

§ 35.11

requirements contained in §§ 35.32 and 35.33.

[51 FR 36951, Oct. 16, 1986, as amended at 57 FR 41378, Sept. 10, 1992; 59 FR 61782, Dec. 2, 1994; 62 FR 52186, Oct. 6, 1997]

§ 35.11 License required.

(a) A person shall not manufacture, produce, acquire, receive, possess, use, or transfer byproduct material for medical use except in accordance with a specific license issued by the Commission or an Agreement State, or as allowed in paragraph (b) or (c) of this section.

(b) An individual may receive, possess, use, or transfer byproduct material in accordance with the regulations in this chapter under the supervision of an authorized user as provided in § 35.25, unless prohibited by license condition.

(c) An individual may prepare unsealed byproduct material for medical use in accordance with the regulations in this chapter under the supervision of an authorized nuclear pharmacist or authorized user as provided in § 35.25, unless prohibited by license condition.

[51 FR 36951, Oct. 16, 1986, as amended at 59 FR 61782, Dec. 2, 1994]

§ 35.12 Application for license, amendment, or renewal.

(a) If the application is for medical use sited in a medical institution, only the institution's management may apply. If the application is for medical use not sited in a medical institution, any person may apply.

(b) An application for a license for medical use of byproduct material as described in §§ 35.100, 35.200, 35.300, 35.400, and 35.500 of this part must be made by filing an original and one copy of Form NRC-313, "Application for Materials License." For guidance in completing the form, refer to the instructions in the most current versions of the appropriate Regulatory Guides. A request for a license amendment or renewal may be submitted as an original and one copy in letter format.

(c) An application for a license for medical use of byproduct material as described in § 35.600 of this part must be made by filing an original and one copy of Form NRC-313. For guidance in completing the form, refer to the instruc-

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tions in the most current version of the appropriate Regulatory Guide. A request for a license amendment or renewal may be submitted as an original and one copy in letter format.

(d) For copies of regulatory guides, application forms, or to submit an application or an amendment request, refer to § 30.6 of this chapter.

(e) An applicant that satisfies the requirements specified in 10 CFR 33.13 may apply for a Type A specific license of broad scope.

[51 FR 36951, Oct. 16, 1986, as amended at 59 FR 61782, Dec. 2, 1994]

§ 35.13 License amendments.

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

(a) Before it receives or uses byproduct material for a clinical procedure permitted under this part but not permitted by the license issued pursuant to this part;

(b) Before it permits anyone to work as an authorized user or authorized nuclear pharmacist under the license, except an individual who is:

(1) An authorized user certified by the organizations specified in paragraph (a) of § 35.910, § 35.920, § 35.930, § 35.940, § 35.950, or § 35.960;

(2) An authorized nuclear pharmacist certified by the organization specified in paragraph (a) of § 35.980;

(3) Identified as an authorized user or an authorized nuclear pharmacist on a Commission or Agreement State license that authorizes the use of byproduct material in medical use or in the practice of nuclear pharmacy, respectively; or

(4) Identified as an authorized user or an authorized nuclear pharmacist on a permit issued by a Commission or Agreement State specific licensee of broad scope that is authorized to permit the use of byproduct material in medical use or in the practice of nuclear pharmacy, respectively.

(c) Before it changes Radiation Safety Officers or Teletherapy Physicists;

(d) Before it orders byproduct material in excess of the amount, or radionuclide or form different than authorized on the license; and

(e) Before it adds to or changes the areas of use or address or addresses of