

January 30, 2004

Ms. Josephine Piccone
Deputy Director
Office of State and Tribal Programs
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Ms. Piccone:

Enclosed is a copy of the proposed revisions to the Texas Regulations for Control of Radiation, 25 Texas Administrative Code, §289.251 relating to Exemptions, General Licenses, and General License Acknowledgements and §289.252 relating to Licensing of Radioactive Material. The proposed revisions were made available for public comment on January 30, 2004, with a request for comments by March 1, 2004. The regulations are identified by underlining for new language and bold-face and brackets for deleted language and corresponds to the following equivalent amendments to NRC's regulations.

Please see the following table that identifies the specific NRC equivalent regulations from the Chronology of NRC Amendments.

We believe that adoption of these revisions satisfies the compatibility and health and safety categories established in the Office of State and Tribal Programs (STP) Procedure SA-200.

If you have any questions, please feel free to contact me at 512-834-6688 or Cindy.Cardwell@tdh.state.tx.us.

Sincerely,

Cynthia C. Cardwell, Deputy Director
Standards and Special Projects
Bureau of Radiation Control
Texas Department of Health

Proposed Revisions of Texas Regulations that
Incorporate Equivalent NRC Amendments into State Regulations

NRC Regulation	FR Notice (State Due Date)	RATS ID	Texas Regulation*	Final Texas Regulation (Effective Date)**
30.31	65 FR 79162 Feb. 16, 2004	2001-1	289.251(c)	
30.34(h)(1)	"	"	289.251(i)(3)-(5)	
31.5(b)	"	"	289.251(f)(4)(H)(i)-(iii)	
31.5(c)(5)	"	"	289.251(f)(4)(H)(iv)(VII)	
31.5(c)(8)	"	"	289.251(f)(4)(H)(iv)(IX)-(XI)	
31.5(c)(9)(i)	"	"	289.251(f)(4)(H)(iv)(XII)(-a-)	
31.5(c)(9)(ii)	"	"	289.251(f)(4)(H)(iv)(XII)(-b-)	
31.5(c)(12)	"	"	289.251(f)(4)(H)(iv)(XIII)	
31.5(c)(13)	"	"	289.251(g)(1) and (2)	
31.5(c)(14)	"	"	289.251(f)(4)(H)(iv)(XIV)	
31.5(c)(15)	"	"	289.251(f)(4)(H)(iv)(XV)	
32.51(a)(4) and (5)	"	"	289.252(l)(1)(D) and (E)	
32.51a(a) and (b)	"	"	289.252(l)(4) and (6)	
32.51a(c)	"	"	289.252(l)(5)	
32.51a(d)	"	"	289.252(l)(9)	
32.51a(e)	"	"	289.252(l)(8)	
32.52(a) and (b)	"	"	289.252(l)(7)	
32.52(c)	"	"	289.252(l)(7)(D)	

* For generic legally binding requirements, mark Legally Binding Requirements with the effective date.

** The last column is used only when the regulations are final.

From: Monica Perez <Monica.Perez@tdh.state.tx.us>
To: "jmp1@nrc.gov" <jmp1@nrc.gov>
Date: 3/3/04 4:31PM
Subject: (2 of 3) Proposed rules

Attached are the rule text and the applicable figures referenced within 25 TAC §289.251 relating to Exemptions, General Licenses, and General License Acknowledgements.

Thanks,

Monica Perez
Environmental Specialist
Standards
Div. of Licensing, Registration
and Standards
Bureau of Radiation Control
Texas Dept. of Health
(512) 834-6688, ext. 2235
monica.perez@tdh.state.tx.us

CC: Cindy Cardwell <Cindy.Cardwell@exch.tdh.state.tx.us>, "jgz@nrc.gov" <jgz@nrc.gov>

Summary of State Adoption of the General License Rule

- 15 States have the full GL Rule in effect, Part 31 and the Part 32 reporting requirements.

(The two States that are trying to become Agreement States have the rule adopted in full - Minnesota, Pennsylvania)

- 4 States have promulgated proposed rules in their State and have verbally committed to send in a copy for our review MA, RI, KS, OK (includes Part 31 and 32 requirements)
- 7 State have license conditions in effect covering the reporting requirements in Part 32. CA, FL, IL, KY, NYDOL, MD, MA (MA is sending in the full rule for review)
- 8 States, AL, AZ, AR, CO, LA, NH, MS and OR did not respond to survey with enough information to assess status of the State's adoption of the GL rule.
- We are working on an A/S letters to applicable States asking for more information concerning the adoption of the GL Rule requirements.

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Legend: (Proposed amendments)

Single Underline = Proposed new language

[Bold Print and Brackets] = Current language proposed for deletion

Regular Print = Current language

§289.251 Exemptions, General Licenses, and General License Acknowledgements.

(a) Purpose. This section provides for exemptions to licensing requirements, general licensing of radioactive material, and acknowledgement of general licenses.

(b) Scope. Except as otherwise authorized, no person shall receive, possess, use, transfer, own, or acquire radioactive material except as authorized in a general license or general license acknowledgement issued in accordance with this section, or in a specific license issued in accordance with §289.252 of this title (relating to Licensing of Radioactive Material), §289.254 of this title (relating to Licensing of Radioactive Waste Processing and Storage Facilities), §289.255 of this title (relating to Radiation Safety Requirements and Licensing and Registration Procedures for Industrial Radiography), §289.256 of this title (relating to Medical and Veterinary Use of Radioactive Material), §289.258 of this title (relating to Licensing and Radiation Safety Requirements for Irradiators), §289.259 of this title (relating to Licensing of Naturally Occurring Radioactive Material (NORM)), or §289.260 of this title (relating to Licensing of Uranium Recovery and Byproduct Material Disposal Facilities).

(c) Definitions. The following words and terms when used in this section shall have the following meanings unless the context clearly indicates otherwise.

(1) General license - An authorization **[granted]** in accordance with this section that grants authority to a person for certain activities involving radioactive material, and is effective without the filing of applications with the agency or the issuance of licensing documents to the particular persons. **[General licenses provided in this section are effective without the filing of applications with the agency or the issuance of licensing documents to the particular persons.]** The general licensee is subject to all other applicable portions of this chapter and any limitations of the general license.

(2) General license acknowledgement - A written recognition of a general license issued in accordance with this section. The issuance of a general **[General]** license acknowledgement requires **[acknowledgements require]** the submission of an application to the agency, **[and the issuance of a]** A written acknowledgement of a general license granted in accordance with this section is issued by the agency. The holder of a general license acknowledgement is subject to all other applicable portions of this chapter as well as any conditions **[limitations]** specified in the acknowledgement document.

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(d) Exemptions for source material.

(1) Any person is exempt from this section and §289.252 of this title if that person receives, possesses, uses, or transfers source material in any chemical mixture, compound, solution, or alloy in which the source material is by weight less than 1/20 of 1.0% (0.05%) of the mixture, compound, solution, or alloy.

(2) Any person is exempt from this section and §289.252 of this title if that person receives, possesses, uses, or transfers unrefined and unprocessed ore containing source material; provided that, except as authorized in a specific license, such person shall not refine or process such ore. This exemption does not apply to the mining of ore containing source material.

(3) Any person is exempt from this section and §289.252 of this title if that person receives, possesses, uses, or transfers:

(A) any quantities of thorium contained in:

(i) incandescent gas mantles;

(ii) vacuum tubes;

(iii) welding rods;

(iv) electric lamps for illuminating purposes provided that each lamp does not contain more than 50 milligrams (mg) of thorium;

(v) germicidal lamps, sunlamps, and lamps for outdoor or industrial lighting provided that each lamp does not contain more than two grams of thorium;

(vi) rare earth metals and compounds, mixtures, and products containing not more than 0.25% by weight thorium, uranium, or any combination of these; or

(vii) personnel neutron dosimeters, provided that each dosimeter does not contain more than 50 mg of thorium;

(B) source material contained in the following products:

(i) glazed ceramics, for example tableware, provided that the glaze contains not more than 20% by weight source material;

(ii) glassware containing not more than 10% by weight source material, but not including commercially manufactured glass brick, pane glass, ceramic tile, or other glass or ceramic used in construction;

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(iii) glass enamel or glass enamel frit containing not more than 10% by weight source material imported or ordered for importation into the United States, or initially distributed by manufacturers in the United States, before July 25, 1983; or

(iv) piezoelectric ceramic containing not more than 2.0% by weight source material;

(C) photographic film, negatives, and prints containing uranium or thorium;

(D) any finished product or part fabricated of, or containing, metal-thorium alloys, provided that the thorium content of the alloy does not exceed 4% by weight and that the exemption contained in this subparagraph shall not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of any such product or part;

(E) depleted uranium contained in counterweights installed in aircraft, rockets, projectiles, and missiles, or stored or handled in connection with installation or removal of such counterweights, provided that:

(i) the counterweights are manufactured in accordance with a specific license issued by the United States Nuclear Regulatory Commission (NRC) authorizing distribution by the licensee in accordance with Title 10, Code of Federal Regulations (CFR), Part 40;

(ii) each counterweight has been impressed with the following legend clearly legible through any plating or other covering: "DEPLETED URANIUM" (The requirements specified in this clause need not be met by counterweights manufactured prior to December 31, 1969, provided that such counterweights are impressed with the legend, "CAUTION - RADIOACTIVE MATERIAL - URANIUM," as previously required by this chapter);

(iii) each counterweight is durably and legibly labeled or marked with the identification of the manufacturer and the statement: "UNAUTHORIZED ALTERATIONS PROHIBITED" (The requirements specified in this clause need not be met by counterweights manufactured prior to December 31, 1969, provided that such counterweights are impressed with the legend, "CAUTION - RADIOACTIVE MATERIAL - URANIUM," as previously required by this chapter); and

(iv) the exemption contained in this subparagraph shall not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of any such counterweights other than repair or restoration of any plating, covering, or labeling;

(F) depleted uranium used as shielding constituting part of any shipping container, provided that:

(i) the shipping container is conspicuously and legibly impressed with the legend "CAUTION - RADIOACTIVE SHIELDING - URANIUM;" and

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(ii) the uranium metal is encased in a one-eighth inch minimum wall thickness of mild steel or equally fire resistant material;

(G) thorium contained in finished optical lenses, provided that each lens does not contain more than 30% by weight of thorium, and that the exemption contained in this subparagraph shall not be deemed to authorize either:

(i) the shaping, grinding, or polishing of such lens or manufacturing processes other than the assembly of such lens into optical systems and devices without any alteration of the lens; or

(ii) the receipt, possession, use, or transfer of thorium contained in contact lenses, or in spectacles, or in eyepieces in binoculars or in other optical instruments;

(H) uranium contained in detector heads for use in fire detection units, provided that each detector head contains not more than 0.005 microcurie (μCi) of uranium; or

(I) thorium contained in any finished aircraft engine part containing nickel-thoria alloy, provided that:

(i) the thorium is dispersed in the nickel-thoria alloy in the form of finely divided thoria (thorium dioxide); and

(ii) the thorium content in the nickel-thoria alloy does not exceed 4.0% by weight.

(4) The exemptions in subsection (d)(3) of this section do not authorize the manufacture of any of the products described.

(e) Exemptions for radioactive material other than source material.

(1) Exempt concentrations.

(A) Except as provided in subparagraph (B) of this paragraph, any person is exempt from this section and §289.252 of this title if that person receives, possesses, uses, transfers, or acquires products or materials containing radioactive material in concentrations not in excess of those listed in subsection (q)(1) of this section.

(B) No person may introduce radioactive material into a product or material, including waste, knowing or having reason to believe that it will be transferred to persons exempt in accordance with subparagraph (A) of this paragraph or equivalent regulations of the NRC, any agreement state, or any licensing state, except in accordance with a specific license issued in accordance with §289.252(i) of this title or the general license provided in §289.252(ee) of this title.

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(2) Exempt quantities.

(A) Except as provided in subparagraph (C) of this paragraph, any person is exempt from these rules if that person receives, possesses, uses, transfers, or acquires radioactive material in individual quantities, each of which does not exceed the applicable quantity set forth in subsection (q)(2) of this section.

(B) Any person who possesses radioactive material received or acquired, prior to September 25, 1971, in accordance with the general license provided in subsection (f)(4)(A) [(h)(1)(B)] of this section is exempt from the requirements for a license set forth in §289.252 of this title if that person possesses, uses, or transfers such radioactive material.

(C) This paragraph does not authorize the production, packaging, or repackaging of radioactive material for purposes of commercial distribution, or the incorporation of radioactive material into products intended for commercial distribution.

(D) No person may, for purposes of commercial distribution, transfer radioactive material in quantities greater than the individual quantities set forth in subsection (q)(2) of this section, knowing or having reason to believe that such quantities of radioactive material will be transferred to persons exempt in accordance with this paragraph or equivalent regulations of the NRC, any agreement state, or any licensing state, except in accordance with a specific license issued by the NRC in accordance with Title 10, CFR, §32.18 or by the agency in accordance with §289.252(j) of this title, which states that the radioactive material may be transferred by the licensee to persons exempt in accordance with this paragraph or the equivalent regulations of the NRC, any agreement state, or any licensing state.

(E) The schedule of quantities set forth in subsection (q)(2) of this section applies only to radioactive materials distributed as exempt quantities in accordance with a specific license issued by the agency, another licensing state, or the commission. Subsection (q)(2) of this section does not apply to radioactive materials that have decayed from quantities not originally exempt and does not make such material, or the sources or devices in which the material is contained, exempt from the licensing requirements in this section or §289.252 of this title.

(3) Exempt items.

(A) Certain items containing radioactive material.

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(i) Except for persons who apply radioactive material to, or persons who incorporate radioactive material into the following products, any person is exempt from this chapter if that person receives, possesses, uses, transfers, or acquires the following products:

(I) timepieces, hands, or dials containing not more than the following specified quantities of radioactive material and not exceeding the following specified levels of radiation:

(-a-) 25 millicuries (mCi) of tritium per timepiece;

(-b-) 5 mCi of tritium per hand;

(-c-) 15 mCi of tritium per dial (bezels when used shall be considered as part of the dial);

(-d-) 100 μ Ci of promethium-147 per watch or 200 μ Ci of promethium-147 per any other timepiece;

(-e-) 20 μ Ci of promethium-147 per watch hand or 40 μ Ci of promethium-147 per other timepiece hand;

(-f-) 60 μ Ci of promethium-147 per watch dial or 120 μ Ci of promethium-147 per other timepiece dial (bezels when used shall be considered as part of the dial);

(-g-) the levels of radiation from hands and dials containing promethium-147 will not exceed, when measured through 50 milligrams per square centimeter (mg/cm^2) of absorber:

(-1-) for wrist watches, 0.1 millirad per hour (mrad/hr) at 10 centimeters (cm) from any surface;

(-2-) for pocket watches, 0.1 mrad/hr at 1 cm from any surface; and

(-3-) for any other timepiece, 0.2 mrad/hr at 10 cm from any surface; or

(-h-) 1 μ Ci of radium-226 per timepiece in timepieces, hands, or dials manufactured or initially distributed prior to January 1, 1986;

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(II) lock illuminators containing not more than 15 mCi of tritium or not more than 2 mCi of promethium-147 installed in automobile locks. The levels of radiation from each lock illuminator containing promethium-147 will not exceed 1 mrad/hr at 1 cm from any surface when measured through 50 mg/cm² of absorber;

(III) balances of precision containing not more than 1 mCi of tritium per balance or not more than 0.5 mCi of tritium per balance part;

(IV) automobile shift quadrants containing not more than 25 mCi of tritium;

(V) marine compasses containing not more than 750 mCi of tritium gas and other marine navigational instruments containing not more than 250 mCi of tritium gas;

(VI) thermostat dials and pointers containing not more than 25 mCi of tritium per thermostat;

(VII) electron tubes, provided that each tube does not contain more than one of the following specified quantities of radioactive material and that the levels of radiation from each electron tube containing byproduct material do not exceed 1 mrad/hr at 1 cm from any surface when measured through 7 mg/cm² of absorber (For purposes of this clause, "electron tubes" include spark gap tubes, power tubes, gas tubes including glow lamps, receiving tubes, microwave tubes, indicator tubes, pick-up tubes, radiation detection tubes, and any other completely sealed tube designed to control electrical currents):

(-a-) 150 mCi of tritium per microwave receiver protector tube or 10 mCi of tritium per any other electron tube;

(-b-) 1 μ Ci of cobalt-60;

(-c-) 5 μ Ci of nickel-63;

(-d-) 30 μ Ci of krypton-85;

(-e-) 5 μ Ci of cesium-137; or

(-f-) 30 μ Ci of promethium-147;

(VIII) ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, a source of radioactive material not exceeding the applicable quantity set forth in subsection (q)(2) of this section or 0.05 μ Ci of americium-241; or

(IX) spark gap irradiators containing not more than 1 μ Ci of cobalt-60 per spark gap irradiator for use in electrically ignited fuel oil burners having a firing rate of

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at least 3 gallons per hour.

