



**State of Connecticut Department of Energy and Environmental Protection  
Radioactive Materials Program**

**RCP-900.1**

**Review of Initial Application for License or an Amendment Request**

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## 1.0 PURPOSE

### 1.1 Applicability

1.1.1 The purpose of this procedure is to define the process for reviewing all types of specific license requests and license amendments (refer to Attachment 6 for program codes for each license type) received by the Connecticut Department of Energy and Environmental Protection (Department) and those transferred to the Department from the Nuclear Regulatory Commission (NRC). Applications for license renewal are covered by RCP-900.2 *Renewal of Licenses* and license termination is covered by RCP-900.3 *License Termination/Revocation*.

1.1.2 NUREG-1556 checklists and procedures shall be used during the review process.

1.1.3 A thorough and equitable evaluation of an application for a specific license or an amendment to a license and standard license conditions will be provided.

1.1.4 The process for denying or abandoning a request for licensing action shall be defined.

1.1.5 This procedure does not address the qualifications required to review a specific license of each type; refer to RCP-903.1 *Qualifications and Training* for these guidelines. For this procedure, qualification of the license reviewer for a specific license type is verified by the Radiation Control Program Director prior to determining the reviewer.

## 2.0 SCOPE

2.1 This document applies to the Radioactive Materials Program under Connecticut's Agreement State.

## 3.0 REFERENCES

- 3.1 The Regulations of Connecticut State Agencies 22a-153-1 through 22a-153-150 and Chapter 446a of the Connecticut General Statutes.
- 3.2 NUREG-1556, "Consolidated Guidance About Materials Licenses".
- 3.3 Title 10 of the Code of Federal Regulations (10 CFR).

#### 4.0 DEFINITIONS & ABBREVIATIONS

4.1 Department: The Connecticut Department of Energy and Environmental Protection (CT-DEEP).

4.2 Amendment (License Amendment): Any change to any of the content of a radioactive materials license once issued by the Department constitutes an amendment.

4.3 Application Request: A request for an application for a license from a prospective applicant on CTDEEP Form 313 (available at <https://portal.ct.gov/deep/radiation/radiation>).

4.4 Denying with Prejudice: Denial on the basis that the applicant for license is not qualified and shall not reapply for a license unless there has been a material change to the circumstances and substance of the license application, e.g., a minor applying for a license to possess and use radioactive material or a non-medical qualified individual applying for a license to use radioactive material in the diagnosis and/or treatment of humans will have their licenses denied with prejudice and may only reapply if and when the applicants meet the age and medical qualifications, respectively.

4.5 Denying Without Prejudice: Denial on the basis that the application for license was deficient and denied, but that the applicant may reapply after correcting the deficiencies.

4.6 License Review: The processing of any licensing action (i.e., new application, amendment, renewal, termination) and serves two capacities – primary review and secondary review.

4.7 License Reviewer: Radiation Division personnel qualified to review, process, and document a specific category of licensing action.

4.8 Licensing Action: A request or application received from an applicant or a licensee as follows:

- An application for a license to receive, possess, and use licensed material;
- An application for renewal of a license;
- An amendment request to a license, e.g., change in administrations, authorized use, and/or user(s), Radiation Safety Officer (RSO), quantity of material, isotopes, facilities, etc.; and/or,
- A request for termination of a license.

- 4.9 Manufacturing and Distribution (M&D): Refers to licenses for manufacturing and distribution of byproduct, source, and/or special nuclear material.
- 4.10 Possession Only License: A license issued by the CT-DEEP that authorizes the licensee to possess specific radioactive material but does not authorize its use. A possession only license is issued for a licensee that has ceased principal operations which used radioactive material and has begun or is preparing to decommission its storage and usage facilities and dispose of, or transfer remaining radioactive material to an authorized recipient, or as shielding material (depleted uranium) used for medical therapy linear accelerators and technetium-molybdenum generators.
- 4.11 Primary Review: A primary review is that conducted initially for a licensing action by a qualified license reviewer. It is conducted using RCP-900.1, other relevant Radioactive Material Program Procedures (RMPP), and relevant content from NUREG 1556 and is documented on the **License Review Job Aid**.
- 4.12 Pre-Licensing Checklist: The purpose of this checklist is to provide a basis for confidence that a new applicant (i.e., an entity that has never had a license or is unknown) requesting a specific license, or a licensee requesting transfer of control to a new applicant or unknown entity will store and use radioactive materials at locations as specified and under the authorization of the license.
- 4.13 Pre-Licensing Site Visit: A site visit and face-to-face meeting with an entity with the purpose of providing a basis for confidence that radioactive material will be used as specified. Staff should use the Pre-Licensing Checklist to determine which applicants require visits. The purpose of the pre-licensing visit is to evaluate the applicant's intentions regarding the use of radioactive materials and to forward suspicious applications to the appropriate authority for follow-up, per the guidance in the Pre-Licensing Checklist. At a minimum, all storage and use locations must be visited. By the end of the visit, the reviewer should have observed, collected, and documented sufficient information to provide a basis of confidence that the applicant will use the radioactive materials as specified in its license application. Pre-licensing site visits must be completed before the issuance of a license.
- 4.14 Regulatory Guide: Guidance published by the NRC or the CT-DEEP's Radioactive Materials Program (RMP), in which each guide defines an acceptable program or part of a program, for the possession and specific use of radioactive materials. An applicant is not obligated to follow one of these guidance documents when developing their program and applying for a license or amendment; however, if not followed, the applicant must demonstrate that the proposed program is at least equivalent to the one described in the guidance document.

