APR 2 8 1994

PG 1-07

MEMORANDUM FOR:

Those on Attached List

FROM:

Carl J. Paperiello, Director Division of Industrial and Medical Nuclear Safety, NMSS

SUBJECT:

CLARIFICATION ON MEMORANDUM DATED MARCH 17, 1994, "REISSUE OF COVER LETTER: POLICY AND GUIDANCE DIRECTIVE FC 83-20.

REV. 2; STANDARD LICENSE CONDITIONS"

The purpose of this memorandum is to clarify one of the changes that was made by the March 17, 1994, memorandum to the cover letter used to transmit Policy and Guidance Directive FC 83-20. A copy of that memorandum is enclosed for your reference.

One of the changes made in the March 17, 1994, memorandum was to require that license reviewers *coordinate* use of non-standard license conditions with the inspection staff and licensees to ensure that all parties have the same understanding of all license conditions, especially those unique to a particular licensee. It is expected that license reviewers will *call* the licensee before issuing a license with a non-standard license conditions.

Any questions regarding this clarification should be directed to Cathy Haney at (301) 504-2628.

Original signed by

Carl J. Paperiello, Director Division of Industrial and Medical Nuclear Safety, NMSS

Enclosure:

Memo dtd March 17, 1994

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MEMORANDUM DATED:

SUBJECT:

REVISION 2 TO COVER LETTER: POLICY AND GUIDANCE DIRECTIVE

FC 83-20, REV. 2; STANDARD LICENSE CONDITIONS

Those on Attached List:

Charles W. Hehl, Director Division of Radiation Safety and Safeguards, RI

J. Philip Stohr, Director Division of Radiation Safety and Safeguards, RII

William L. Axelson, Director Division of Radiation Safety and Safeguards, RIII

Samuel J. Collins, Director Division of Radiation Safety and Safeguards, RIV

John E. Glenn, Chief Medical, Academic, and Commercial Use Safety Branch Division of Industrial and Medical Nuclear Safety, NMSS

Charles J. Haughney, Chief Storage and Transportation Systems Branch Division of Industrial and Medical Nuclear Safety, NMSS

Frederick C. Combs, Chief Operations Branch Division of Industrial and Medical Nuclear Safety, NMSS

Robert L. Baer, Chief
Source Containment and
Devices Branch
Division of Industrial and
Medical Nuclear Safety, NMSS

MEMORANDUM FOR: Those on Attached List

FROM: Carl J. Paperiello, Director

Division of Industrial and Medical Nuclear Safety, NMSS

SUBJECT: REISSUE OF COVER LETTER: POLICY AND GUIDANCE DIRECTIVE

FC 83-20, REV. 2; STANDARD LICENSE CONDITIONS

The final report of the Independent Review Team (IRT), "Independent Review of the Adequacy of Inspection and Related Activities Associated with Allegations Concerning Nuclear Energy Services," dated November 30, 1992, contained a series of recommendations. Two of those recommendations are:

Recommendation 2.3.1 C

Guidance should be considered addressing the benefits of calling new licensees to review unique license conditions prior to license issuance.

Recommendation 2.3.1 D

Guidance addressing the extent to which standard license conditions can be modified should be considered.

The most appropriate location for guidance on these matters is in Policy and Guidance Directive (P&GD) FC 83-20, which was most recently updated with the issuance of Revision 2 on October 8, 1993. The enclosed revises the cover memorandum of P&GD FC 83-20 to address the recommendations of the IRT and differs from the October 8, 1993, memorandum by making the following points:

- 0 Use of standard license conditions should not substitute for obtaining information from applicants and licensees;
- O Reviewers should use standard conditions to the extent possible in order to maintain consistency throughout the Nuclear Regulatory Commission:
- Proposed revisions to standard license conditions or proposed special conditions should be coordinated through Headquarters prior to use:
- Before issuing a license with non-standard conditions, reviewers should coordinate with the inspection staff and licensees to ensure that all parties have the same understanding of all license conditions, especially those unique to a particular licensee.

Earlier versions of P&GD FC 83-20 contained the first three points. The last point is similar to guidance contained in P&GD FC 90-01.

