

§ 32.51a

(b) In the event the applicant desires that the device be required to be tested at intervals longer than six months, either for proper operation of the on-off mechanism and indicator, if any, or for leakage of radioactive material or for both, he shall include in this application sufficient information to demonstrate that such longer interval is justified by performance characteristics of the device or similar devices, and by design features which have a significant bearing on the probability or consequences of leakage of radioactive material from the device or failure of the on-off mechanism and indicator. In determining the acceptable interval for the test for leakage of radioactive material, the Commission will consider information which includes, but is not limited to:

- (1) Primary containment (source capsule);
- (2) Protection of primary containment;
- (3) Method of sealing containment;
- (4) Containment construction materials;
- (5) Form of contained radioactive material;
- (6) Maximum temperature withstood during prototype tests;
- (7) Maximum pressure withstood during prototype tests;
- (8) Maximum quantity of contained radioactive material;
- (9) Radiotoxicity of contained radioactive material; and
- (10) Operating experience with identical devices or similarly designed and constructed devices.

(c) In the event the applicant desires that the general licensee under §31.5 of this chapter, or under equivalent regulations of an Agreement State, be authorized to install the device, collect the sample to be analyzed by a specific licensee for leakage of radioactive material, service the device, test the on-off mechanism and indicator, or remove the device from installation, the applicant shall include in the application written instructions to be followed by the general licensee, estimated calendar quarter doses associated with such activity or activities, and the bases for these estimates. The submitted information must demonstrate that performance of this activity or ac-

tivities by an individual untrained in radiological protection, in addition to other handling, storage, and use of devices under the general license, is unlikely to cause that individual to receive a dose in excess of 10 percent of the annual limits specified in §20.1201(a) of this chapter.

[39 FR 43533, Dec. 16, 1974, as amended at 40 FR 8785, Mar. 3, 1975; 42 FR 25721, May 19, 1977; 43 FR 6923, Feb. 17, 1978; 58 FR 67660, Dec. 22, 1993; 59 FR 5520, Feb. 7, 1994]

EFFECTIVE DATE NOTE: At 65 FR 79189, Dec. 18, 2000, in §32.51, paragraphs (a)(4) and (5) were added, effective Feb. 16, 2001. For the convenience of the user, the added text is set forth as follows:

**§ 32.51 Byproduct material contained in devices for use under §31.5; requirements for license to manufacture, or initially transfer.**

(a) \* \* \*

(4) Each device having a separable source housing that provides the primary shielding for the source also bears, on the source housing, a durable label containing the device model number and serial number, the isotope and quantity, the words, "Caution-Radioactive Material," the radiation symbol described in §20.1901 of this chapter, and the name of the manufacturer or initial distributor.

(5) Each device meeting the criteria of §31.5(c)(13)(i) of this chapter, bears a permanent (e.g., embossed, etched, stamped, or engraved) label affixed to the source housing if separable, or the device if the source housing is not separable, that includes the words, "Caution-Radioactive Material," and, if practicable, the radiation symbol described in §20.1901 of this chapter.

\* \* \* \* \*

**§ 32.51a Same: Conditions of licenses.**

Each person licensed under §32.51 shall:

(a) Furnish a copy of the general license contained in §31.5 of this chapter to each person to whom he directly or through an intermediate person transfers byproduct material in a device for use pursuant to the general license contained in §31.5 of this chapter.

(b) Furnish a copy of the general license contained in the Agreement State's regulation equivalent to §31.5 of this chapter, or alternatively, furnish a copy of the general license contained in §31.5 of this chapter, to each person to whom he directly or through

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an intermediate person transfers byproduct material in a device for use pursuant to the general license of an Agreement State. If a copy of the general license in §31.5 of this chapter is furnished to such person, it shall be accompanied by a note explaining that use of the device is regulated by the Agreement State under requirements substantially the same as those in §31.5 of this chapter.

[39 FR 43533, Dec. 16, 1974]

EFFECTIVE DATE NOTES: 1. At 65 FR 79189, Dec. 18, 2000, §32.51a was revised, effective Feb. 16, 2001. For the convenience of the user, the revised text is set forth as follows:

### § 32.51a Same: Conditions of licenses.

(a) If a device containing byproduct material is to be transferred for use under the general license contained in §31.5 of this chapter, each person that is licensed under §32.51 shall provide the information specified in this paragraph to each person to whom a device is to be transferred. This information must be provided before the device may be transferred. In the case of a transfer through an intermediate person, the information must also be provided to the intended user prior to initial transfer to the intermediate person. The required information includes—

(1) A copy of the general license contained in §31.5 of this chapter; if paragraphs (c)(2) through (4) or (c)(13) of §31.5 do not apply to the particular device, those paragraphs may be omitted.

(2) A copy of §§31.2, 30.51, 20.2201, and 20.2202 of this chapter;

(3) A list of the services that can only be performed by a specific licensee;

(4) Information on acceptable disposal options including estimated costs of disposal; and

(5) An indication that NRC's policy is to issue high civil penalties for improper disposal.

(b) If byproduct material is to be transferred in a device for use under an equivalent general license of an Agreement State, each person that is licensed under §32.51 shall provide the information specified in this paragraph to each person to whom a device is to be transferred. This information must be provided before the device may be transferred. In the case of a transfer through an intermediate person, the information must also be provided to the intended user prior to initial transfer to the intermediate person. The required information includes—

(1) A copy of the Agreement State's regulations equivalent to §§31.5, 31.2, 30.51, 20.2201, and 20.2202 of this chapter or a copy of §§31.5, 31.2, 30.51, 20.2201, and 20.2202 of this chapter. If a copy of the NRC regulations is provided

to a prospective general licensee in lieu of the Agreement State's regulations, it shall be accompanied by a note explaining that use of the device is regulated by the Agreement State; if certain paragraphs of the regulations do not apply to the particular device, those paragraphs may be omitted.

(2) A list of the services that can only be performed by a specific licensee;

(3) Information on acceptable disposal options including estimated costs of disposal; and

(4) The name or title, address, and phone number of the contact at the Agreement State regulatory agency from which additional information may be obtained.

(c) An alternative approach to informing customers may be proposed by the licensee for approval by the Commission.

(d) Each device that is transferred after (insert date 1 year after the effective date of this rule) must meet the labeling requirements in §32.51(a)(3) through (5).

(e) If a notification of bankruptcy has been made under §30.34(h) or the license is to be terminated, each person licensed under §32.51 shall provide, upon request, to the NRC and to any appropriate Agreement State, records of final disposition required under §32.52(c).

2. At 65 FR 80991, Dec. 22, 2000, §32.51a(d), was corrected by removing "(insert date 1 year after the effective date of this rule)" and adding "February 19, 2002", effective Feb. 16, 2001.

### § 32.52 Same: Material transfer reports and records.

Each person licensed under §32.51 to initially transfer devices to generally licensed persons shall:

(a) Report to the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, all transfers of such devices to persons for use under the general license in §31.5 of this chapter. Such reports must identify each general licensee by name and address, and individual by name and/or position who may constitute a point of contact between the Commission and the general licensee, the type of device transferred, and the quantity and type of byproduct material contained in the device. If one or more intermediate persons will temporarily possess the device at the intended place of use prior to its possession by the user, the report must include identification of each intermediate person by name, address, contact, and relationship to the intended user. If no transfers have been made to persons generally licensed