

## Subpart C--General Licenses

### Sec. 70.18 Types of licenses.

Licenses for special nuclear material are of two types: general and specific. Any general license provided in this part is effective without the filing of applications with the Commission or the issuance of licensing documents to particular persons. Specific licenses are issued to named persons upon applications filed pursuant to the regulations in this part.

[29 FR 5884, May 5, 1964]

### Sec. 70.19 General license for calibration or reference sources.

(a) A general license is hereby issued to those persons listed below to receive title to, own, acquire, deliver, receive, possess, use and transfer in accordance with the provisions of paragraphs (b) and (c) of this section, plutonium in the form of calibration or reference sources:

(1) Any person in a non-agreement State who holds a specific license issued by the Commission or the Atomic Energy Commission which authorizes him to receive, possess, use and transfer byproduct material, source material, or special nuclear material;

(2) Any Government agency as defined in Sec. 70.4 that holds a specific license issued by the Commission that authorizes it to receive, possess, use, or transfer byproduct material, source material, or special nuclear material; and

(3) Any person in an agreement State who holds a specific license issued by the Commission or the Atomic Energy Commission which authorizes him to receive, possess, use and transfer special nuclear material.

(b) The general license in paragraph (a) of this section applies only to calibration or reference sources which have been manufactured or initially transferred in accordance with the specifications contained in a specific license issued pursuant to Sec. 70.39 or in accordance with the specifications contained in a specific license issued by an agreement State which authorizes manufacture of the sources for distribution to persons generally licensed by the agreement State.

(c) The general license in paragraph (a) of this section is subject to the provisions of Secs. 70.32, 70.50, 70.51, 70.52, 70.55, 70.56, ~~70.61 81, 70.62 82,~~ and 70.71, and to the provisions of parts 19, 20 and 21 of this chapter. In addition, persons who receive title to, own, acquire, deliver, receive, possess, use or transfer one or more calibration or reference sources pursuant to this general license:

(1) Shall not possess at any one time, at any one location of storage or use,

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more than 5 microcuries of plutonium in such sources;

(2) Shall not receive, possess, use or transfer such source unless the source, or the storage container, bears a label which includes the following statement or a substantially similar statement which contains the information called for in the following statement: \1\

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\1\ Sources generally licensed under this section prior to January 19, 1975 may bear labels authorized by the regulations in effect on January 1, 1975.

The receipt, possession, use and transfer of this source, Model ----, Serial No. ----, are subject to a general license and the regulations of the United States Nuclear Regulatory Commission or of a State with which the Commission has entered into an agreement for the exercise of regulatory authority. Do not remove this label.

caution--radioactive material--this source contains plutonium. do not touch radioactive portion of this source.

(Name of Manufacturer or Initial Transferor)

(3) Shall not transfer, abandon, or dispose of such source except by transfer to a person authorized by a license from the Commission or the Atomic Energy Commission or an Agreement State to receive the source.

(4) Shall store such source, except when the source is being used, in a closed container adequately designed and constructed to contain plutonium which might otherwise escape during storage.

(5) Shall not use such source for any purpose other than the calibration of radiation detectors or the standardization of other sources.

(d) The general license in paragraph (a) of this section does not authorize the manufacture, import, or export of calibration or reference sources containing plutonium.

[29 FR 5884, May 5, 1964, as amended at 32 FR 8124, June 7, 1967; 38 FR 22221, Aug. 17, 1973; 40 FR 8792, Mar. 3, 1975; 42 FR 28896, June 6, 1977; 43 FR 6924, Feb. 17, 1978; 48 FR 32329, July 15, 1983; 56 FR 40769, Aug. 16, 1991; 57 FR 33428, July 29, 1992]

Effective Date Note: At 67 FR 78142, Dec. 23, 2002, Sec. 70.19 was amended by revising the introductory text of paragraph (c), effective Mar. 24, 2003. For the convenience of the user, the revised text is set forth as follows:

Sec. 70.19 General license for calibration or reference sources.

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(c) The general license in paragraph (a) of this section is subject to the provisions of Secs. 70.32, 70.50, 70.55, 70.56, 70.61 81, 70.62 82. and

70.71; the provisions of Secs. 74.11, and 74.19 of this chapter; and to the provisions of parts 19, 20, and 21 of this chapter. In addition, persons who receive title to, own, acquire, deliver, receive, possess, use or transfer one or more calibration or reference sources pursuant to this general license:

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Sec. 70.20 General license to own special nuclear material.