(ii) Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source material or byproduct material whose subsequent possession, use, transfer, and disposal by all other persons are exempted from regulatory requirements may be obtained only from the United States Nuclear Regulatory Commission, Washington, DC 20555.

(B) Self-luminous products containing tritium, krypton-85, promethium-147, or radium-226.

(i) Except for persons who manufacture, process, or produce self-luminous products containing tritium, krypton-85, or promethium-147, any person is exempt from this chapter if that person receives, possesses, uses, transfers, owns, or acquires tritium, krypton-85, or promethium-147 in self-luminous products manufactured, processed, produced, imported, or transferred in accordance with a specific license issued by the NRC in accordance with Title 10, CFR, §32.22, which authorizes the transfer of the product to persons who are exempt from regulatory requirements. The exemption in this subparagraph does not apply to tritium, krypton-85, or promethium-147 used in products for frivolous purposes or in toys or adornments.

(ii) Any person is exempt from this chapter if that person receives, possesses, uses, transfers, or owns articles acquired prior to January 1, 1986, each of which contains less than 0.1 μCi of radium-226.

(C) Gas and aerosol detectors containing radioactive material.

(i) Except for persons who manufacture, process, or produce gas and aerosol detectors containing radioactive material, any person is exempt from this chapter if that person receives, possesses, uses, transfers, owns, or acquires radioactive material in gas and aerosol detectors designed to protect life or property from fires and airborne hazards provided that:

(I) detectors containing radioactive material shall have been manufactured, imported, or transferred in accordance with a specific license issued by the NRC in accordance with Title 10, CFR, §32.26, or an agreement state or a licensing state in accordance with §289.252(k) of this title; and

(II) the specific license issued in accordance with §289.252 of this title authorizes the transfer of the detectors to persons who are exempt from regulatory requirements.

(ii) Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source material or byproduct material whose subsequent possession, use, transfer, and disposal by all other

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persons are exempted from regulatory requirements may be obtained only from the United States Nuclear Regulatory Commission, Washington, DC 20555.

(iii) Gas and aerosol detectors previously manufactured and distributed to general licensees in accordance with a specific license issued by an agreement state or a licensing state shall be considered exempt in accordance with clause (i) of this subparagraph, provided that the devices are labeled in accordance with the specific license authorizing distribution of the generally licensed device, and provided further that they meet the requirements of §289.252 of this title.

(D) Resins containing scandium-46 and designed for sand consolidation in oil wells. Any person is exempt from this chapter if that person receives, possesses, uses, transfers, or acquires synthetic plastic resins containing scandium-46, which are designed for sand consolidation in oil wells. Such resins shall have been manufactured or imported in accordance with a specific license issued by the NRC, or shall have been manufactured in accordance with the specifications contained in a specific license issued by the agency or any agreement state to the manufacturer of such resins in accordance with licensing requirements equivalent to those in Title 10, CFR, §32.16 and §32.17. This exemption does not authorize the manufacture of any resins containing scandium-46.

(4) Exemption for capsules containing carbon-14 urea for "in vivo" diagnostic use in humans.

(A) Except as provided in subparagraphs (B) and (C) of this paragraph, a person is exempt from the requirements of this section and §289.256 of this title (relating to Medical and Veterinary Use of Radioactive Material) provided that such person receives, possesses, uses, transfers, owns, or acquires capsules containing $1\mu\text{Ci}$ (37 kilobecquerels) or less of carbon-14 urea each (allowing for nominal variation that may occur during the manufacturing process), for "in vivo" diagnostic use in humans.

(B) A person desiring to use the capsules for research involving human subjects shall apply for and receive a specific license in accordance with §289.256 of this title.

(C) A person desiring to manufacture, prepare, process, produce, package, repack, or transfer for commercial distribution such capsules shall apply for and receive a specific license in accordance with Title 10, CFR, §32.21.

(D) Nothing in this subsection relieves a person from complying with applicable requirements of the United States Food and Drug Administration (FDA) and other federal and state requirements governing the receipt, administration, and use of drugs.

(f) General licenses. In addition to the requirements of this section, all general licenses, unless otherwise specified, are subject to the requirements of §289.201 of this title (relating to General Provisions for Radioactive Material), §289.202(ww) and (xx) of this title (relating to Standards for Protection Against Radiation from Radioactive Material), §289.204 of this title (relating to Fees for Certificates of Registration, Radioactive Material Licenses, Emergency Planning

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and Implementation, and Other Regulatory Services), §289.205 of this title (relating to Hearing and Enforcement Procedures), and §289.257 of this title (relating to Packaging and Transportation of Radioactive Material).

(1) In making a determination whether to revoke, suspend, or restrict a general license, the agency may consider the technical competence and compliance history of a general licensee. After an opportunity for a hearing, the agency may revoke, suspend, or restrict a general license if the general licensee's compliance history reveals that at least three agency or judicial orders have been issued against the general licensee that assess administrative or civil penalties against the general licensee, or that revoke or suspend the general license.

(2) Modification, suspension, and revocation of a general license.

(A) The terms and conditions of all general licenses shall be subject to revision or modification.

(B) A general license may be suspended or revoked by reason of amendments to the Act, by reason of rules in this chapter, or orders issued by the agency.

(C) Any general license may be revoked, suspended, or modified, in whole or in part, for any of the following:

(i) any material false statement in the application or any statement of fact required in accordance with provisions of the Act;

(ii) conditions revealed by such application or statement of fact or any report, record, or inspection, or other means that would warrant the agency to refuse to grant a general license on an original application;

(iii) violation of, or failure to observe, any of the terms and conditions of the Act, this chapter, or of the general license, or order of the agency; or

(iv) existing conditions that constitute a substantial threat to the public health or safety or the environment.

(D) Except in cases in which the occupational and public health, interest, or safety requires otherwise, no general license shall be modified, suspended, or revoked unless, prior to the institution of proceedings therefore, facts or conduct that may warrant such action shall have been called to the attention of the holder of the general license in writing and the holder of the general license shall have been afforded an opportunity to demonstrate compliance with all lawful requirements.

(E) Each general license revoked by the agency expires at the end of the day on the date of the agency's final determination to revoke the general license, or on the revocation date stated in the determination, or as otherwise provided by agency order.

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(3) [(g)] General licenses for source material.

(A) [(1)] A general license is issued authorizing commercial and industrial firms, research, educational and medical institutions, and state and local government agencies to use and transfer not more than 15 pounds of source material at any one time for research, development, educational, commercial, or operational purposes.

(i) A person authorized to use or transfer source material, in accordance with this general license, may not possess more than a total of 150 pounds of source material in any one calendar year.

(ii) [(2)] Persons who receive, possess, use, or transfer source material in accordance with the general license in subparagraph (A) of this paragraph [paragraph (1) of this subsection] are prohibited from administering source material, or the radiation therefrom, either externally or internally, to humans except as may be authorized by the agency in a specific license.

(B) [(3)] A general license is issued to own source material without regard to quantity. This general license does not authorize any person to receive, possess, use or transfer source material.

(C) [(4)] A general license is issued to mine, transport, and transfer ores containing source material without regard to quantity. In addition to the provisions of subsection (f) of this section, persons who mine, transport, and transfer ores containing source material in accordance with this section shall comply with the provisions of §289.202(n) and [,] (ff) [, and (gg)] of this title.

(D) [(5)] A general license is issued to receive, acquire, possess, use, or transfer depleted uranium contained in products or devices for the purpose of providing shielding, including beam shaping and collimation, in accordance with the provisions of clauses (i)-(iv) of this subparagraph [subparagraphs (A)-(D) of this paragraph].

(i) [(A)] The general license in this paragraph applies only to products or devices that have been manufactured either in accordance with a specific license issued by the agency to the manufacturer of the products or devices in accordance with §289.252(s) of this title or in accordance with a specific license issued to the manufacturer by another agreement state or the NRC that authorizes manufacture of the products or devices for distribution to persons generally licensed by another agreement state or the NRC.

(ii) [(B)] Persons who receive, acquire, possess, or use depleted uranium in accordance with the general license in this paragraph shall notify the agency within 30 days after the first receipt of acquisition of such depleted uranium. The general licensee shall furnish the following information and such other information as may be required by the agency:

(1) [(i)] name and address of the general licensee;

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(II) [(ii)] a statement that the general licensee has developed and will maintain procedures designed to establish physical control over the depleted uranium in accordance with this paragraph and designed to prevent transfer of such depleted uranium in any form, including metal scrap, to persons not authorized to receive the depleted uranium; and

(III) [(iii)] name and/or title, address, and telephone number of the individual duly authorized to act for and on behalf of the general licensee in supervising the procedures identified in clause (ii) of this subparagraph.

(iii) [(C)] The general licensee possessing or using depleted uranium in accordance with the general license in this paragraph shall report in writing to the agency any changes in information furnished by the general licensee. The report shall be submitted within 30 days after the effective date of such change.

(iv) [(D)] A person who receives, acquires, possesses, or uses depleted uranium in accordance with the general license in this paragraph:

(I) [(i)] shall not introduce such depleted uranium, in any form, into a chemical, physical, or metallurgical treatment or process, except a treatment or process for repair or restoration of any plating or other covering of the depleted uranium;

(II) [(ii)] shall not abandon such depleted uranium;

(III) [(iii)] shall transfer or dispose of such depleted uranium only in accordance with the provisions of §289.252(cc) of this title. In the case where the transferee receives the depleted uranium in accordance with the general license in this paragraph or equivalent rule of the NRC or an agreement state, the transferor shall furnish the transferee a copy of this paragraph;

(IV) [(iv)] within 30 days of transfer [in each calendar quarter], shall report in writing to the agency the name and address of the person receiving the depleted uranium in accordance with such transfer; and

(V) [(v)] shall not export such depleted uranium except in accordance with a license issued by the NRC in accordance with Title 10, CFR, Part 110.

(v) [(E)] Any person receiving, acquiring, possessing, using, or transferring depleted uranium in accordance with the general license in this paragraph is exempt from the requirements of §289.202 of this title and §289.203 of this title (relating to Notices, Instructions, and Reports to Workers; Inspections) with respect to the depleted uranium covered by that general license.

(4) [(h)] General licenses for radioactive material other than source material.

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(A) [(1)] General licenses for static elimination devices and ion generating tubes [Certain devices and equipment]. A general license is issued to transfer, receive, acquire, possess, and use radioactive material incorporated in the devices or equipment specified in the following clauses (i) and (ii) [subparagraphs (A) and (B)] of this paragraph that have been manufactured, tested, and labeled by the manufacturer in accordance with a specific license issued to the manufacturer by the NRC, [authorizing distribution in accordance with this general license or its equivalent. A general license is issued to transfer, receive, acquire, possess, and use radioactive material incorporated in the devices or equipment specified in the following subparagraph (C) of this paragraph that have been manufactured, tested, and labeled by the manufacturer in accordance with a specific license issued to the manufacturer by the NRC, an agreement state, or a licensing state authorizing distribution in accordance with this general license or its equivalent.] In addition to the provisions of subsection (f) of this section, this general license is subject to the provisions of subsection (e)(1)(B) of this section and §289.252(cc) of this title:

(i) [(A)] static elimination devices designed for use as static eliminators that contain, as a sealed source or sources, radioactive material totaling not more than 500 μ Ci of polonium-210 per device; or

(ii) [(B)] ion generating tubes designed for ionization of air that contain, as a sealed source or sources, radioactive material totaling not more than 500 μ Ci of polonium-210 per device or a total of not more than 50 mCi of tritium per device; [; or]

[(C)] other devices designed and manufactured for the purpose of producing light or an ionized atmosphere. Any person who receives, possesses, uses, or transfers radioactive material in a device in accordance with the general license in this subparagraph shall do the following:]

[(i)] assure that all labels bearing a statement that removal of the label is prohibited, are affixed to the device at the time of receipt, are maintained on the device and, are clearly visible and legible. The general licensee shall comply with all instructions and precautions provided by such labels;]

[(ii)] assure that the device is tested for leakage of radioactive material and proper operation of the "on-off" mechanism and indicator, if any, at no longer than six-month intervals or at such other intervals as specified in the label; however:]

[(I)] devices containing only krypton need not be tested for leakage of radioactive material; and]

[(II)] devices containing only tritium or not more than 100 μ Ci of other beta and/or gamma emitting material or 10 μ Ci of alpha emitting material and devices held in storage in the original shipping container prior to initial installation need not be tested for any purpose; provided that each source is tested for leakage

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within six months prior to being used or transferred;]

[(iii) assure that the tests required by clause (ii) of this subparagraph and other testing, installation, servicing, and removal from location of installation involving the radioactive materials, shielding or containment, are performed:]

[(I) in accordance with the instructions provided by the labels;]

[(II) in accordance with written instructions provided by the manufacturer as specified in §289.252(l)(3) of this title; or]

[(III) by a person holding a specific license from the agency, the NRC, an agreement state, or a licensing state to perform such activities;]

[(iv) maintain records showing compliance with the requirements of clauses (ii) and (iii) of this subparagraph. The records shall show the test results. The records also shall identify the device tested by manufacturer, model and serial number of the device, serial number of the sealed source, and show the dates of performance and the names of persons performing testing, installation, servicing, and removal from location of installation, of the radioactive material, its shielding or containment;]

[(v) upon the occurrence of failure or damage to, or any indication of a possible failure or damage to, the radioactive material shielding or the "on-off" mechanism, or upon the detection of 0.005 μ Ci or more of removable radioactive contamination, immediately suspend operation of the device until it has been repaired by the manufacturer or other person holding a specific license from the agency, the NRC, an agreement state, or a licensing state to repair such devices, or disposed of by transfer to a person authorized by a specific license to receive the radioactive material contained in the device and, within 30 days, furnish the agency with a report containing a brief description of the event and the remedial action taken;]

[(vi) not abandon the device containing radioactive material;]

[(vii) except as provided in clause (viii) of this subparagraph, transfer or dispose of the device containing radioactive material only by transfer to a specific licensee of the agency, the NRC, an agreement state, or a licensing state, whose specific license authorizes the receipt of the device, and within 30 days after transfer of a device to a specific licensee, furnish the agency with a report containing identification of the device by manufacturer's name, model and serial number of the device, serial number of the sealed source, and address of the person receiving the device;]

[(viii) transfer the device to another general license(e) only:]

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[(I) where the device remains in use at a particular location. In such case, the transferor shall give the transferee a copy of this rule and any safety documents identified in the label on the device and, within 30 days of the transfer, report to the agency the manufacturer's name and model number of device transferred, the serial number of the sealed source transferred, the name and address of the transferee, and the name and/or position of an individual who may constitute a point of contact between the agency and the transferee; or]

[(II) where the device is stored in the original shipping container at its intended location of use prior to initial use by the holder of a general license acknowledgement; and]

[(ix) submit the written instructions specified in clause (iii)(II) of this subparagraph which shall be followed while performing the testing and shall be maintained for inspection by the agency.]

