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NRLSD BULLETIN NO. 92-02

**MAINTAINING VALID AND CURRENT
LICENSES**

A. ADDRESSEES

All users of radioactive materials.

B. PURPOSE

This bulletin is issued to remind licensees and any user of radioactive material that no person can acquire, possess, use or transfer radioactive material without being authorized in a license issued by the **Institute** pursuant to the regulations of the **Code of PAEC Regulations (CPR)**. In addition, any holder of an expired Institute license is not allowed to continue any activity relative to the use of radioactive materials unless he applies for a renewal and has his application approved by the **Institute**.

The Institute expects licensees to maintain valid licenses for as long as they continue to use and possess radioactive materials; and for licensees who intend to discontinue all activities involving radioactive material, to request the Institute for the termination of their licenses.

C. DESCRIPTION OF CIRCUMSTANCES

Records on file with the Nuclear Regulations, Licensing and Safeguards Division of the Institute indicate that some licenses have expired without being renewed or are allowed to expire without requesting the Institute to terminate the license but holders of such expired licenses continue performing activities that are subject to licensing. In the cases described below, invalid licenses remain active despite several admonitions from the **Institute** to these persons to have their licenses renewed in compliance with the regulations.

Case I

An expired license continued to be used in violation of the regulations. No application for renewal of license was received by the **Institute** and verification with the user showed that there was no application filed with the **Institute**.

Case II

A holder of an expired license filed an application for renewal but failed to submit the additional requirements requested by the Institute to facilitate the determination of compliance with licensing requirements. The 30-day grace period elapsed, but no response was received from the application, who apparently has ignored his obligations to the Institute and continued using radioactive material.

Case 3

A licensee has allowed his license to expire without any intention of renewing the license but has not requested the Institute to terminate its license.

D. DISCUSSION

CPR Part 2, "Licensing of Radioactive Material", is the primary regulation that establishes the requirements governing the use of radioactive materials. Except for specific exemptions described in this regulation, no person shall manufacture, produce, transfer, sell, receive, acquire, own, possess, use, import or export radioactive material without being authorized in a license issued by the **Institute**. Any license issued by the **Institute** is valid for an average period of one year. The license expires at the end of the day in the month and year stated therein.

Regulatory provisions that address the requirements for maintaining a valid license through renewal and/or amendments of license are described in **Section 34, 35, and 36 of CPR Part 2**. These requirements specify fixed periods at which the licensee must comply.

If the licensee allows his license to expire by not applying for renewal of his license more than one month before the expiry date, the **Institute** will assume that the licensee wishes to discontinue his license and the Institute shall initiate the termination procedure. **Section 37, "Termination of License"** of CPR Part 2 specifies the requirements for the termination of licenses.

An expired license terminates the authority issued by the **Institute** to conduct any activity that involves radioactive material. *Thus, any person who operates under an expired (or invalid) license is considered a willful violator of the regulations and is subject to the Penal provisions of R.A. 2067 as amended and R.A. 5207 as amended. He is therefore liable to criminal prosecution under the Penal Code.*

The Institute emphasizes that compliance with the regulations and the conditions of the license promotes the safety and protection of the licensee and its workers, and the welfare of the general public.

E. REQUIRED LICENSEE ACTIONS

Any licensee should be aware of his responsibilities and commitments by

regularly reviewing the contents and conditions of his license, and see to it that his activities conform with his current commitments. It is always incumbent on the licensee to renew his license in accordance with regulations. He should not wait for reminders from the Institute to renew his license if he intends to continue with his licensed activities.

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ATTACHMENT
Relevant/Applicable Sections of CPR Part 2

Section 34. Expiration and Renewal of Licenses.

- (a) Each license shall expire at the end of the day in the month and year stated therein.
- (b) Applications for renewal of a license shall be filed in accordance with Section 14. Not less than thirty (30) days prior to the expiration of the existing license, a licensee shall file in proper form for renewal. Such existing license shall remain valid until the application for renewal has been finally determined by the Institute, but in no case shall be more than 30 days after the expiration of the license.

Section 35. Applications for Amendment of Licenses.

A licensee shall apply for and must receive a license amendment before he can:

- (a) Use the radioactive material covered in his license for purposes other than those specified in the license;
- (b) Use or store said radioactive material in locations other than those specified in the license;
- (c) Use radioactive materials other than those specified in the license;
- (d) Use the same radionuclides in quantities exceeding those specified in the license for the purposes and at the locations specified in the license;
- (e) Change personnel listed therein, e.g., the authorized individual user(s), the person designated as Radiation Safety Officer, etc.; and
- (f) Make major change in the equipment and facilities in which the licensed radioactive material is stored, used or handled.

An application for amendment of license shall be filed with the Institute and shall specify in what respect the licensee desires his license to be amended and the grounds for such amendment.

Section 36. Institute Action on Applications to Renew or Amend.

In considering an application by a licensee to renew or amend his license, the Institute will apply the applicable criteria set forth in Sections 15 thru 29.

Section 37. Termination of a License.

- (a) The procedure for terminating a license may be initiated at any time at the request of the licensee. It is assumed that if a license is allowed to expire and the licensee has not requested a renewal of the license within one month after the expiry date, the licensee wishes his license to be terminated and the **Institute** shall initiate the termination procedure.
- (b) Before the license can be terminated, the licensee must :
 - 1. discontinue all activities involving licensed radioactive materials;
 - 2. transfer or dispose of all licensed materials which were in his possession in accordance with the regulations;
 - 3. determine by a survey or other means that no contamination levels in excess of the limits for unrestricted areas exist in his facilities; and
 - 4. assure that the required records are complete and up-to-date.
- (c) To be relieved of the responsibility for the material and the other conditions in his license, the licensee shall submit a letter to the **Institute** containing:
 - 1. his request (or agreement) that the license be terminated;
 - 2. a certified statement that he no longer has in his possession any radioactive material requiring a license;
 - 3. a listing of the radioactive material transferred or disposed of in the past year and the person to whom the material was transferred or the method of disposal for each item;
 - 4. the statement of a qualified expert that his facilities are not contaminated; and
 - 5. an agreement that his records and facilities will be available for inspection by **PNRI** at a mutually agreed on date within the next three months.
- (d) When these procedures have been completed to its satisfaction, the **Institute** will issue a termination of the license.