
MANUAL CHAPTER 0312

TECHNICAL ASSISTANCE FOR RADIATION SAFETY INSPECTIONS AT NUCLEAR FUEL CYCLE FACILITIES AND MATERIALS LICENSEES' SITES

0312-01 PURPOSE

To provide direction to the regional offices and Headquarters for acquiring technical assistance for the radiation safety inspection program for fuel cycle facilities and materials licensees.

0312-02 OBJECTIVES

02.01 Provide uniform policy and procedures and define responsibilities and authorities in the execution of technical assistance for radiation safety inspections, surveys, and evaluations.

02.02 Establish a proper channel of communication among the regional offices, the Office of Nuclear Material Safety and Safeguards (NMSS) Technical Project Manager (TPM), the NMSS Technical Assistance Project Manager (TAPM), user divisions within NMSS, the Department of Energy (DOE) laboratories, and the DOE operations offices.

0312-03 DEFINITIONS

03.01 DOE Laboratories. Oak Ridge Institute for Science and Education (ORISE) and Environmental Measurements Laboratory (EML), hereinafter referred to in this document as the "DOE lab contractor(s)," are the two DOE labs with whom NRC has established interagency agreements for the performance of this work.

03.02 Technical Assistance. Technical work will be conducted at the DOE laboratories or at the licensee facility, to support radiation safety inspections. The work can include, but is not limited to: (1) planning, conduct, and documentation of radiological surveys, including closeout surveys; (2) collection and radiological analysis of samples of soil, water, air, and other material; and (3) assessment of technical work performed for regional offices and Headquarters, to support the conduct of radiation safety inspections, surveys, and evaluations. However, under the governing Interagency Agreements, ORISE and EML are not expected to perform radiation exposure pathway and dose/risk analyses.

0312-04 RESPONSIBILITIES AND AUTHORITIES

04.01 NMSS. Administers the program.

04.02 NMSS TPM

- a. Reviews and submits to the TAPM for issuance, Requests for Technical Assistance (RFTA), Modifications to Requests for Technical Assistance (RFTAMOD), and Survey Plan Approval Form (SPAF) forms submitted by regional inspectors/licensing project managers and headquarters project managers. Performs technical reviews of requests and ensures consistency, with NMSS policy, of site work.
- b. Ensures that contract costs do not exceed authorized funding and manages cost control of each task assignment.
- c. Negotiates priorities of the DOE lab contractors' assignments, if necessary.
- d. Reviews monthly progress and cost reports.
- e. Reviews survey, test, analysis, and other contractor reports, as appropriate.
- f. Prepares technical documentation in RFTA, RFTAMOD, and SPAF forms.
- g. Reviews and oversees quality assurance (QA) / quality control aspects of the DOE lab contractors' work and coordinates and oversees QA audit activities by inspectors and licensing project managers.
- h. Ensures the validity of all docket numbers, Technical Assignment Control (TAC) numbers and/or Inspection Report (IR) numbers, prior to the approval and issuance of each RFTA.

04.03 NMSS TAPM

- a. Reviews and issues RFTA, RFTAMOD, and SPAF forms submitted by regional inspectors/licensing project managers and headquarters project managers (see Exhibits 1 - 3).
- b. Ensures that contract costs do not exceed authorized funding and manages cost control of each task assignment.
- c. Negotiates priorities of the DOE lab contractors' assignments, if necessary.
- d. Reviews monthly progress and cost reports.
- e. Approves bills and invoices.
- f. Initiates task closeout authorizations.

04.04 Branch Chief. Authorizes RFTA, RFTAMOD, and SPAF forms and ensures that the technical assistance involves activities that are appropriate to be assigned to the DOE lab contractors. Additionally, authorizes RFTA forms for emergency work requests. Emergency work requests (surveys required with less than 2 weeks notice) are defined as those where there are potential health and safety effects of delaying the survey and/or, where the survey is needed, to allay public fears arising from perceptions of the health risks involved. Emergency work requests that result from improper NRC planning or unreasonable licensee requests should be avoided as this will greatly affect the DOE lab contractors' ability to efficiently and economically manage its workload.

