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RECORD #159

TITLE: NMSS Guidance to Manufacturers RE Labeling of Gas and
Aerosol Detectors

FICHE: 38275-243

0922/80
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

August 7, 1980

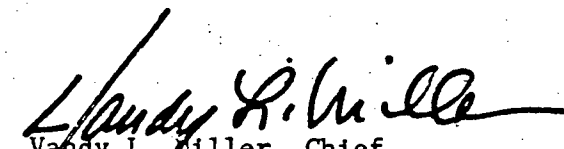
Gentlemen:

On June 9, 1980, the Nuclear Regulatory Commission (NRC) published changes to NRC regulations for labeling of gas and aerosol detectors (smoke detectors). The revised labeling requirements apply to you and to other persons licensed by NRC to transfer gas and aerosol detectors for use by persons exempt from NRC's regulations. The new labeling requirements become effective January 1, 1981.

We recently have received several questions about how we plan to implement the new labeling requirements. Since these requirements apply to your NRC licensed program, you may be interested in our responses to those questions. Accordingly, we are enclosing a summary of the questions and responses for your information.

If you have questions about the new labeling requirements that are not answered by the enclosed summary, please feel free to contact Mr. James Jones (301/427-4228).

Sincerely,


Vandy L. Miller, Chief
Material Licensing Branch
Division of Fuel Cycle and
Material Safety
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. Implementation of New §32.29
Labeling Requirements
2. June 9, 1980 Fed. Reg. Final Rule
3. Questions and Answers RE Smoke
Detector Labeling

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QUESTIONS AND ANSWERS CONCERNING
SMOKE DETECTOR LABELING

1. QUESTION: May labeling of detectors and point-of-scale packaging in conformity with the new revisions be used prior to the January 1, 1981 effective date?

RESPONSE: Yes, you are encouraged to start at this time to use labels that meet the revised requirements. On and after January 1, 1981, you will be required to label in conformity with the revised requirements.

2. QUESTION: After the effective date of January 1, 1981, may detectors manufactured prior to that date and labeled and packaged in conformity with regulations in effect as of their date of manufacture be transferred pursuant to the terms of our license and relevant sections of 10 CFR?

RESPONSE: In order to accomplish the transition from presently required labeling to the labeling that will be required on and after January 1, 1981, we will consider January 1, 1981 to be a "label application date." Re-stated, labeling applied prior to January 1, 1981, must at least satisfy requirements now in effect and preferably satisfy the requirements that will become effective January 1, 1981. Although a cut off date has not been established for transfer of detectors labeled in accordance with present requirements, we expect the §32.26 specific licensee to transfer all such detectors by June 30, 1981.

3. QUESTION: Is a citation of our USNRC license number sufficient to provide an identification of the person licensed under §32.26, to transfer the detector to use pursuant to §30.20 of 10 CFR?

RESPONSE: Yes, this is acceptable under existing labeling requirements and will continue to be acceptable under the revised requirements that become effective January 1, 1981.

4. QUESTION: Must detectors intended for export be labeled and packaged in conformity with the revised rule?

RESPONSE: No, detectors need not be labeled and packaged as specified in the revised rules. The detectors may be exported under the general license in §110.24 of 10 CFR Part 110.

5. QUESTION: Since the revisions to §32.29 omit specific reference to the requirement that the Commission may require the manufacturer to provide additional labeling or marking information including disposal instructions, is it the intent of the revised regulations to no longer require such disposal instructions?

RESPONSE: Yes, it is the intent not to require disposal instructions on smoke detectors.

6. QUESTION: Must detectors returned to the manufacturer for repair during the warranty period be labeled and packaged in conformity with the revised rule if they were labeled and packaged in conformity with the regulations in force as of their date of manufacture or shipping, but would be returned to the consumer after the January 1, 1981 effective date of the revised rule?

RESPONSE: No, however if the repair operations destroy the original label, the replacement label applied after January 1, 1981 should satisfy the revised requirements.

7. QUESTION: A detector intended for use in a commercial or industrial installation may be contained in its own small individual box which is contained in a large box that holds detectors. Which box is considered to be the "point-of-sale" package for labeling purposes?

RESPONSE: The small individual box will require the point-of-sale package label.

8. QUESTION: Must a present specific licensee apply for and obtain a license amendment prior to using labels that satisfy the new requirements?

RESPONSE: No, such an amendment will not be required. However, if the licensee has doubts about whether or not his labels satisfy the new requirements, he should discuss the matter with NRC licensing personnel.

9. QUESTION: Information now on file with NRC shows that my detector label includes the statement "Return to manufacturer for disposal." May I discontinue use of that statement without prior approval of NRC's licensing group?

RESPONSE: Yes, prior approval by NRC is not needed to discontinue use of a recommendation in the label that the detector be returned to the manufacturer for disposal.

10. QUESTION: The detector label I now use includes "CAUTION RADIOACTIVE MATERIAL" but the new labeling requirements call for "CONTAINS RADIOACTIVE MATERIAL." Do I need to change my present label to replace "Caution" by "Contains?"

RESPONSE: Yes, after January 1, 1981, section 32.29(b)(1)(i) will require the use of "CONTAINS RADIOACTIVE MATERIAL."

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11. QUESTION: If a manufacturer elects to identify himself as the specific licensee by providing his license number instead of his name on the label, is it sufficient to state "U. S. NRC License No. xxx" or must there also be accompanying text such as "Produced under U. S. NRC License No. xxx."

RESPONSE: The accompanying text is not needed; "U. S. NRC License No. xxx" (with the appropriate number replacing the "xxx") would be sufficient identification to satisfy §32.29(b)(1)(iii) and §32.29(b)(3)(ii).

12. QUESTION: The revised requirements call for the name of the radionuclide and quantity of activity. Can abbreviations be used to present this information?

RESPONSE: No, abbreviations may not be used. For example, it is not acceptable to use "Am-241" for "Americium-241" and to use "uCi" for "microcurie."

13. QUESTION: Whose name goes on the detector and package if someone other than the manufacturer is to market it?

RESPONSE: The new labeling requirements call for identification of the licensee specifically authorized to manufacture or initially transfer the smoke detector. No mention is made in the requirements about who is to do the marketing. As long as that licensee is identified (and this might be done by citing his license #), it is quite acceptable to also provide, if you so desire, the name of the marketing group.

14. QUESTION: Does the detector label have to be located in such a way that it is visible when the detector is in its installed position?

RESPONSE: No.

15. QUESTION: What size type must be used for the label? How big does the label have to be?

RESPONSE: We have not specified a minimum size for the type or label. Letter sizes that have been acceptable in the past are still considered to be acceptable. A type size that could be read only by use of a magnifying glass would not be judged to satisfy the requirement for a legible, readily visible label or marking.

16. QUESTION: If I want to meet with NRC personnel to discuss my labels, whom should I contact?

RESPONSE: Please call Mr. James Jones (301/427-4228).