

NMSS Policy and Procedure 7-05
Revision 0
December 9, 2016

PROCEDURES FOR PROCESSING OF TECHNICAL ASSISTANCE REQUESTS

1. PURPOSE:

The purpose of this document is to provide procedures for identifying, screening, preparing, and processing technical assistance requests (TAR) within the Office of Nuclear Material Safety and Safeguards (NMSS) areas of interest (including sealed source and device registration evaluations, issues involving the storage, use, security and disposal of radioactive material, decommissioning, spent fuel, and fuel cycle activities).

2. BACKGROUND:

TARs are formal submittals from regional Division Directors or Agreement States to the appropriate NMSS Division Director requesting technical or policy assistance on a licensing or inspection issue. TARs may also be submitted between NMSS divisions. This procedure applies to TARs submitted to NMSS from the U.S. Nuclear Regulatory Commission (NRC) regions or between NMSS divisions. While this procedure is not used to process Agreement State TARs, the Agreement State TARs should be captured in the TAR Log. Management Directive (MD) 5.7, "Technical Assistance to Agreement States" should be followed with regard to TARs from Agreement States.

3. ROLES AND RESPONSIBILITIES:

3.1. Originating Division Director

- 3.1.1. Participate in informal discussions with the NMSS receiving Division Director to resolve a potential TAR, as needed.
- 3.1.2. Approve and sign TAR.
- 3.1.3. Ensure that the TAR is submitted electronically including any attachments that contain other relevant additional information.

3.2. Originating Branch Chief

- 3.2.1. Discuss potential TAR with the appropriate NMSS Branch Chief to resolve a potential TAR, as needed.
- 3.2.2. Negotiate the due date in conjunction with the appropriate NMSS Branch Chief.

3.3. Originating Staff

- 3.3.1. Attempt to resolve potential TARs by using existing tools and information as specified in Section 4.1.

CONTACT: NMSS/MSTR

- 3.3.2. Brief supervisor and obtain supervisor's approval before coordinating counterpart calls/discussions between regional and NMSS Branch Chiefs and technical staff.
 - 3.3.3. Participate in the discussion of proposed TARs with NMSS's subject matter experts (e.g., counterpart calls).
 - 3.3.4. Provide information relevant to the proposed issues, including a proposed resolution, to NMSS for counterpart calls/discussions between regional and NMSS Branch Chiefs, and technical staff.
 - 3.3.5. Present proposed issues and resolution in counterpart calls/discussions.
 - 3.3.6. Create an Agencywide Documents Access and Management System (ADAMS) package with all associated documents prior to submitting to appropriate NMSS division for review.
 - 3.3.7. Document that a TAR is needed in the regional licensing action pending folder or inspection record.
- 3.4. NMSS Receiving Division Director
- 3.4.1. Participate in informal discussions with the originating Division Director to attempt to resolve a potential TAR, as needed.
 - 3.4.2. Assign TAR to appropriate branch.
 - 3.4.3. Verify that the branch received, reviewed for completeness, and accepted the TAR.
 - 3.4.4. Coordinate TAR response with other offices (Office of General Counsel (OGC)) as appropriate.
 - 3.4.5. Issue TAR responses.
- 3.5. NMSS Receiving Branch Chief
- 3.5.1. Discuss potential TAR with the appropriate originating Branch Chief and reviewer/inspector.
 - 3.5.2. If the issue does not rise to the level of needing a TAR, determine if issue should be maintained for future reference in the TAR Log.¹
 - 3.5.3. Contact the region to confirm the receipt of a TAR and indicate the TAR Log technical contact.
 - 3.5.4. Identify the NMSS reviewer.

¹ The TAR Log is the data repository that NMSS uses to record the status of TARs. It is located in NMSS's SharePoint "Lists." It contains detailed information about TARs which is easily accessible and searchable (it includes ADAMS accession numbers, TAR dates, and requesting organization, amongst others.).

- 3.5.5. Negotiate the final due date in conjunction with the originating Branch Chief.
- 3.5.6. Determine if select information in a TAR response should be used as generic inspection or licensing guidance and choose the correct format for it to be distributed to applicable organizations.

