



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

PG 4-04

JAN 21 1994

MEMORANDUM FOR: Those on Attached List

FROM: Carl J. Paperiello, Director
Division of Industrial and
Medical Nuclear Safety, NMSS

SUBJECT: POLICY AND GUIDANCE DIRECTIVE FC 94-02, LICENSING
SITE REMEDIATION CONTRACTORS FOR WORK AT TEMPORARY
JOB SITES

The final policy and guidance directive on licensing site remediation contractors for work at temporary job sites is enclosed for your use. Regional comments have been incorporated as appropriate. We have clarified that the guidance is intended for site remediation service contractors. We have also clarified our position that a site owner remains responsible for eventual release of a site regardless of who the owner hires to perform specific activities. The final guidance allows contractors to possess calibration sources, reference standards, and contaminated equipment owned by the contractor, and it increases the advance notification requirement to 14 days before initiating activities at a temporary job site. In addition, the emergency response conditions were revised to clearly authorize reasonable emergency response actions that depart from conditions in the license if NRC is notified immediately after such action is taken.

Please note that we have requested OMB clearance for the reporting and recordkeeping requirements in this directive, but OMB approval is still pending. Any licensing actions involving this directive should be submitted to Headquarters for concurrence until OMB approval is received.

If you have any questions, please contact Kevin Ramsey at (301) 504-2534.

A handwritten signature in cursive script, reading "Carl J. Paperiello".

Carl J. Paperiello, Director
Division of Industrial and
Medical Nuclear Safety, NMSS

Enclosure: As stated

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Original Signed by

Carl J. Paperiello, Director
Division of Industrial and
Medical Nuclear Safety, NMSS

Enclosure: As stated

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POLICY AND GUIDANCE DIRECTIVE

FC 94-02

LICENSING SITE REMEDIATION CONTRACTORS
FOR WORK AT TEMPORARY JOB SITES

PREPARED BY: <i>Kevin M Ramsey</i> Kevin Ramsey, IMOB 12/16/93	CONCURRENCE: <i>Paul H. [Signature]</i> John Greeves, LLWM 1/4/94
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REVIEWED BY: <i>[Signature]</i> Fred Combs, IMOB 12/29/93	NO LEGAL OBJECTION: <i>Stewart A. Treby</i> Stewart Treby, OGC 1/11/94
CONCURRENCE: <i>John Glenn</i> John Glenn, IMAB 12/29/93	APPROVED BY: <i>Carl Paperiello</i> Carl Paperiello, IMNS 1/14/94

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**LICENSING SITE REMEDIATION CONTRACTORS
FOR WORK AT TEMPORARY JOB SITES**

1. Purpose:

The purpose of this directive is to establish the policy and guidance for authorizing service contractors to perform site remediation work under their own license at temporary job sites. This directive applies to temporary job sites owned/operated by other NRC licensees, as well as non-licensees. This directive may be used on a case-by-case basis with HQ concurrence to license other types of service contractors. However, this directive does not apply to the installation and maintenance of devices.

2. Policy:

Site owners/operators may not have radiation safety programs in place that are adequate to ensure the safety of activities to be performed by a service contractor. Therefore, it is appropriate for contractors to operate under their own license at temporary job sites when they are providing the radiation safety programs under which the work is being performed. This ensures that site owners/operators do not supervise activities with which they have no experience. It also allows the NRC to authorize work without issuing a new license or amending an existing license, and it allows enforcement actions directly against contractors when violations are associated with their radiation safety programs. However, the site owner remains responsible for decommissioning financial assurance (if a licensee) and eventual release of the site regardless of who the owner hires to perform specific activities.

3. General Guidance:

In general, applications for site remediation service licenses should be made in accordance with the regulations and guidance applicable to the authorized

use requested. For example, an application for broad authorization to handle a wide variety of radioactive materials during site remediation should be in accordance with 10 CFR Part 33 and Regulatory Guide 10.5, Applications for Type A Licenses of Broad Scope. In addition to the existing regulations and guidance, the specific provisions provided below should be addressed.

4. Specific Guidance:

- 4.1 A site remediation service license may authorize the use of licensed material only at temporary job sites in the United States where NRC maintains jurisdiction. Possession or use of materials at the service contractor's facilities must be authorized under a separate license. In addition, possession should be authorized only to the extent that licensed material originating from the site must be transferred to an authorized recipient or left at the site. Possession (at the temporary job site) of calibration sources, reference standards, and contaminated equipment owned by the licensee may be authorized under the service license. See example license condition 1 in the appendix.
- 4.2 The licensee should be required to notify the Administrator of the region issuing the license at least 14 days before initiating activities at a temporary job site. See example license condition 2 in the appendix.
- 4.3 If the site owner/operator (i.e., the customer) also holds a license issued by the NRC or an Agreement State, the service licensee should be required to establish a written agreement between the licensee and the customer specifying which licensee activities will be performed under the customer's license and supervision, and which licensee activities will be performed under the licensee's supervision pursuant to the service license. This agreement should include commitments by both licensees to ensure safety and it should specify whether there are any commitments by the service licensee to help the customer clean up the temporary job site if there is an accident. See example license condition 3 in the appendix.