- 4.15 Risk Significant Radioactive Material (RSRM): RSRM refers to the values in 10 CFR 37 Appendix A.
- 4.16 Secondary Review: A secondary review is conducted by a qualified license reviewer as a quality control activity. It is meant to assure the license review conducted by the primary reviewer is complete and accurate. The secondary reviewer must be a qualified license reviewer other than the person conducting the primary review. It is done using RCP-900.1, other RMPPs as appropriate, and applicable guidance from NUREG 1556. It is documented using the **License Review Job Aid**.
- 4.17 Supervisory Review: This is the final required review of licensing activity.
- 4.18 Tie-down: A license commitment that is additional to the standard license conditions stated on the license.
- 4.19 Written Directive: An authorized user's written order for the administration of byproduct material or radiation from byproduct material to a specific patient or human research subject, as specified in 10 CFR 35.40.

## 5.0 GENERAL

### 5.1 EQUIPMENT

- 5.1.1 None

### 5.2 PRECAUTIONS AND LIMITATIONS

- 5.2.1 None

### 5.3 RESPONSIBILITIES

#### 5.3.1 **Radiation Division Personnel**

- 5.3.1.1 May serve as primary reviewer of license applications and amendments for licenses for which qualified. Through review, Radiation Division personnel receive, log, and save licensing action information and makes requests for additional information from the applicant/licensee.

- 5.3.1.2 May also serve as secondary reviewer, though not for license applications and amendments for which Radiation Division personnel was the primary reviewer.

- 5.3.1.3 Maintains the computer-based and other files and tracks the application for a license during processing.

5.3.1.4 Responds to requests for license applications and amendments by transmitting an application CTDEEP Form 313, internet address of the regulations, and a copy of, or reference to, specific guidance within 30 days of the licensing actions.

5.3.1.5 Reviews the application or amendment, determines if it is complete, requests additional information as needed, and prepares the license or amendment for secondary review and license or amendment approval by the Radiation Division Director.

5.3.1.6 The suggested time to complete all licensing actions (i.e., new license applications and existing license amendments, renewals, and terminations is):

<u>Priority</u>	<u>Goal Time Increment</u>	<u>Licensing Action</u>
R - Rush	As Soon As Possible	<ul style="list-style-type: none"><li>Assigned by SRCP</li><li>License Termination</li><li>License Expiration</li></ul>
H - High	90 days	<ul style="list-style-type: none"><li>New RSO</li><li>New Authorized User</li><li>New Use</li><li>Possible Violations</li></ul>
M - Medium	180 days	<ul style="list-style-type: none"><li>Initial License</li><li>Renewal - In Entirety</li><li>New Equipment</li><li>New Change Practice</li></ul>
L - Low	180 days	<ul style="list-style-type: none"><li>Delete AU or RSO</li><li>Delete Use, Isotopes, Place of Use</li></ul>

NOTE

A license reviewer shall notify inspection staff of any significant licensing actions (e.g. adding a facility, adding a new modality, etc.) to ensure updates of future inspections.

5.3.1.7 Recommends whether an application is deficient and should be denied either with or without prejudice.

5.3.1.8 Provides findings during the primary or secondary review of license applications and amendments to the Supervising Radiation Control Physicist (SRCP) or Radiation Control Program Director (RCPD) as appropriate.

### **5.3.2 Supervising Radiation Control Physicist (SRCP)**

5.3.2.1 Generally, manages the Radioactive Materials Program and for license applications and amendments, assigns the licensing actions to qualified radiation division personnel. This responsibility can be designated if necessary to the RCPD.

