

State of Vermont Department of Health

Radioactive Materials Program

Radioactive Materials Program Procedure 1.2, Revision 0



Renewal of Licenses

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Renewal of Licenses

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Renewal of Licenses

1.0 PURPOSE

1.1 Applicability

- 1.1.1 The purpose of this procedure is to define the steps required for renewal of a specific license under Vermont Department of Health (Department) authority, including those transferred from the Nuclear Regulatory Commission (NRC). This procedure also defines when an expedited renewal form is allowed rather than renewal in entirety. Timely and untimely applications for renewal are also discussed.
- 1.1.2 For the purpose of this procedure, qualification of the license reviewer for a specific license type is verified by the Radiation Control Program Director (RCPD) prior to determining the reviewer.

1.2 References

- 1.2.1 NUREG-1556 Series, "Consolidated Guidance About Materials Licenses".
- 1.2.2 Title 10 of the Code of Federal Regulation (10 CFR).
- 1.2.3 Vermont Radioactive Materials Rule.

1.3 Files

The following records will be maintained by the Radioactive Materials Program, primarily in an electronic format for each licensee:

- 1.3.1 Specific License;
- 1.3.2 License Application and/or Amendment Request Submittal;
- 1.3.3 Deficiency Letter;
- 1.3.4 License Transmittal Letter; and
- 1.3.5 Requests for Additional Information.

1.4 Definitions

- 1.4.2 Renewal in Entirety: Based on the review of the application, the inspection history, the current license, or a significant change in the applicable rule, the preparation of a total license revision is warranted. An example is a license that has been amended numerous times since the last renewal, such

that the scope of the program has changed.

- 1.4.3 Expedited Renewal: The renewal of a license where the application, the inspection history, and the current license demonstrate that there has not been a significant change in the scope of the licensed program.
- 1.4.4 License Review: License review is the processing of any licensing action (i.e., new application, amendment, renewal, termination) and serves two capacities – primary review and secondary review.
- 1.4.5 License Reviewer: A Radiologic Health Specialist or other Radioactive Materials Program staff member qualified to review, process, and document a specific category of licensing action. A license reviewer shall not perform a review for any category of license for which they are not qualified.
- 1.4.6 Timely Renewal: The receipt of an application for renewal of a license that has been postmarked 30 days or more before the license's expiration date. The license remains in effect until processing of the application for renewal has been completed.

2.0 RESPONSIBILITIES

2.1 Radiological Health Specialist

- 2.1.1 Notifies a licensee that their license(s) will expire in 90 days and sends appropriate guidance document(s).
- 2.1.2 Informs the Radioactive Materials Program Manager (RMPPM) or designee of licensees that have not submitted renewal applications at least 30 days prior to expiration and of any licenses that have expired.
- 2.1.3 Receives, logs, and acknowledges the receipt of an application for license renewal and informs the applicant that the application is considered to be timely if that is the case.
- 2.1.4 Maintains the records file with renewal documentation.
- 2.1.5 Completes the license renewal review in the time frame specified in RMPP 1.1.
- 2.1.6 Provides information of important findings in the renewal application to the Radioactive Materials Program Manager (RMPPM) or the Radiation Control Program Director (RCPD) in the absence of the RMPPM.
- 2.1.7 Performs secondary reviews of license renewal applications as needed, but

only of license renewals for which not a primary reviewer. Secondary review is documented using the **Licensing Job Aid** (Attachment 1.1-4 in RMPP 1.1).

2.2 Radioactive Materials Program Manager (RMPM)

- 2.2.1 Assigns a licensing action for processing to a qualified Radiological Health Specialist.
- 2.2.2 Reviews the renewal application to see if it is valid and processes the renewal application, as assigned.
- 2.2.3 Recommends whether a renewal application is deficient and should be denied either with or without prejudice.
- 2.2.4 Provides information of important findings in the renewal application to the Radiation Control Program Director.
- 2.2.5 Performs primary and secondary reviews of license renewal applications as needed.

2.3 Radiation Control Program Director (RCPD)

- 2.3.1 Reviews, approves, and signs licenses. This responsibility can be delegated to the RMPM in the RCPD's absence.
- 2.3.2 Performs primary and secondary reviews of license renewal applications for licenses for which qualified as a license reviewer as needed.
- 2.3.3 Following consultation with, and concurrence of, the Department of Health Legal Division, denies, with or without prejudice, a renewal application for license.

3.0 PROCEDURE

The review of an application for renewal of a specific license shall be conducted by a Radiological Health Specialist qualified to conduct such a review. All applications will have a secondary independent review performed by a qualified Vermont Department of Health license reviewer prior to submission for approval.

3.1 License Expiration

- 3.1.1 Ninety (90) days prior to a license's expiration date, the licensee shall be notified of the pending expiration date using Attachment 1.2-2 and that if an application for renewal is postmarked at least 30 days prior to the expiration date, the application will be timely.

- 3.1.2 If the renewal application is postmarked less than 30 days prior, but not after the expiration date, the RMPM shall determine if the application should be considered timely.
- 3.1.3 If the application is found to be timely, the licensee is informed by letter that activities authorized by the current license may continue until processing of the renewal has been completed. This letter (Attachment 1.2-3) must be issued within 30 working days of the receipt.
- 3.1.4 If a timely application is not received by the expiration date, the licensee is informed that the license is considered to be expired. Any activity using licensed radioactive material shall cease and all licensed radioactive material shall be placed in storage or be disposed. See sample letter as Attachment 1.2-1.
- 3.1.5 The Radiation Control Program Director must approve continued operation under the authority of any license for which the renewal application was submitted after the license's expiration date.
- 3.1.6 Processing of terminated licenses is covered in RMPP 1.3, *License Termination/Revocation*.

3.2 License Renewal

- 3.2.1 Radioactive Materials Program staff must review all license renewals in their entirety. One of the principal reasons for renewing a license in its entirety is to eliminate the confusion that can be caused by multiple amendments to the license and numerous tie-down conditions.
- 3.2.2 License renewal requests are conducted similarly to new license application (RMPP 1.1 *Review of Initial Application for License or an Amendment Request*). The time frame for conducting license renewals from RMPP 1.1 is 180 days.
- 3.2.3 The license renewal should contain all information that would be included in an initial license of the same program code(s) including tie-down license conditions that are based on any and all referenced license amendments.
- 3.2.4 Expedited renewals are conducted when a request is made by the licensee for new users or uses, such as a new medical modality (e.g., boron neutron capture therapy) or a new Radiation Safety Officer (RSO).
- 3.2.5 Expedited renewals are conducted on an as needed basis and should be completed in a timely manner depending on the scope of the request. They

are granted only by the RCPD or RMPM in the absence of the RCPD.

4.0 RECORDS

4.1 Records to Be Maintained

The Application for license renewal plus attachments are maintained in the licensee's file as well as any deficiency letters, requests for additional information, and license transmittal letters generated.

4.2 Records Retention

4.1.1 Web Based Licensing is the primary electronic file repository.

4.1.2 Records may also be kept in other secure electronic forms with access only to RMP staff.

5.0 ATTACHMENTS TO RMPP 1.2

1.2-1 Sample Letter for Expired License

1.2-2 Sample Renewal Letter for 90-day Notification

1.2-3 Sample Letter for Receipt of Renewal Application-Timely Filed