(B) [(2)] General license for luminous [Luminous] safety devices for aircraft.

(i) [(A)] A general license is issued to receive, acquire, possess, and use tritium or promethium-147 contained in luminous safety devices for use in aircraft, provided:

(I) [(i)] each device contains not more than 10 curies (Ci) of tritium or 300 mCi of promethium-147; and

(II) [(ii)] each device has been manufactured, assembled, or initially transferred [imported] in accordance with a specific license issued by the NRC, or each device has been manufactured or assembled in accordance with the specifications contained in a specific license issued by the agency or any agreement state that authorizes manufacture or assembly of the device to persons generally licensed by the agency or an agreement state. [to the manufacturer or assembler of such device in accordance with licensing requirements equivalent to those in Title 10, CFR, §32.53.]

(ii) [(B)] The general license in clause (i) of this subparagraph [subparagraph (A) of this paragraph] does not authorize the manufacture, assembly, or repair of luminous safety devices containing tritium or promethium-147.

(iii) [(C)] The general license in clause (i) of this subparagraph [subparagraph (A) of this paragraph] does not authorize the receipt, acquisition, possession, or use of tritium or promethium-147 contained in instrument dials.

(C) [(3)] General license for ownership [Ownership] of radioactive material. A general license is issued to own radioactive material without regard to quantity. Notwithstanding any other provisions of this section, this general license does not authorize the manufacture,

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production, transfer, receipt, possession, or use of radioactive material.

(D) [(4)] General license for calibration, [Calibration,] stabilization, and reference sources.

(i) [(A)] A general license is [hereby] issued to the following persons [those persons listed below] to own, receive, acquire, possess, use, and transfer, in accordance with the provisions of clauses (ii) and (iii) of this subparagraph [subparagraphs (B) and (C) of this paragraph], americium-241, plutonium, and/or radium-226, in the form of calibration, stabilization, or reference sources:

(I) [(i)] any person who holds a specific license issued by the agency that authorizes that person to receive, possess, use, and transfer radioactive material; and

(II) [(ii)] any person who holds a specific license issued by the NRC that authorizes that person to receive, possess, use, and transfer radioactive material.

(ii) [(B)] The general license in clause (i) of this subparagraph [subparagraph (A) of this paragraph] applies only to calibration, stabilization, or reference sources that have been manufactured or initially transferred in accordance with the specifications contained in a specific license issued to the manufacturer or importer of the sources by the NRC in accordance with Title 10, CFR, §32.57 or Title 10, CFR, §70.39 or that have been manufactured or initially transferred in accordance with the authorizations contained in a specific license issued to the manufacturer by the agency, any agreement state, or any licensing state, in accordance with licensing requirements equivalent to those contained in Title 10 CFR §32.57 or 10 CFR §70.39.

(iii) [(C)] Persons who own, receive, acquire, possess, use, or transfer one or more calibration or reference sources in accordance with these general licenses:

(I) [(i)] shall not possess at any one time, at any one location of storage or use, more than 5 μCi each of americium-241, plutonium-238, plutonium-239, and radium-226 in such sources;

(II) [(ii)] shall not receive, possess, use, or transfer such source unless the source or the storage container bears a label that includes the following statements, or a substantially similar statement that contains the information in the following statements:

(-a-) [(I)] option 1, as appropriate:

The receipt, possession, use, and transfer of this source, Model _____, Serial No. _____, are subject to a general license and the regulations of the NRC or of a state with which the NRC has entered into an agreement for the exercise of regulatory authority. Do not remove this label.

CAUTION - RADIOACTIVE MATERIAL - THIS SOURCE CONTAINS (AMERICIUM-241)

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(PLUTONIUM-238) (PLUTONIUM-239)*. DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

_____ ; or
Name of Manufacturer or Initial Transferor [Importer]

(-b-) [(II)] option 2, as appropriate:

The receipt, possession, use, and transfer of this source, Model _____, Serial No. _____, are subject to a general license and the regulations of any licensing state. Do not remove this label.

CAUTION - RADIOACTIVE MATERIAL - THIS SOURCE CONTAINS RADIUM-226. DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

_____ ; or
Name of Manufacturer or Initial Transferor [Importer]

* Showing only the name of the appropriate material.

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(III) [(iii)] shall not transfer, abandon, or dispose of such source except by transfer to a person authorized by a specific license from the agency, the NRC, an agreement state, or a licensing state to receive the source;

(IV) [(iv)] shall store such source, except when the source is being used, in a closed container adequately designed and constructed to contain americium-241, plutonium-238, plutonium-239, or radium-226 that might otherwise escape during storage; and

(V) [(v)] shall not use such source for any purpose other than the calibration of radiation detectors or the standardization of other sources.

(iv) [(D)] The general license in subparagraph (A) of this paragraph does not authorize the manufacture of calibration or reference sources containing americium-241, plutonium-238, plutonium-239, or radium-226.

(E) [(5)] General license for ice [Ice] detection devices.

(i) [(A)] A general license is issued to own, receive, acquire, possess, use, and transfer strontium-90 contained in ice detection devices, provided each device contains not more than 50 μCi of strontium-90 and each device has been manufactured or initially transferred [imported] in accordance with a specific license issued by the NRC or each device has been manufactured in accordance with the authorizations contained in a specific license issued by the agency or any agreement state to the manufacturer of such device in accordance with licensing requirements equivalent to those in Title 10, CFR, §32.61.

(ii) [(B)] Persons who receive, acquire, possess, use, or transfer strontium-90 contained in ice detection devices in accordance with the general license in clause (i) [subparagraph (A)] of this paragraph shall do the following:

(I) [(i)] upon occurrence of visually observable damage, such as bend or crack or discoloration from overheating to the device, discontinue use of the device until it has been inspected, tested for leakage, and repaired by a person holding a specific license from the NRC or an agreement state to manufacture or service such devices; or dispose of the device by transfer to a person authorized by a specific license from the agency, the NRC, or an agreement state; and

(II) [(ii)] assure that all labels affixed to the device at the time of receipt, and which bear a statement prohibiting removal of the labels, are maintained on the device.

(iii) [(C)] The general license in subparagraph (A) of this paragraph does not authorize the manufacture, assembly, disassembly, or repair of strontium-90 in ice detection devices.

(F) [(i)] General license for intrastate [Intrastate] transportation of

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radioactive material.

(i) [(1)] A general license is issued to any common or contract carrier to transport and store radioactive material in the regular course of their carriage for another or storage incident to transport, provided the transportation and storage is in accordance with the applicable requirements of §289.257 of this title insofar as such requirements relate to the loading and storage of packages, placarding of the transporting vehicle, and incident reporting. Any notification of incidents referred to in those requirements shall be filed with the agency and the United States Department of Transportation (DOT). Persons who transport and store radioactive material in accordance with the general license in this paragraph are exempt from the requirements of §289.202 and §289.203 of this title.

(ii) [(2)] A general license is issued to any private carrier to transport radioactive material, provided the transportation is in accordance with the applicable requirements, appropriate to the mode of transport, of the DOT insofar as such requirements relate to the loading and storage of packages, placarding of the transporting vehicle, and incident reporting. Any notification of incidents referred to in those requirements shall be filed with the agency and the DOT.

(G) General license for the use of radioactive material for certain *in vitro* clinical or laboratory testing, not to include research and development. (The New Drug provisions of the Federal Food, Drug, and Cosmetic Act also govern the availability and use of any specific diagnostic drugs in interstate commerce.)

(i) A general license is issued to any physician, veterinarian, clinical laboratory, or hospital to receive, acquire, possess, transfer, or use, for any of the following stated tests, in accordance with the provisions of clauses (ii)-(iii) of this subparagraph, the following radioactive materials in prepackaged units:

(I) iodine-125, in units not exceeding 10 μ Ci each for use in *in vitro* clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to humans or animals;

(II) iodine-131, in units not exceeding 10 μ Ci each for use in *in vitro* clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to humans or animals;

(III) carbon-14, in units not exceeding 10 μ Ci each for use in *in vitro* clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to humans or animals;

(IV) hydrogen-3 (tritium), in units not exceeding 50 μ Ci each for use in *in vitro* clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to humans or animals;

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(V) iron-59, in units not exceeding 20 μ Ci each for use in *in vitro* clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to humans or animals;

(VI) selenium-75, in units not to exceed 10 μ Ci each for use in *in vitro* clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to humans or animals;

(VII) mock iodine-125 reference or calibration sources, in units not exceeding 0.05 μ Ci of iodine-129 and 0.005 μ Ci of americium-241 each for use in *in vitro* clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to humans or animals; or

(VIII) cobalt-57, in units not exceeding 10 μ Ci each for use in *in vitro* clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to humans or animals.

(i) A person who receives, acquires, possesses, or uses radioactive material in accordance with the general license in clause (i) of this subparagraph shall comply with the following.

(I) The general licensee shall not possess at any one time, at any one location of storage or use, a total amount of iodine-125, iodine-131, selenium-75, iron-59, and/or cobalt-57 in excess of 200 μ Ci.

(II) The general licensee shall store the radioactive material in the original shipping container or in a container providing equivalent radiation protection and meeting the requirements of §289.202(cc) of this title until used.

(III) The general licensee shall use the radioactive material only for the uses authorized by clause (i) of this paragraph.

(IV) The general licensee shall not transfer the radioactive material to a person who is not authorized to receive it in accordance with a specific license issued by the agency, the NRC, any agreement state, or any licensing state, nor transfer the radioactive material in any manner other than in the unopened, labeled shipping container as received from the supplier.

(V) The general licensee shall dispose of the mock iodine-125 reference or calibration sources described in subparagraph (A)(vii) of this paragraph as required by §289.202(ff) of this title.

(iii) The general licensee shall not receive, acquire, possess, or use radioactive material in accordance with the general license in clause (i) of this subparagraph:

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(I) except as prepackaged units that are labeled in accordance with the provisions of an applicable specific license issued in accordance with §289.252(p) of this title or in accordance with the provisions of a specific license issued by the NRC, any agreement state, or any licensing state that authorizes the manufacture and distribution of iodine-125, iodine-131, carbon-14, hydrogen-3 (tritium), iron-59, selenium-75, cobalt-57, or mock iodine-125 to general licensees in accordance with this subparagraph or its equivalent; and

(II) unless one of the statements in the following figures, as appropriate, or a substantially similar statement that contains the information called for in one of the following statements, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure that accompanies the package:

(-a-) option 1, as appropriate:

This radioactive material shall be received, acquired, possessed, and used only by physicians, veterinarians, clinical laboratories, or hospitals and only for *in vitro* clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use, and transfer are subject to the regulations and a general license of the NRC or of a state with which the NRC has entered into an agreement for the exercise of regulatory authority.

_____ ; or
Name of Manufacturer

(-b-) option 2, as appropriate:

This radioactive material shall be received, acquired, possessed, and used only by physicians, veterinarians, clinical laboratories, or hospitals and only for *in vitro* clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use, and transfer are subject to the rules and a general license of a licensing state.

_____ ; or
Name of Manufacturer

(iv) No person shall receive, acquire, possess, use, or transfer radioactive material in accordance with the general license in clause (i) of this subparagraph until that person has filed an application for registration on a form prescribed by the agency and has received from the agency a notification of receipt with an assigned registration number. The applicant shall submit the following information and any other information as may be required by the agency:

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(I) name and address of the physician, veterinarian, clinical laboratory, or hospital;

(II) the location of use; and

(III) a statement that the physician, veterinarian, clinical laboratory, or hospital has appropriate radiation measuring instruments to carry out *in vitro* clinical or laboratory tests with radioactive material as authorized in accordance with clause (i) of this subparagraph, and that such tests will be performed only by personnel competent in the use of such instruments and in the handling of the radioactive material.

(H) General license for certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere.

(i) A general license is issued to commercial and industrial firms and to research, educational, and medical institutions, individuals in the conduct of their business, and state or local government agencies to receive, acquire, possess, use, or transfer in accordance with the provisions of clauses (ii)-(iv) of this subparagraph, radioactive material, excluding special nuclear material, contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition or for producing light or an ionized atmosphere.

(ii) The general license in clause (i) of this subparagraph applies only to radioactive material contained in devices that have been manufactured or initially transferred and labeled in accordance with the specifications contained in a specific license issued by the agency in accordance with §289.252(I) of this title or in a specific license issued by the NRC, an agreement state, or a licensing state that authorizes distribution of devices to persons generally licensed by the NRC, an agreement state, or a licensing state.

(iii) The devices must have been received from a specific licensee described in clause (ii) of this subparagraph or through a transfer made in accordance with clause (iv)(XII) of this subparagraph.

(iv) Any person who receives, acquires, possesses, uses, or transfers radioactive material in a device in accordance with the general license in this subparagraph shall do the following:

(I) assure that all labels, affixed to the device at the time of receipt and bearing a statement that removal of the label is prohibited are maintained on the device and are clearly visible and legible. The general licensee shall comply with all instructions and precautions provided by such labels;

(II) assure that the device is tested for leakage of radioactive material and proper operation of the "on-off" mechanism and indicator, if any, at no longer than six-month intervals or at such other intervals as specified in the label; however:

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(-a-) devices containing only krypton need not be tested for leakage of radioactive material; and

(-b-) devices containing only tritium or not more than 100 μ Ci of other beta and/or gamma emitting material or 10 μ Ci of alpha emitting material and devices held in storage in the original shipping container prior to initial installation need not be tested for any purpose, provided that each source is tested for leakage within six months prior to being used or transferred;

(III) assure that the tests required by subclause (II) of this clause and other testing, installation (removal of the manufacturer's lock and initial alignment of the radiation beam), servicing, and removal from location of installation involving the radioactive materials, its shielding or containment, are performed:

(-a-) in accordance with the instructions provided by the labels;

(-b-) in accordance with written instructions provided by the manufacturer as specified in §289.252(1)(3) of this title; or

(-c-) by a person holding a specific license from the agency, the NRC, an agreement state, or a licensing state to perform such activities;

(IV) maintain records for inspection by the agency showing compliance with the requirements of subclauses (II) and (III) of this clause. The records shall show the test results. The records also shall identify the device tested by manufacturer, model and serial number of the device, serial number of the sealed source, and show the dates of performance of and the names of persons performing testing, installation, servicing, and removal from location of installation, of the radioactive material, its shielding or containment. Retention shall be as follows:

(-a-) records for test for leakage or radioactive material required by subclause (II) of this clause must be kept for three years after the next required leak test is performed or until the sealed source is transferred or disposed of; and

(-b-) records of the test of the on-off mechanism and indicator required by subclause (II) of this clause must be kept for three years after the next required test of the on-off mechanism and indicator is performed or until the sealed source is transferred or disposed of.

(-c-) records of the testing, installation (removal of the manufacturer's lock and initial alignment of the radiation beam), servicing, and removal from location of installation involving the radioactive materials, its shielding or containment required by subclause (III) of this clause shall be kept for three years from the date of the recorded event or until the device is transferred or disposed of.