5.3.2.2 May perform primary or secondary reviews of license applications and amendments.

5.3.2.3 May initiate consultation with and seek concurrence of the Department's legal counsel on license application or amendment. For example, a transfer of control or change of an ownership or any recommendation for denial, with or without prejudice.

5.3.2.4 May initiate communications with the NRC Regional State Agreement Officer (RSAO) to discuss questions or issues arising from review of a license application or amendment.

5.3.2.5 The RCPD or Office Director may perform the responsibilities of the SRCP in their absence.

### **5.3.3 Radiation Control Program Director (RCPD)**

5.3.3.1 Approves and signs licenses and license amendments. This responsibility may be designated to the Office Director in the absence of the RCPD.

5.3.3.2 May perform secondary license reviews if qualified as a license reviewer for the license type.

5.3.3.3 The responsibilities of the RCPD relative to the Radioactive Materials Program may be designated to the Office Director in the absence of the RCPD.

### **5.3.4 Office Director**

5.3.4.1 May perform responsibilities of SRCP.

5.3.4.2 May perform responsibilities of RCPD as delegated.

### **5.4 PREREQUISITES**

None.

### **5.5 RECORDS**

5.5.1 Records to be Maintained:

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

5.5.1.1 Specific License.

5.5.1.2 License Application and/or Amendment Request Submittal.

5.5.1.3 Any Deficiency Letters.

5.5.1.4 License Transmittal Letter.

5.5.1.5 Any Requests for Additional Information (RAI).

5.5.1.6 Financial Assurance documents.

5.5.1.7 Any checklists from this document or NREG-1556 used to review a license request.

#### **5.5.2 Records Retention**

5.5.2.1 Web Based Licensing (WBL) is the primary electronic file repository.

5.5.2.2 Records may also be kept in other secure electronic forms with access only to Radiation Division personnel.

## 5.6 ATTACHMENTS

- 5.6.1 Attachment 1 Pre-Licensing Checklist\*
- 5.6.2 Attachment 2 Risk Significant Radioactive Material Checklist\*
- 5.6.3 Attachment 3 Checklist for Requests to Withhold Information from Public Disclosure
- 5.6.4 Attachment 4 License Review Job Aid
- 5.6.5 Attachment 5 Administrative Qualitative Checklist
- 5.6.6 Attachment 6 Program Codes for each License Type

\* These are maintained separately as Security-Related Materials

## 6.0 PROCEDURE

### 6.1 Receipt of a License Application or Request for a License Amendment

6.1.1 Upon receipt of an application for license or a request for a license amendment the following shall be performed:

6.1.1.1 Timeliness of review - Within 30 days of receipt of a request for a licensing action, the Department should perform an acceptance review of the licensing request and take the following actions:

6.1.1.1.1 Issue an acknowledgement of receipt within 30 working days of the receipt and make an entry for such in Web-Based Licensing (WBL).

6.1.1.1.2 Confirm that all necessary sections of the application (CTDEEP Form 313) are completed, and the form has been signed by the applicant's certifying official.

6.1.1.1.3 Confirm that attachments identified by the applicant are included in the submittal.

6.1.1.1.4 Identify any requests for expedited review for safety-significant concerns (e.g., change in the Radiation Safety Officer or amendment requests resulting from identification of safety-significant violations) or business reasons (e.g., change of ownership).

6.1.2 After the acceptance review, send the applicant an acknowledgement letter that the license is under review and, if applicable, the current license will remain in effect until the licensing action is complete.

- 6.1.3 Note any administrative deficiencies or omissions that were identified during the primary review that could delay the technical review of the licensee's action.
- 6.1.4 Once issues and deficiencies have been identified in an application, the license reviewer should use the most efficient process available to fully communicate issues to the licensee. The reviewer should use the telephone, facsimile, or e-mail to communicate with licensees, thereby reducing reliance on formal letters.
- 6.1.5 Ensure that each requested item for additional information is clear (i.e., provide a description of the deficiency and a statement of what is needed); is essential to protect safety; and is limited to the Department's regulatory requirements and NUREG-1556 and other guidance.
- 6.1.6 Any significant or complex deficiencies in an application for either a new license or license amendment should be described in a deficiency letter to the applicant. Deficiency letters can be sent by regular mail, e-mail, or facsimile. The letter to the applicant should contain a statement that specifies that the Department will assume the applicant does not intend to pursue its application if the Department does not receive a reply within 30 calendar days from the date of the letter.
- 6.1.7 If a response to the deficiency letter is received within 35 calendar days from the date of the letter, proceed with review of the response.
- 6.1.8 If a response to the deficiency letter is not received within 35 calendar days from the date of the letter, the application can be considered abandoned for failure to provide the requested information. This abandonment is without prejudice to the resubmission of the application. Prompt action (5 working days) should be taken to void the application. The license reviewer should communicate with the licensee prior to voiding the letter or to address situations where a void letter would not be issued such as a renewal or change in the RSO. The voiding of this application should be closely coordinated with the Department's legal counsel.
- 6.1.9 Inform the applicant or licensee that the technical review may identify additional omissions in the submittal and technical issues that require additional information.

