

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

March 18, 1994

NRC INFORMATION NOTICE 94-21: REGULATORY REQUIREMENTS WHEN NO OPERATIONS ARE BEING PERFORMED

Addressees

All fuel cycle and materials licensees.

Purpose

The U.S. Nuclear Regulatory Commission is issuing this information notice to remind addressees that all regulatory requirements must be satisfied even when no operations are being performed. It is expected that recipients will review this information for applicability to their operations and consider actions, as appropriate, to avoid violations of regulatory requirements.

Description of Circumstances

On June 26, 1990, NRC received allegations of safety violations concerning a service company that was licensed to handle and transport radioactive material for its customers. During a followup NRC investigation, the licensee claimed that it was working under the license of its customers, and not under its own license. The licensee viewed its license as "inactive" because activities were not being performed under that authorization. After an extensive investigation, the licensee was cited for seven violations including failure to have an NRC-approved radiation safety officer (RSO) for a period of time, and failure of the radiation safety committee to review all licensed activities.

Discussion

NRC issues licenses for many types of operations, including service companies that may only perform licensed activities for short periods of time at temporary job sites. Many licensees experience slow periods where their workers are inactive, but there is no such thing as an inactive license. Most licenses have a condition similar to the following:

"Except as specifically provided otherwise in this license, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, listed below. The NRC's regulations shall govern unless the statements, representations, and procedures in the licensee's application and correspondence are more restrictive than the regulations.

(Application and correspondence listed chronologically.)"

9403140010 PDR I&E Notice 94-021 940318

Updated 3/22/94

*PDR-1/C
Info Notice*

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The radiation safety programs required by NRC regulations and license conditions must be maintained in an active state while the license is in effect. Without a license amendment, a licensee may not suspend required radiation safety programs and then attempt to re-establish these programs at a later date. The license must be amended to authorize such program changes. Licensees should remain competent to undertake activities authorized by their license if they want to maintain their authorization to perform those activities.

Actions to maintain an active radiation safety program include the following:

- A. Maintaining qualified personnel in key positions (i.e., RSO, radiation safety committee members, etc.).
- B. Holding required safety committee meetings.
- C. Performing required maintenance and calibration of safety equipment.
- D. Completing required training (including periodic retraining).
- E. Maintaining required signs, labels, and postings.
- F. Completing required monitoring and surveillance.
- G. Maintaining required records.

This information notice requires no specific action or written response. It is expected that recipients will consider actions, as appropriate, to avoid violations of regulatory requirements. If you have any questions about the information in this notice, please contact the technical contact listed below or the appropriate regional office.



Robert F. Burnett, Director
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards



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

Technical contact: Kevin M. Ramsey, NMSS
(301) 504-2534

Attachments:

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

OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS

(date)

Administrative Letter

Bulletin

Generic Letter

Information Notice

94-, "REGULATORY REQUIREMENTS WHEN NO OPERATIONS
(number) (title)
ARE BEING PERFORMED"

was issued on _____
(date)

The (technical) contacts are KEVIN M. RAMSEY, NMSS, (301) 504-2534
_____, (301) 504-_____

Summary:

This information notice is being issued to remind licensees that their radiation safety programs must be maintained in an active status and all regulatory requirements must be satisfied even when no operations are being performed.