04.06 Regional Inspector and Headquarters'/Regional Licensing Project Manager

- a. Determines the nature, extent, and schedule of technical assistance needed to support the radiation safety inspection program.
- b. Contacts the contractor to coordinate and establish the schedule for the technical assistance tasks.
- c. Prepares RFTA and RFTAMOD forms (Exhibits 1 and 2).
- d. Approves SPAF forms (Exhibit 3).
- e. Obtains authorizations from Branch Chief and Division Director (when applicable).
- f. Mails or telefaxes signed RFTA to NMSS TPM after coordinating action by telephone or e-mail.
- g. Accompanies the applicable DOE lab contractor's staff to licensee's site and facilities to coordinate and facilitate the required radiological (scoping and confirmatory) surveys.
- h. Reviews and evaluates results of the DOE lab contractors' work.
- i. Corresponds with licensee on the sequence of events that are part of the survey process (see Exhibit 4 for an example).

0312-05 PROGRAM IMPLEMENTATION

Changes were made in 1991 to this manual chapter to implement the Omnibus Budget Reconciliation Act of 1990 for recovery of approximately 100 percent of NRC's budget authority, less amounts appropriated from the Nuclear Waste Fund and the General Fund. During FY2001-2005, the fee recovery requirement will be decreased by 2% per year to alleviate NRC's fairness and equity concerns of charging licensees for Agency expenses that do not provide a direct benefit to them. It is NRC's responsibility to ensure the proper accounting of DOE lab contractor costs and that costs are reasonable and justified. This should reduce the frequency of contested fees from our licensees and provide an adequate paper trail.

We have also enclosed a letter (Exhibit 4) that we believe is a good example of the type of information that NRC should be supplying to licensees to let them know, early, the types of charges they will be assessed. This type of correspondence should reduce inquiries when the fee bills are submitted for payment to licensees.

The procedures for the performance of a radiological survey generally consist of the following steps:

- a. Regions or Headquarters identify the need to perform a survey at a particular site.
- b. Regional Inspectors or Headquarters/Regional Licensing Project Managers prepare a RFTA form, which is submitted to Headquarters for approval, and then forwarded to the applicable DOE lab contractor.
- c. RFTA forms identified as fee-recoverable must contain a docket number, and a Technical Assignment Control (TAC) number, or IR number. These unique identifiers allow the DOE lab contractor to report costs incurred by licensee, by licensing action or inspection, and by task via the monthly letter status reports.

Contractual costs are later recovered from the licensee after verification and approval for billing by the Headquarters' TAPM.

- d. The DOE lab contractor reviews documentation on the site to be surveyed, visits the site and performs a scoping survey, when necessary. Regional Inspectors or Headquarters Regional Licensing Project Managers are responsible for ensuring that the DOE lab contractor receives the required documentation. The documentation should be provided to the DOE lab Contractor at least 14 calendar days before the preliminary site visit and at least 30 calendar days before the survey.
- e. The DOE lab contractor prepares a survey plan based on its site visit and review of licensee information. The DOE lab contractor's cost estimates will be prepared and the basis for the costs will be provided as part of the survey plan.
- f. The Regional Inspector or Headquarters/Regional Licensing Project Manager reviews the survey plan and submits a completed SPAF, (Exhibit 3) to the Headquarters TPM. When the survey plan is approved, the level of effort estimate provided by the DOE lab contractor in the survey plan is considered to be fixed. The DOE lab contractor will not be able to perform the survey without NRC approval of the survey plan.

Any changes that Regional Inspector or Headquarters/Regional Licensing Project Manager make, after survey plan approval, that would affect survey cost, should be submitted to the NMSS TPM for review and subsequent submittal to the DOE lab contractor for a revised cost estimate, via an RFTAMOD (Exhibit 2). However, to allow for efficient and economical survey planning, the Regional Inspectors should provide sufficient guidance to the DOE lab contractor at the survey plan stage.

Based on input from the DOE lab contractor, the regional inspectors have the flexibility to make some changes to the survey plan, in the field, because of extenuating circumstances that may arise during the performance of the survey. For changes that are made that affect the total cost estimate by less than 10 percent, the regional inspector is authorized to allow the DOE lab contractor to proceed with the work without prior Headquarters approval. For changes that increase the cost by greater than 10 percent, the inspector must obtain Headquarters TPM approval before the DOE lab contractor can perform the additional work. Where any additional cost will be incurred, it is the responsibility of the Regional Inspector to prepare and submit a RFTAMOD to the Headquarters TPM as soon as practicable.

