Joint NRC/Agreement State Working Group
To Include Nationwide License Data in the Web-Based Licensing System For License Verification Purposes
Charter V.2

PURPOSE

The working group (WG) will evaluate the status of the U.S. Nuclear Regulatory Commission (NRC) and Agreement State License Data and develop a plan for including Nationwide License Data in the Web-based Licensing (WBL) system for license verification purposes. This effort will support other ongoing efforts to address the identified need to provide an effective means for licensees and government agencies to verify the authenticity of licenses and to ensure that materials can be obtained only in authorized amounts by legitimate users.

Note: This version of the Charter reflects changes as a result of the outcomes from the Task 1 report under the Charter.

MEMBERSHIP

The working group will operate as an NRC/Agreement State working group as described under NRC Management Directive 5.3 "Agreement State Participation in Working Groups."

The following personnel will serve on the working group:

NRC Personnel:
- Ernesto Quinones, FSME/MSSA, Co-Chair
- Angela Randall, FSME/MSSA
- Menelik Yimam, FSME/PBPA
- Nima Ashkeboussi, FSME/MSSA
- Tison Campbell, OGC
- Betsy Ullrich, RI/DNMS
- Sheryl Villar, RI/DNMS Alternate member
- Colleen Casey, RIII/DNMS
- Rosemary Jones, RIII/DNMS Alternate member
- Roberto Torres, RIV/DNMS
- Jack Whitten, RIV/DNMS Alternate member

Agreement State Personnel:
- Michael Snee, Ohio, Co-Chair (representing OAS)
- Michael Stephens, Florida, (representing CRCPD)

Resource Representatives:
- Thomas Lourenco, FSME IV&V Contractor
- Maureen Moriarity, LTS Project Manager
- Traci Kime, Backup LTS Project Manager
- Lloyd Bolling, NRC Liaison to DNDO

Other FSME and Agreement State staff members may contribute to the working group as resources.

Management Advisors
Adelaide Giantelli, FSME/SMPB
Melissa Ash, FSME/PBPA

Representatives from OIS, NSIR, and OIP may be invited to participate in certain working group activities requiring special expertise.

Secretarial support for the working group will be provided by FSME/MSSA.

BACKGROUND

In Summer 2007, the NRC staff prepared an action plan to respond to recommendations from the U.S. Government Accountability Office (GAO) concerning an investigation (see GAO-07-1038T) conducted in Spring 2007 where the GAO obtained a valid NRC radioactive materials license using false information (e.g., company name, address, etc.), a Senate staff report "Dirty Bomb Vulnerabilities" released in conjunction with a July 12, 2007, Senate hearing on the GAO investigation, and an NRC Office of the Inspector General audit report dated March 30, 2007, (OIG-07-A-12) concerning the agency's byproduct material security efforts. The NRC staff provided its proposed "Action Plan to Respond to Recommendations to Address Security Issues in the Materials Program" (known as the GAO Action Plan) to the NRC Commission in SECY-07-0147. The Commission approved the proposed action plan on September 18, 2007. Recommendation S-3 of the GAO Action Plan stated the staff should:

"Establish a web-based License Verification System to ensure that materials can be obtained only in authorized amounts by legitimate users."

The GAO Action Plan provided a two-step approach for implementing this recommendation:

1. Allow on-line verification of licenses, establish an interface with WBL and NSTS for license and inventory information, and make the system externally accessible to licensees and government agencies that need to enter or verify data.

2. Expand WBL to include Agreement State license data to allow license verification on a nationwide basis.

Similar recommendations were made by the Radiation Source Protection and Security Task Force (established by the Energy Policy Act of 2005 and chaired by the NRC) in its first report issued August 15, 2006. The report contains 10 recommendations and 18 actions, including:

- Consider imposing additional measures to verify the validity of licenses, before transfer of risk-significant radioactive sources, on all licensees authorized to possess Category 1 and 2 quantities of radioactive material.

- Evaluate the feasibility of establishing a national database for materials licensees that would contain information on pending applications and information on individuals cleared for unescorted access.

OBJECTIVES AND TASKS

The objective of the working group is to support the development of an effective nationwide license verification capability by developing a plan for including Agreement State license images and data in the Web-Based Licensing system. This plan will address:

- expediting the inclusion of an initial set of Agreement State Category 1 and Category 2 license image files and data in a nationwide repository,
- maintaining the currency of the license image files and license data and ensuring its accuracy by providing processes to address discrepancies that occur in the key data elements needed for license verification,
- ensuring Agreement State license data is available in a form that can be imported into the Web-Based Licensing system,
- ensuring Agreement State license image files contain the key data elements for performing automated license verification,
- minimizing the resources and burden on both the Agreement States and NRC,
- the potential for WBL to be utilized as a national materials licensing system.