Please discard the October 8, 1993, cover memorandum for P&GD FC 83-20 and replace it with the enclosed memorandum. Do NOT discard the list of standard license conditions that were an enclosure to the October 8 memorandum.

Any questions regarding this matter should be directed to John E. Glenn at (301) 504-3418.

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Carl J. Paperiello, Director Division of Industrial and Medical Nuclear Safety. NMSS

Enclosure: Memo dtd MAR 17 1994

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MEMORANDUM FOR:

Those on Attached List

FROM:

Carl J. Paperiello, Director Division of Industrial and Medical Nuclear Safety, NMSS

SUBJECT:

POLICY AND GUIDANCE DIRECTIVE FC 83-20, REV. 2;

STANDARD LICENSE CONDITIONS

The enclosed Revision 2 to the Policy and Guidance Directive FC 83-20; "Standard License Conditions" provides an updated list of standard material license conditions. The previous list dated November 20, 1985, is superseded and should be discarded.

The use of standard conditions should not substitute for obtaining information from applicants and licensees. Reviewers should try to obtain commitments from applicants and licensees about their programs to minimize the number of conditions which need to be put on licenses.

In order to maintain consistency throughout NRC, reviewers should use standard conditions to the maximum extent possible. Proposed revisions to standard conditions or proposed special conditions should be coordinated through Headquarters prior to use.

In addition, before issuing a license with non-standard conditions, reviewers should coordinate with the inspection staff and licensees to ensure that all parties have the same understanding of all license conditions, especially any conditions unique to a particular licensee. The cover letter accompanying the licensing package should identify and bring to the licensee's attention any unique conditions on the license. Further information about cover letters may be found in Policy and Guidance Directive FC 84-6.

The Standard License Conditions were revised and transmitted to the regions in Draft in February 1991 and April 1992. In April 1992, the regional offices were advised they could use the conditions for licensing actions. However, we have been advised that those conditions that contain recordkeeping and reporting requirements must receive clearance from the Office of Management and Budget (OMB). Until such time that the clearance is received, the license conditions have been modified to allow their use by maintaining the requirement, but eliminating the reporting and/or recordkeeping component. In addition, some conditions have been deleted from the draft because they are no longer necessary and are addressed specifically in the regulations. The revised standard license conditions are enclosed for your use.

1. The recordkeeping requirements for the following license conditions have been deleted until they have received clearance from OMB: Conditions 25, 26, 36F, 111, 120B, 125C, and 155. The recordkeeping requirements for these conditions impose new recordkeeping requirements on licensees and therefore must receive OMB clearance prior to use. However, they may be reinstated when approved by OMB.

- 2. The recordkeeping requirements for Conditions 16, 17, and 22 have been deleted. These conditions are used for broad scope licensees, and thus, the minutes of the Radiation Safety Committee (RSC) should include a record of individuals designated as users. Therefore, the RSC minutes should be adequate. The recordkeeping requirement may be reinstated when approved by OMB.
- 3. Conditions 76E, 99, and 100 were deleted in their entirety and should not be used by the Regions until OMB clearance is received. These conditions contain reporting, in addition to recordkeeping, requirements which must be submitted for OMB approval.
- 4. The following conditions can be used because the reporting or recordkeeping requirement is covered by other parts of the regulations which have received prior OMB clearance:

Condition 69 is a specific example of the survey requirement in 10 CFR 20.201(b) for which the recordkeeping requirement is in 10 CFR 20.401(b). Condition 129C (revised from 129D in the draft) is a specific example of the requirement in 10 CFR 30.51(b). Condition 143 is used to refer the licensee to the applicable section of 10 CFR Part 32.

- 5. The following conditions in the draft have been deleted because they have been superseded by regulations: 32, 73, 74, 83C, 97, 102, 129C, 130, 139, 161, and 166.
- 6. Condition 81 has been deleted. Authorization for depleted uranium as shielding will be included in license items No. 6-9 for all new licenses and license renewals.

Any questions regarding the use of these conditions should be directed to John E. Glenn at 504-3418.

Carl J. Paperiello, Director Division of Industrial and Medical Nuclear Safety, NMSS

Enclosure: Standard License Conditions

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