A general license is hereby issued to receive title to and own special nuclear material without regard to quantity. Notwithstanding any other provision of this chapter, a general licensee under this section is not authorized to acquire, deliver, receive, possess, use, transfer, import, or export special nuclear material, except as authorized in a specific license.

[33 FR 9810, July 9, 1968]

Sec. 70.20a General license to possess special nuclear material for transport.

(a) A general license is hereby issued to any person to possess formula quantities of strategic special nuclear material of the types and quantities subject to the requirements of Secs. 73.20, 73.25, 73.26, and 73.27 of this chapter and irradiated reactor fuel containing material of the types and quantities subject to the requirements of Sec. 73.37 of this chapter, in the regular course of carriage for another or storage incident thereto. Carriers generally licensed under Sec. 70.20b are exempt from the requirements of this section. Carriers of irradiated reactor fuel for the United States Department of Energy are also exempt from the requirements of this section. The general license is subject to the applicable provisions of Secs. 70.7 (a) through (e); 70.32 (a) and (b), and Secs. 70.42, 70.52, 70.55, ~~70.61 81,~~ ~~70.62 82,~~ and 70.71.

(b) Notwithstanding any other provision of this chapter, the general license

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issued under this section does not authorize any person to conduct any activity that would be authorized by a license issued pursuant to parts 30 through 36, 39, 40, 50, 72, 110, or other sections of this part.

(c) Notwithstanding any other provision of this chapter, the duties of a general licensee under this section while in possession of formula quantities of strategic special nuclear material or irradiated reactor fuel in the regular course of carriage for another or storage incident thereto shall be limited to providing for the physical protection of such material against theft or sabotage. Unless otherwise provided by this section, a general license under this section is not subject to the

requirements of parts 19, 20, 70 and 73.

(d) Any person who possesses formula quantities of strategic special nuclear material under this general license:

(1) Shall have submitted and received approval of a transportation security plan. The security plan shall outline the procedures that will be used to meet the requirements of Secs. 73.20, 73.25, 73.26, 73.27 and 73.70(g) of this chapter including a plan for the selection, qualification, and training of armed escorts, or the specification and design of a specially designed truck or trailer as appropriate.

(2) Shall assure that the transportation is in accordance with the applicable physical protection requirements of Secs. 73.20, 73.25, 73.26, 73.27 and 73.70(g) of this chapter and the applicable approved transportation security plan.

(3) Shall be subject to part 26 and Sec. 73.80 of this chapter.

(e) Any person who possesses irradiated reactor fuel under this general license shall:

(1) Assure or receive certification from the shipper that the transportation is in accordance with the applicable physical protection requirements of Sec. 73.37 of this chapter; and

(2) Comply with the reporting requirements of Sec. 73.71 of this chapter.

[44 FR 26851, May 8, 1979, as amended at 44 FR 68186, Nov. 28, 1979; 46 FR 12696, Feb. 18, 1981; 47 FR 30458, July 14, 1982; 53 FR 31682, Aug. 19, 1988; 58 FR 7737, Feb. 9, 1993; 58 FR 31471, June 3, 1993]

Effective Date Note: At 67 FR 78142, Dec. 23, 2002, Sec. 70.20a was amended by revising paragraph (a), effective Mar. 24, 2003. For the convenience of the user, the revised text is set forth as follows:

Sec. 70.20a General license to possess special nuclear material for transport.

(a) A general license is hereby issued to any person to possess formula quantities of strategic special nuclear material of the types and quantities subject to the requirements of Secs. 73.20, 73.25, 73.26, and 73.27 of this chapter, and irradiated reactor fuel containing material of the types and quantities subject to the requirements of Sec. 73.37 of this chapter, in the regular course of carriage for another or storage incident thereto. Carriers generally licensed under Sec. 70.20b are exempt from the requirements of this section. Carriers of irradiated reactor fuel for the United States Department of Energy are also exempt from the requirements of this section. The general license is subject to the applicable provisions of Secs. 70.7(a) through (e), 70.32(a) and (b), and Secs. 70.42, 70.52, 70.55, ~~70.61 81, 70.62 82,~~ 70.71, and 10 CFR 74.11.

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Sec. 70.20b General license for carriers of transient shipments of

formula quantities of strategic special nuclear material, special nuclear material of moderate strategic significance, special nuclear material of low strategic significance, and irradiated reactor fuel.

