U.S. Nuclear Regulatory Commission/Agreement State Working Group
General License Program Re-Evaluation

CHARTER

PURPOSE

The General License Program Re-Evaluation Working Group (GLWG) has been established to perform an evaluation of the existing general license (GL) program to ensure that the program results in the protection of public health and safety. The GLWG will identify recommendations for changes to the provisions of the GL program, as appropriate.

BACKGROUND

In response to the findings by the Government Accountability Office (GAO) in GAO-16-330, "Nuclear Security: NRC Has Enhanced the Controls of Dangerous Radioactive Materials, but Vulnerabilities Remain," the Commission directed the staff on October 18, 2016, in the Staff Requirements Memorandum (SRM) for COMJMB-16-0001, "Proposed Staff Re-Evaluation of Category 3 Source Accountability," to take specific actions to evaluate whether it is necessary to revise the U.S. Nuclear Regulatory Commission (NRC) regulations or processes governing source protection and accountability.

The Category 3 Source Security and Accountability Working Group (C3WG) performed the evaluation prescribed in the SRM, building upon the analysis conducted by the Enhancements to the Pre-Licensing Guidance Working Group and the License Verification and Transfer of Category 3 Sources Working Group, both of which were formed to address the vulnerabilities identified in GAO-16-330. On August 18, 2017, the NRC staff provided a paper to the Commission documenting the C3WG's extensive evaluation of Category 3 source security and accountability and the resultant NRC staff commitments and recommendations (SECY-17-0083, "Re-Evaluation of Category 3 Source Security and Accountability in Response to SRM-COMJMB-16-0001," NRC's Agencywide Documents Access and Management System Accession No. ML17188A249).

Among the conclusions documented in SECY-17-0083 was the determination that current threat, vulnerability, and consequence data do not justify the cost associated with the prospect of changes to accountability mechanisms for Category 3 sources, such as requiring license verification through the License Verification System (LVS), or the regulator for transfers of Category 3 quantities of radioactive material, or requiring inclusion of Category 3 sources in the National Source Tracking System (NSTS). The C3WG considered limiting the quantity of byproduct material in a generally licensed device to ensure the security of radioactive materials; however, the NRC staff determined that a sufficient security basis did not exist to warrant changes to the GL program. Notwithstanding the NRC staff determination, the NRC staff committed to review the GL program from a safety perspective based on feedback from external stakeholders and consideration of historical information related to the program. Specifically, in SECY-17-0083, the NRC staff documented its commitment to conduct further evaluation of the GL program to ensure that it continues to provide reasonable assurance that public health and safety is adequately protected in the current environment.

WORKING GROUP MEMBERSHIP

The working group will operate as an NRC/Agreement State working group as described in MD 5.3, "Agreement State Participation in Working Groups." The working group will be co-chaired by an NRC staff member and an Agreement State representative from the Organization of Agreement States (OAS). There will be no steering committee for this working group.

Organization	Working Group Members
Office of Nuclear Material Safety and Safeguards (NMSS)	Tomas Herrera, Co-Chair Duncan White, Alternate Co-Chair Celimar Valentin-Rodriguez, Project Manager Adelaide Giantelli, Member
Agreement States	Angela Leek, Iowa/OAS Co-Chair Joseph Power, New Jersey Morgan Munera, Washington
Regional Offices	Todd Jackson, RI Ed Harvey, RIII Kevin Null, RIII, Alternate
Management Sponsor	Hipolito Gonzalez, MSST Samantha Crane, Alternate

Other NMSS, Regional, and Agreement State staff may serve as resources to the Working Group at the request of the Co-Chairs and with the support of their management. The Project Manager will be responsible for the scheduling, tracking, and timely completion of the working group activities. Administrative support for the working group will be provided by the Division of Materials Safety, Security, State, and Tribal Programs (MSST) in NMSS.

Additional support may be obtained from the Office of the Chief Financial Officer, Office of the Chief Human Capital Officer, Office of Enforcement, Office of the General Counsel, and any other NRC office at the request of the Co-Chairs and with the support of NRC management.