6.1.10 Provide the applicant or licensee with an estimated time for completion of the licensing action. These are only estimates based on the specific type of licensing action. The estimated time for completion should account for any expedited review.

6.1.11 Inform the applicants that they are subject to CT-DEEP licensing fees as outlined in CTDEEP Form 313, (available at <https://portal.ct.gov/deep/radiation/radiation>).

6.1.12 Priority: An action priority shall be assigned to the application or request in accordance with the priority schedule here in RCP-900.1 and with the concurrence of the SRCP.

6.1.13 Assignment of Reviewer: The processing and review of an application or amendment request shall be assigned to Radiation Division personnel qualified to conduct such a review.

6.1.14 Follow-Up on Mail Returned from Licensees: Mail that is returned to the Department may indicate several problems, ranging from clerical errors to the loss of control of licensed material. The steps below must be followed in such situations:

- Mail returned to the Department as undeliverable should be checked to ensure that the address is the same as on the application/license.
- Any pending application related to the license should be checked for the correct mailing address.
- For mail returned to the Department for any reason other than a Department clerical error, the procedure will be the same as for an expired license (RCP-900.3).
- When the licensee cannot be located, send a certified letter to the address in the licensee file requesting clarification.
- Determine if the applicant has made any deliveries or has made any shipments of radioactive materials.
- **Under no circumstance will a license be issued if the location of use and mailing address is incorrect.**

**As with new licensees, applicants requesting quantities of radioactive materials in excess of 10 CFR 37 Appendix A Category 1 and Category 2 quantities, shall have an initial inspection within one year of the application issue date. The first inspection date is entered in Web Based Licensing (WBL) and the licensee file as a reminder.**

## 6.2 Processing an Application for License

6.2.1.1 The application and all appended and referenced material shall be reviewed. The 22a-153-1 through 22a-153-150, inclusive, of the Regulations of Connecticut State Agencies, Chapter 446a of the Connecticut General Statutes, the Department's policies and procedures, NUREG-1556 applicable volumes, and applicable parts of 10 CFR shall be used, as appropriate, by the reviewer to evaluate the applicant and the application.

6.2.1.2 The **Pre-Licensing Checklist** (Attachment 1) shall be used on all new license applications as well as transfer of control (change of ownership) applications. *Note that change of ownership or transfer of control is generally considered a new application unless the entities are well known as would be the case if one medical licensee assumes ownership of or merges with another medical licensee.* Once completed, the checklist must be placed in the licensing folder with the license.

6.2.1.3 A checklist to address requests for **Risk-Significant Radioactive Material** (Attachment 2) must also be completed and placed in the licensing folder.

NOTE

A license reviewer will ensure any correspondence containing security related information to and from the applicant will be marked:

“Official Use Only – Security Related Information – Withhold from Public Disclosure pursuant to CGS Sec. 1-210(b)(19)”

6.2.2 If additional information is needed, a Request for Additional Information (RAI) should be used. If the RAI is not addressed as necessary, a meeting with the applicant and/or a visit to the proposed facility(s) must be completed by the reviewer.

6.2.3 The reviewer shall use the **Licensing Job Aid** (Attachment 4) to verify all aspects of the licensing review have been completed and ensure that the review of the application includes the following commonly missed items:

- Application signed by upper management;
- Facility diagrams or sketches, including but not limited to, hoods, shielding, ventilation, work areas, storage areas, location of nearest occupied area, and physical security of radioactive material;
- Number, type, and range of survey instruments including procedures for calibration, checks for operability, and maintenance;
- Training and experience records for all Authorized Users (AUs);
- Preceptor and attestation statements for all new AUs, RSOs, and Authorized Medical Physicists (AMPs);
- Training and experience records, duties, responsibilities, and the availability of the RSO;
- Training and experience records for the Radiation Safety Committee Chair, if appropriate;
- Records to be retained and responsibility for records retention assigned;
- Frequently missed records include training for new employees, annual refresher training, survey instrument calibrations and source checks, and dose calibrator constancy, accuracy, linearity, and geometric variation checks for medical licenses;
- Procedures for receipt of radioactive material, especially to include off-hours and weekends.