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(V) maintain assignment records (utilization records) for portable or mobile devices for inspection by the agency at the location listed in the general license acknowledgement in accordance with subsection (g) of this section. These records shall include:

(-a) a unique identification (for example, serial number) of each portable or mobile device;

(-b) the location(s) where each portable or mobile device is assigned; and

(-c) the date(s) each portable or mobile device is assigned to the location(s) in accordance with item (-b-) of this subclause;

(VI) have a copy of the appropriate operating and instruction manual at each temporary site for agency inspection;

(VII) immediately suspend operation of the device if there is a failure of, or damage to, or any indication of a possible failure of or damage to, the shielding of the radioactive material or the "on-off" mechanism, or indicator, or upon the detection of 1.85 becquerels (0.005 μ Ci) or more of removable radioactive material. The device shall not be operated until it has been repaired by the manufacturer or other person holding a specific license from the agency, the NRC, an agreement state, or a licensing state to repair such devices. The device and any radioactive material from the device may only be disposed of by transfer to a person authorized by a specific license to receive the radioactive material in the device. A report containing a brief description of the event and the remedial action taken and in the case of detection of 1.85 becquerels (0.005 μ Ci) or more removable radioactive material or failure of, or damage to a source likely to result in contamination of the premises or the environs, a plan for ensuring that the premises and environs are acceptable for unrestricted use shall be furnished to the agency within 30 days. Under these circumstances, the requirements in §289.202(ddd) of this title may be applicable, as determined by the agency on a case-by-case basis;

(VIII) not abandon the device containing radioactive material;

(IX) transfer or dispose of the device containing radioactive material only by transfer to another general licensee as authorized in subclause (XII) of this clause or to a person authorized to receive the device by a specific license issued by the agency in accordance with §289.252(l) of this title, or an equivalent specific license issued by the NRC, an agreement state, or a licensing state, or as otherwise approved under subclause (XI) of this clause;

(X) furnish a report to the agency within 30 days after the transfer of a device to a specific licensee. The report must contain the following:

(-a) identification of the device by manufacturer's

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(or initial transferor's) name, model and serial number;

(-b-) name, address, and license number of the person receiving the device; and

(-c-) date of the transfer.

(XI) obtain written agency approval before transferring the device to any other specific licensee not specifically identified in subclause (X) of this clause;

(XII) transfer the device to another general licensee only if:

(-a-) the device remains in use at a particular location. In such case, the transferor shall give the transferee a copy of this section and any safety documents identified in the label on the device. Within 30 days of the transfer, the transferor shall report the following to the agency:

(-1-) manufacturer's (or initial transferor's) name;

(-2-) model and serial number of the device transferred;

(-3-) transferee's name and mailing address for the location of use; and

(-4-) name, title, and phone number of the responsible individual identified by the transferee in accordance with subclause (XIII) of this clause to have knowledge of and authority to take actions to ensure compliance with the appropriate regulations and requirements; or

(-b-) the device is held in storage by an intermediate person in the original shipping container at its intended location of use prior to initial use by a general licensee.

(XIII) appoint an individual responsible for having knowledge of the appropriate agency requirements and the authority for taking required actions to comply with appropriate agency requirements. The general licensee, through this individual, shall ensure the day-to-day compliance with appropriate agency requirements. This appointment does not relieve the general licensee of any of its responsibility in this regard;

(XIV) report changes to the mailing address for the location of use (including change in name of general licensee) to the agency within 30 days of the effective date of the change. If it is a portable device, a report of address change is only required for a change in the device's primary place of storage; and

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(XV) not hold devices that are not in use for longer than two years. If devices with shutters are not being used, the shutter shall be locked in the closed position. The testing required by clause (iv) of this subparagraph need not be performed during the period of storage only. However, when devices are put back into service or transferred to another person, and have not been tested within the required test interval, they shall be tested for leakage before use or transfer and the shutter tested before use. Devices kept in standby for future use are excluded from the two-year time limit if the general licensee performs quarterly physical inventories of these devices while they are in standby. The licensee shall make and maintain, for intervals of 5 years, records of the quarterly physical inventories for inspection by the agency.

(I) The general license in subparagraph (H) of this paragraph does not authorize the manufacture or import of devices containing radioactive material.

(J) The written instructions specified in subparagraph (H)(iv)(III)(-a-) of this paragraph shall be followed while performing the testing and shall be maintained for inspection by the agency.

[(j) General license acknowledgements. In addition to the requirements of this section, all general license acknowledgement holders, unless otherwise specified, are subject to the requirements of §§289.201, 289.202(ww) and (xx), 289.204, 289.205, and 289.257 of this title.]

(g) [(k)] General license acknowledgements for radioactive material other than source material. In addition to the requirements of this section, all general license acknowledgement holders, unless otherwise specified, are subject to the requirements of §§289.201, 289.202(ww) and (xx), 289.204, 289.205, and 289.257 of this title.

(1) Persons possessing a general license for devices in accordance with subsection (f)(4)(H) of this section and being in the possession of radioactive material in devices containing at least 370 MBq (10 mCi) of cesium-137, 3.7 MBq (0.1 mCi) of strontium-90, 37 MBq (1 mCi) of cobalt-60, 37 MBq (1 mCi) of americium-241, or any transuranic (for example, element with atomic number greater than uranium (92)), based on the activity indicated on the label on the device, shall file an application for acknowledgement within 30 days of receipt, acquisition, or possession of such a device. The application shall be on a form prescribed by the agency to include the following information and any other information specifically requested by the agency:

(A) name and mailing address of the general licensee;

(B) information about each device to include the manufacturer (or initial transferor), model number, and serial number of the device, and the radioisotope and activity (as indicated on the label);

(C) name, title, and telephone number of the responsible person designated as a representative of the general licensee in accordance with subparagraph (H)(iv)(XIII)

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of this paragraph;

(D) address or location at which the device(s) are used and/or stored. For portable devices, the address of the primary place of storage;

(E) certification by the responsible representative of the general licensee that the information concerning the device(s) has been verified through a physical inventory and checking of label information;

(F) certification by the responsible representative of the general licensee that they are aware of the requirements of this section; and

(G) a completed BRC Form 252-1, Business Information Form and the applicable fee as required by §289.204 of this title.

(2) Persons generally licensed by the agency with respect to devices meeting the criteria in paragraph (1) of this subsection, are not subject to the requirements of paragraph (1) of this subsection if the devices are used in areas subject to agency jurisdiction for a period less than 30 days in any calendar year.

[(1) Certain measuring, gauging, and controlling devices.]

[(A) A general license is issued to commercial and industrial firms and to research, educational, and medical institutions, individuals in the conduct of their business, and state or local government agencies to receive, acquire, possess, use, or transfer in accordance with the provisions of subparagraphs (B)-(E) of this paragraph, radioactive material, excluding special nuclear material, contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition.]

[(B) The general license in subparagraph (A) of this paragraph applies only to radioactive material contained in devices that have been manufactured and labeled in accordance with the authorizations contained in a specific license issued by the agency in accordance with §289.252(l) of this title or in accordance with the authorizations contained in a specific license issued by the NRC, an agreement state, or a licensing state, which authorizes distribution of devices to persons generally licensed by the NRC, an agreement state, or a licensing state.]

[(C) Within 30 days following the receipt, acquisition, or possession of radioactive material in a device, except for calibration, stabilization, reference sources, electron capture detector cells, ion mobility spectrometers, beta backscatter gauges, and static meters issued in accordance with the general license in subparagraph (A) of this paragraph, the general licensee shall file an application for an acknowledgement on a form prescribed by the agency. The application shall be signed by the individual duly authorized to act for or on behalf of the general licensee. In filing the application for acknowledgement, the general

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licensee shall furnish the following information and any other information specifically requested by the agency:]

[(i) name and mailing address of the general licensee;]

[(ii) information about each device to include the manufacturer, model number, serial number of the device and sealed source, and the radioisotope and activity (as indicated on the label);]

[(iii) name and telephone number of the responsible person designated as a representative of the holder of a general licensee acknowledgement in accordance with subparagraph (E)(xii) of this paragraph;]

[(iv) address at which the device(s) are used and/or stored. For portable devices, the address of the primary place of storage;]

[(v) certification by the responsible representative of the general licensee that the information concerning the device(s) has been verified through a physical inventory and checking of label information; and]

[(vi) certification by the responsible representative of the general licensee that they are aware of the requirements of this section.]

[(D) Each applicant shall be accompanied by BRC Form 252-1, Business Information Form and the applicable fee as required by §289.204 of this title.]

[(E) Any person who receives, acquires, possesses, uses, or transfers radioactive material in a device in accordance with the general license in subparagraph (A) of this paragraph shall do the following:]

[(i) assure that all labels bearing a statement that removal of the label is prohibited, are affixed to the device at the time of receipt, are maintained on the device and, are clearly visible and legible. The general licensee shall comply with all instructions and precautions provided by such labels;]

[(ii) assure that the device is tested for leakage of radioactive material and proper operation of the "on-off" mechanism and indicator, if any, at no longer than six-month intervals or at such other intervals as specified in the label; however:]

[(I) devices containing only krypton need not be tested for leakage of radioactive material; and]

[(II) devices containing only tritium or not more than 100 μ Ci of other beta and/or gamma emitting material or 10 μ Ci of alpha emitting material and devices held in storage in the original shipping container prior to initial installation need not

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be tested for any purpose, provided that each source is tested for leakage within six months prior to being used or transferred;]

[(iii) assure that the tests required by clause (ii) of this subparagraph and other testing, installation (removal of the manufacturer's lock and initial alignment of the radiation beam), servicing, and removal from location of installation involving the radioactive materials, its shielding or containment, are performed:]

[(I) in accordance with the instructions provided by the labels;]

[(II) in accordance with written instructions provided by the manufacturer as specified in §289.252(l)(3) of this title; or]

[(III) by a person holding a specific license from the agency, the NRC, an agreement state, or a licensing state to perform such activities;]

[(iv) maintain records showing compliance with the requirements of clauses (ii) and (iii) of this subparagraph. The records shall show the test results. The records also shall identify the device tested by manufacturer, model and serial number of the device, serial number of the sealed source, and show the dates of performance of and the names of persons performing testing, installation, servicing, and removal from location of installation, of the radioactive material, its shielding or containment;]

[(v) maintain assignment records for portable or mobile devices for inspection by the agency at the location listed in the general license acknowledgement. These records shall include:]

[(I) a unique identification (e.g. serial number) of each portable or mobile device;]

[(II) the location(s) where each portable or mobile device is assigned; and]

[(III) the date(s) each portable or mobile device is assigned to the location(s) in accordance with subclause (II) of this clause;]

[(vi) maintain utilization records for each portable or mobile device used at the location(s) in accordance with clause (v)(II) of this subparagraph for inspection by the agency at that location(s);]

[(vii) have a copy of the appropriate operating and instruction manual at each temporary site for agency inspection;]

[(viii) upon the occurrence of failure or damage to, or any

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indication of a possible failure or damage to, the radioactive material shielding or the "on-off" mechanism, or upon the detection of 0.005 μCi or more of removable radioactive contamination, immediately suspend operation of the device until it has been repaired by the manufacturer or other person holding a specific license from the agency, the NRC, an agreement state, or a licensing state to repair such devices or disposed of by transfer to a person authorized by a specific license to receive the radioactive material contained in the device and, within 30 days, furnish the agency with a report containing a brief description of the event and the remedial action taken and in the case of detection of 0.005 μCi or more removable radioactive material or failure of, or damage to a source likely to result in contamination of the premises or the environs, a plan for ensuring that the premises and environs are acceptable for unrestricted use. Under these circumstances, the requirements in §289.202(eee) of this title may be applicable, as determined by the agency on a case-by-case basis;]

[(ix) not abandon the device containing radioactive material;]

[(x) except as provided in clause (xi) of this subparagraph, transfer or dispose of the device containing radioactive material only by transfer to a person holding a specific license issued by the agency in accordance with §289.252(l) of this title, or an equivalent specific license issued by the NRC, an agreement state, or a licensing state, whose specific license authorizes the receipt of the device, or as otherwise authorized by the agency in writing, and within 30 days after transfer of a device to a specific licensee, furnish the agency and agreement states with a report containing identification of the device by manufacturer's name, model and serial number of the device and serial number of the sealed source, the name, address, and license number of the person receiving the device (except when the device is temporarily transferred to the specific licensee for repair of the device), and the date of the transfer;]

[(xi) transfer the device to another general license(e) only:]

[(I) where the device remains in use at a particular location. In such case, the transferor shall give the transferee a copy of this rule and any safety documents identified in the label on the device and, within 30 days of the transfer, report to the agency the manufacturer's name, the model and serial number of the device transferred, the serial number of the sealed source transferred, the name and address of the transferee, and the name and telephone number of the responsible individual identified by the transferee in accordance with clause (xii) of this subparagraph to have knowledge of and authority to take actions to ensure compliance with the appropriate agency requirements and/or position of an individual who may constitute a point of contact between the agency and the transferee, or]

[(II) where the device is held in storage by an intermediate person in the original shipping container at its intended location of use prior to initial use by the holder of a general license acknowledgement;]

[(xii) appoint an individual responsible for having knowledge of

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the appropriate agency requirements and the authority for taking required actions to comply with appropriate agency requirements. The general licensee, through this appointed individual, shall ensure the day-to-day compliance with appropriate agency requirements. This appointment does not relieve the general licensee of responsibility in this regard;]

[(xiii) report changes of mailing address (including change in the name of the holder of a general license acknowledgement) to the agency within 30 days of the effective date of the change. If it is a portable device, a report of address change is only required for a change in the device's primary place of storage; and]

[(xiv) not hold devices that are not in use for longer than two years. If devices with shutters are not being used, the shutter shall be locked in the closed position. The testing required by clause (ii) of this subparagraph need not be performed during the period of storage only. However, when devices are put back into service or transferred to another person, and have not been tested within the required test interval, they shall be tested for leakage before use or transfer and the shutter tested before use.]

[(F) The general license in subparagraph (A) of this paragraph does not authorize the manufacture of devices containing radioactive material.]

[(G) The written instructions specified in subparagraph (E)(iii)(II) of this paragraph shall be followed while performing the testing and shall be maintained for inspection by the agency.]

[(2) Use of radioactive material for certain *in vitro* clinical or laboratory testing, not to include research and development. (The New Drug provisions of the Federal Food, Drug, and Cosmetic Act also govern the availability and use of any specific diagnostic drugs in interstate commerce.)]

[(A) A general license is issued to any physician, veterinarian, clinical laboratory, or hospital to receive, acquire, possess, transfer, or use, for any of the following stated tests, in accordance with the provisions of subparagraphs (B)-(D) of this paragraph, the following radioactive materials in prepackaged units:]

[(i) iodine-125, in units not exceeding 10 μ Ci each for use in *in vitro* clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to humans or animals;]

[(ii) iodine-131, in units not exceeding 10 μ Ci each for use in *in vitro* clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to humans or animals;]

[(iii) carbon-14, in units not exceeding 10 μ Ci each for use in *in vitro* clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to humans or animals;]

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[(iv) hydrogen-3 (tritium), in units not exceeding 50 μ Ci each for use in *in vitro* clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to humans or animals;]

[(v) iron-59, in units not exceeding 20 μ Ci each for use in *in vitro* clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to humans or animals;]

[(vi) selenium-75, in units not to exceed 10 μ Ci each for use in *in vitro* clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to humans or animals;]

[(vii) mock iodine-125 reference or calibration sources, in units not exceeding 0.05 μ Ci of iodine-129 and 0.005 μ Ci of americium-241 each for use in *in vitro* clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to humans or animals; or]

[(viii) cobalt-57, in units not exceeding 10 μ Ci each for use in *in vitro* clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to humans or animals.]

[(B) No person shall receive, acquire, possess, use, or transfer radioactive material in accordance with the general license in subparagraph (A) of this paragraph until that person has filed an application for an acknowledgement on a form prescribed by the agency and has received from the agency an acknowledgement with an assigned number. The applicant shall furnish the following information and such other information as may be required by the agency:]

[(i) name and address of the physician, veterinarian, clinical laboratory, or hospital;]

[(ii) the location of use;]

[(iii) a statement that the physician, veterinarian, clinical laboratory, or hospital has appropriate radiation measuring instruments to carry out *in vitro* clinical or laboratory tests with radioactive material as authorized in accordance with the general license in subparagraph (A) of this paragraph, and that such tests will be performed only by personnel trained specifically in the use of such instruments and in the handling of the radioactive material;]

[(iv) name, title, address, and telephone number of the individual duly authorized to act for and on behalf of the general licensee supervising the use of radioactive material authorized by subparagraph (A) of this paragraph; and]

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[(v) BRC Form 252-1, Business Information Form and the applicable fee as required by §289.204 of this title.]