- g. The DOE lab contractor performs the survey and prepares a draft survey report, for NRC comment (Regional Inspectors or Headquarters/Regional Licensing Project Managers prepare comments).
- h. The DOE lab contractor prepares final survey report and submits to NRC.
- i. NRC issues the final report to the licensee.
- j. Quarterly, the Regional Inspector or the Headquarters/Regional Licensing Project Manager will be requested to verify the accuracy of the TAC number or IR number on licensee fee reports generated by the Division of Resource Management and Administration for the respective regions, or by the Program Analysis Team for NMSS Headquarters' staff (see Exhibit 5). Accurate identification of docket numbers, TAC numbers, or IR numbers ensures that the contractual costs associated with NRC staff effort are billed to the correct licensee, for the correct licensing action or inspection.

- k. The Regional Inspector or the Headquarters/Regional Licensing Project Manager are not requested to verify the accuracy of the dollar amounts appearing on the license fee billing reports generated quarterly since this task is performed by the Headquarters' TAPM. The Headquarters' TAPM will not process incomplete RFTA or RFTAMODs. (Note: The DOE lab contractors cannot perform work without approval from the Headquarters' TPM and the TAPM.)
- l. Background information used to support the fees levied against licensees is to be retained for a period of 6 years and 3 months, so that any contested fees can be substantiated.
- m. Licensees are to address all billing requests in writing to the Office of the Controller, License Fee and Debt Collection Branch (LFDCB). LFDCB will coordinate with the offices and prepare an appropriate response to the licensee. If the licensee disputes an invoice, staff should not respond directly to the licensee without concurrence from LFDCB.

END

Exhibits:

- 1. Request for Technical Assistance (RFTA)
- 2. Modification To Request Technical Assistance (RFTAMOD)
- 3. Confirmatory Radiological Survey Plan Approval Form (SPAF)
- 4. Sample Licensee Notification Letter
- 5. Sample License and Inspection Fee Billing Reports
Includes Contractual Costs

Exhibit 1

NRC Form 305
REQUEST FOR TECHNICAL ASSISTANCE (RFTA)

INSPECTOR/ORGANIZATION _____ DATE _____

TELEPHONE # _____ RFTA# _____
(Leave Blank)

FACILITY NAME AND LOCATION _____

DOCKET# _____ FEE RECOVERABLE? ____ YES ____ NO
TAC#/IR# _____

DESCRIPTION OF WORK TO BE PERFORMED (Include schedule, use separate sheet if needed.)

AUTHORIZATION

INSPECTOR _____ DATE _____ BRANCH CHIEF _____ DATE _____

EMERGENCY AUTHORIZATION

EMERGENCY AUTHORIZATION (SEE INSPECTION CHAPTER 0312 FOR DEFINITION OF ACCEPTABLE EMERGENCY REQUESTS). EXPLAIN, ON SEPARATE SHEET, THE JUSTIFICATION FOR THE EMERGENCY REQUEST. (NOTE THAT THE REQUEST CANNOT BE PROCESSED WITHOUT THIS JUSTIFICATION.)

BRANCH CHIEF _____ DATE _____

APPROVAL

HQ TAPM _____ DATE _____ HQ TPM _____ DATE _____

Exhibit 2

NRC Form 305
MODIFICATION TO REQUEST FOR TECHNICAL ASSISTANCE (RFTAMOD)

INSPECTOR/ORGANIZATION _____ DATE _____

TELEPHONE # _____ RFTA MOD# _____
(Leave Blank)

FACILITY NAME AND LOCATION _____

DOCKET# _____ FEE RECOVERABLE? ____ YES ____ NO
TAC#/IR# _____

DESCRIPTION OF MODIFICATION:

JUSTIFICATION FOR MODIFICATION:

DISCUSSION OF COST IMPACT OF MODIFICATION:

AUTHORIZATION

INSPECTOR _____ DATE _____ BRANCH CHIEF _____ DATE _____

APPROVAL

HQ TAPM _____ DATE _____ HQ TPM _____ DATE _____

CONFIRMATORY RADIOLOGICAL SURVEY PLAN APPROVAL FORM (SPAF)

1. PLEASE ANSWER THE FOLLOWING QUESTIONS. IF THERE ARE ANY PROBLEMS OR CONCERNS ABOUT THE SURVEY PLAN, PLEASE STATE THEM IN THE AREA DESIGNATED.