6.2.4 Following this primary review, a secondary review will be conducted for quality assurance purposes by a qualified license reviewer other than the person doing the primary review.

6.2.5 The secondary review must also be conducted using the Licensing Job Aid and include a thorough evaluation of the completeness and accuracy of the licensing action file contents including the Pre-licensing Checklist and the Risk-Significant Radioactive Materials Checklist.

- 6.2.6 Upon completion of the primary and secondary review of the application and any supplemental material requested by the reviewer, a recommendation to issue a license or deny the application shall be made to the RCPD who will conduct the Administrative Qualitative Checklist and approve or deny the license application or amendment.
- 6.2.7 If the RCPD approves issuance of the license or license amendment, the prepared license will be signed by the RCPD.
- 6.2.8 All submitted and referenced information shall be tied-down. A tie-down license condition is used for procedures, radiation detection equipment, use locations, etc., that are not already specifically identified on the license.
- 6.2.9 If the recommendation is to deny the application and the Department's legal counsel concurs, the primary reviewer, SRCP or RCPD, in concert with the Department's legal counsel shall prepare a notification to the applicant. The notification shall state the reason for denial and if a new application would be accepted from the applicant. Denial of a license shall be signed by the Commissioner (as delegated).

### 6.3 Pre-licensing Site Visit

- 6.3.1 The purpose of a Pre-licensing site visit is to establish a basis for confidence that radioactive materials will be used as specified.
- 6.3.2 Pre-licensing site visits are conducted for new entities that do not have an existing NRC or Agreement State license, licensees changing ownership to an unknown entity, or licensees that are significantly expanding the size or scope of their existing license. They are also used to evaluate the applicant's intentions regarding the use of radioactive materials and to forward suspicious applications to the appropriate authority for follow-up per the guidance in the **Pre-licensing Checklist** (Attachment 1).
- 6.3.3 By the end of the visit, the reviewer should have observed, collected, and documented sufficient information to provide a basis for confidence that the applicant will use the radioactive materials as specified in its license application.

## 6.4 Processing a Request for License Amendment

- 6.4.1 A request for an amendment to a specific license must be submitted using CTDEEP Form 313. The request should be accompanied with a letter on company letterhead plus attachments. The request shall be signed by the individual in the position, or higher, that signed the application for license or the request shall be returned for proper signature. Alternatively, the licensing action request may be signed by an individual delegated by the person who signed the application or higher.
- 6.4.2 The primary review of the request for amendment shall determine if the request is so broad that it should be processed as a rewrite of the current license or as a new license. If it is determined that either a rewrite or a new license is appropriate and the SRCP concurs, the request shall be returned to the licensee and an appropriate application shall be requested.
- 6.4.3 A request from a medical licensee to add a qualified Authorized User to their license shall be accompanied by records of the individual's training and qualifications. Records of training shall be signed by the preceptor and shall not be just a letter stating that these procedures had been performed at another licensed facility.
- 6.4.4 A request to add an Authorized User to a license shall be accompanied by records of the individual's training and qualifications, especially as related to the AU's uses of radioactive materials.
- 6.4.5 A request to delete an Authorized User must require an evaluation to determine that the authorized material and uses are approved for other Authorized Users on the license.
- 6.4.6 A request to add or replace a Radiation Safety Officer (RSO) or Chair of the Radiation Safety Committee (RSC) shall include training and experience records and duties, responsibilities, and if appropriate, availability and delegation of authority.
- 6.4.7 A request to add isotopes, quantities, physical form, use, facilities, instrumentation, or the authorized place of use shall be reviewed in the same way as a request for a partial specific license for that activity.
- 6.4.8 A checklist to address requests for **Risk-Significant Radioactive Material**, (Attachment 2), must also be completed when the amendment includes any radioisotope listed in the Risk-Significant Radioactive Material Table in

Attachment 2 and the checklist must be placed in the licensing folder.

- 6.4.9 As with new license applications, license renewals, and license terminations, a secondary review must be conducted and documented using the **Licensing Job Aid** (Attachment 4).
- 6.4.10 A license is normally amended in its entirety and includes new tie-down license conditions as appropriate. The RCPD shall sign to approve the amendment.