ACTIVITIES AND SCHEDULE

The table below describes the activities to be conducted:

Activity	Completion Date
Activity 1: Program Basis and Historical Review • Review past program evaluations, rulemakings, and SECY papers discussing GL program. • Review regulatory oversight of GLs within the National Materials Program. • Compile data from inspection reports. • Compile data from the Nuclear Material Events Database including but not limited to events involving lost/stolen/abandoned devices, equipment failure, and leaking sources. • Evaluate the NRC's GL program compared to Agreement States. • Incorporate any State evaluations or technical basis of their GL programs.	February 2018

Activity	Completion Date
Activity 2: Effectiveness of NRC Registration Program and Alternate Programs Implemented by States • Evaluate effectiveness of NRC registration program through (a) trend analysis of incidents reported before/after program implementation; (b) comparison of inspection findings to data in GLTS; and (c) additional requirements in 10 CFR 31.5(c). • Benchmark with Agreement States – gather input on effectiveness of GL inspections (e.g., Florida, Alabama) and consider benefits/impacts of program variations.	March 2018
Activity 3: Stakeholder Feedback • Review stakeholder feedback collected from the C3WG and 2012 GL evaluations. • Solicit feedback from Agreement States, M&Ds, and GLs as needed.	March 2018

The working group's focus for Activity 1 will be on all generally licensed devices and the focus of Activity 2 will be on those generally licensed devices requiring registration per Title 10 of the *Code of Federal Regulations* 31.5(c)(13)(i)[1] or compatible Agreement State programs.

The results from each of the activities conducted by the working group will be used as input for the development of a Commission notation vote paper. The working group will conduct periodic alignment briefings with the MSST Director and the NMSS Office Director upon completion of key activities. The OAS Co-Chair will keep the OAS Board informed of the working group's activities, products, and recommendations.

MSST, with assistance from members of the working group, will be responsible for preparation of the notation vote paper that will be reviewed and concurred on by NRC management. The following are the major milestones and tentative dates for the development and submittal of the notation vote paper:

Milestone	Date (Tentative)
Development of Commission notation vote paper	April 2018
Office concurrence on Commission notation vote paper	May 2018
Office of the Executive Director for Operations approval of Commission notation vote paper	June 2018
Submittal of Commission notation vote paper	June 2018

If the working group concludes that the development of options to increase effectiveness of GL program are warranted and provides recommendations for next steps in the notation vote paper, MSST will also develop a plan to implement the recommendations. This plan will be merged with the integrated rulemaking plan due to the Commission five months after the Commission's decision on SECY-17-0083.

[1] Registration required for devices containing at least the following quantities: 10 millicuries of Cs-137; 0.1 millicurie of Sr-90, 1 millicurie of Co-60, 0.1 millicurie of Ra-226, or 1 millicurie of Am-241 or any other transuranic.

LEVEL OF EFFORT EXPECTED OF PARTICIPANTS

To support the schedule and activities listed above, the following level of effort is expected from the working group participants:

1. Attendance at weekly meetings (1 to 2 hours per week);
2. Development and/or review of working group products (5 to 20 hours per week, depending on work activities);
3. Periodic briefings with interested managers on the working group activities to solicit feedback and comments (1 hour per briefing).

Working group members should charge time associated with working group activities identified in this charter to Charge Accounting Code: A34006, Nuclear Materials Users Licensing – Licensing.

MEETINGS

Meetings are pre-decisional and will be closed to the public.

Working group members may delegate an alternative representative for a specific meeting. The working group may also invite individual(s) to a meeting to participate as a resource to assist the working group with a particular issue. However, at least one of the named Co-Chairs or their named alternate must be present during any working group meetings.

Available technology will be used to facilitate interaction with the working group members, (e.g., conference calls, GoToMeeting and electronic mail). Face-to-face meetings, if necessary, will generally be held in the Washington, D.C., area unless alternate locations are agreed upon by working group members. If travel is necessary, travel and per diem expenses for Agreement State members of the working group will be covered by MSST. Regions will be responsible for the travel expenses of their staff.

APPROVED

/RA/ March 1, 2018
Kevin Williams, Acting Director, NRC/NMSS/MSST Date

/RA/ March 19, 2018
David Turberville, Chair, OAS Date