[(C) A person who receives, acquires, possesses, or uses radioactive material in accordance with the general license in subparagraph (A) of this paragraph shall comply with the following.]

[(i) The holder of the general license acknowledgement shall not possess at any one time, at any one location of storage or use, a total amount of iodine-125, iodine-131, selenium-75, iron-59, and/or cobalt-57 in excess of 200 μ Ci.]

[(ii) The holder of the general license acknowledgement shall store the radioactive material in the original shipping container or in a container providing equivalent radiation protection and meeting the requirements of §289.202(cc) of this title until used.]

[(iii) The holder of the general license acknowledgement shall use the radioactive material only for the uses authorized by subparagraph (A) of this paragraph.]

[(iv) The holder of the general license acknowledgement shall not transfer the radioactive material to a person who is not authorized to receive it in accordance with a specific license issued by the agency, the NRC, any agreement state, or any licensing state, nor transfer the radioactive material in any manner other than in the unopened, labeled shipping container as received from the supplier.]

[(v) The holder of the general license acknowledgement shall dispose of the mock iodine-125 reference or calibration sources described in subparagraph (A)(vii) of this paragraph as required by §289.202(ff) of this title.]

[(D) The holder of the general license acknowledgement shall not receive, acquire, possess, or use radioactive material in accordance with the general license in subparagraph (A) of this paragraph:]

[(i) except as prepackaged units that are labeled in accordance with the provisions of an applicable specific license issued in accordance with §289.252(p) of this title or in accordance with the provisions of a specific license issued by the NRC, any agreement state, or any licensing state that authorizes the manufacture and distribution of iodine-125, iodine-131, carbon-14, hydrogen-3 (tritium), iron-59, selenium-75, cobalt-57, or mock iodine-125 to persons holding general license acknowledgements in accordance with this paragraph or its equivalent; and]

[(ii) unless one of the statements in the following figures, as appropriate, or a substantially similar statement that contains the information called for in one of the following statements, appears on a label affixed to each prepackaged unit or appears in

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a leaflet or brochure that accompanies the package:]

[(I) option 1, as appropriate:]

[This radioactive material shall be received, acquired, possessed, and used only by physicians, veterinarians, clinical laboratories, or hospitals and only for *in vitro* clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use, and transfer are subject to the regulations and a general license of the NRC or of a state with which the NRC has entered into an agreement for the exercise of regulatory authority.

_____ ; or
Name of Manufacturer]

[(II) option 2, as appropriate:]

[This radioactive material shall be received, acquired, possessed, and used only by physicians, veterinarians, clinical laboratories, or hospitals and only for *in vitro* clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use, and transfer are subject to the rules and a general license of a licensing state.

_____ ; or
Name of Manufacturer]

(h) [(I)] Issuance of general license acknowledgements.

(1) When the agency determines that an application meets the requirements of the Texas Radiation Control Act (Act) and the rules of the agency, the agency will issue a general license acknowledgement recognizing the general license authorizing the activity in such form and containing the conditions and limitations as it deems appropriate or necessary.

[Upon a determination that the information submitted by the applicant meets the requirements of the Texas Radiation Control Act (Act) and the rules of the agency, the agency will issue a general license acknowledgement recognizing the proposed activity in such form and containing such conditions and limitations as it deems appropriate or necessary.]

(2) The agency may incorporate in any general license acknowledgement at the time of issuance, or thereafter by amendment, additional requirements and conditions with respect to the licensee's [governing the] receipt, possession, use, and transfer [, and disposal] of radioactive material subject to this section as it deems appropriate or necessary in order to:

(A) minimize danger to occupational and public health and safety or the environment;

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(B) require [such] reports and the keeping of [such] records, and to provide for [such] inspections of activities in accordance with the license as may be appropriate or necessary; and

(C) prevent loss or theft of material subject to this section.

(3) The agency may request and the licensee shall provide, additional information after the general license acknowledgement has been issued to enable the agency to determine whether the general license acknowledgement should be modified in accordance with subsection (1) of this section.

(i) [(m)] Specific terms and conditions.

(1) Each general license acknowledgement issued in accordance with this section shall be subject to the applicable provisions of the Act, now or hereafter in effect, and to the applicable rules and orders of the agency.

(2) Each person holding a general license acknowledgement issued by the agency in accordance with this section shall confine use and possession of the devices and radioactive material identified in the general license acknowledgement [licensed] to the locations specified [and purpose authorized] in the general license acknowledgement.

(3) Each holder of a general license acknowledgement shall notify the agency, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy by the general license acknowledgement holder or its parent company.

(4) The notification in paragraph (3) of this subsection shall include:

(A) the bankruptcy court in which the petition for bankruptcy was filed;
and

(B) the date of the filing of the petition.

(5) A copy of the "Petition for Bankruptcy" shall be submitted to the agency with the written notification.

(i) Expiration of general license acknowledgement and administrative renewal.

(1) Effective September 1, 2004, the term of the general license acknowledgement is two years. Each general license acknowledgement expires at the end of the day, in the month and year stated in the general license acknowledgement. Upon payment of the fee required by §289.204 of this title and if the agency does not deny the renewal in accordance with subsection (f)(1) of this section, the general license acknowledgement will be administratively renewed.

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(2) Expiration of the general license acknowledgement does not relieve the holder of the general license acknowledgement of the requirements of this chapter.

(3) If the holder of the general license acknowledgement does not pay the fee required by §289.204 of this title and the general license acknowledgement is not renewed, the holder of the general license acknowledgement shall on or before the expiration date specified in the general license acknowledgement:

(A) terminate use of all generally licensed devices;

(B) submit to the agency a record of the disposition of the devices; and

(C) pay any outstanding fees in accordance with §289.204 of this title.

(k) [(n)] Termination of general license acknowledgements.

(1) Each holder of a general license acknowledgement shall notify the agency immediately, in writing, and request termination of the general license acknowledgement when the holder of the general license acknowledgement decides to terminate all activities involving materials specified in the general license acknowledgement.

(2) Each holder of a general license acknowledgement shall, no less than 30 days before vacating or relinquishing possession of control of premises that have been used as a place of storage or use of radioactive material as a result of general licensed activities, notify the agency in writing of intent to vacate and do the following:

(A) terminate use of radioactive material; and

(B) dispose of radioactive material in accordance with this section and/or §289.202(ff) of this title.

(l) [(o)] Amendment of general license acknowledgements.

(1) The holder of the general license acknowledgement required by [in accordance with the general license in] subsection (g)(1) [(k)(1)(A) and (2)(A)] of this section shall report in writing to the agency any changes in information furnished by the holder of the general license acknowledgement. The report shall be submitted within 30 days after the effective date of such change.

(2) Applications for amendments of a general license acknowledgement shall be filed in accordance with subsection (g)(1)(A)-(F) [(k)(1)(C) or (2)(B)] of this section, as applicable, and shall specify the respects in which the holder of a general license acknowledgement desires a general license acknowledgement to be amended.

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[(p) Modification and revocation of general license acknowledgements.]

[(1) The terms and conditions of all general license acknowledgements shall be subject to amendment, revision, or modification.]

[(2) A general license acknowledgement may be suspended or revoked by reason of amendments to the Act, by reason of rules in this chapter, or orders issued by the agency.]

[(3) Any general license acknowledgement may be revoked, suspended, or modified, in whole or in part, for any of the following:]

[(A) any material false statement in the application or any statement of fact required in accordance with provisions of the Act;]

[(B) conditions revealed by such application or statement of fact or any report, record, or inspection, or other means that would warrant the agency to refuse to grant a general license acknowledgement on an original application; or]

[(C) violation of, or failure to observe, any of the terms and conditions of the Act, this chapter, or of the general license acknowledgement, or order of the agency.]

[(4) Except in cases in which the occupational and public health, interest, or safety requires otherwise, no general license acknowledgement shall be modified, suspended, or revoked unless, prior to the institution of proceedings therefore, facts or conduct that may warrant such action shall have been called to the attention of the holder of the general license acknowledgement in writing and the holder of the general license acknowledgement shall have been afforded an opportunity to demonstrate compliance with all lawful requirements.]

(m) [(q)] Appendices.

(1) Exempt concentrations.

Figure: 25 TAC §289.251(m)(1)

(2) Exempt quantities.

Figure: 25 TAC §289.251(m)(2)

		Column I	Column II
Element (atomic number)	Isotope	Gas Concentration Ci/ml*	Liquid and Solid Concentration μ Ci/ml**
Antimony (51)	Sb-122		3×10^{-4}
	Sb-124		2×10^{-4}
	Sb-125		1×10^{-3}
Argon (18)	Ar-37	1×10^{-3}	
	Ar-41	1×10^{-7}	
Arsenic (33)	As-73		5×10^{-3}
	As-74		5×10^{-4}
	As-76		2×10^{-4}
	As-77		8×10^{-4}
Barium (56)	Ba-131		2×10^{-3}
	Ba-140		3×10^{-4}
Beryllium (4)	Be-7		2×10^{-2}
Bismuth (83)	Bi-206		4×10^{-4}
Bromine (35)	Br-82	4×10^{-7}	3×10^{-3}
Cadmium (48)	Cd-109		2×10^{-3}
	Cd-115m		3×10^{-4}
	Cd-115		3×10^{-4}
Calcium (20)	Ca-45		9×10^{-5}
	Ca-47		5×10^{-4}
Carbon (6)	C-14	1×10^{-6}	8×10^{-3}
Cerium (58)	Ce-141		9×10^{-4}
	Ce-143		4×10^{-4}
	Ce-144		1×10^{-4}
Cesium (55)	Cs-131		2×10^{-2}
	Cs-134m		6×10^{-2}
	Cs-134		9×10^{-5}
Chlorine (17)	Cl-138	9×10^{-7}	4×10^{-3}
Chromium (24)	Cr-51		2×10^{-2}
Cobalt (27)	Co-57		5×10^{-3}
	Co-58		1×10^{-3}
	Co-60		5×10^{-4}
Copper (29)	Cu-64		3×10^{-3}

* Values are given in Column I only for those materials normally used in gases.

** μ Ci/gm for solids

		Column I	Column II
Element (atomic number)	Isotope	Gas Concentration $\mu\text{Ci/ml}^*$	Liquid and Solid Concentration $\mu\text{Ci/ml}^{**}$
Dysprosium (66)	Dy-165		4×10^{-3}
	Dy-166		4×10^{-4}
Erbium (68)	Er-169		9×10^{-4}
	Er-171		1×10^{-3}
Europium (63)	Eu-152 (T/2=9.2 h)		6×10^{-4}
	Eu-155		2×10^{-3}
Fluorine (9)	F-18	2×10^{-6}	8×10^{-3}
Gadolinium (64)	Gd-153		2×10^{-3}
	Gd-159		8×10^{-4}
Gallium (31)	Ga-72		4×10^{-4}
Germanium (32)	Ge-71		2×10^{-2}
Gold (79)	Au-196		2×10^{-3}
	Au-198		5×10^{-4}
	Au-199		2×10^{-3}
Hafnium (72)	Hf-181		7×10^{-4}
Hydrogen (1)	H-3	5×10^{-6}	3×10^{-2}
Indium (49)	In-113m		1×10^{-2}
	In-114m		2×10^{-4}
Iodine (53)	I-126	3×10^{-9}	2×10^{-5}
	I-131	3×10^{-9}	2×10^{-5}
	I-132	8×10^{-8}	6×10^{-4}
	I-133	1×10^{-8}	7×10^{-5}
	I-134	2×10^{-7}	1×10^{-3}
Iridium (77)	Ir-190		2×10^{-3}
	Ir-192		4×10^{-4}
	Ir-194		3×10^{-4}
Iron (26)	Fe-55		8×10^{-3}
	Fe-59		6×10^{-4}
Krypton (36)	Kr-85m	1×10^{-6}	
	Kr-85	3×10^{-6}	
Lanthanum (57)	La-140		2×10^{-4}
Lead (82)	Pb-203		4×10^{-3}

* Values are given in Column I only for those materials normally used in gases.

** $\mu\text{Ci/gm}$ for solids

		Column I	Column II
Element (atomic number)	Isotope	Gas Concentration $\mu\text{Ci/ml}^*$	Liquid and Solid Concentration $\mu\text{Ci/ml}^{**}$
Lutetium (71)	Lu-177		1×10^{-3}
Manganese (25)	Mn-52		3×10^{-4}
	Mn-54		1×10^{-3}
	Mn-56		1×10^{-3}
Mercury (80)	Hg-197m		2×10^{-3}
	Hg-197		3×10^{-3}
	Hg-203		2×10^{-4}
Molybdenum (42)	Mo-99		2×10^{-3}
Neodymium (60)	Nd-147		6×10^{-4}
	Nd-149		3×10^{-3}
Nickel (28)	Ni-65		1×10^{-3}
Niobium (Columbium) (41)	Nb-95		1×10^{-3}
	Nb-97		9×10^{-3}
Osmium (76)	Os-185		7×10^{-4}
	Os-191m		3×10^{-2}
	Os-191		2×10^{-3}
	Os-193		6×10^{-4}
Palladium (46)	Pd-103		3×10^{-3}
	Pd-109		9×10^{-4}
Phosphorus (15)	P-32		2×10^{-4}
Platinum (78)	Pt-191		1×10^{-3}
	Pt-193m		1×10^{-2}
	Pt-197m		1×10^{-2}
	Pt-197		1×10^{-3}
Polonium (84)	Po-210		7×10^{-6}
Potassium (19)	K-42		3×10^{-3}
Praseodymium	Pr-142		3×10^{-4}
	Pr-143		5×10^{-4}
Promethium (61)	Pm-147		2×10^{-3}
	Pm-149		4×10^{-4}
Radium (88)	Ra-226		1×10^{-7}
	Ra-228		3×10^{-7}

* Values are given in Column I only for those materials normally used in gases.

** $\mu\text{Ci/gm}$ for solids

		Column I	Column II
Element (atomic number)	Isotope	Gas Concentration $\mu\text{Ci/ml}^*$	Liquid and Solid Concentration $\mu\text{Ci/ml}^{**}$
Rhenium (75)	Re-183		6×10^{-3}
	Re-186		9×10^{-4}
	Re-188		6×10^{-4}
Rhodium (45)	Rh-103m		1×10^{-1}
	Rh-105		1×10^{-3}
Rubidium (37)	Rb-86		7×10^{-4}
Ruthenium (44)	Ru-97		4×10^{-3}
	Ru-103		8×10^{-4}
	Ru-105		1×10^{-3}
	Ru-106		1×10^{-4}
Samarium (62)	Sm-153		8×10^{-4}
Scandium (21)	Sc-46		4×10^{-4}
	Sc-47		9×10^{-4}
	Sc-48		3×10^{-4}
Selenium (34)	Se-75		3×10^{-3}
Silicon (14)	Si-131		9×10^{-3}
Silver (47)	Ag-105		1×10^{-3}
	Ag-110m		3×10^{-4}
	Ag-111		4×10^{-4}
Sodium (11)	Na-24		2×10^{-3}
Strontium (38)	Sr-85		1×10^{-3}
	Sr-89		1×10^{-4}
	Sr-91		7×10^{-4}
	Sr-92		7×10^{-4}
Sulfur (16)	S-35	9×10^{-8}	6×10^{-4}
Tantalum (73)	Ta-82		4×10^{-4}
Technetium (43)	Tc-96m		1×10^{-1}
	Tc-96		1×10^{-3}

* Values are given in Column I only for those materials normally used in gases.