NAME/LOCATION OF SITE TO BE SURVEYED _____

INSPECTOR _____ REGION _____ SURVEY DATE(S) _____

	YES	NO *
A) IS THE SCOPE OF THE PROPOSED SURVEY AS PRESENTED IN THE SURVEY PLAN, REASONABLE AND ADEQUATE?	___	___
B) IS THE SAMPLING PROPOSED BY THE CONTRACTOR REASONABLE AND NECESSARY FOR PERFORMANCE OF THE SURVEY?	___	___
C) IS THE AMOUNT OF TIME NEEDED TO PERFORM THE SURVEY, AS STATED IN THE SURVEY PLAN, REASONABLE?	___	___
D) IS THE COST ESTIMATE PROVIDED TO PERFORM THE SURVEY REASONABLE?	___	___
E) IS THE PROPOSED TIMING OF THE SURVEY SATISFACTORY?	___	___

2. *PLEASE EXPLAIN THE ANSWERS THAT ARE MARKED "NO" IN SECTION 1. USE SEPARATE SHEET IF NECESSARY.

3. I CERTIFY THAT I HAVE REVIEWED THE SURVEY PLAN SUBMITTED BY ORISE AND THAT THE PLAN IS (CIRCLE ONE):

- A. ACCEPTABLE AS SUBMITTED.
- B. ACCEPTABLE WITH MODIFICATIONS STATED ABOVE.
- C. NOT ACCEPTABLE (THE CONTRACTOR MUST RESUBMIT FOR APPROVAL).

INSPECTOR DATE

SUPERVISOR DATE

4. HEADQUARTERS APPROVAL

TAPM DATE TPM DATE

Exhibit 4

Docket No. [XXXXXXXXX]

License No. [xxxxxxx]

[ABC Company]
[Anytown], [USA]

SUBJECT: NOTIFICATION OF FEES ASSESSED FOR DECOMMISSIONING,
DECONTAMINATION, RECLAMATION, OR SITE RESTORATION
(TAC NO. [])

Dear Sirs:

As we discussed, in a recent telephone conversation about your request that a portion of the [XYZ] site be released for unrestricted use, we understand that it is your intent to: (1) complete the decommissioning and decontamination of that facility; (2) request that the entire facility be released for unrestricted use; and (3) request that license [xxxxx] be terminated. Per amended 10 CFR Part 170, licensing actions and inspections of licenses authorizing decommissioning, decontamination, reclamation, or site restoration activities will be charged the full Nuclear Regulatory Commission (NRC) cost of such reviews.

The review of your request to release the [XYZ] site for unrestricted use will include technical review by NRC staff and confirmatory surveys by an NRC DOE lab contractor, Oak Ridge Institute of Science and Education (ORISE) and/or Environmental Measurements Laboratory (EML). NRC will bill you for the costs of both that survey and the charges for NRC staff time.

The process for conducting a confirmatory survey using ORISE and/or EML includes: (1) NRC identification of the need for a contractor survey; (2) ORISE and/or EML review of relevant documentation on the site; (3) an ORISE and/or EML site visit, if necessary; (4) ORISE and/or EML preparation of a survey plan; (5) NRC review, modification (if needed), and approval of the survey plan; (6) NRC execution of the survey, preparation of a draft report, and NRC subsequent review and comment; (7) report revision; and (8) NRC issuance of the report to the licensee.

During the survey phase, NRC and ORISE and/or EML are in close contact, so that survey findings can be quickly evaluated and the survey effort modified, as necessary. The purpose of this independent survey is to help evaluate whether your survey accurately reflects the conditions of the facility and to provide additional documentation that the facility meets current criteria for release for unrestricted use.

The NRC objective is to obtain a satisfactory confirmatory survey at the lowest possible cost. Your willingness to provide ORISE and/or EML access to the facility and provide such equipment as [name whatever is appropriate], etc., should contribute to a reduction in the billed cost for this work.