#### 6.5 Processing a Request for Possession Only License (License Termination)

- 6.5.1 A Possession Only License is a license issued that authorizes the licensee to possess specific radioactive material but does not authorize its use. A Possession Only License is issued for a licensee that has ceased principal operations using radioactive material and has begun or is preparing to decommission its storage and usage facilities and dispose of or transfer the remaining radioactive material to an authorized recipient. It may also be issued for shielding material (depleted uranium) used for medical therapy linear accelerators and technetium-molybdenum generators.
- 6.5.2 If a licensee requests that its license be converted to possession-only status, determine whether the licensee has permanently ceased operations. If the licensee has permanently ceased operations, the licensee is required to begin decommissioning pursuant to 10 CFR 30.36(d), 40.42(d), and 70.38(d). Determine whether the licensee can proceed with decommissioning.
- 6.5.3 If the licensee can proceed with decommissioning, instruct the licensee to proceed with decommissioning and license termination. Do not amend the license to authorize possession only. If the expiration date has not passed, the license should be amended to limit activities to decommissioning only. (Expired licenses do not need to be amended because by rule, decommissioning is the only activity authorized.) If decommissioning is the only activity authorized, change the program code to DECOMMISSIONING.

NOTE: Reviewers should coordinate with inspection and decommissioning staff concerning site reviews and inspection activities before the program code is changed.

- 6.5.4 If the licensee cannot proceed with decommissioning (e.g., demonstrates that all reasonable options for radioactive waste disposal have been exhausted), review the licensee's application using the checklist in Enclosure (1) from NRC'S Policy and Guidance Directive PG 1-27 "Reviewing Requests to

Convert Active Licenses to Possession-Only Licenses." When each item on the checklist has been adequately addressed, issue a possession-only license and change the program code to POSSESSION-ONLY: PERMANENT. Change the authorized use condition in the license to read, "Possession and storage only until termination of the license." The license should have a two-year expiration date and may be renewed if the licensee continues to demonstrate that it cannot divest itself of the radioactive material, although it has taken all reasonable actions within its ability to dispose of the material.

## 6.6 Handling of Information

- 6.6.1 A reviewer may receive information from an applicant or licensee that is marked as "proprietary," "confidential," "restricted," or "is the express property of Company X." The reviewer will need to determine whether the information is necessary to the licensing action. If the information is not necessary, it should be returned to the applicant. If the information is necessary, the reviewer needs to ensure that the applicant has submitted a formal request for withholding the information (Attachment 3, **Checklist for Requests to Withhold Information from Public Disclosure**). The reviewer evaluates the applicant's request for withholding the information. If the request is denied, in whole or in part, the applicant is given the option of withdrawing the information or application. If the applicant decides not to withdraw the information or application, the reviewer notifies the applicant in writing that the request for withholding information from the public has been denied and that the reviewer will disregard any references concerning the proprietary status of the information.

Documents that contain personally identifiable information, security-related confidential information, and/or proprietary information should be protected from public disclosure. Licensees and other entities should have sufficient internal controls to prevent release of information to limit the risk that personal, confidential, and proprietary information could be released to someone with malevolent intent. Methods to prevent the inadvertent release of confidential information include (1) restricting access to electronic recordkeeping systems that contain such information, (2) controlling the reproduction, distribution, and destruction of potentially confidential records, and (3) releasing confidential information only to those individuals who have a need to know the information to perform their jobs and who are made aware of the security-related nature of the information.

- 6.6.2 If the information is necessary, the reviewer needs to ensure that the applicant has submitted a formal request for withholding the information in accordance with section 1-210 of the Connecticut General Statutes that includes the

following guidance:

6.6.2.1 The applicant shall request withholding at the time the document is submitted and shall comply with the document marking and affidavit requirements set forth below. The Department has no obligation to review documents not so marked to determine whether they contain information eligible for withholding.

6.6.2.2 The applicant shall ensure that the document containing information sought to be withheld is marked as follows:

- The first page of the document, and each successive page containing such information, must be marked to be readily visible, at the top, or by electronic watermark or other suitable marking on the body of the page, with language substantially similar to: "confidential information submitted under section 1-210 of the Connecticut General Statutes ", "withhold from public disclosure under section 1-210 of the Connecticut General Statutes ", or "proprietary", to indicate that it contains information the applicant seeks to have withheld.
- Each document or page, as appropriate, containing information sought to be withheld from public disclosure must indicate, adjacent to the information, the basis (*i.e.*, trade secret, personal privacy, etc.) for proposing that the information be withheld from public disclosure under paragraph 6.6.2 of this section.

6.6.2.3 The Department may waive the affidavit requirements on request, or on its own initiative, or in circumstances when the Department, in its discretion, deems it appropriate. Otherwise, except for personal privacy information, which is not subject to the affidavit requirement, the request for withholding must be accompanied by an affidavit that:

- Identifies the document or part sought to be withheld;
- Identifies the official position of the person making the affidavit;
- Declares the basis for proposing the information withheld, encompassing considerations set forth in section 1-210 of the Connecticut General Statutes;

- Includes a specific statement of the harm that would result if the information sought to be withheld is disclosed to the public; and
- Indicates the location(s) in the document of all information sought to be withheld.