3.6. NMSS Staff

- 3.6.1. Participate in the discussion of the proposed TAR with the region.
- 3.6.2. Determine if other offices (OGC) need to be contacted to resolve a proposed TAR.
- 3.6.3. Perform the TAR acceptance and completeness review.
- 3.6.4. Request additional information from the region or other NMSS division, if needed.
- 3.6.5. E-mail the draft TAR response to the region for review before it is issued.
- 3.6.6. Ensure the TAR response is in the applicable regional ADAMS package and that the package is complete and close the package.
- 3.6.7. Provide all TAR documentation to the TAR Log technical contact to add it into the TAR Log (this includes Agreement State TARs).

3.7. TAR Log Technical Contact (One in each NMSS division listed on the TAR Log SharePoint site)

- 3.7.1. Monitor the TAR Log.
- 3.7.2. Update the TAR Log.
- 3.7.3. Verify that the TAR packages are complete before entering TAR responses, TAR withdrawals, or notes to file for incomplete TARs, into the TAR Log.

4. PROCEDURES:

4.1. Pre-TAR Regional Review

Regional staff should attempt to resolve a potential TAR by discussing it with NMSS subject matter experts, and reviewing: existing guidance, supplementary information for regulations, and the TAR Log. Regional staff should not use TAR responses as generic inspection or licensing guidance unless specifically stated (see Section 4.4.1. c.5.).

Before a TAR is formally submitted to NMSS, the requesting region should discuss the proposed TAR with NMSS during ad hoc conference calls/discussions between regional and headquarters (HQ) Branch Chiefs and technical staff.

Note: Medical, commercial, and academic TARs should be discussed at set monthly counterpart meetings.

Decommissioning, uranium recovery, and waste TARs should be discussed at Monthly Look Ahead calls.

4.2. Regional and NMSS Counterpart Calls/Discussions

4.2.1. During the call, participants:

- a. May collectively decide that while an issue is not determined to be a TAR, a formal NMSS response, such as a memo, is needed.
- b. Will indicate any additional information that should be included in the TAR package, make any suggestions that might facilitate the review, and indicate any needed coordination with OGC, Office of Enforcement (OE), etc.

4.2.2. If the determination is made that a formal TAR is not needed and the responding Branch Chief decides to capture the issue for future reference, enter this issue and the response into the TAR Log in SharePoint. In addition, enter the information in ADAMS as non-publicly available.

4.3. Formal Preparation of TARs

4.3.1. TARs that involve issues that require coordination or support from NMSS associated with, but not limited to, the following examples should be prepared and sent to NMSS in accordance with the procedures described in this section.

- a. Regulatory interpretations and exemptions;
- b. Dose assessments;
- c. Financial assurance reviews (e.g., decommissioning funding plan that is not in accordance with the standard format and content of financial assurance mechanism for decommissioning in NUREG-1757, Volume 3);
- d. Reviews of decommissioning documents;
- e. Pre-licensing review where a reviewer concluded that an additional evaluation of a potential security risk is needed;
- f. Sealed Source and Device (SS&D) registration reviews;
- g. Independent Spent Fuel Storage Installations operations and concrete pad design; or
- h. Title 10 of the *Code of Federal Regulations* (10 CFR) Part 72.48, "Changes, tests, and experiments."