We will finalize the schedule for the survey of the [XYZ] site as soon as we have negotiated an acceptable survey plan with ORISE and/or EML.

Your cooperation in this matter is appreciated.

Sincerely,

[NRC Representative]

cc: NMSS Technical Project Monitor
NMSS Technical Assistance Project Manager
END

SAMPLE LICENSE AND INSPECTION FEE BILLING REPORTS
INCLUDES CONTRACTUAL COSTS

PAGE 1 - Summary for Billing Licensing Actions

DOCKET NO.: 0400XXXX

MEMORANDUM FOR: DIANE DANDOIS, CHIEF
LICENSE FEE AND DEBT COLLECTION BRANCH
DIVISION OF ACCOUNTING AND FINANCE
OFFICE OF THE CONTROLLER

FROM: LEAD REVIEWER NAME
LICENSING BRANCH
DIVISION OF FUEL CYCLE SAFETY
AND SAFEGUARDS
OFFICE OF NUCLEAR MATERIALS SAFETY
AND SAFEGUARDS

SUBJECT: COSTS AND STAFFHOURS FOR LICENSING
ACTION

THE CONTRACT COSTS INCURRED AND STAFF HOURS USED IN REVIEWING THE APPLICATION DATED 07/01/95 ARE TABULATED BELOW FOR LICENSE NO SNM XXX.

1. FACILITY NAME: ABC COMPANY

2. CASEWORK CONTROL NO.: 0400XXXX010D

3. A) PERIOD COVERED: 07/01/95 - 09/30/95
B) COMPLETION DATE: 09/30/95
C) AMENDMENT NO: 12

4. CONTRACT COST: \$16,102.00

5. STAFF HOURS: 22.0

6. STAFF HOUR COST: \$ 2,586.00

7. TOTAL COST FOR PERIOD: \$18,688.00

REVIEWED BY:
LEAD REVIEWER IMMEDIATE SUPERVISOR

ALL LEAD REVIEWERS WORKING ON NMSS FULL COST FEE CASES MUST VERIFY THIS REPORT EACH QUARTER AND FORWARD TO THE OFFICE OF THE CONTROLLER FOR BILLING.

This report is generated by NMSS/PMDA and Regional DRMA staff from RITS based on information provided on NRC TAC Form 197C.

Contact:
Beverly Jones, NMSS or your RITS Coordinator

Lead Reviewer, and immediate supervisor sign report for billing.

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PAGE 2 - Detail for Billing Licensing Actions

NMSS FEE SUMMARY REPORT
DETAIL LISTING OF HOURS/CONTRACT COSTS FOR CASEWORK
PERIOD COVERING: 07/01/95 TO 09/30/95

CASEWORK NUMBER: 0400XXXX010D
FACILITY NAME: ABC COMPANY
ACTUAL COMPLETION DATE: 09/30/95
ASSOCIATED TACS: L12384, L12385, L12386
TITLE: ABC COMPANY/DECOMMISSIONING REVIEW
COMMENT: LICENSE TERMINATED

REVIEWER	WEEK ENDING	TAC NUMBER	REGULAR HOURS
J DOE	7/8/95	L12384	1.0
M HARRY	7/8/95	L12384	1.0
			SUBTOTAL HRS.: 2.0
			FEE @133/HR.: \$266.00
J DOE	7/29/95	L12384	5.0
J DOE	7/29/95	L12385	5.0
M HARRY	8/26/95	L12385	6.0
J DOE	9/30/95	L12384	4.0
			SUBTOTAL HRS.: 20.0
			FEE @116/HR.: \$2320.00
			TOTAL HRS.: 22.0
			TOTAL FEES: \$2586.00

CONTRACT COSTS

CONTRACTOR NAME	MONTH	TAC NUMBER	CONTRACTOR COST	FIN#	TASK#
ORISE	7/95	L12384	\$15,100.00	A9076	95-03
ORISE	8/95	L12384	2,000.00	A9076	95-03
ORISE	9/95	L12384	- 998.00	A9076	95-03
			TOTAL: \$16,102.00		

The HQ TAPM verifies accuracy of the contract dollar amounts.

Lead Reviewer verifies accuracy of the FIN# and TASK# to ensure that costs are associated with the correct case.