6.6.2.4 Any part of the application that the reviewer has determined should be withheld from public disclosure should be handled in accordance with section 1-210 of the Connecticut General Statutes and the applicant should be notified in writing that the Department plans to honor the request; however, the notification needs to inform the applicant that the Department may have cause to review the determination in the future, for example, if the scope of a records request is in accordance with section 1-210 of the Connecticut General Statutes.

## 6.7 Assuring the Technical Quality of Licensing Actions

- 6.7.1 All license applications, license amendments, license renewals, and license terminations shall be provided a primary, secondary, and supervisory review prior to the licensing action being signed and approved utilizing the **License Review Job Aid** for the primary and secondary review and the **Administrative Qualitative Checklist** for supervisory review (Attachments 4 and 5).
- 6.7.2 Upon completion of the primary review, the primary license reviewer will notify the SRCP for secondary review assignment. This may be assigned to any qualified radioactive materials program license reviewer. The secondary review will utilize Attachment 4, **License Review Job Aid**.
- 6.7.3 License reviewers should compare similar Connecticut radioactive materials licenses as a means to provide an additional quality check to ensure completeness.
- 6.7.4 The final review to assure the technical quality of licensing actions is the supervisory review. It is conducted by the RCPD before signing and approving the licensing action.

## 6.8 Exemption Requests

- 6.8.1 The RCPD may grant exemptions if he/she makes a finding that the exemption(s) does not result in significant risk to the health and safety of the public, and safeguards that provide equivalent levels of protection to those are implemented.

- 6.8.2 Each individual exemption request will be evaluated on a case-by-case basis utilizing the current guidance in NUREG 1556, Volume 20, Guidance About Administrative Licensing Procedures. The license reviewer will inform the RCPD as soon as practical upon receipt of an exemption request
- 6.8.3 The RCPD will consult with Department legal counsel prior to approving an exemption.
- 6.8.4 NUREG-1556, Volume 20 specifies certain exemptions which require coordination with the NRC for approval. In these cases, the RCPD will request assistance through the NRC Regional State Agreements Officer (RSAO) for processing the exemption request.

## Attachment 1

# Radioactive Materials Program

### PRE-LICENSING GUIDANCE

The state of Connecticut will adopt RCPD-2019-003, Pre-Licensing Guidance for use.

[Materials Security Toolbox Sign-in Page \(nrc.gov\)](https://www.nrc.gov/reading-rm/toolbox/sign-in.html)

**This document is maintained separately as security-related materials**

## Attachment 2

### Radioactive Materials Program

#### RISK-SIGNIFICANT RADIOACTIVE MATERIAL CHECKLIST

The state of Connecticut will adopt RCPD-08-020, RSRM Checklist for use.

[Materials Security Toolbox Sign-in Page \(nrc.gov\)](https://www.nrc.gov/reading-rm/toolbox/sign-in.html)

**This document is maintained separately as security-related materials**

## Attachment 3

### Radioactive Materials Program

#### CHECKLIST FOR REQUESTS TO WITHHOLD INFORMATION FROM PUBLIC DISCLOSURE

Name:	License Number:
To request that the Department of Energy and Environmental Protection withhold information contained in an application from public disclosure, the applicant must submit the information and application, including an affidavit, in accordance with section 1-210 of the Connecticut General Statutes. The applicant should submit all the following:	
<input type="checkbox"/>	<b>A proprietary copy of the information.</b> Brackets should be placed around the material considered to be proprietary. This copy should be marked as proprietary.
<input type="checkbox"/>	<b>A non-proprietary copy of the information.</b> Applicants should write out or black out the proprietary portions (i.e. those in the brackets), leaving the non-proprietary portions intact. This copy should not be marked as proprietary.
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<b>An affidavit that:</b> Is notarized. Clearly identifies (such as by name or title and date) the document to be withheld. Clearly identifies the position of the person executing the affidavit. This person must be an officer or upper-level management official who has been delegated the function of reviewing the information sought to be withheld and authorized to apply for withholding on behalf of the company.
<input type="checkbox"/> <input type="checkbox"/>	States that the company submitting the information is the owner of the information or is required, by agreement with the owner of the information, to treat the information as proprietary. Provides a rational basis for holding the information in confidence.
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	A letter that fully addresses the following issues: <ul style="list-style-type: none"><li>Is the information submitted to, and received by, the Department in confidence? Provide details.</li><li>Does the applicant customarily treat this information, or this type of information, as confidential? Explain why.</li><li>Would public disclosure of the information be likely to cause substantial harm to the competitive position of the applicant? If so, explain why in detail. The explanation should include the value of the information to your company, amount of effort or money expended in developing the information, and the ease or difficulty of others to acquire the information.</li></ul>