- i. Evaluation of license actions not specifically listed in Category 14 of 10 CFR 51.22 (i.e., categorical exclusion under 10 CFR 51.22 (c)(14)(xvi)) and supporting information.
 - j. Licensee application to dispose of licensee generated radioactive material(s) by a method not already authorized in the regulations (i.e., a 10 CFR 20.2002 review).
- 4.3.2. Originating Division Directors will submit all TARs electronically including any attachments, using the TAR form and instructions provided in Appendix A.
- a. For SS&D evaluations, refer to Section 4.3.7.
 - b. For issues involving a pre-licensing review where a reviewer concluded that an additional evaluation of a potential security risk is needed, include a request to the Office of Nuclear Security and Incident Response (NSIR) for the additional evaluation of the new applicant.
- 4.3.3. The completed TAR form should include ADAMS accession numbers for all associated documents, and be designated non-publicly available when placed in ADAMS. The region should put all relevant incoming information, subsequent correspondence (including the TAR response) and the TAR into an ADAMS package, and identify the division that will receive the TAR. If there are issues applicable to more than one NMSS division, the originating division should separate the issues and submit a separate TAR to each division. If more than one division is selected in the same TAR, the TAR will be returned to the originating staff to separate the issues by the receiving division.
- 4.3.4. Electronically submitted versions of the TAR should be sent by the originating division to the applicable receiving division with copy to NMSS at RidsNmssOd.Resource@nrc.gov.
- a. Division of Material Safety States, Tribal and Rulemaking Programs (MSTR) - MSTR_TAR.Resource@nrc.gov
 - b. Division of Decommissioning, Uranium Recovery, and Waste Programs (DUWP) - DUWP_TAR.Resource@nrc.gov
 - c. Division of Spent Fuel Management (DSFM) - DSFM_TAR.Resource@nrc.gov
 - d. Division of Fuel Cycle Safety, Safeguards, and Environmental Review (FCSE) - FCSE_TAR.Resource@nrc.gov
- 4.3.5. When submitting a TAR as part of the licensing process, the region shall change the milestone in the Web-Based Licensing System (WBL) to 19 and change the license reviewer code to identify NMSS. Once the TAR is submitted, the timeliness metric for the licensing action is put on hold. When the region receives a final response to the TAR from HQ, the

region shall change the milestone in the WBL to 20, and the reviewer code should be changed back to the regional reviewer's code.

- 4.3.6. For information that may not be electronically available (e.g., allegation material, patient records), indicate on the TAR form that those attachments may be requested from the appropriate contact (e.g., allegations' team or coordinator, licensee) if needed.
- 4.3.7. For SS&D evaluations, the regions should do the following:
 - a. Evaluations of SS&D for inclusion in the SS&D Registry should be sent directly to the SS&D team in MSTR. See NUREG-1556, Volume 3, Chapter 5, for guidance on those SS&D reviews that do not require NMSS review and registration.
 - b. For TARs that require authorization to use a sealed source or device without a SS&D Registry certificate, MSTR will perform the safety evaluation following the normal SS&D safety review procedures.
 - c. For TARs related to sealed sources or devices that have a SS&D Registry certificate, follow the TAR procedures in this section.
- 4.3.8. The TAR submitted by the originating division will:
 - a. Indicate the type of issue (e.g., medical, commercial and academic);
 - b. Concisely state the problem or issue requiring technical assistance from NMSS;
 - c. Specifically state the action that is requested from NMSS;
 - d. Identify alternative actions for the issue and recommend alternatives, if appropriate;
 - e. Provide the appropriate background information for the request (e.g., copy of application, current license, inspection report or the ADAMS accession numbers for these documents);
 - f. Identify an estimated date when a response to the TAR is required by the originating division;
 - g. Identify TARs that have addressed similar issues, by subject and date created providing a ADAMS accession number when available; and
 - h. Identify the Cost Activity Code for charging hours if applicable (i.e., licensee directly fee billable).
- 4.3.9. With the exception of pre-licensing review where a reviewer concluded that an additional evaluation of a potential security risk is needed, if for some reason the applicant/licensee withdraws its request before the issue is resolved:

- a. The originating division should take steps to cancel the TAR, document it in the ADAMS package for the TAR and close the package in ADAMS. The closure documentation can be in the form of a note to file or an e-mail between the originating division and receiving division explaining the reason for the withdrawal.
- b. The originating division should send the ADAMS accession numbers for the cancelation of the TAR and the package to the TAR Log technical contact.
- c. For pre-licensing reviews where a reviewer concluded that an additional evaluation of a potential security risk is needed, the originating division should determine whether the additional review should be cancelled if an applicant withdraws their application.

4.4. NMSS Processing of TARs

When the TAR and associated documents are received, it is processed and tracked as follows.