** $\mu\text{Ci/gm}$ for solids

		Column I	Column II
Element (atomic number)	Isotope	Gas Concentration $\mu\text{Ci/ml}^*$	Liquid and Solid Concentration $\mu\text{Ci/ml}^{**}$
Tellurium (52)	Te-125m		2×10^{-3}
	Te-127m		6×10^{-4}
	Te-127		3×10^{-3}
	Te-129m		3×10^{-4}
	Te-131m		6×10^{-4}
	Te-132		3×10^{-4}
Terbium (65)	Tb-160		4×10^{-4}
Thallium (81)	Tl-200		4×10^{-3}
	Tl-201		3×10^{-3}
	Tl-202		1×10^{-3}
	Tl-204		1×10^{-3}
Thulium (69)	Tm-170		5×10^{-4}
	Tm-171		5×10^{-3}
Tin (50)	Sn-113		9×10^{-4}
	Sn-125		2×10^{-4}
Tungsten (Wolfram) (74)	W-181		4×10^{-3}
	W-187		7×10^{-4}
Vanadium (23)	V-48		3×10^{-4}
Xenon (54)	Xe-131m	4×10^{-6}	
	Xe-133	3×10^{-6}	
	Xe-135	1×10^{-6}	
Ytterbium (70)	Y-175		1×10^{-3}
Yttrium (39)	Y-90		2×10^{-4}
	Y-91m		3×10^{-2}
	Y-91		3×10^{-4}
	Y-92		6×10^{-4}
	Y-93		3×10^{-4}
Zinc (30)	Zn-65		1×10^{-3}
	Zn-69m		7×10^{-4}
	Zn-69		2×10^{-2}

* Values are given in Column I only for those materials normally used in gases.

** $\mu\text{Ci/gm}$ for solids

		Column I	Column II
Element (atomic number)	Isotope	Gas Concentration $\mu\text{Ci/ml}^*$	Liquid and Solid Concentration $\mu\text{Ci/ml}^{**}$
Zirconium (40)	Zr-95		6×10^{-4}
	Zr-97		2×10^{-4}

Beta and/or gamma emitting radioactive material not listed above with half-life less than 3 years

1×10^{-10}

1×10^{-6}

NOTE 1: Many radioisotopes disintegrate into isotopes that are also radioactive. In expressing the concentrations in this paragraph, the activity stated is that of the parent isotope and takes into account the daughters.

NOTE 2: For purposes of subsection (d) of this section where a combination of isotopes is involved, the limit for the combination should be derived as follows: Determine for each isotope in the product the ratio between the concentration present in the product and the exempt concentration established in this paragraph for the specific isotope when not in combination. The sum of such ratios may not exceed "1" (for example, unity).

EXAMPLE:

$$\frac{\text{Concentration of Isotope A in Product}}{\text{Exempt Concentration of Isotope A}} +$$

$$\frac{\text{Concentration of Isotope B in Product}}{\text{Exempt Concentration of Isotope B}} \leq 1$$

* Values are given in Column I only for those materials normally used in gases.

** $\mu\text{Ci/gm}$ for solids

<u>Radioactive Material</u>	<u>Microcuries</u>
Antimony-122 (Sb-122)	100
Antimony-124 (Sb-124)	10
Antimony-125 (Sb-125)	10
Arsenic-73 (As-73)	100
Arsenic-74 (As-74)	10
Arsenic-76 (As-76)	10
Arsenic-77 (As-77)	100
Barium-131 (Ba-131)	10
Barium-133 (Ba-133)	10
Barium-140 (Ba-140)	10
Beryllium-7 (Be-7)	100
Bismuth-210 (Bi-210)	1
Bromine-82 (Br-82)	10
Cadmium-109 (Cd-109)	10
Cadmium-115m (Cd-115m)	10
Cadmium-115 (Cd-115)	100
Calcium-45 (Ca-45)	10
Calcium-47 (Ca-47)	10
Carbon-14 (C-14)	100
Cerium-141 (Ce-141)	100
Cerium-143 (Ce-143)	100
Cerium-144 (Ce-144)	1
Cesium-129 (Cs-129)	100
Cesium-131 (Cs-131)	1,000
Cesium-134m (Cs-134m)	100
Cesium-134 (Cs-134)	1
Cesium-135 (Cs-135)	10
Cesium-136 (Cs-136)	10
Cesium-137 (Cs-137)	10
Chlorine-36 (Cl-36)	10
Chlorine-38 (Cl-38)	10
Chromium-51 (Cr-51)	1,000
Cobalt-57 (Co-57)	100
Cobalt-58m (Co-58m)	10
Cobalt-58 (Co-58)	10
Cobalt-60 (Co-60)	1
Copper-64 (Cu-64)	100
Dysprosium-165 (Dy-165)	10
Dysprosium-166 (Dy-166)	100

<u>Radioactive Material</u>	<u>Microcuries</u>
Erbium-169 (Er-169)	100
Erbium-171 (Er-171)	100
Europium-152 (Eu-152) 9.2h	100
Europium-152 (Eu-152) 13 yr	1
Europium-154 (Eu-154)	1
Europium-155 (Eu-155)	10
Fluorine-18 (F-18)	1,000
Gadolinium-153 (Gd-153)	10
Gadolinium-159 (Gd-159)	100
Gallium-67 (Ga-67)	100
Gallium-72 (Ga-72)	10
Germanium-68 (Ge-68)	10
Germanium-71 (Ge-71)	100
Gold-195 (Au-195)	10
Gold-198 (Au-198)	100
Gold-199 (Au-199)	100
Hafnium-181 (Hf-181)	10
Holmium-166 (Ho-166)	100
Hydrogen-3 (H-3)	1,000
Indium-111 (In-111)	100
Indium-113m (In-113m)	100
Indium-114m (In-114m)	10
Indium-115m (In-115m)	100
Indium-115 (In-115)	10
Iodine-123 (I-123)	100
Iodine-125 (I-125)	1
Iodine-126 (I-126)	1
Iodine-129 (I-129)	0.1
Iodine-131 (I-131)	1
Iodine-132 (I-132)	10
Iodine-133 (I-133)	1
Iodine-134 (I-134)	10
Iodine-135 (I-135)	10
Iridium-192 (Ir-192)	10
Iridium-194 (Ir-194)	100
Iron-52 (Fe-52)	10
Iron-55 (Fe-55)	100
Iron-59 (Fe-59)	10
Krypton-85 (Kr-85)	100

<u>Radioactive Material</u>	<u>Microcuries</u>
Krypton-87 (Kr-87)	10
Lanthanum-140 (La-140)	10
Lutetium-177 (Lu-177)	100
Manganese-52 (Mn-52)	10
Manganese-54 (Mn-54)	10
Manganese-56 (Mn-56)	10
Mercury-197m (Hg-197m)	100
Mercury-197 (Hg-197)	100
Mercury-203 (Hg-203)	10
Molybdenum-99 (Mo-99)	100
Neodymium-147 (Nd-147)	100
Neodymium-149 (Nd-149)	100
Nickel-59 (Ni-59)	100
Nickel-63 (Ni-63)	10
Nickel-65 (Ni-65)	100
Niobium-93m (Nb-93m)	10
Niobium-95 (Nb-95)	10
Niobium-97 (Nb-97)	10
Osmium-185 (Os-185)	10
Osmium-191m (Os-191m)	100
Osmium-191 (Os-191)	100
Osmium-193 (Os-193)	100
Palladium-103 (Pd-103)	100
Palladium-109 (Pd-109)	100
Phosphorus-32 (P-32)	10
Platinum-191 (Pt-191)	100
Platinum-193m (Pt-193m)	100
Platinum-193 (Pt-193)	100
Platinum-197m (Pt-197m)	100
Platinum-197 (Pt-197)	100
Polonium-210 (Po-210)	0.1
Potassium-42 (K-42)	10
Potassium-43 (K-43)	10
Praseodymium-142 (Pr-142)	100
Praseodymium-143 (Pr-143)	100
Promethium-147 (Pm-147)	10
Promethium-149 (Pm-149)	10
Radon-222 (Rn-222)	100
Rhenium-186 (Re-186)	100
Rhenium-188 (Re-188)	100

<u>Radioactive Material</u>	<u>Microcuries</u>
Rhodium-103m (Rh-103m)	100
Rhodium-105 (Rh-105)	100
Rubidium-81 (Rb-81)	10
Rubidium-86 (Rb-86)	10
Rubidium-87 (Rb-87)	10
Ruthenium-97 (Ru-97)	100
Ruthenium-103 (Ru-103)	10
Ruthenium-105 (Ru-105)	10
Ruthenium-106 (Ru-106)	1
Samarium-151 (Sm-151)	10
Samarium-153 (Sm-153)	100
Scandium-46 (Sc-46)	10
Scandium-47 (Sc-47)	100
Scandium-48 (Sc-48)	10
Selenium-75 (Se-75)	10
Silicon-31 (Si-31)	100
Silver-105 (Ag-105)	10
Silver-110m (Ag-110m)	1
Silver-111 (Ag-111)	100
Sodium-22 (Na-22)	10
Sodium-24 (Na-24)	10
Strontium-85 (Sr-85)	10
Strontium-87m (Sr-87m)	10
Strontium-89 (Sr-89)	1
Strontium-90 (Sr-90)	0.1
Strontium-91 (Sr-91)	10
Strontium-92 (Sr-92)	10
Sulphur-35 (S-35)	100
Tantalum-182 (Ta-182)	10
Technetium-96 (Tc-96)	10
Technetium-97m (Tc-97m)	100
Technetium-97 (Tc-97)	100
Technetium-99m (Tc-99m)	100
Technetium-99 (Tc-99)	10
Tellurium-125m (Te-125m)	10
Tellurium-127m (Te-127m)	10
Tellurium-127 (Te-127)	100
Tellurium-129m (Te-129m)	10
Tellurium-129 (Te-129)	100
Tellurium-131m (Te-131m)	10

Figure: 25 TAC §289.251(m)(2)

<u>Radioactive Material</u>	<u>Microcuries</u>
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Tellurium-132 (Te-132)	10
Terbium-160 (Tb-160)	10
Thallium-200 (Tl-200)	100
Thallium-201 (Tl-201)	100
Thallium-202 (Tl-202)	100
Thallium-204 (Tl-204)	10
Thulium-170 (Tm-170)	10
Thulium-171 (Tm-171)	10
Tin-113 (Sn-113)	10
Tin-125 (Sn-125)	10
Tungsten-181 (W-181)	10
Tungsten-185 (W-185)	10
Tungsten-187 (W-187)	100
Vanadium-48 (V-48)	10
Xenon-131m (Xe-131m)	1,000
Xenon-133 (Xe-133)	100
Xenon-135 (Xe-135)	100
Ytterbium-175 (Yb-175)	100
Yttrium-87 (Y-87)	10
Yttrium-88 (Y-88)	10
Yttrium-90 (Y-90)	10
Yttrium-91 (Y-91)	10
Yttrium-92 (Y-92)	100
Yttrium-93 (Y-93)	100
Zinc-65 (Zn-65)	10
Zinc-69m (Zn-69m)	100
Zinc-69 (Zn-69)	1,000
Zirconium-93 (Zr-93)	10
Zirconium-95 (Zr-95)	10
Zirconium-97 (Zr-97)	10
Any radioactive material not listed above other than alpha emitting radioactive material	0.1

Legend: (Proposed amendments)

Single-Underline = Proposed new language

[Bold Print and Brackets] = Current language proposed for deletion

Regular Print = Current language

(No change.) = No changes are being considered for designated subdivisions

§289.252. Licensing of Radioactive Material.

(a)-(c) (No change.)

(d) Filing application for specific licenses. The agency may, at any time after the filing of the original application, require further statements in order to enable the agency to determine whether the application should be denied or the license should be issued.

(1)-(8) (No change.)

(9) Notwithstanding the provisions of §289.204(d)(1) [~~§289.204(e)(1)~~] of this title, reimbursement of application fees may be granted in the following manner.

(A)-(B) (No change.)

(C) If the request for full reimbursement authorized by subparagraph (A) of this paragraph is denied, the applicant may then request a hearing by appeal to the Commissioner of Health for a resolution of the dispute. The appeal will be processed in accordance with Title 1, Texas Administrative Code, Chapter 155, and the Formal Hearing Procedures, §§1.21, 1.23, 1.25, and 1.27 of this title (relating to the Texas Board of Health).

(10) (No change.)

(e) General requirements for the issuance of specific licenses. A license application will be approved if the agency determines that:

(1)-(9) (No change.)

(10) there is no reason to deny the license as specified in subsection (d)(10) or (x)(7) of this section.

(f) Radiation safety officer.

(1) An RSO shall be designated for every license issued by the agency. A single individual may be designated as RSO for more than one license if authorized by the agency.

(2) (No change.)

(3) The specific duties of the RSO include, but are not limited to, the following:

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(A)-(K) (No change.)

(L) to perform an inventory of the radioactive material sources authorized for use on the license every six months and make and maintain records of the inventory of the radioactive material sources authorized for use on the license every six months, to include, but not be limited to the following:

(i) isotope(s);

(ii) quantity(ies);

(iii) activity(ies);

(iv) form(s);

(v) last date(s) of use;

(vi) name of individual making the inventory; and

(vii) signature of individual making the inventory.

(M) [(L)] to ensure that personnel are complying with this chapter, the conditions of the license, and the operating, safety, and emergency procedures of the licensee; and

(N) [(M)] to serve as the primary contact with the agency.

(4)-(5) (No change.)

(g)-(h) (No change.)

(i) Specific licenses for introduction of radioactive material into products in exempt concentrations.

(1) (No change.)

(2) the applicant provides reasonable assurance that:

(A) the concentrations of radioactive material at the time of transfer will not exceed the concentrations in §289.251(m)(1) [§289.251(q)(1)] of this title;

(B) reconcentration of the radioactive material in concentrations exceeding those in §289.251(m)(1) [§289.251(q)(1)] of this title will not occur;

(C)-(D) (No change.)

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(3)-(4) (No change.)

(j)-(k) (No change.)

(l) Specific licenses for the manufacture and commercial distribution of devices to persons generally licensed in accordance with §289.251(f)(4)(H) [§289.251(h)(1)(C) and (k)(1)] of this title.

(1) In addition to the requirements in subsection (e) of this section, a specific license to manufacture or commercially distribute devices containing radioactive material to persons generally licensed in accordance with §289.251(f)(4)(H) [§289.251(h)(1)(C) and (k)(1)] of this title or equivalent requirements of the NRC, an agreement state, or a licensing state will be issued if the agency approves the following information submitted by the applicant:

(A)-(C) (No change.)

(D) 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 numbers, the isotope and quantity, the words, "Caution-Radioactive Material," the radiation symbol described in §289.202(z) of this title, and the name of the manufacturer or initial distributor.

(E) Each device meeting the criteria of §289.251(g)(1) of this title, bears a permanent (for example, 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 §289.202(z) of this title.

(2) (No change.)

(3) In the event the applicant desires that the general licensee in accordance with §289.251(f)(4)(H) [§289.251(h)(1)(C) and (k)(1)] of this title or in accordance with equivalent regulations of the NRC, an agreement state, or a licensing state, be authorized to mount the device, collect the sample to be analyzed by a specific licensee for radioactive material leakage, perform maintenance of the device consisting of replacement of labels, rust and corrosion prevention, and for fixed gauges, repair and maintenance of sealed source holder mounting brackets, 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 annual doses associated with such activity or activities, and bases for such estimates. The submitted information shall demonstrate that performance of such activity or activities by an individual untrained in radiological protection, in addition to other handling, storage, and use of devices in accordance with the general license, is unlikely to cause that individual to receive an annual dose in excess of 10% of the limits specified in §289.202(f) of this title.

