To provide the policy and procedures for implementing the oversight of MMLs.

02.05 To establish a system for handling MML findings,including enforcement.

2810-03 DEFINITIONS

03.01 Master Material License. A multisite, multiregional material (byproduct, source, and/or special nuclear material) license, issued under Program Code 03613, in the Licensing Tracking System. The MML authorizes the licensee to issue permits for the possession and use of licensed material under the license, and ties the licensee to a framework for oversight and internal licensee inspection of the MML.

03.02 Permittee. A holder of a permit, from the MML's radiation safety committee (RSC), or Radioisotope Committee, to use byproduct, source, and/or special nuclear material. The MML may refer to the permittee by some other name, but "permittee" will be used for the purposes of this manual chapter (MC).

03.03 Primary facility. The licensee's main facility or headquarters.

03.04 NRC Project Coordinator. The NRC staff member assigned project responsibility for an MML. Typically, one NRC Project Coordinator will be assigned for each MML, and the NRC Project Coordinator is usually located in a regional office.

03.05 MML's Licensee Coordinator. A licensee staff member who is assigned responsibility for the MML. This person serves as the licensee contact with the NRC Project Coordinator.

03.06 Radiation safety committee (RSC). The committee authorized to oversee the use of licensed material under the MML. The licensee may refer to that committee by another name, such as "Radioisotope Committee," which will be taken to refer to the same group, for the purposes of this MC.

03.07 Lead region. The NRC region that is assigned project responsibility for the MML. The NRC Project Coordinator is assigned to the lead region.

03.08 Assisting region. The NRC region in which a permittee is physically located. The assisting region conducts inspections at the request of the lead region.

2810-04 RESPONSIBILITIES

04.01 Lead region. The lead region shall assign a staff member as Project Coordinator to coordinate the inspections.

The following are the responsibilities of the lead region:

a. Request one or more assist inspections, annually, in each of the remaining regions where the licensee has permittees. The lead region may ask the assisting region to make several inspections of permittees, depending on the number of user categories, extent of licensee or permittee operations, and becquerel (curie) quantities involved in facilities at the permittees' sites in the assisting region.

b. Specifically identify the locations to be inspected.

c. Choose, to be inspected, the locations with the highest safety risks.

d. Request assist inspections, each following year, of permittees different from those inspected previously, except that assist inspections of those permittees inspected previously should be followed up, when significant violations have been found, to determine if corrective actions have been appropriate.

e. Place less emphasis on inspection of permittees where the licensed activities have less potential for health and safety problems.

f. Accompany the licensee's own internal inspector(s) at least once, annually, to a permittee other than the primary facility, to determine whether the licensee's inspector(s) is (are) inspecting the facility in accord with NRC's regulatory requirements and the licensee's requirements. The lead region should review reports of the licensee's internal inspections and its follow-up actions.

g. Request each region performing assist inspections to collect and summarize inspection findings, in the form of draft reports, and to forward them to the lead region, for follow-up.

h. Annually inspect the licensee's primary facility, including performing an inspection of management oversight, and conduct an exit interview. The content of the review shall include the findings of assist inspections. The lead region shall review any violations found, as well as the licensee's corrective actions for all NRC inspections conducted previously during the year.

i. Obtain an up-to-date list of all permittees, from the licensee, annually.

j. Evaluate written reports from the RSC at the licensee's primary facility, and from licensee permittee RSCs located in other regions (if there is more than one RSC committee or subcommittee).

k. If, after an inspection, escalated enforcement action is contemplated, the lead region shall invite the licensee to an enforcement conference. There should be no undue delay in sending the licensee the report of an inspection and Notice of Violation, if needed. These should be done promptly by the lead region, after an inspection by the assisting region.

l. Write an annual inspection report, to include findings of all the involved regions. Include the corrective actions that the licensee has taken, or plans to take, regarding negative NRC inspection findings, as a result of Notices of Violation (if any).

04.02 Assisting region. The following are the responsibilities of the assisting region:

a. Conduct inspections according to the request from the lead region. If the assisting region believes it is necessary to conduct more inspections than requested, the assisting region should request permission from the lead region.

b. At a permitee, observe the licensee inspector(s) doing an inspection, if the lead region requests it. One or 2 days of observation may be enough to learn if the inspector(s) is (are) inspecting against the license and NRC regulations. During such observations, the NRC inspector should not become involved with the inspection, but, rather, should report any apparent irregularities to the lead region.

04.03 Materials Inspector, Division of Nuclear Materials Safety, Regions I to IV. Comply with the provisions in the "General Requirements" and "Specific Requirements" sections of this MC.

2810-05 GENERAL REQUIREMENTS

The methodology for conducting inspections shall be the same as set out in the inspection procedures of MC 2800, with the exception of the specific requirements given here. The same program codes as in MC 2800 shall be used.

2810-06 SPECIFIC REQUIREMENTS

The following are the specific requirements for MML inspections:

06.01 Coordination. Contact, 2 to 3 weeks before the scheduled inspection date, the MML's Licensee Coordinator, listed in Policy and Guidance Directive (P&GD) FC 85-13, before performing an assist inspection of an MML permittee. The MML's Licensee Coordinator, in turn, will notify the MML's RSC and determine if it plans to accompany the NRC on the inspection. [Alternatively, the NRC Project Coordinator could arrange, in advance, a process and timeframe for licensee notification, so that notifying the MML's Licensee Coordinator may not be needed for each inspection.] If the MML's RSC does wish to accompany the NRC inspector, the MML's Licensee Coordinator will notify the assisting region's inspector and assist in coordinating with the MML's RSC. The scheduling of inspections should be determined by regional needs and should not be modified for the convenience of the MML's RSC, MML's Licensee Coordinator, nor NRC inspectors. Although the MML's RSC will be provided with a list of the proposed inspections, individual permittee inspections should not be announced by the NRC or the MML's RSC personnel.