4.4.1. Processing of TARs for MSTR, DUWP, DSFM, and FCSE

a. Incoming TARs

1. TARs e-mailed to each division's TAR resource will be logged into the TAR Log, ticketed as a division level ticket with an initial due date of 10 working days from receipt to perform an acceptance and completeness review, and distributed to the cognizant Branch Chief for identification of a NMSS reviewer.

The purpose of the acceptance and completeness review is to ensure that the results of conference calls/discussions between regional and NMSS Branch Chiefs and technical staff are reflected in the TAR package and ensure that all the information that will be needed by the NMSS reviewer to prepare a response is included.

2. The receiving NMSS branch will send an e-mail to the originating Division Director, Deputy Division Director and Branch Chief confirming the receipt of the TAR. This e-mail will include the contact information of the TAR Log technical contact.
3. The receiving NMSS branch will perform the acceptance and completeness review.
4. If the TAR package is incomplete, the originating division will be notified that additional information is needed and if a ticket was created, it will be closed by the division; this action will be documented by a note to file in the ADAMS package by the NMSS

reviewer. The NMSS reviewer will provide the ADAMS accession numbers of the package and note to file to the TAR Log technical contact.

If the division uses a ticketing process, a new division level ticket will be assigned once the additional information requested from the licensee is received. If NMSS does not receive the remaining information within 10 working days, the TAR will remain closed, and the TAR package will be returned to the region for completion of the package.

b. TAR Review

1. At the end of the acceptance and completeness review and after the TAR is deemed complete, the NMSS reviewer will notify the originating division.
2. Within 2 weeks, a due date for the TAR review will be determined in concert with the originating division and NMSS. NMSS staff will consider the complexity of the issues contained in the TAR and the number of higher priority tasks assigned to NMSS staff when deciding a due date. The review will aim to be completed within 60 working days. In unusual situations, the review may exceed this time frame (e.g., financial assurance reviews). The due date will be approved by branch level management from NMSS and the originating division. Any policy issues should be promptly brought to the receiving division management attention. The completion of the review will be tracked by the division and tracked on the TAR Log.
3. The receiving NMSS branch will coordinate the TAR response with other offices (OGC, OE, etc.) as appropriate. If a TAR is referred to NSIR for a request for additional evaluation of a potential security risk with a new applicant's intended use of radioactive materials, the turnaround goal is 60 days.
4. For TARs that involve other offices, the Director of the office should be on concurrence.
5. Responses to TARs will be issued by the NMSS receiving Division Director. A TAR response template is provided in Appendix B.
6. If the division uses a tracking system, it will include the title of the TAR, the control number, the due date, and the current NMSS contact.
7. Before management signs and concurs on the TAR response, the NMSS reviewer will e-mail the draft response to the regional reviewer and management (originating Branch Chief at a minimum) identified on the TAR to confirm that additional clarification is not needed and the originating division has no specific concerns on the response.

The NMSS receiving Division Director will make a conscious decision of whether the TAR response needs to be sent to OGC for their legal review and No Legal Objection (NLO) determination. If OGC reviews and fundamentally alters the TAR response, the revised draft response will be e-mailed again to the region before management signature and concurrence.

Note: All MSTR TAR responses must be reviewed by OGC for NLO determination.

8. The concurrence page of the TAR response will reflect the date of originating division coordination. This effort is for informal coordination only and not for obtaining formal concurrence.
9. The originating division should respond to the cognizant NMSS staff with comments, including no comment, within 7 working days. If the originating division has not responded within 7 working days, the receiving division will contact the originating division before finalization and issuance.

c. Distribution of TAR Responses

1. The Receiving NMSS division staff will put the TAR response, using the NMSS TAR response format in Appendix B, into ADAMS and ensure the response is in the regional ADAMS package with all other documents associated with the TAR and TAR response and close the package.
2. The receiving NMSS division staff will provide the ADAMS accession numbers for the response and package to the staff TAR Log technical contact.
3. TAR responses, with all incoming documents, will be distributed electronically via ADAMS to the contact person on the incoming TAR request and a single point-of-contact in the originating division. The point-of-contact for the regions shall be the Director, Division of Nuclear Materials Safety or Division of Fuel Facility Inspection, unless otherwise indicated.
4. The ticket number, if issued, should be identified on the distribution page to ensure accurate tracking and closure.
5. If NMSS intends that certain information in a TAR response should be used as generic inspection or licensing guidance, NMSS will transmit this information in a suitable format to all regions, Agreement State Radiation Control Programs, and Master Materials Licensees programs, as applicable.