## Attachment 4

# Radioactive Materials Program

## LICENSE REVIEW JOB AID

1. Review submittal within 30 days of receipt of application.
2. Review using applicable guidance to ensure the licensee submitted all required information from:
  - a. NUREG-1556 Consolidated Guidance About Materials Licenses;
  - b. NUREG-1757 Volume 1 & 2 Consolidated Decommissioning Guidance;
  - c. NUREG-1757 Volume 3 for Financial Assurance, Recordkeeping, and Timeliness;
  - d. RMPP RCP-900.1 thru RCP-900.5; and
  - e. NRC Medical License Toolkit <https://www.nrc.gov/materials/miau/med-use-toolkit.html#et>.
3. Determine if subject to:
  - a. Financial Assurance;
  - b. Emergency Plan;
  - c. Environmental Assessment; or
  - d. Change of Ownership (References: 10 CFR 30.34(b), 40.46, 70.25, and NUREG-1556 Volume 15 for change of ownership).
4. For amendments and renewals, compare with previous license and markup to show changes. Review licensee inspection/enforcement history.
5. For new licenses and change of ownership, ensure that the Pre-licensing Checklist has been completed.
6. For all license actions, ensure that the Risk Significant Radioactive Material (RSRM) Checklist has been completed.
7. Review list of escalated enforcement actions for licensees and individuals. Go to <https://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/individuals/>.
8. Review license tie downs and inspection documentation.

9. For license terminations:

- a. Account for all radioactive material and locations of use and/or storage;
- b. Confirm all materials have been properly transferred or disposed, that a thoroughly documented survey for the presence of radioactive materials (contamination or radiation) has been performed, and the site can be released for unrestricted use;
- c. Determine if any incidents (spills/contamination) have occurred and the records of remediation and/or disposition of the radioactive materials (CTDEEP Form 314) are completed if applicable; and
- d. Ensure licensee has submitted records in accordance with 10 CFR 30.36(k)(4), 40.61, and 70.51.

10. Notify the Radiation Control Program Director immediately with concerns and/or violations identified during the review.

11. Ensure completed CTDEEP Forms are included and signed by licensee management:

- a. CTDEEP Form 313 – New Licenses (required);
- b. CTDEEP Form 313 – License Renewal (or equivalent); and
- c. CTDEEP Form 314 – License Termination (or equivalent).

12. Ensure that sealed source model numbers are registered.

13. Complete security related information and mark as appropriate.

14. Obtain second reviewer concurrence.

15. Ensure the document will be properly delivered through the mail.

16. Draft license following license generation forms and compare with sample licenses.

17. Update license expiration date on license.

18. Confirm proper program code and inspection priority.

19. Draft cover letter and print letter and license.

20. Use Administrative Quality Checklist for Licensing Actions for QA/QC review of letter and license.

## Attachment 5

# Radioactive Materials Program

## ADMINISTRATIVE QUALITATIVE CHECKLIST

1. Perform grammar and spelling checks. Ensure spelling of names/locations on cover letter and license are consistent.
2. Issue date on the license and cover letter match.
3. Cover letter and license contain proper “Official Use Only- Security Related Information (OUO-SRI)” banner, as required.
4. Mailing address identified on cover letter matches address in item 2 of the license.
5. License contains correct page numbers and amendment number. All initial licenses will be Amendment 0.
6. License conditions are correctly numbered on the license.
7. Document(s) are added to the tie-down conditions of the license, such as licensee commitments. Dates for all licensee commitments are correctly referenced in the tie down conditions of the license.
8. Cover letter has the correct license numbers, date specified, and signatures.
9. Licensing worksheets (checklists) are completed prior to Web Based Licensing processing. All electronic signatures (reviewer and supervisor) are completed.
10. All information on the Web Based Licensing (WBL) worksheet is filled out and correct (Program Codes, Contact, RSO, Address, etc.....).
11. Error reduction techniques are utilized, such as: re-read/proofread/secondary review after printing which ensures that the printed license matches the screen and is appropriate prior to mailing the license.

## Attachment 6

### Radioactive Materials Program

#### Program Codes for each License Type

The state of Connecticut will use the document “Office of Nuclear Materials Safety and Safeguards Program Code Descriptions and Inspection Priorities” for program codes for each license type.

[2023 Program Code Descriptions and Inspection Priorities \(nrc.gov\)](#)

**This document is maintained at the NRC.gov website**