Coordinate with the MML's Licensee Coordinator, to obtain an inspection number, either before or after the inspection.

If the inspection is one that the MML's Licensee Coordinator has asked to accompany, coordinate the inspection date with MML's Licensee Coordinator, at least 30 days in advance of the planned inspection.

06.02 Entrance and exit meetings. During the entrance interview with permittee management (typically, the activity's Commanding Officer, if a military licensee, or the facility administrator or equivalent if non-military), advise permittee management that an agreement exists, between the MML and the NRC, to include a member of the MML's RSC in the exit meeting by telephone, when practicable. When the inspection is completed, ask permittee management to contact the MML's Licensee Coordinator listed in P&GD FC 85-13. Exit meetings should be held with the highest-ranking individual associated with the licensed activity.

Discuss any violations found, during the exit meeting, and attempt to have the permittee commit to correct the violations; otherwise, there may be a significant delay before the MML's RSC is informed. If an apparent serious health and safety problem exists, telephone the lead region for implementation of immediate action, such as an order to shut down or cease operations.

Notify the MML's Licensee Coordinator, before the exit briefing, whenever possible. This is particularly important when the inspection documents Severity Level I, II, or III violations, or where multiple Severity Level IV violations indicate possible management breakdown. When possible, this will also allow the MML's Licensee Coordinator to participate, by phone, in the exit meeting and to assist the inspector in coordinating RSC participation.

If the MML's Licensee Coordinator does not participate in the exit meeting, advise him or her of the inspection findings as soon as possible. The MML's Licensee Coordinator will then advise licensee management, at the RSC level, of the inspection findings, if it is not possible to contact these individuals at the exit meeting.

If the inspection notes apparent Severity Level I, II, or III violations, or multiple Severity Level IV violations indicate significant management inattention, contact the MML's Licensee Coordinator without delay.

06.03 Follow-Up. After completion of the inspection, submit completed Inspection Record; NRC Form 591 (if appropriate); draft Notice of Violation (if appropriate); and enforcement recommendations to the MML's Licensee Coordinator, within 15 calendar days of the last date of the inspection. NRC Form 591 should not be left with permittee management. After processing by the MML's Licensee Coordinator, Form 591 will be forwarded to the MML's RSC. If escalated enforcement is being considered, the MML's Licensee Coordinator should be notified within 5 calendar days of the last day of the inspection. The NRC Project Coordinator will coordinate with the NRC inspector from the assisting region in preparing a draft inspection report, which shall be provided to the MML's Licensee Coordinator within 15 days of the last day of the inspection. For non-escalated enforcement actions, inspection reports and Notices of Violation will be issued by the NRC Project Coordinator.

06.04 Allegations. All allegations received will be brought to the attention of the lead region NRC Project Coordinator and Office Allegation Coordinator (OAC) within 5 calendar days of receipt. The OAC will then take the necessary action to ensure that the allegation is handled in accordance with NRC Management Directive 8.8. Determinations concerning follow-up actions, including: (1) referral to the licensee; or (2) independent follow-up by the NRC, will be made by the Allegation Review Board. Cases involving harassment and intimidation (H&I) should be reported to the lead region within 3 working days of receipt. As a general rule, H&I cases will be handled by the NRC, and referrals to the MML's RSC will be minimized.

06.05 Violations. The following criteria should be used in citing violations identified during inspections of MML permitted activities:

a. NRC will issue violations to the MML and its permittees, under the following circumstances:

   1. The NRC identification of a violation of NRC requirements specified in Title 10 of the U.S. Code of Federal Regulations, except under the circumstances specified in Item b.1. below.

   2. NRC identification of a violation of a condition placed on the MML by the NRC, except under the circumstances specified in Item b.1.

   3. NRC identification of any violation (non-minor) of NRC requirements by the MML's RSC.

   4. NRC identification of willful violations of NRC safety requirements, material false statements, or falsification of records, with the intent to indicate that NRC requirements are being fulfilled, when in fact, they are not. NRC will maintain and consider the option of reviewing and citing similar licensee-identified violations, on a case-by-case basis.

b. The NRC will not issue violations to the MML under the following circumstances:

   1. Violations meeting the requirements in Section VII.B(1) or (2) of the Enforcement Policy. The intent is that the NRC will not take any

further enforcement action, to cite or to pursue escalation for: Severity Level IV or minor violations by permittees that have already been identified and adequately corrected by the MML's RSC; or minor violations that are identified by the NRC.

2. Identification of non-conformance with conditions placed on permits by the licensee's RSC, when the non-conformance does not constitute an apparent violation of NRC requirements. Such non-conformance, if safety-related, should be identified to the permittee during the exit meeting, and documented in the field notes. Also, if the non-conformance is safety-related, the MML's Licensee Coordinator shall notify the MML's RSC. Non-conformance with permit conditions should not be characterized as violations, at this time.

END