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(4) Before the device may be transferred, each person licensed in accordance with this subsection to commercially distribute devices to generally licensed persons shall furnish:

(A) a copy of the general license in §289.251(f)(4)(H) [§289.251(h)(1)(C) and (k)(1)] of this title to each person to whom the licensee directly commercially distributes radioactive material in a device for use in accordance with the general license in §289.251(f)(4)(H) [§289.251(h)(1)(C) and (k)(1)] of this title;

(B) a copy of the general license in the NRC's, agreement state's, or licensing state's regulation equivalent to §289.251(f)(4)(H) [§289.251(h)(1)(C) and (k)(1)] of this title, or alternatively, a copy of the general license in §289.251(f)(4)(H) [§289.251(h)(1)(C) and (k)(1)] of this title to each person to whom the licensee directly commercially distributes radioactive material in a device for use in accordance with the general license of the NRC, the agreement state, or the licensing state. If certain requirements of the regulations do not apply to the particular device, those requirements may be omitted. If a copy of the general license in §289.251(f)(4)(H) [§289.251(h)(1)(C) and (k)(1)] of this title is furnished to such a person, it shall be accompanied by an explanation that the use of the device is regulated by the NRC, agreement state, or licensing state in accordance with requirements substantially the same as those in §289.251(f)(4)(H) [§289.251(h)(1)(C) and (k)(1)] of this title;

(C) a copy of §289.251(g) [§289.251(h)(1)(C) and (k)(1)] of this title;

(D) (No change.)

(E) information on acceptable disposal options including estimated costs of disposal; **[and]**

(F) the name or position, address, and phone number of a contact person at the agency, an agreement state, or licensing state, or the NRC from which additional information may be obtained; and [.]

(G) an indication that it is the NRC's policy to issue high civil penalties for improper disposal if the device is commercially distributed to a general licensee of the NRC.

(5) An alternative approach to informing customers may be submitted by the licensee for approval by the agency.

(6) [(5)] In the case of a transfer through an intermediate person, each licensee who commercially distributes radioactive material in a device for use in accordance with the general license in §289.251(f)(4)(H) [§289.251(h)(1)(C) and (k)(1)] of this title, shall furnish the information in paragraph (4) of this subsection to the intended user prior to the initial transfer to the intermediate person.

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(7) [(6)] Each person licensed in accordance with this subsection to commercially distribute devices to generally licensed persons shall:

(A) report to the agency all commercial distributions of devices to persons for use in accordance with the general license in §289.251(f)(4)(H) [§289.251(h)(1)(C) and (k)(1)] of this title and all receipts of devices from general licensees licensed in accordance with §289.251(f)(4)(H) of this title.

(i) The report shall:

(I) cover each calendar quarter; [,]

(II) [shall] be filed within 30 days thereafter; [, and shall include:]

(III) be submitted on a form prescribed by the agency or in a clear and legible report containing all of the data required by the form;

(IV) clearly indicate the period covered by the report;

(V) clearly identify the specific licensee submitting the report and include the license number of the specific licensee;

(VI) [(I)] identify [identity of] each general licensee by name and mailing address for the location of use; if there is no mailing address for the location of use, an alternate address for the general licensee shall be submitted along with information on the actual location of use;

(VII) [(II)] identify [identity of] an individual by name, [and/or position] title, and phone number who has knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements [may constitute a point of contact between the agency and the general licensee];

(VIII) [(III)] identify the type, model and serial number of device, and serial number of sealed source commercially distributed; [and]

(IX) [(IV)] identify the quantity and type of radioactive material contained in the device; and [.]

(X) include the date of transfer.

(ii) 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 shall also include the information in accordance with paragraph (7)(A)(i) of this subsection for both the intended user and [identification of] each intermediate person and clearly designate the intermediate person(s) [by name, address, contact, and relationship to the intended user].

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(iii) If no commercial distributions have been made to persons generally licensed in accordance with §289.251(f)(4)(H) [§289.251(h)(1)(C) and (k)(1)] of this title during the reporting period, the report shall so indicate.

(iv) For devices received from a general licensee, the report shall include the identity of the general licensee by name and address, the type, model number, and serial number of the device received, the date of receipt, and, in the case of devices not initially transferred by the reporting licensee, the name of the manufacturer or initial transferor.

(B) report the following to the NRC to include covering each calendar quarter to be filed within 30 days thereafter, clearly indicating the period covered by the report, the identity of the specific licensee submitting the report, and the license number of the specific licensee:

(i) all commercial distributions of such devices to persons for use in accordance with the NRC general license in Title 10, CFR, §31.5 and all receipts of devices from general licensees in areas under NRC jurisdiction including the following:

(I) identity of each general licensee by name and address;

[(II) identity of an individual by name and/or position who may constitute a point of contact between the agency and the general licensee;]

[(II) [(III)] the type, model and serial number of device, and serial number of sealed source commercially distributed; [and]

[(III) [(IV)] the quantity and type of radioactive material contained in the device; [or]

[(IV) the date of transfer; or

(ii) if the licensee makes changes to a device possessed in accordance with the general license in §289.251(f)(4)(H) of this title, such that the label must be changed to update required information, the report shall identify the licensee, the device, and the changes to information on the device label;

(iii) in the case of devices not initially transferred by the reporting licensee, the name of the manufacturer or initial transferor;

(iv) [(ii)] if no commercial distributions have been made to the NRC licensees during the reporting period; the report shall so indicate; and

(C) report to the appropriate agreement state or licensing state all transfers of devices manufactured and commercially distributed in accordance with this subsection for use in accordance with a general license in that state's requirements equivalent to

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§289.251(f)(4)(H) [§289.251(h)(1)(C) and (k)(1)] of this title and all receipts of devices from general licensees.

(i) The report shall:

(I) be submitted within 30 days after the end of each calendar quarter in which such a device is commercially distributed to the generally licensed person; **[and shall include the following:]**

(II) clearly indicate the period covered by the report;

(III) clearly identify the specific licensee submitting the report and include the license number of the specific licensee;

(IV) [(I)] identify [identity of] each general licensee by name and mailing address for the location of use; if there is no mailing address for the location of use an alternate address for the licensee shall be submitted along with the information on the actual location of use;

(V) [(II)] identify [identity of] an individual by name, [and/or] position, and phone number who has knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements [may constitute a point of contact between the agency and the general licensee];

(VI) [(III)] the type, model and serial number of the device, and serial number of sealed source commercially distributed; [and]

(VII) [(IV)] the quantity and type of radioactive material contained in the device; and [.]

(VIII) date of receipt.

(ii) 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 shall also include the same information for both the intended user and [identification of] each intermediate person, and clearly designate the intermediate person(s) [by name, address, contact, and relationship to the intended user]; and

(iii) If no commercial distributions have been made to persons in the agreement state or licensing state during the reporting period, the report shall so indicate.

(iv) For devices received from a general licensee, the report shall include the identity of the general licensee by name and address, the type, model number, and serial number of the device received, the date of receipt, and, in the case of devices not initially transferred by the reporting licensee, the name of the manufacturer or initial transferor.

(D) keep records for three years following the date of the recorded event, showing the name, address, and the point of contact for each general licensee to whom the

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licensee directly or through an intermediate person commercially distributes radioactive material in devices for use in accordance with the general license provided in §289.251(f)(4)(H) [§289.251(h)(1)(C) and (k)(1)] of this title, or equivalent requirements of the NRC, an agreement state, or a licensing state.

(i) The records shall show the following:

- (I) date of each commercial distribution;
- (II) the isotope and the quantity of radioactivity in each device commercially distributed;
- (III) the identity of any intermediate person; and
- (IV) compliance with the reporting requirements of this subsection.

(ii) If no commercial distributions have been made to persons generally licensed in accordance with §289.251(f)(4)(H) [§289.251(h)(1)(C) and (k)(1)] of this title during the reporting period, the records shall so indicate.

(8) [(7)] If a notification of bankruptcy has been made in accordance with subsection (x)(4) of this section or the license is to be terminated, each person licensed under this subsection shall provide, upon request to the NRC and to any appropriate agreement state or licensing state, records of final disposition required under subsection (y)(16)(A) [(y)(14)(A)] of this section.

(9) Each device that is transferred after February 19, 2002, shall meet the labeling requirements in accordance with paragraph (1)(C)-(E) of this subsection.

(m) Specific licenses for the manufacture, assembly, or repair of luminous safety devices for use in aircraft for commercial distribution to persons generally licensed in accordance with §289.251(f)(4)(B) [§289.251(h)(4)] of this title. In addition to the requirements in subsection (e) of this section, a specific license to manufacture, assemble, or repair luminous safety devices containing tritium or promethium-147 for use in aircraft, for commercial distribution to persons generally licensed in accordance with §289.251(f)(4)(B) [§289.251(h)(4)] of this title, will be issued if the agency approves the information submitted by the applicant. The information shall satisfy the requirements of Title 10, CFR, §§32.53, 32.54, 32.55, 32.56, and 32.101 or their equivalent.

(n) Specific licenses for the manufacture of calibration sources containing americium-241, plutonium, or radium-226 for commercial distribution to persons generally licensed in accordance with §289.251(f)(4)(D) [§289.251(h)(6)] of this title. In addition to the requirements in subsection (e) of this section [title], a specific license to manufacture calibration sources containing americium-241, plutonium, or radium-226 to persons generally licensed in accordance with §289.251(f)(4)(D) [§289.251(h)(6)] of this title will be issued if the agency approves the information submitted by the applicant. The information shall satisfy the

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requirements of Title 10, CFR, §§32.57, 32.58, 32.59, and 32.102, and 10 CFR 70.39 or their equivalent.

(o) (No change.)

(p) Specific licenses for the manufacture and commercial distribution of radioactive material for certain *in vitro* clinical or laboratory testing in accordance with the general license. In addition to the requirements in subsection (e) of this section, a specific license to manufacture or commercially distribute radioactive material for use in accordance with the general license in §289.251(f)(4)(G) [§289.251(k)(2)] of this title will be issued if the agency approves the following information submitted by the applicant:

(1)-(4) (No change.)

(q) Specific licenses for the manufacture and commercial distribution of ice detection devices. In addition to the requirements of subsection (e) of this section, a specific license to manufacture and commercially distribute ice detection devices to persons generally licensed in accordance with §289.251(f)(4)(E) [§289.251(h)(5)] of this title will be issued if the agency approves the information submitted by the applicant. This information shall satisfy the requirements of Title 10, CFR, §§32.61, 32.62, and 32.103.

(r) (No change.)

(s) Specific licenses for the manufacture and commercial distribution of products containing depleted uranium for mass-volume applications.

(1) In addition to the requirements in subsection (e) of this section, a specific license to manufacture products and devices containing depleted uranium for use in accordance with §289.251(f)(3)(D) [§289.251(g)(5)] of this title or equivalent regulations of the NRC or an agreement state, will be issued if the agency approves the following information submitted by the applicant:

(A)-(B) (No change.)

(2)-(3) (No change.)

(4) Each person licensed in accordance with paragraph (1) of this subsection shall:

(A)-(C) (No change.)

(D) furnish a copy of the following:

(i) the general license in §289.251(f)(3)(D) [§289.251(g)(5)] of this title to each person to whom the licensee commercially distributes depleted uranium in a

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product or device for use in accordance with the general license in §289.251(f)(3)(D) [§289.251(g)(5)] of this title;

(ii) the NRC's or agreement state's requirements equivalent to the general license in §289.251(f)(3)(D) [§289.251(g)(5)] of this title and a copy of the NRC's or agreement state's certificate; or

(iii) alternately, a copy of the general license in §289.251(f)(3)(D) [§289.251(g)(5)] of this title to each person to whom the licensee commercially distributes depleted uranium in a product or device for use in accordance with the general license of the NRC or an agreement state;

(E) report to the agency all commercial distributions of products or devices to persons for use in accordance with the general license in §289.251(f)(3)(D) [§289.251(g)(5)] of this title.

(i) (No change.)

(ii) If no commercial distributions have been made to persons generally licensed in accordance with §289.251(f)(3)(D) [§289.251(g)(5)] of this title during the reporting period, the report shall so indicate;

(F) report to the NRC and each responsible agreement state agency all commercial distributions of industrial products or devices to persons for use in accordance with the general license in the NRC's or agreement state's equivalent requirements to §289.251(f)(3)(D) [§289.251(g)(5)] of this title. The report shall meet the provisions of subparagraph (E)(i) and (ii) of this paragraph; and

(G) keep records showing the name, address, and point of contact for each general licensee to whom the licensee commercially distributes depleted uranium in products or devices for use in accordance with the general license provided in §289.251(f)(3)(D) [§289.251(g)(5)] of this title or equivalent requirements of the NRC or of an agreement state. The records shall be maintained for a period of two years for inspection by the agency and shall show the date of each commercial distribution, the quantity of depleted uranium in each product or device commercially distributed, and compliance with the report requirements of this section.

(t)-(v) (No change.)

(w) Issuance of specific licenses.

(1) When the agency determines that an application meets the requirements of the Act and the rules of the agency, the agency will issue a specific license authorizing the proposed activity in such form and containing the conditions and limitations as the agency [it] deems appropriate or necessary.

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(2) The agency may incorporate in any license at the time of issuance, or thereafter by amendment, additional requirements and conditions with respect to the licensee's receipt, possession, use, and transfer of radioactive material subject to this section as the agency [it] deems appropriate or necessary in order to:

(A)-(C) (No change.)

(3) The agency may request, and the licensee shall provide, additional information after the license has been issued to enable the agency to determine whether the license should be modified in accordance with subsection (dd) of this section.

(x) Specific terms and conditions of licenses.

(1)-(3) (No change.)

(4) Each licensee shall notify the agency, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy by the licensee or its parent company, if the parent company is involved in the bankruptcy.

(5)-(6) (No change.)

(7) In making a determination whether to grant, deny, amend, renew, revoke, suspend, or restrict a license, the agency may consider the technical competence and compliance history of an applicant or holder of a license. After an opportunity for a hearing, the agency shall deny an application for a license, an amendment to a license, or renewal of a license if the applicant's compliance history reveals that at least three agency or judicial orders have been issued against the applicant that assess administrative or civil penalties against the applicant, or that revoke or suspend the license.

(y) Expiration and termination of licenses, and administrative renewal; [and] decommissioning of sites and separate buildings or outdoor areas.

(1) Effective September 1, 2004, the term of the specific license is two years. Except as provided in paragraph (3) [(2)] of this subsection and subsection (z)(2) of this section, each specific license expires at the end of the day, in the month and year stated in the license. Upon payment of the fee required by §289.204 of this title and if the agency does not deny the renewal in accordance with subsection (x)(7) of this section, the specific license will be administratively renewed.

(2) If the fee is not paid and the license is not renewed in accordance with paragraph (1) of this subsection, the license expires, and the licensee is in violation of the rules and is subject to administrative penalties in accordance with §289.205 of this title.

(A) If the licensee pays the fee required by §289.204 of this title within 30 days after expiration of the license, the license will be reinstated and the licensee will not be required to file an application in accordance with subsection (d) of this section.

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(B) If the licensee fails to pay the fee within 30 days after expiration of the license, the licensee shall file an application in accordance with subsection (d) of this section.

(3) Expiration of the specific license does not relieve the licensee of the requirements of this chapter.

(4) [(2)] All license provisions continue in effect beyond the expiration date, with respect to possession of radioactive material until the agency notifies the former licensee in writing that the provisions of the license are no longer binding. During this time, the former licensee shall:

(A) be limited to actions involving radioactive material that are related to decommissioning; and

(B) continue to control entry to restricted areas until the location(s) is suitable for release for unrestricted use in accordance with the requirements in §289.202(ddd) of this title.

(5) [(3)] Within 60 days of the occurrence of any of the following, each licensee shall provide notification to the agency in writing and either begin decommissioning its site, or any separate building or outdoor area that contains residual radioactivity, so that the building and/or outdoor area is suitable for release in accordance with §289.202(eee) of this title, or submit within 12 months of notification a decommissioning plan, if required by paragraph (8) [(6)] of this subsection, and begin decommissioning upon approval of that plan if:

(A) the license has expired or has been revoked in accordance with this subsection or subsection (dd) [(dd)(3)] of this section;

(B) the licensee has decided to permanently cease principal activities, as defined in §289.201(b) of this title, at the entire site or in any separate building or outdoor area;

(C) no principal activities under the license have been conducted for a period of 24 months; or

(D) no principal activities have been conducted for a period of 24 months in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with §289.202(eee) of this title.