To provide an effective license verification capability, the license image and/or data must include sufficient information to allow an external user to ensure:

- That the copy of the license presented to the user is genuine, authentic, unaltered and current,
  or
- That the entity possessing or seeking to obtain the radioactive material currently holds a valid radioactive materials license, and
- That the entity's license authorizes possession and/or receipt of the type and quantity of the radioactive material possessed or sought, and at the location where it is possessed or is to be delivered.

The working group will complete the following tasks to meet these objectives:

1. a. Determine the key items listed on licenses that are needed to provide an effective automated license verification capability.

   b. Determine the scope of existing license data in the Agreement States and the extent to which the license information identified in 1.a. is electronically available nationwide. For license data that is available electronically, identify the forms of and means employed by the Agreement States to maintain their license data (e.g., database system, image files in a document management system, etc.). For data stored in a database system, identify the type of database(s) used to store the data, the capability of the States' systems to export the data to a file in a standard format, and if any license information is

not included. If the data is stored as image files, identify the type of image file and the ability of the State to convert the image files to a standard format (determined by this WG) and to export and transmit the image files to the NRC.

Determine if any license data is not available electronically (e.g., paper copies, microfiche, etc.) or cannot be exported in a manner that can be transmitted electronically to the NRC. Identify other issues and challenges that could prevent the data from being available or made available according to the protocol established in Task 2 (e.g., legal constraints, lack of resources, or other technological barriers).

2. Develop a recommended protocol for Agreement States to include or make available their license images for inclusion in WBL. The protocol should, at a minimum, address the following:

   - The proposed means and schedule for obtaining the initial set of Category 1 and Category 2 license images and license data (where available) from the Agreement States.
   - The minimum frequency of license images and data updates to maintain an effective verification capability.
   - Means and formats for transmitting the license images and license data to the NRC. This could also include a recommendation for the NRC to obtain a specific data conversion capability to allow for importing data into the WBL system.
   - A process for obtaining the initial license images and licensing data and the updates to the license images and license data, which should occur as licenses are amended.

3. Assess the potential for WBL to be utilized as a national materials licensing system either as currently designed or with minimal design changes. This assessment should also identify any significant obstacles and barriers that would prevent WBL from being utilized as a national materials licensing system. In this assessment, consideration should be given to potential alternatives for Agreement States to take advantage of the WBL's planned capabilities that could result in the States using and updating their licensing data in WBL on a routine basis.

SCHEDULE

- For Task 1, the working group provided a report (Joint US NRC & Agreement State Web Based Licensing (WBL) Working Group Task 1 Report) to the Director, MSSA, on March 4, 2010, (ML100620042).

  NOTE: Based on the results of this report, the approach of obtaining license information from the Agreement States has been split into two strategies:

  (a) Short-Term Strategy: Obtain the official license image files for Category 1 and Category 2 licensees. The key data elements will be transcribed from the license image into WBL by NRC.

(b) Long-Term Strategy: Obtain the key data elements electronically directly from the Agreement States to populate WBL.

- For Task 2, the working group will document and share the draft procedures for the short-term strategy to obtain the initial set of license set of license samples by May 2011. The procedures will be finalized and distributed to the States and NRC Regions as soon as practical, but at least 6 months before the License Verification System is deployed (estimated deployment date is March 2013). The working group will brief the Director, MSSA as appropriate during the implementation period. Schedules for the long-term strategy will be determined at a later date.

- For Task 3, in 2010 FSME/MSSA and FSME/PBPA determined that WBL can be used as a national materials licensing system. The working group recommended that a Configuration Control Board be established for WBL to maximize stakeholder input in identifying changes and enhancements to the system. The working group will work with FSME/MSSA and FSME/PBPA as needed, on the nation-wide implementation of the national licensing system.

LEVEL OF EFFORT EXPECTED OF PARTICIPANTS

Working group members should expect to devote approximately 6-8 hours, per month, as needed, until the License Verification System is deployed, in March 2013.

STEERING COMMITTEE

No steering committee is proposed for this working group at this time.

MEETINGS

Working group meetings are not subject to the requirements of the Federal Advisory Committee Act (FACA). Routine working group meetings will not be open to the public or announced in advance through the NRC Public Meeting Notice System because sensitive and predecisional information that is exempt from public disclosure will be discussed during the meetings. Meetings will be held in the Washington, D.C., area or other locations as agreed upon by the working group members. If travel is necessary, travel and per-diem expenses for NRC-invited State working group participants will be paid in accordance with Handbook 5.3, “Agreement State Participation in Working Groups,” Part V, paragraph (J)(1). Maximum use will be made of other appropriate media for facilitating interaction with the working group, for example, teleconferences, videoconferences, facsimiles, electronic mail, and secure networks. When sensitive or predecisional issues are to be discussed, only persons with an official need-to-know should attend the meetings.

Meeting minutes, and draft or final documents produced by the working group that contain sensitive or predecisional information will not made available to the public through NRC’s Agencywide Documents Access and Management System (ADAMS) or another distribution

mechanism, and will be marked and handled in accordance with applicable procedures. Draft or final documents that do not contain sensitive or predecisional information will be made available to the public through ADAMS or another distribution mechanism.