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PART 1 - Summary for Billing Inspections

INSPECTION FEE SUMMARY REPORT
 MANHOURS EXPENDED PER COMPLETED INSPECTION
 QUARTERLY SUMMARY - OPERATING FACILITIES
 PERIOD COVERING: 06/25/95 - 09/30/95
 MATERIALS LICENSES

 LICENSEE NAME: DOCKET #: 0400XXXX FACILITY NAME: ABC COMPANY

INSPECTION REORT NUMBERS: * 95001 * 95002 * * * * *

ROUTINE EFFORT	*	*	*	*	*	*	*
PREP/DOCUMENT	*	2.0	* 3.0*	*	*	*	*
INSPECTION	*	10.0	* 15.0*	*	*	*	*

SUBTOTAL ROUTINE		12.0	18.0
SUB ROUTINE FEE	\$	1392.00	\$ 2088.00

REACTIVE EFFORT

PREP/DOCUMENT	*	0.0	* 0.0*	*	*	*	*
INSPECTION	*	0.0	* 0.0*	*	*	*	*

SUBTOTAL REACTIVE		0.0	0.0
SUB REACTIVE FEE	\$	0.00	\$ 0.00

REPORT TOTALS 12.0 18.0
 FEE PER REPORT \$ 1392.00 \$ 2088.00

TOTAL ROUTINE FEE \$ 3480.00 TOTAL INSPECTION FEE \$ 3480.00
 TOTAL REACTIVE FEE \$ 0.00 CONTRACTUAL SERVICES \$ 1988.00

TOTAL INSPECTION FEE \$ 3480.00 TOTAL FEE \$ 5468.00

ALL LEAD INSPECTORS CONDUCTING INSPECTIONS FOR NMSS PROGRAMS THAT ARE FULL COST FEE-RECOVERABLE MUST VERIFY THIS REPORT EACH QUARTER AND FORWARD TO THE OFFICE OF THE CONTROLLER FOR BILLING.

This report is generated by NMSS/PMMA and Regional DRMA staff from RITS.

Contact:
 Beverly Jones, NMSS or your RITS Coordinator

The HQ TAPM verifies accuracy of the contract dollar amounts.

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PART 2 - Detail for Billing Inspections, Staff Hours Only

LIST OF THE QUARTER MANPOWER TRANSACTIONS
 FOR INSPECTION TO BE BILLED THIS QUARTER
 FOR THE QUARTER: 06/25/95 - 09/30/95

DOCKET #: 0400XXXX - ABC COMPANY - REGION 4

INSP RPT	WEEK	IMI ACT	MODULE	REGULAR	
RPT NO	SENT	NAME	ENDING	CD	CD NO HOURS TYPE OF ACTIVITY
95001	09/26/95	JBROWN	08/26/95	IFFD APP	2.0 ROUTINE-PREP/DOC
		JBROWN	09/02/95	IFFD CO	86740 10.0 ROUTINE-INSPECTION

TOTAL HOURS THIS QUARTER FOR INSPECTION 95001 12.0					
95002	09/28/95	BSMITH	09/02/95	IFFD APP	3.0 ROUTINE-PREP/DOC
		BSMITH	09/02/95	IFFD CO	86740 15.0 ROUTINE-INSPECTION

TOTAL HOURS THIS QUARTER FOR INSPECTION 95002 18.0					

PART 3 - Detail for Billing Inspections, Contract Cost Only

NUCLEAR REGULATORY COMMISSION
 TECHNICAL ASSISTANCE PROGRAM SUPPORT SYSTEM
 PENDING & COMPLETED CONTRACT COSTS FOR THE PERIOD: 06/25/95 - 09/30/95

0400XXXX - ABC COMPANY

INSP	LICENSE	PERIOD OF	EXPENDITURE
NUMBER	NUMBER	EXPENDITURE	EXPENDITURE
JOB-CODE: A9076 CONTRACT: ORISE			
95001	SNM-XXX	08/95	1100.00
95002	SNM-XXX	09/95	888.00
JOB-CODE TOTAL			1988.00
FACILITY TOTAL			1988.00

Lead Inspectors verifies accuracy of the FIN# and TASK# to ensure that costs are associated with the correct inspection.

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The HQ TAPM verifies accuracy of the contract dollar amounts.

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