- 4.4 The service licensee should maintain records of information important to decommissioning a temporary job site at the site pursuant to 10 CFR 30.35(g), 40.36(f), and 70.25(g). Customers should have access to decommissioning records throughout the decommissioning process. The service licensee should transfer these records to the customer when activities at a temporary job site are complete. See example license condition 4 in the appendix.
- 4.5 A service licensee may be exempted from the requirements in 10 CFR 30.35, 40.36, and 70.25 to establish decommissioning financial assurance. NMSS has made a finding that this exemption will not endanger life, or property, or the common defense and security, and is otherwise in the public interest. This exemption is based on the provision stated above in 4.1 that the service licensee is not allowed to retain possession of any licensed material originating from a temporary job site. The site owner remains responsible for eventual release of the site regardless of who monitors and supervises specific work activities. If the site owner is a licensee that has established decommissioning financial assurance or other license commitments, the site owner is responsible for ensuring that its contractors comply with those commitments. See example license condition 5 in the appendix.
- 4.6 An application for a service license is not required to contain an emergency plan even if the application requests authorization to use licensed material in quantities exceeding the threshold for an emergency plan. Service licensees are not in a position to establish all of the site-specific response measures necessary to execute an effective emergency plan for a temporary job site. Before handling licensed material at any one site in quantities requiring an emergency plan, the service licensee must either obtain NRC approval of an evaluation demonstrating that an emergency plan is not required, or submit written confirmation that licensee personnel have been trained and will follow an existing emergency plan for the temporary job site. See example license condition 6 in the appendix.

- 4.7 It is in the public interest to have site remediation service licensees who can provide immediate services in the event of a release or other incident involving uncontrolled radioactive material. However, license conditions require service licensees to establish written agreements and provide advance notification before providing services. Service licensees may be authorized to take reasonable action in an emergency that departs from conditions in the license when the action is immediately needed to protect public health and safety and no action consistent with all license conditions that can provide adequate or equivalent protection is immediately apparent. The licensee should notify the NRC before, if practicable, and in any case immediately after taking such emergency action. See example license condition 7 in the appendix.
- 4.8 Within 30 days of completing activities at each temporary job site, the service licensee must notify its licensing region. The notification should include the status of the temporary job site and the disposition of the material used by the service licensee. See example license condition 8 in the appendix.
- 4.9 Service licenses are not temporary licenses that are only in effect while work at a temporary job site is in progress. The applicant must make a clear commitment to maintain all radiation safety programs in an active status even between jobs. Service licensees may not suspend radiation programs and then attempt to re-establish them when another customer is found. This commitment should provide reasonable assurance that the licensee will remain competent to use licensed material and undertake authorized activities. This commitment should include the following:
- A. Maintaining qualified personnel in key positions (i.e., RSO, etc.).
 - B. Holding required safety committee meetings.
 - C. Performing regular maintenance and calibration of safety equipment.
 - D. Completing required training (including periodic retraining).

Appendix

EXAMPLE LICENSE CONDITIONS FOR SERVICE LICENSES

1. Licensed materials shall be used only at temporary job sites of the licensee anywhere in the United States where the U.S. Nuclear Regulatory Commission maintains jurisdiction for regulating the use of licensed material. Except for calibration sources, reference standards, and radioactively contaminated equipment owned by the licensee, possession of licensed material at each temporary job site shall be limited to material originating from each site. This material must either be transferred to an authorized recipient or remain at the site after licensee activities are completed.
2. The licensee shall notify the Regional Administrator, NRC Region ____ in writing at least 14 days before initiating activities under this license at a temporary job site. This notification shall include:
 - A. The estimated type, quantity, and physical/chemical forms of licensed material to be used,
 - B. The specific site location,
 - C. A description of planned activities including waste management and disposition,
 - D. The estimated start date and completion date for the job, and
 - E. The name and title of a point of contact for the job, including information on how to contact the individual.
3. This license does not authorize the use of licensed material at temporary job sites for uses already specifically authorized by a customer's license. If a customer also holds a license issued by the NRC or an Agreement State, the licensee shall establish a written agreement between the licensee and the customer specifying which licensee activities shall be performed under the customer's license and supervision, and which licensee activities shall be performed under the licensee's supervision pursuant to this license. The agreement shall include a commitment by the licensee and the customer to ensure safety, and any commitments by the licensee to help the customer clean up the temporary job site if there is an accident. A copy of this agreement shall be included in the notification required by license condition [example 2 above].
4. The licensee shall maintain records of information important to decommissioning each temporary job site at the applicable job site pursuant to 10 CFR 30.35(g), 40.36(f), and 70.25(g). The records shall be made available to the customer upon request. At the completion of activities at a temporary job site, the licensee shall transfer these records to the customer for retention.

5. Pursuant to 10 CFR 30.11, 40.14, 70.14, and license condition [example 1 above], the licensee is exempted from the requirements of 10 CFR 30.35, 40.36, and 70.25 to establish decommissioning financial assurance.
6. Notwithstanding the requirements in 10 CFR 30.32(i), 40.31(j), and 70.22(i), the licensee is not required to establish an emergency plan. Before taking possession of licensed material at a temporary job site in quantities requiring an emergency plan the licensee shall either --
 - A. Obtain NRC approval of an evaluation demonstrating that an emergency plan is not required pursuant to 10 CFR 30.32(i), 40.31(j), and 70.22(i), or
 - B. Submit written confirmation to the Regional Administrator, NRC Region ___, that licensee personnel have been trained and will follow the provisions of an existing emergency plan approved by the NRC or an Agreement State for the temporary job site.
7. If approved by a Radiation Safety Officer specifically identified in this license, the licensee may take reasonable action in an emergency that departs from conditions in this license when the action is immediately needed to protect public health and safety and no action consistent with all license conditions that can provide adequate or equivalent protection is immediately apparent. The licensee shall notify the NRC before, if practicable, and in any case immediately after taking such emergency action using the reporting procedure specified in 10 CFR 30.50(c).
8. Within 30 days of completing activities at each job site location, the licensee shall notify the Regional Administrator, Region ___, in writing of the temporary job site status and the disposition of any licensed material used.