

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS  
WASHINGTON, D.C. 20555

August 10, 1987

NRC INFORMATION NOTICE NO. 87-37: COMPLIANCE WITH THE GENERAL LICENSE  
PROVISIONS OF 10 CFR PART 31

Addressees:

All persons specifically licensed to manufacture or to initially transfer devices containing radioactive material to general licensees, as defined in 10 CFR Part 31.

Purpose:

This notice is to inform manufacturers and distributors (vendors) about the results of a study on the effectiveness of the general license. This study included specific cases where general licensees violated NRC regulations. It is expected that recipients will review this notice in order to help vendors better understand what constitutes potential violations. Thus, vendors will be more effective in helping their customers comply with NRC requirements and avoid violations at their facilities. However, suggestions in this information notice do not constitute NRC requirements; therefore, no specific actions or written response to this information notice is required.

Description of Circumstances:

NRC regulations allow general licensees to use devices containing radioactive material. These devices are subject to certain requirements such as labeling, accountability, and proper disposal. General licensees often are not aware of these requirements. Several incidents involving generally licensed devices have raised radiation safety concerns at NRC. These incidents involved devices that were either dismantled and melted with scrap steel, or were lost.

From 1984 through 1986, the following are examples of deficiencies that were noted that relate to the use, under general licenses, of devices containing radioactive material:

Some users did not know the location of their gauging devices. In many cases, they simply assumed that their devices had been disposed of, but did not know where or how. The NRC learned of disposal methods that included onsite burial, offsite burial, or removal as scrap steel by recycling companies. Unlicensed persons who receive material for disposal or scrap recycling do not normally test incoming materials for radioactivity; thus, they may not be aware that radioactivity is present.

If a device follows one of the aforementioned disposal pathways and is damaged in handling, it could cause contamination of the receiver's equipment, or of the receiver's plant, employees, or product. This contamination could become widespread before being detected, possibly causing serious risks to public health and safety. Disposal of gauging devices MUST be entrusted only to someone specifically licensed for this activity. In most cases, gauging devices should be returned to the vendor for disposal. The NRC staff found that in several cases, general licensees violated transfer requirements by redistributing the devices to others as general licensees, which is contrary to NRC regulations.

The NRC staff found that vendors usually supply customers with a copy of the applicable NRC regulations. However, the general licensee frequently misplaces or does not read them. Thus, many general licensees do not realize they have any responsibility to comply with NRC requirements.

The NRC staff found that many general licensees were unaware of the NRC requirements; most relied on the vendors to inform them of requirements such as device leak testing and shutter checks. In one case, the general licensee's employees tried to arrange for the required tests, but the general licensee's management denied the funds for the tests.

The original owner of a device containing radioactive material properly notified the NRC of the sale of the facility and equipment (including the device) to a new company. However, the original owner did not inform the new company's management that it now possessed radioactive material. In uncontrolled surroundings, where the presence of radioactive material may not be known, the unidentified devices can cause radiation exposures to members of the general public.

The NRC staff found that some vendors' material transfer reports did not contain correct or complete information on the name and full address of the general licensees. Some of these transfer reports did not identify any intermediate persons who temporarily possessed the device at the intended place of use, before its possession by the final user. Reports of no transfers during a calendar quarter are also important. Pertinent transfer report requirements are found in the appropriate section of 10 CFR Part 32 Subpart B.

#### Discussion:

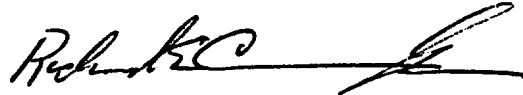
Vendors should consider the following:

Vendors can communicate more effectively with their customers about regulatory requirements. This should increase customer awareness of, and compliance with, the NRC requirements.

Vendors can provide more detailed information on general licenses and the products distributed in their quarterly reports to the NRC.

NRC and the Agreement States may have slight differences in their requirements for general licensees. However, the vendor is responsible for compliance with NRC and State requirements.

If you have questions about this matter, please contact the appropriate NRC Regional office, or this office.



Richard E. Cunningham, Director  
Division of Industrial and  
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Office of Nuclear Material Safety  
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Technical Contact: Steven Baggett, NMSS  
(301) 427-9005  
Lloyd Bolling, GPA  
(301) 492-9889

Attachment: List of Recently Issued Information Notices

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Attachment  
IN 87-37  
August 10, 1987

LIST OF RECENTLY ISSUED  
INFORMATION NOTICES 1987

Information Notice No.	Subject	Date of Issuance	Issued to
87-36	Significant Unexpected Erosion of Feedwater Lines	8/4/87	All nuclear power reactor facilities holding an OL or CP.
87-35	Reactor Trip Breaker, Westinghouse Model DS-416, Failed to Open on Manual Initiation from the Control Room	7/30/87	All nuclear power reactor facilities holding an OL or CP employing W DS-416 reactor trip Breakers.
87-34	Single Failures in Auxiliary Feedwater Systems	7/24/87	All holders of an OL or a CP for pressurized water reactor facilities.
87-33	Applicability of 10 CFR Part 21 to Nonlicensees	7/24/87	All NRC licensees.
87-32	Deficiencies in the Testing of Nuclear-Grade Activated Charcoal.	7/10/87	All nuclear power reactor facilities holding an OL or CP.
87-31	Blocking, Bracing, and Securing of Radioactive Materials Packages in Transportation.	7/10/87	All NRC licensees.
87-30	Cracking of Surge Ring Brackets in Large General Electric Company Electric Motors.	7/2/87	All nuclear power reactor facilities holding an OL or CP.
87-29	Recent Safety-Related Incidents at Large Irradiators.	6/26/87	All NRC licensees authorized to possess and use sealed sources in large irradiators.
87-28	Air Systems Problems at U.S. Light Water Reactors.	6/22/87	All nuclear power reactor facilities holding an OL or CP.

OL = Operating License  
CP = Construction Permit

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

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Original Signed by  
 Richard E. Cunningham

Richard E. Cunningham, Director  
 Division of Industrial and  
 Medical Nuclear Safety  
 Office of Nuclear Material Safety  
 and Safeguards

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(See previous concurrence)

OFC: PAB*	:FCOB*	:FCAB	:FCAB	:FCAB	:FCOB	:NRR
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DATE:6/2/87	: 6/17/87	6/22/87	:6/ /87	: 6/28 /87	:7/31/87	:8/ /87
OFC: IMNS/NMSS	:UMNS/NMSS	:	:	:	:	:
NAME:GSjoblom	:RCunningham	:	:	:	:	:
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Document Name:  
IN 87-37

Requestor's ID:  
SHIRL

Author's Name:  
SBaggett

Document Comments:  
Compliance with the general license provisions of 10 CFR 31

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Distribution Name:  
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Addressee:  
Shirley Rohrer x7-4152 (NMSS/FC) room 566

Date Sent:  
08/04/87

Time Sent:  
14:33

Message:  
Shirl, ready for Mr. Cunningham's signature