STP Procedure Approval

Integration of Increased Controls into the Integrated Materials Performance Evaluation Program (IMPEP)

TI-002

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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.

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I. INTRODUCTION

This document describes the process used by the U.S. Nuclear Regulatory Commission (NRC) to evaluate the implementation of increased controls in NRC Regional and Agreement State materials programs through the Integrated Materials Performance Evaluation Program (IMPEP).

II. OBJECTIVES

A. To supplement criteria and guidance found in NRC Management Directive (MD) 5.6, *Integrated Materials Performance Evaluation Program (IMPEP)*, and applicable Office of State and Tribal Programs (STP) State Agreements procedures.

B. To expand IMPEP's existing common and non-common performance indicators to incorporate increased control requirements into the evaluation of an NRC Regional materials program's or Agreement State's adequacy and/or compatibility determination.

C. To provide additional guidance to IMPEP team members for reviewing applicable performance indicators affected by the implementation of increased controls.

III. BACKGROUND

In an effort to increase the control of certain radioactive materials, the Commission approved an approach to implement increased controls for NRC and Agreement State licensees authorized to possess radioactive materials in quantities of concern. The increased controls for certain licensees are mandated under the NRC's statutory authority to protect public health and safety. The implementation of the increased controls will be carried out by NRC Regional materials programs and Agreement States for their licensees as an immediate mandatory matter of compatibility.

Pursuant to Section 274j(1) of the Atomic Energy Act (Act), as amended, the Commission has a statutory duty to periodically review the adequacy of a State's ability to protect public health and safety under its Agreement with the Commission. The Commission has the same duty to review the adequacy of the NRC Regional materials programs to protect public health and safety. The NRC uses IMPEP to evaluate the

adequacy of an NRC Regional materials program's or State's ability to protect public health and safety. For Agreement States, compatibility with the NRC's program is also evaluated. IMPEP reviews are conducted in accordance with MD 5.6 and applicable STP procedures.

IV. RESPONSIBILITIES

A. Team Leader

The team leader for the Regional or Agreement State review will assign lead review responsibility for each of the applicable indicators.

B. Principal Reviewer

The principal reviewer is responsible for reviewing all assigned indicators in accordance with MD 5.6, applicable STP Procedures, and the additional guidance in this TI. 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* or in other parts of this Temporary Instruction (TI). In addition to meeting the qualification requirements for the principal reviewer for Technical Quality of Inspections found in MD 5.10, the team member performing inspector accompaniments as part of the IMPEP review must have taken and passed the NRC Security Systems and Principles Training Course for Materials Inspectors or alternate training if accompanying an inspector on an inspection of a licensee subject to increased controls. Alternate training in this instance includes in-house and/or on-the-job training programs in an Agreement State or NRC Regional office.

V. GUIDANCE

A. Technical Staffing and Training

1. In addition to the guidance found in STP Procedure SA-103, *Reviewing the Common Performance Indicator, Technical Staffing and Training*, the reviewer should verify and document the following:

   a. Agreement State or NRC Regional staff inspecting licensees subject to increased controls have passed the NRC Security

Systems and Principles Training Course for Materials Inspectors or alternate training. Alternate training in this instance includes in-house or on-the-job training programs in an Agreement State or NRC Regional office. If an in-house or on-the-job training alternative to the NRC course is used, the date and scope of the training should be documented and available for the on-site portion of the IMPEP review; and,

b. Staff inspecting licensees subject to increased controls are qualified to independently inspect the applicable category of licensee.

B. Status of Materials Inspection Program

1. In addition to the guidance found in STP Procedure SA-101, *Reviewing the Common Performance Indicator, Status of Materials Inspection Program*, the reviewer should evaluate and document the following:

a. Licensees implementing the increased controls are identified;

b. The Agreement State or NRC Regional materials program has developed and implemented a documented and auditable prioritization methodology for ranking licensees for inspections of increased controls that is consistent with the prioritization guidance developed by the NRC (The prioritization methodology can be found on NRC's Agency-wide Document Access and Management System using the Accession Number ML053340248); and,

c. Inspections of licensees required to implement increased controls are timely with respect to established implementation dates for the requirements.

i. Higher-risk licensees identified through the prioritization, mentioned above, should be inspected within the first year after implementation of the requirements.

ii. All initial increased controls inspections should be completed within three years from the date of implementation of the controls.

iii. After initial inspections are completed, affected licensees should be inspected at intervals consistent with NRC Inspection Manual Chapter 2800 or the respective Agreement State equivalent.

iv. New licenses subject to increased controls issued during the initial inspection phase and thereafter should be inspected for their implementation of the increased controls within the first year in conjunction with their initial routine inspection.

C. Technical Quality of Inspections

1. In addition to the guidance found in STP Procedure SA-102, *Reviewing the Common Performance Indicator, Technical Quality of Inspections*, the reviewer should verify and document the following:

   a. Increased controls were addressed in applicable inspections;

   b. Licensee implementation of increased controls is documented in applicable inspection reports; and,

   c. Sensitive licensee information maintained or possessed by the Agreement State or NRC Regional materials program and their licensees is properly controlled. NRC Regional materials programs and Agreement States are expected to protect sensitive information from unauthorized disclosure in a likewise manner to Increased Control 6 (See Increased Controls for Licensees That Possess Sources Containing Radioactive Material Quantities of Concern).