5. REFERENCES:

- MD 5.7, "Technical Assistance to Agreement States" (ML12345A087)

6. APPENDIX:

Appendix A – Regional Technical Assistance Request Form (ML13324A969)

Appendix B – Technical Assistance Request Response Template (ML13324A985)

Appendix C – Flowchart for TAR Determination

7. DOCUMENT HISTORY:

Version	Description of Change	Responsible Division	Date Last Modified
0	Initial Procedure	MSTR	December 9, 2016

APPENDIX A

Technical Assistance Request Form

Note: Originating Division Director signs the TAR. Submit separate TARs to each division, if needed.

TECHNICAL ASSISTANCE REQUEST					
Distribute to: (Select Only One Division) <input type="checkbox"/> MSTR <input type="checkbox"/> DUWP <input type="checkbox"/> DSFM <input type="checkbox"/> FCSE					
Issue is:	MSTR	<input type="checkbox"/> Medical <input type="checkbox"/> Commercial or Academic		<input type="checkbox"/> Security	
<input type="checkbox"/> Regulatory interpretation or exemption	DUWP	<input type="checkbox"/> Financial Assurance Reviews <input type="checkbox"/> Dose Assessments for Decommissioning		<input type="checkbox"/> Reviews of Decommissioning Documents	
		<input type="checkbox"/> ISFSI Operations/Pad Design Revisions		<input type="checkbox"/> 10 <i>CFR</i> § 72.48	
<input type="checkbox"/> Other	DSFM				
Date:		Package Accession No.			
ADAMS Send to: _____, Director Division Name, NMSS					
From: _____, Director (<i>Note: Director signs</i>) Division Name, NMSS or Region					
Licensee:			CAC Number:		
License No.		Docket No.		Control No.	
Letter Dated:		ADAMS Accession No.			
Enforcement Action being held in abeyance:		Yes		No	
Problem or Issue:					
Action Requested:					
Recommended Action and Alternatives:		Accept		Reject	
TARs addressing similar issues (Include subject, date and ADAMS Accession Number):					
Background Documents (Include date and ADAMS Accession Number):					
Remarks:					
Reviewer:		Phone number: () -		Reviewer Code:	
Needed By (date):					

APPENDIX B

Technical Assistance Request Response Template

Note: NMSS receiving Division Director signs the TAR response.

(Date)

MEMORANDUM TO: _____, Director

Division Name

Region __

FROM: _____, Director

Division Name

Office of Nuclear Material Safety and Safeguards

SUBJECT: RESPONSE TO TECHNICAL ASSISTANCE REQUEST

DATED _____, XYZ LICENSEE, ANYTOWN, ANYSTATE

I am responding to your technical assistance request (TAR) dated _____ (Accession Number). Short statement of request and identify licensee. Reference to any other related documents (in addition to the documents identified in the TAR).

Issue:

Action Approved and Response:

Background:

Contact: _____, Branch/Division

() -

License No. 12-34567-89

Division Ticket No. _____

Docket No. 030-00000

ADAMS Package Accession No. __ (confirm response is entered)

Control No. _____

NMED / EN No. _____ (if TAR is event-related)

Discussion:

Attachment:

DISTRIBUTION

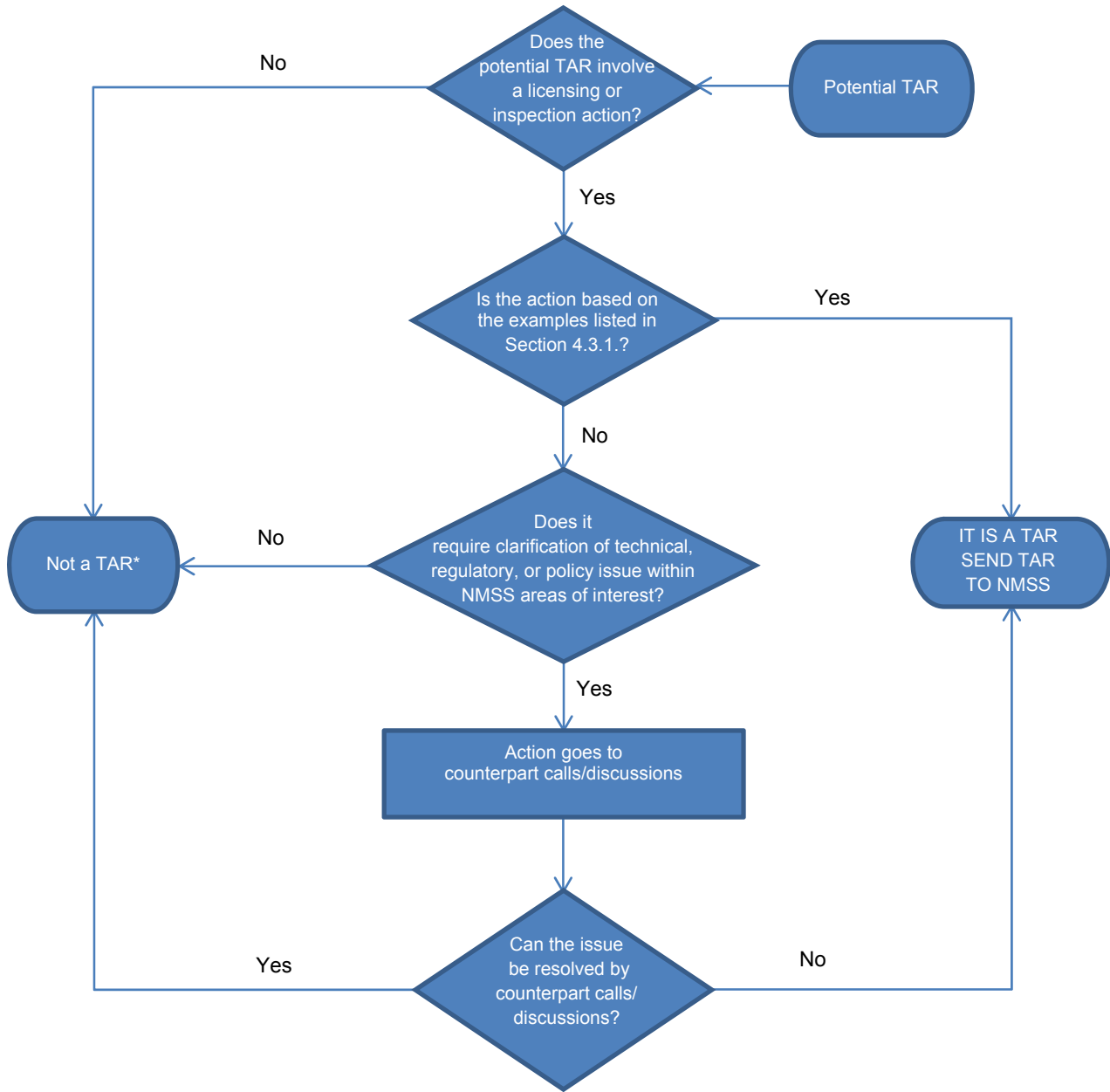
Package Accession Number _____ Regional response reviewed on _____ by _____.

Office	NMSS	NMSS	OGC NLO (if applicable)	NMSS	
Name	HQ Originator	Branch Chief		Div. Director	
Date					

OFFICIAL RECORD COPY

APPENDIX C

Flowchart for TAR Determination



* NMSS receiving Branch Chief considers any response to be kept for knowledge management in the TAR Log.