



DEPARTMENT OF THE NAVY

NAVY ENVIRONMENTAL HEALTH CENTER
2510 WALMER AVENUE
NORFOLK, VIRGINIA 23513-2617

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Ser 31/ 03869
18 NOV '94

From: Commanding Officer, Navy Environmental Health Center

Subj: NAVY RADIOACTIVE MATERIAL PERMIT (NRMP) PROGRAM
INFORMATION NOTICE 94-07

Encl: (1) U.S. Nuclear Regulatory Commission (NRC) Information
Notice No. 94-47: Accuracy of Information Provided to
NRC during the Licensing Process

1. I am forwarding the U.S. Nuclear Regulatory Commission's (NRC) Information Notice No. 94-47 for your use.
2. The information contained is equally applicable to your Navy Radioactive Material Permit. Please review this information and distribute it to appropriate staff (ie: Radiation Safety and Health Offices, Radiology, and Oncology).
3. Further questions concerning this notice should be directed to Mr. P. D. Tveten, Radiation Health Department (NEHC-312) at DSN: 564-4657 or (804) 444-4657, Ext. 227.

P. D. TVETEN
By direction

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NAVUSEAMEDINSTITUTE Groton CT

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS
WASHINGTON, D.C. 20555

June 21, 1994

NRC INFORMATION NOTICE 94-47: ACCURACY OF INFORMATION PROVIDED
TO NRC DURING THE LICENSING PROCESS

Addressees

All U.S. Nuclear Regulatory Commission Material Licensees.

Purpose

The Nuclear Regulatory Commission (NRC) is issuing this Information Notice to notify addressees of the importance of submitting accurate information during the licensing process. It is expected that recipients will review the information for applicability to their facilities and consider actions, as appropriate, to avoid similar problems. However, suggestions contained in this Information Notice are not new NRC requirements; therefore, no specific action nor written response is required.

Description of Circumstances

NRC statutory authority allows NRC to issue licenses for the use, possession, transfer, receipt, and distribution of byproduct material. When a license application is approved, NRC issues a specific license that authorizes the use of byproduct material in accordance with the program described in the application.

There have been applications submitted to NRC that did not specify the status of the construction of the facility, or stated that the facility was under construction, when, in fact, it was not. In two cases, the applicants had stated in the application that the facilities were "...being finished at this time." In another case, after a license was issued to the applicant, NRC subsequently discovered that the facility, as described in the application as the place of possession and use of radioactive material, had not been constructed, and that the facility's proposed address was actually the applicant's private residence.

NRC is stressing the importance of submitting complete and accurate information to NRC in the licensing process. The nature and status of the applicant's proposed facility are material matters in determining whether a license to use byproduct material should be issued to an applicant.

Discussion

The general rules governing domestic licensing of byproduct material are contained in 10 CFR Part 30. Section 30.33, "General requirements for

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Enclosure (1)

issuance of specific licenses," requires, among other things, that the proposed equipment and facilities be adequate to protect health and minimize danger to life and property. NRC staff anticipates, and as a matter of practice encourages, license applicants to delay completion of facilities and acquisition of equipment until after the review of the application is completed. This allows for cost-effective safety improvements in the applicant's facilities and equipment when indicated as a result of NRC's technical review. It also ensures the adequacy of the facilities and equipment before significant financial investment by the applicant. However, the actual status of the facility must be correctly represented, and the applicant may not possess and use licensed material until the approved facilities are completed and equipment procured.

Once a license is granted, construction of facilities, acquisition of equipment, and possession and use of licensed material may depend on further business, financial, and technical decisions. However, the operational facility must be as described in the license application. If, during the licensing process, a decision is made to change the facility location or design, a revision to the license application must be submitted. After the license has been issued, changes to the facility location or design require that an application for a license amendment be submitted and approved before obtaining and using radioactive material at the facility.

As specified in 10 CFR 30.36(b), NRC requires licensees to notify the Commission promptly, in writing, and request termination of the license when the licensee decides to terminate all activities involving materials authorized under the license. NRC does not typically renew a license under which authorized material has never been possessed or used.

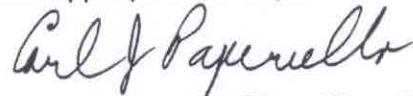
A license is granted for the purposes specified in an application, based upon the understanding that the applicant intends to use the license for those purposes. A license is not granted to serve purposes other than the use, possession, transfer, receipt, and/or distribution of byproduct material (e.g. solely as a credential).

Section 30.9 of 10 CFR Part 30 states that, "Information provided to the Commission by an applicant for a license or by a licensee or information required by statute or by the Commission's regulations, orders, or license conditions to be maintained by the applicant or the licensee shall be complete and accurate in all material respects." Depending upon the circumstances, violations of this rule may lead to civil or criminal sanctions. The willful provision of false statements in a license application to the NRC is an extremely serious matter. It is a criminal offense to make a willfully false statement or representation to any department or agency of the United States Government, under 18 U.S.C. §1001. Item 13 of NRC Form 313, "Application for Material License," notifies applicants of this provision of federal law. Both 10 CFR 30.9 and 18 U.S.C. §1001 are applicable to license applicants and to individuals who assist in, or provide information for, the preparation of license applications.

License applicants who have a consultant prepare, or assist in the preparation of, the license application, should carefully review the application to ensure

the accuracy of all its information. This includes the information on the proposed facility, the status of the construction of the facility, the address of use, and the qualifications of the authorized users. License applicants are reminded that a license may be revoked for, among other things, any material false statement in the application and for failure to construct or operate a facility in accordance with the terms of the license, under Section 186(a) of the Atomic Energy Act.

This Information Notice requires no specific action or written response. If you have any questions about the information in this notice, please call the technical contact listed below, or the appropriate regional office.



Carl J. Paperiello, Director
Division of Industrial and
Medical Nuclear Safety
Office of Nuclear Material Safety
and Safeguards

Technical contact: Torre Taylor, NMSS
(301) 504-1062

Attachments:

1. List of Recently Issued NMSS Information Notices
2. List of Recently Issued NRC Information Notices