

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

9406140282

PDR IEE Notice 94-047

940621

updated on 7/6/94

IDR-11C

FOI  
1/1

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

LIST OF RECENTLY ISSUED  
NMSS INFORMATION NOTICES

Information Notice No.	Subject	Date of Issuance	Issued to
94-39	Identified Problems in Gamma Stereotactic Radiosurgery	05/31/94	All U.S. Nuclear Regulatory Commission Teletherapy Medical Licensees.
94-38	Results of a Special NRC Inspection at Dresden Nuclear Power Station Unit 1 Following a Rupture of Service Water Inside Containment	05/27/94	All holders of OLs or CPs for NPRs and all fuel cycle and materials licensees authorized to possess spent fuel.
94-37	Misadministration Caused by a Bent Interstitial Needle during Brachytherapy Procedure	05/27/94	All U.S. Nuclear Regulatory Commission Medical Licensees authorized to use brachytherapy sources in high-, medium-, and pulsed-dose-rate remote afterloaders.
94-35	NIOSH Respirator User Notices, "Inadvertent Separation of the Mask-Mounted Regulator (MMR) from the Facepiece on the Mine Safety Appliances (MSA) Company MMR Self-Contained Breathing Apparatus (SCBA) and Status Update"	05/16/94	All holders of OLs or CPs for nuclear power reactors, and all licensed fuel facilities.
94-23	Guidance to Hazardous, Radioactive and Mixed Waste Generators on the Elements of A Waste Minimization Program	03/25/94	All NRC licensees.
94-21	Regulatory Requirements when No Operations are being Performed	03/18/94	All fuel cycle and materials licensees.

LIST OF RECENTLY ISSUED  
NRC INFORMATION NOTICES

Information Notice No.	Subject	Date of Issuance	Issued to
94-46	NonConservative Reactor Coolant System Leakage Calculation	06/20/94	All holders of OLs or CPs for nuclear power reactors.
94-45	Potential Common-Mode Failure Mechanism for Large Vertical Pumps	06/17/94	All holders of OLs or CPs for nuclear power reactors.
94-44	Main Steam Isolation Valve Failure to Close on Demand because of Inadequate Maintenance and Testing	06/16/94	All holders of OLs or CPs for nuclear power reactors.
94-43	Determination of Primary-to-Secondary Steam Generator Leak Rate	06/10/94	All holders of OLs or CPs for pressurized water reactors.
94-42	Cracking in the Lower Region of the Core Shroud in Boiling-Water Reactors	06/07/94	All holders of OLs or CPs for boiling-water reactors (BWRs).
94-41	Problems with General Electric Type CR124 Overload Relay Ambient Compensation	06/07/94	All holders of OLs or CPs for nuclear power reactors.
94-40	Failure of a Rod Control Cluster Assembly to Fully Insert Following a Reactor Trip at Braidwood Unit 2	05/26/94	All holders of OLs or CPs for pressurized-water reactors (PWRs).
94-39	Identified Problems in Gamma Stereotactic Radiosurgery	05/31/94	All U.S. Nuclear Regulatory Commission Teletherapy Medical Licensees.

OL = Operating License  
CP = Construction Permit

the information is complete and accurate. The license applicant is responsible for the content of the license application and must 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

Closes IMNS-645

\*see previous concurrence

\*\*see attached concurrence

OFC	IMAB	C	IMAB*	C	IMAB*	E	Tech Ed		IMOB*	E
NAME	TTaylor*		LWCamper		JEGlenn		EKraus**		FCCombs	
DATE	06/09/94		04/29/94		05/02/94		04/18/94		05/03/94	
OFC	OGC*		DD/IMNS		D/IMNS					
NAME	STreby		WBrach		CPaperiello*					
DATE	06/09/94		/ /		06/09/94					

C = COVER E = COVER & ENCLOSURE N = NO COPY  
 Official Record Copy 94-47.IN

license application. 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.

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 contacts 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 contacts: Torre Taylor, NMSS  
 (301) 504-1062

Attachments:

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

Closes IMNS-645

\*see previous concurrence  
 \*\*see attached concurrence

OFC	IMAB	C	IMAB*	C	IMAB*	E	Tech Ed		IMOB*	E
NAME	Taylor		LWCamper		JEGTenn		EKraus**		FCCombs	
DATE	6/9/94		04/29/94		05/02/94		04/18/94		05/03/94	
OFC	OGC*		D/IMNS		D/IMNS					
NAME	STreby		WBrach		CPaperiello					
DATE	06/09/94				6/9/94					

C = COVER = COVER & ENCLOSURE N = NO COPY

Official Record Copy G:\TAYLOR\IMNS645