2. In addition to the guidance for inspector accompaniments of NRC Regional or Agreement State inspectors as part of an IMPEP review found in Section V.F. of STP Procedure SA-102, the principal reviewer or alternate team member should ensure that approximately 25 percent of the inspector accompaniments performed involve licensees subject to increased controls, when possible.

D. Technical Quality of Licensing Actions

1. In addition to the guidance found in STP Procedure SA-104, *Reviewing the Common Performance Indicator, Technical Quality of Licensing Actions*, the reviewer should evaluate and document the following:

   a. Licensees meeting the criteria to implement increased controls have been identified and are subject to increased controls;

   b. A system is in place to readily identify new licensees that should be subject to increased controls; and,

   c. Legally-binding requirements are imposed, as appropriate, and their incorporation into affected licenses was timely in accordance with the Transition Plan. For new applicants for a license or for existing licensees seeking possession of radioactive materials in quantities of concern, increased controls should be in place by June 2, 2006, or by the first day that actual possession quantities are at or above the established limits of concern, whichever is later.

E. Technical Quality of Incident and Allegation Activities

1. The initial response to actual or attempted thefts, diversion, and/or sabotage of quantities above the threshold limits by the NRC Regional materials program or Agreement State should be evaluated based on the guidance in STP Procedure SA-105, *Reviewing Common Performance Indicator #5, Response to Incidents and Allegations*, and STP Procedure SA-300, *Reporting Materials Events*.

2. Agreement States should also be evaluated on their timeliness of reporting actual or attempted thefts, diversion, and/or sabotage of quantities above the threshold limits to the NRC in accordance with STP Procedure SA-300.

F. Compatibility Requirements

1. In addition to the guidance found in STP Procedure SA-107, *Reviewing Non-Common Performance Indicator #1, Legislation and Program*

Elements Required for Compatibility, the reviewer should verify and document the following:

a. Rules or alternate legally-binding requirements have been developed and implemented;

b. Adoption or issuance was timely; and,

c. Rules or alternate legally-binding requirements have been submitted to the NRC for a compatibility review.

G. Sealed Source and Device Evaluation Program

1. No additional guidance has been identified for this indicator at this time. The reviewer should perform the review based on the guidance in STP Procedure SA-108, *Reviewing the Non-Common Performance Indicator, Sealed Source and Device Evaluation Program*.

H. Low-Level Radioactive Waste Disposal Program

1. No additional guidance has been identified for this indicator at this time. The reviewer should perform the review based on the guidance in STP Procedure SA-109, *Reviewing the Non-Common Performance Indicator, Low-Level Radioactive Waste Disposal Program*.

I. Uranium Recovery Program

1. No additional guidance has been identified for this indicator at this time. The reviewer should perform the review based on the guidance in STP Procedure SA-109, *Reviewing the Non-Common Performance Indicator, Uranium Recovery Program*.

J. Regional Fuel Cycle Inspection Program

1. No additional guidance has been identified for this indicator at this time. The program under review should be evaluated based on the criteria for this indicator in MD 5.6.

K. Site Decommissioning Management Plan

1. No additional guidance has been identified for this indicator at this time. The program under review should be evaluated based on the criteria for this indicator in MD 5.6.

VI. APPENDICES

Reserved.

VII. REFERENCES

1. Increased Controls for Licensees That Possess Sources Containing Radioactive Material Quantities of Concern
2. Inspection Prioritization Methodology. ADAMS Accession Number ML053340248.
3. Management Directive 5.6, *Integrated Materials Performance Evaluation Program (IMPEP)*.
4. Management Directive 5.10, *Formal Qualifications for Integrated Materials Performance Evaluation Program (IMPEP) Team Members*.
5. STP Procedure SA-101, *Reviewing the Common Performance Indicator, Status of Materials Inspection Program*.
6. STP Procedure SA-102, *Reviewing the Common Performance Indicator, Technical Quality of Inspections*.
7. STP Procedure SA-103, *Reviewing the Common Performance Indicator, Technical Staffing and Training*.
8. STP Procedure SA-104, *Reviewing the Common Performance Indicator, Technical Quality of Licensing Actions*.
9. STP Procedure SA-105, *Reviewing Common Performance Indicator #5, Response to Incidents and Allegations*.
10. STP Procedure SA-107, *Reviewing Non-Common Performance Indicator #1, Legislation and Program Elements Required for Compatibility*.
11. STP Procedure SA-108, *Reviewing the Non-Common Performance Indicator, Sealed Source and Device Evaluation Program*
12. STP Procedure SA-109, *Reviewing the Non-Common Performance Indicator, Low-Level Radioactive Waste Disposal Program*.
13. STP Procedure SA-109, *Reviewing the Non-Common Performance Indicator, Uranium Recovery Program*.
14. STP Procedure SA-300, *Reporting Materials Events*.