LIST OF RECENTLY ISSUED
NMSS INFORMATION NOTICES

| Information Notice No. | Subject | Date of Issuance | Issued to |
|------------------------|---|------------------|--|
| 94-17 | Strontium-90 Eye Applicators: Submission of Quality Management Plan (QMP), Calibration, and Use | 03/11/94 | All U.S. Nuclear Regulatory Commission Medical Use Licensees. |
| 94-16 | Recent Incidents Resulting in Offsite Contamination | 03/03/94 | All U.S. Nuclear Regulatory Commission material and fuel cycle licensees. |
| 94-15 | Radiation Exposures during an Event Involving a Fixed Nuclear Gauge | 03/02/94 | All U.S. Nuclear Regulatory Commission licensees authorized to possess, use, manufacture, or distribute industrial nuclear gauges. |
| 94-09 | Release of Patients with Residual Radioactivity from Medical Treatment and Control of Areas due to Presence of Patients Containing Radioactivity Following Implementation of Revised 10 CFR Part 20 | 02/03/94 | All U.S. Nuclear Regulatory Commission medical licensees. |
| 94-07 | Solubility Criteria for Liquid Effluent Releases to Sanitary Sewerage under the Revised 10 CFR Part 20 | 01/28/94 | All byproduct material and fuel cycle licensees with the exception of licensees authorized solely for sealed sources. |
| 93-100 | Reporting Requirements for Bankruptcy | 12/22/93 | All U.S. Nuclear Regulatory Commission licensees. |
| 93-80 | Implementation of the Revised 10 CFR Part 20 | 10/08/93 | All byproduct, source, and special nuclear material licensees. |
| 93-77 | Human Errors that Result in Inadvertent Transfers of Special Nuclear Material at Fuel Cycle Facilities | 10/04/93 | All nuclear fuel cycle licensees. |

LIST OF RECENTLY ISSUED
 NRC INFORMATION NOTICES

| Information Notice No. | Subject | Date of Issuance | Issued to |
|------------------------|--|------------------|---|
| 94-20 | Common-Cause Failures due to Inadequate Design Control and Dedication | 03/17/94 | All holders of OLs or CPs for nuclear power reactors. |
| 94-19 | Emergency Diesel Generator Vulnerability to Failure from Cold Fuel Oil | 03/16/94 | All holders of OLs or CPs for nuclear power reactors. |
| 94-18 | Accuracy of Motor-Operated Valve Diagnostic Equipment (Responses to Supplement 5 to Generic Letter 89-10) | 03/16/94 | All holders of OLs or CPs for nuclear power reactors. |
| 94-17 | Strontium-90 Eye Applicators: Submission of Quality Management Plan (QMP), Calibration, and Use | 03/11/94 | All U.S. Nuclear Regulatory Commission Medical Use Licensees. |
| 94-16 | Recent Incidents Resulting in Offsite Contamination | 03/03/94 | All U.S. Nuclear Regulatory Commission material and fuel cycle licensees. |
| 94-15 | Radiation Exposures during an Event Involving a Fixed Nuclear Gauge | 03/02/94 | All U.S. Nuclear Regulatory Commission licensees authorized to possess, use, manufacture, or distribute industrial nuclear gauges. |
| 94-14 | Failure to Implement Requirements for Biennial Medical Examinations and Notification to the NRC of Changes in Licensed Operator Medical Conditions | 02/24/94 | All holders of OLs or CPs for nuclear power and non-power reactors and all licensed reactor operators and senior reactor operators. |

OL = Operating License
 CP = Construction Permit

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Actions to maintain an active radiation safety program include the following:

- A. Maintaining qualified personnel in key positions (i.e., RSO, radiation safety committee members, etc.).
- B. Holding required safety committee meetings.
- C. Performing required maintenance and calibration of safety equipment.
- D. Completing required training (including periodic retraining).
- E. Maintaining required signs, labels, and postings.
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Carl J. Paperiello, Director
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Tech Editor*
 EKraus
 3/3/94

* - See previous concurrence

| OFC | IMOB* | IMOB* | IMOB* | IMAB* | FCSSM | IMNS |
|------|------------|-----------|--------|--------|----------|-------------|
| NAME | KRamsey:11 | GPangburn | FCombs | JGlenn | RBurnett | CPaperiello |
| DATE | 3/1/94 | 3/1/94 | 3/1/94 | 3/2/94 | 3/07/94 | 3/09/94 |

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2/14/94

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| NAME | KRamsey:11 | GPangburn | FCombs | AGlenn | RBurnett | EWBrach | CPaperiello |
| DATE | 3/1/94 | 3/1/94 | 3/1/94 | 12/2/94 | / /94 | / /93 | / /93 |

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