(6) [(4)] Coincident with the notification required by paragraph (5) [(3)] of this subsection, the licensee shall maintain in effect all decommissioning financial assurances established by the licensee in accordance with subsection (gg) of this section in conjunction with a license issuance or renewal or as required by this section. The amount of the financial assurance shall be increased, or may be decreased, as appropriate, with agency approval, to cover the detailed cost estimate for decommissioning established in accordance with paragraph (11)(E) [(9)(E)] of this subsection.

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(7) [(5)] The agency may grant a request to delay or postpone initiation of the decommissioning process if the agency determines that such relief is not detrimental to the occupational and public health and safety and is otherwise in the public interest. The request shall be submitted no later than 30 days before notification in accordance with paragraph (5) [(3)] of this subsection. The schedule for decommissioning set forth in paragraph (5) [(3)] of this subsection may not commence until the agency has made a determination on the request.

(8) [(6)] A decommissioning plan shall be submitted if required by license condition or if the procedures and activities necessary to carry out decommissioning of the site or separate building or outdoor area have not been previously approved by the agency and these procedures could increase potential health and safety impacts to workers or to the public, such as in any of the following cases:

(A) procedures would involve techniques not applied routinely during cleanup or maintenance operations;

(B) workers would be entering areas not normally occupied where surface contamination and radiation levels are significantly higher than routinely encountered during operation;

(C) procedures could result in significantly greater airborne concentrations of radioactive materials than are present during operation; or

(D) procedures could result in significantly greater releases of radioactive material to the environment than those associated with operation.

(9) [(7)] The agency may approve an alternate schedule for submittal of a decommissioning plan required in accordance with paragraph (5) [(3)] of this subsection if the agency determines that the alternative schedule is necessary to the effective conduct of decommissioning operations and presents no undue risk from radiation to the occupational and public health and safety and is otherwise in the public interest.

(10) [(8)] The procedures listed in paragraph (8) [(6)] of this subsection may not be carried out prior to approval of the decommissioning plan.

(11) [(9)] The proposed decommissioning plan for the site or separate building or outdoor area shall include the following:

(A) a description of the conditions of the site or separate building or outdoor area sufficient to evaluate the acceptability of the plan;

(B) a description of planned decommissioning activities;

(C) a description of methods used to ensure protection of workers and the environment against radiation hazards during decommissioning;

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(D) a description of the planned final radiation survey;

(E) an updated detailed cost estimate for decommissioning, comparison of that estimate with present funds set aside for decommissioning, and a plan for assuring the availability of adequate funds for completion of decommissioning; and

(F) for decommissioning plans calling for completion of decommissioning later than 24 months after plan approval, a justification for the delay based on the criteria in paragraph (15) [(13)] of this subsection.

(12) [(10)] The proposed decommissioning plan will be approved by the agency if the information in the plan demonstrates that the decommissioning will be completed as soon as practicable and that the health and safety of workers and the public will be adequately protected.

(13) [(11)] Except as provided in paragraph (15) [(13)] of this subsection, licensees shall complete decommissioning of the site or separate building or outdoor areas as soon as practicable but no later than 24 months following the initiation of decommissioning.

(14) [(12)] Except as provided in paragraph (15) [(13)] of this subsection, when decommissioning involves the entire site, the licensee shall request license termination as soon as practicable but no later than 24 months following the initiation of decommissioning.

(15) [(13)] The agency may approve a request for an alternate schedule for completion of decommissioning of the site or separate building or outdoor area, and license termination if appropriate, if the agency determines that the alternative is warranted by consideration of the following:

(A) whether it is technically feasible to complete decommissioning within the allotted 24 month period;

(B) whether sufficient waste disposal capacity is available to allow completion of decommissioning within the allotted 24 month period;

(C) whether a significant volume reduction in wastes requiring disposal will be achieved by allowing short-lived radionuclides to decay;

(D) whether a significant reduction in radiation exposure to workers can be achieved by allowing short-lived radionuclides to decay; and

(E) other site-specific factors that the agency may consider appropriate on a case-by-case basis, such as the regulatory requirements of other government agencies, lawsuits, groundwater treatment activities, monitored natural ground-water restoration, actions that could result in more environmental harm than deferred cleanup, and other factors beyond the control of the licensee.

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(16) [(14)] As the final step in decommissioning, the licensee shall do the following:

(A) certify the disposition of all licensed material, including accumulated wastes; and

(B) conduct a radiation survey of the premises where the licensed activities were carried out and submit a report of the results of this survey unless the licensee demonstrates that the premises are suitable for release in accordance with the radiological requirements for license termination specified in §289.202(ddd) of this title. The licensee shall do the following, as appropriate:

(i) report the following levels:

(I) gamma radiation in units of microroentgen per hour (μ R/hr) (millisieverts per hour (mSv/hr)) at 1 meter (m) from surfaces;

(II) radioactivity, including alpha and beta, in units of disintegrations per minute (dpm) or microcuries (μ Ci) (megabecquerels (MBq)) per 100 square centimeters (cm^2) for surfaces;

(III) μ Ci (MBq) per milliliter for water; and

(IV) picocuries (pCi) (becquerels (Bq)) per gram (g) for solids such as soils or concrete; and

(ii) specify the manufacturer's name and model and serial number of survey instrument(s) used and certify that each instrument is properly calibrated and tested.

(17) [(15)] The agency will provide written notification to specific licensees, including former licensees with provisions continued in effect beyond the expiration date in accordance with paragraph (4) [2] of this subsection, that the provisions of the license are no longer binding. The agency will provide such notification when the agency determines that:

(A) radioactive material has been properly disposed;

(B) reasonable effort has been made to eliminate residual radioactive contamination, if present;

(C) a radiation survey has been performed that demonstrates that the premises are suitable for release in accordance with the radiological requirements for license termination specified in §289.202(ddd) of this title, or other information submitted by the licensee is sufficient to demonstrate that the premises are suitable for release in accordance with the radiological requirements for license termination specified in §289.202(ddd) of this title; and

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(D) any outstanding fees in accordance with §289.204 of this title are paid and any outstanding notices of violations of this chapter or of license conditions are resolved.

(18) [(16)] Each licensee shall submit to the agency all records required by §289.202(nn)(2) of this title before the license is terminated.

(z) Technical renewal of licenses [Renewal of license].

(1) An application [Requests] for a technical renewal of specific licenses shall be filed in accordance with subsection (d)(1)-(3) and (5)-(7) of this section. An application for a technical renewal of a specific license shall be filed by the date specified in the existing license condition. If the licensee fails to apply and pay the fee required by §289.204 of this title, the license expires and the licensee shall comply with the requirements of subsection (y) of this section. In any application for renewal, the applicant may incorporate drawings by clear and specific reference (for example, title, date and unique number of drawing), if no modifications have been made since previously submitted.

(2) In any case in which a licensee, [not less than 30 days] prior to expiration of an existing license, has filed a request in proper form for a technical renewal or for a new license authorizing the same activities, such existing license shall not expire until the request has been finally determined by the agency. In any case in which a licensee, not more than 30 [90] days after the expiration of an existing license, has filed an application for technical renewal in entirety and paid the fee required by §289.204 of this title [a request in proper form for renewal] or for a new license authorizing the same activities, the agency may reinstate the license and extend the expiration until the request has been finally determined by the agency.

(3) An application for technical renewal of a license will be approved if the agency determines that the requirements of subsection (e) of this section have been satisfied.

(4) If the application for technical renewal of the license is not approved in accordance with paragraph (3) of this subsection, the license expires, and the former licensee is in violation of the rules and is subject to administrative penalties.

(5) Expiration of the specific license does not relieve the former licensee of the requirements of this chapter.

(aa)-(cc) (No change.)

(dd) Modification, suspension, and revocation of licenses.

(1) The terms and conditions of all licenses shall be subject to [amendment,] revision[,] or modification. A license may be modified, suspended or revoked by reason of amendments to the Act, by reason of rules in this chapter, or orders issued by the agency.

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(2) Any license may be revoked, suspended, or modified, in whole or in part, for any of the following:

(A) (No change.)

(B) conditions revealed by such application or statement of fact or any report, record, or inspection, or other means that would warrant the agency to refuse to grant a license on an original application; [or]

(C) violation of, or failure to observe any of the terms and conditions of the Act, this chapter, the license, or order of the agency; or [.]

(D) existing conditions that constitute a substantial threat to the public health or safety or the environment.

(3) (No change.)

(4) Except in cases in which the occupational and public health[, interest] or safety requires otherwise, no license shall be [modified,] suspended[, or] revoked unless, prior to the institution of proceedings therefore, facts or conduct that may warrant such action shall have been called to the attention of the licensee in writing and the licensee shall have been afforded an opportunity to demonstrate compliance with all lawful requirements.

(ee) Reciprocal recognition of licenses.

(1) Subject to this section, any person who holds a specific license from NRC, any agreement state, or any licensing state, and issued by the agency having jurisdiction where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained, is granted a general license to conduct the activities authorized in such licensing document within the State [state] of Texas provided that:

(A) (No change.)

(B) the out-of-state licensee notifies the agency in writing at least three working days prior to engaging in such activity. If, for a specific case, the three-working-day period would impose an undue hardship on the out-of-state licensee, the licensee may, upon application to the agency, obtain permission to proceed sooner. The agency may waive the requirement for filing additional written notifications during the remainder of the calendar year following the receipt of the initial notification from a person engaging in activities in accordance with the general license provided in this subsection. Such notification shall include:

(i)-(iii) (No change.)

(iv) a copy of the applicant's pertinent license;

(v) (No change.)

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(vi) a [an annual] fee as specified in §289.204 of this title.

(C)-(E) (No change.)

(2) In addition to the provisions of paragraph (1) of this subsection, any person who holds a specific license issued by NRC, an agreement state, or a licensing state authorizing the holder to manufacture, transfer, install, or service the device described in §289.251(f)(4)(H) [§289.251 (h)(1)(C) and (k)(1)] of this title, within areas subject to the jurisdiction of the licensing body, is granted a general license to install, transfer, demonstrate, or service the device in the State [state] of Texas provided that:

(A)-(C) (No change.)

(D) the holder of the specific license furnishes to each general licensee to whom the holder of the specific license transfers the device, or on whose premises the holder of the specific license installs the device, a copy of the general license contained in §289.251(f)(4)(H) [§289.251 (h)(1)(C) and (k)(1)] of this title.

(3) (No change.)

(ff) (No change.)

(gg) Financial assurance and record keeping for decommissioning.

(1)-(5) (No change.)

(6) Financial assurance for decommissioning shall be provided by one or more of the following methods. The financial instrument obtained shall be continuous for the term of the license in a form prescribed by the agency. The applicant or licensee shall obtain written approval of the financial instrument or any amendment to it from the agency.

(A) (No change.)

(B) A surety method, insurance, or other guarantee method. These methods guarantee that decommissioning costs will be paid. A surety method may be in the form of a surety bond, letter of credit, or line of credit. A parent company guarantee of funds for decommissioning costs based on a financial test may be used if the guarantee and test are as contained in subsection (ii)(3) of this section. A parent company guarantee may not be used in combination with other financial methods to satisfy the requirements of this section. For commercial corporations that issue bonds, a guarantee of funds by the applicant or licensee for decommissioning costs based on a financial test may be used if the guarantee and test are as contained in subsection (ii)(4) of this section. For commercial companies that do not issue bonds, a guarantee of funds by the applicant or licensee for decommissioning costs may be used if the guarantee and test are as contained in subsection (ii)(5) of this section. For nonprofit entities, such as colleges, universities, and nonprofit hospitals, a guarantee of funds by the

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applicant or licensee may be used if the guarantee and test are as contained in subsection (ii)(6) of this section. A guarantee by the applicant or licensee may not be used in combination with any other financial methods to satisfy the requirements of this section or in any situation where the applicant or licensee has a parent company holding majority control of the voting stock of the company. Any surety method or insurance used to provide financial assurance for decommissioning shall contain the following conditions.

(i) (No change.)

(ii) The surety method or insurance shall be payable in the State [state] of Texas to the Radiation and Perpetual Care Account [Fund].

(iii) (No change.)

(C)-(E) (No change.)

(7)-(8) (No change.)

(hh) (No change.)

(ii) Appendices.

(1) (No changes)

(2) Isotope quantities (for use in subsection (gg) of this section).

Figure: 25 TAC §289.252(ii)(2) [Figure: 25 TAC §289.252(ii)(2)]

(3)-(4) (No change.)

(5) Criteria relating to use of financial tests and self guarantees for providing reasonable assurance of funds for decommissioning by commercial companies that have no outstanding rated bonds.[.]

(A)-(C) (No change.)

(6)-(8) (No change.)

Figure: 25 TAC §289.252(ii)(2)

Radionuclides	Limit	Unsealed Sources			Sealed Sources
		10 ³	10 ⁴	10 ⁵	10 ¹⁰
Ce-142, Pr-141, Nd-144, Nd-145, Sm-146, Sm-147, Sm-148, Gd-148, Gd-150, Gd-151, Gd-152, Tb-159, Dy-154, Dy-156, Ho-165, Hf-174, W-180, Pt-190, Pb-210, Bi-209, Bi-209m, Po-208, Po-209, Po-210, Ra-226, Ac-227, Th-228, Th-229, Th-230, Pa-231, U-232, U-233, U-234, U-235, U-236, Np-235, Np-237, Pu-236, Pu-238, Pu-239, Pu-240, Pu-241, Pu-242, Pu-244, Am-241, Am-242m, Am-243, Cm-242, Cm-243, Cm-244, Cm-245, Cm-246, Cm-247, Cm-248, Bk-247, Bk-249, Cf-248, Cf-249, Cf-250, Cf-251, Cf-252, Es-254, Any Alpha-emitting radionuclide not listed above or mixtures of unknown alpha emitters of unknown composition	0.01 µCi	.01 mCi	0.1 mCi	1.0 mCi	100 Ci
Be-10, Al-26, Si-32, Ar-39, Ar-42, K-40, Ca-45, Ca-48, Ti-44, V-49, V-50, Fe-60, Zn-70, Ge-68, Ge-76, Kr-81, Sr-90, Zr-96, Mo-100, Tc-98, Rh-101, Rh-102, Pd-107, Ag-108m, Cd-113m, Cd-116, Sn-121m, Sn-123, Sn-124, Sn-126, Te-121m, Te-123, Te-130, I-129, La-137, La-138, Ce-139, Nd-150, Pm-143, Pm-144, Pm-145, Pm-146, Sm-145, Eu-150, Tb-157, Tb-158, Dy-159, Ho-166m, Lu-173, Lu-174, Lu-174m, Lu-175, Lu-176, Lu-177m, Hf-172, Hf-182, Ta-179, Re-184m, Re-187, Re-189, Os-194, Ir-199m2, Pt-192, Pt-198, Hg-194, Pb-202, Pb-205, Bi-208, Ra-228, Np-236, Bk-248, Any radionuclide other than alpha-emitting radionuclides not listed above or mixtures of beta emitters of unknown composition	0.1 µCi	0.1 mCi	1.0 mCi	10 mCi	1.0 kCi
Na-22, Co-60, Ru-106, Ag-110m, Cs-134, Ce-144, Eu-152, Eu-154, Bi-210	1.0 µCi	1.0 mCi	10 mCi	100 mCi	10 kCi
Cl-36, Ca-45, Mn-54, Ni-63, Zn-65, Se-75, Rb-87, Zr-93, Nb-93m, Cd-109, In-115, Sb-125, Ba-133, Ba-135, Cs-137, Gd-153, Eu-155, Tm-170, Tm-171, W-181, Tl-204	10 µCi	10 mCi	100 mCi	1.0 Ci	100 kCi
C-14, Fe-55, Co-57, Ni-59, Kr-85, Tc-97, Tc-99, Pt-193, Ir-194, Th (natural), Th-232, U(natural), U-238	100 µCi	100 mCi	1.0 Ci	10 Ci	1.0 MCi
H-3	1.0 mCi	1 Ci	10 Ci	100 Ci	10 MCi