

EXAMPLES OF LESS THAN SATISFACTORY FINDINGS OF PROGRAM'S PERFORMANCE FOR TECHNICAL QUALITY OF LICENSING ACTIONS

The effectiveness of a program is assessed through the evaluation of the criteria listed in Section III, Evaluation Criteria, of MD 5.6. These criteria are NOT intended to be exhaustive but provide a starting point for the IMPEP review team to evaluate this indicator. The review team should also take into consideration other relevant mitigating factors that may have an impact on the program's performance under this performance indicator. The review team should consider a less than satisfactory finding when the identified performance issue(s) is/are programmatic in nature, and not isolated to one aspect, case, individual, etc. as applicable.

This list is not all inclusive and will be maintained and updated in the IMPEP Toolbox on the state communications portal at <https://scp.nrc.gov>.

The following are examples of review findings that resulted (or could result) in a program being found **"satisfactory, but needs improvement"** for this indicator:

1. Licensing actions reviewed contain typos, missing license conditions, missing tie down conditions, incorrect issuance date, lacking signature, demonstrating a lack of thoroughness, completeness, and technical quality.
2. In granting authorization for users/radiation safety officer/medical physicist of radioactive materials, supporting documentation of proper training, experience, and preceptor attestation was not verified. As a result, authorized users were added to the license incorrectly. This has a cross jurisdictional impact on health and safety because the authorized user can use the license as proof of qualifications and be added to other licenses without further review.
3. A license was terminated with insufficient information from the licensee to support the request. This resulted in the release of a facility which did not meet regulatory requirements or continued possession of material after termination.
4. The Program's deficiency letter did not clearly state the regulatory requirement, and the licensee's response was not adequate, however, the license amendment was issued. The team member determined that a security concern was not addressed as a result of the issuance of the license amendment which resulted in a violation being cited during the licensee's inspection.
5. License reviewers are not consistently following the Pre-Licensing Guidance (PLG). The team determined that a pre-licensing site visit was not conducted for all new applications of unknown entities. Failure to consistently implement the PLG may result in health, safety, and security implications.
6. License reviewers did not follow the Risk Significant Radioactive Materials (RSRM) Checklist and one reviewer failed to perform an on-site security review for a radiography application. The lack of an on-site security review posed a potential security threat of Category 2 material.

The following are examples of review findings that resulted (or could result) in a program being found “**unsatisfactory**” for this indicator:

1. Most licensing actions reviewed contain typos, missing license conditions, missing tie down conditions, incorrect issuance date, lacking signature, demonstrating a lack of thoroughness, completeness, and technical quality.
2. Granting authorization to authorized users/radiation safety officer/medical physicist of radioactive materials without supporting documentation of training and experience and the team determines this to be a programmatic issue.
3. Consistent failure to properly address aggregation of sealed sources and identify these licensees as security licensees or insert a license condition restricting the ability to contain all the sources in an aggregated quantity. This poses a serious potential of a security threat.
4. Deficiency letters requesting additional information are not clearly stated and/or fail to address health, safety, and security issues. This can result in incomplete licensing actions and hinder the regulators ability to enforce prudent safety or security practices. For example, the lack of a commitment from a licensee to perform inventory, leak test, exposure evaluations, and other aspects of the radiation safety program can result in health, safety, and security implications.
5. License reviewers are not following the NUREG-1556 series, Pre-Licensing Guidance and/or Risk Significant Radioactive Materials Checklist when performing license reviews. This resulted in an applicant obtaining a license under false pretense.
6. License reviewers do not verify inspection and enforcement history for renewals and in one instance; the team identified a licensee that had a documented history of poor performance that could lead to loss of risk-significant radioactive material.
7. License review of a termination request failed to obtain sufficient information from the licensee that resulted in release of an area and/or facility which does not meet regulatory requirements or allowed the licensee to continue to possession radioactive material after license termination.