(a) A general license is hereby issued to any person to possess transient shipments of the following kinds and quantities of special nuclear material:

(1) A formula quantity of special nuclear material of the types and quantities subject to the requirements of Secs. 73.20, 73.25, 73.26, and 73.27 of this chapter.

(2) Special nuclear material of moderate and low strategic significance of the types and quantities subject to the requirements of Sec. 73.67 of this chapter.

(3) Irradiated reactor fuel of the type and quantity subject to the requirements of Sec. 73.37 of this chapter.

(b) Persons generally licensed under this section are exempt from the requirements of parts 19 and 20 of this chapter and the requirements of this part, except Secs. 70.32 (a) and (b), 70.52, 70.55, ~~70.61 81,~~ ~~70.62 82~~ and 70.71.

(c) Persons generally licensed under this section to possess a transient shipment of special nuclear material of the

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kind and quantity specified in paragraph (a)(1) of this section shall provide physical protection for that shipment in accordance with or equivalent to Secs. 73.20(a), 73.20(b), 73.25, and 73.71(b) of this chapter from the time a shipment enters a United States port until it exits that or another United States port.

(d) Persons generally licensed under this section to possess a transient shipment of special nuclear material of moderate or low strategic significance of the kind and quantity specified in paragraph (a)(2) of this section shall provide physical protection for that shipment in accordance with or equivalent to Sec. 73.67 of this chapter and shall comply with the requirements of Sec. 73.71(b) of this chapter.

(e) Persons generally licensed under this section to possess a transient shipment of irradiated reactor fuel of the kind and quantity specified in paragraph (a)(3) of this section shall provide physical protection for that shipment in accordance with or equivalent to Sec. 73.37 of this chapter and shall comply with the requirements of Sec. 73.71(b) of this chapter.

(f)(1) Persons generally licensed under this section, who plan to carry transient shipments with scheduled stops at United States ports, shall notify in writing the Director, Spent Fuel Project Office, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

(2) A person generally licensed under this section shall assure that:

(i) The notification will be received at least 10 days before transport of the shipment commences at the shipping facility;

or microform is duly authenticated by authorized personnel and the microform is capable of producing a clear and legible copy after storage for the period specified by Commission regulations. The record may also be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period. Records such as letters, drawings, specifications, must include all pertinent information such as stamps, initials, and signatures. The licensee shall maintain adequate safeguards against tampering with and loss of records.

(2) If there is a conflict between the Commission's regulations in this part, license condition, or other written Commission approval or authorization pertaining to the retention period for the same type of record, the retention period specified in the regulations in this part for such records shall apply unless the Commission, pursuant to **Sec. 70.14 17**, has granted a specific exemption from the record retention requirements specified in the regulations in this part.

[38 FR 30544, Nov. 6, 1973, as amended at 38 FR 32784, Nov. 28, 1973; 41 FR 18303, May 3, 1976; 43 FR 6925, Feb. 17, 1978; 50 FR 7579, Feb. 25, 1985; 52 FR 10038, Mar. 30, 1987; 53 FR 19253, May 27, 1988; 56 FR 55998, Oct. 31, 1991; 61 FR 24675, May 16, 1996]

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Effective Date Note: At 67 FR 78142, Dec. 23, 2002, Sec. 70.51 was revised, effective Mar. 24, 2003. For the convenience of the user, the revised text is set forth as follows:

#### Sec. 70.51 Records requirements.

(a) Before license termination, licensees shall forward the following records to the appropriate NRC Regional Office:

(1) Records of disposal of licensed material made under 10 CFR 20.2002 (including burials authorized before January 28, 1981\1\), 20.2003, 20.2004, 20.2005;

(2) Records required by 10 CFR 20.2103(b)(4); and

(3) Records required by Sec. 70.25(g).

(b) If licensed activities are transferred or assigned in accordance with Sec. 70.32(a)(3), the licensee shall transfer the following records to the new licensee and the new licensee will be responsible for maintaining these records until the license is terminated:

(1) Records of disposal of licensed material made under 10 CFR 20.2002 (including burials authorized before January 28, 1981\1\), 20.2003, 20.2004, 20.2005;

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\1\ A previous Sec. 20.304 permitted burial of small quantities of licensed materials in soil before January 28, 1981, without specific Commission authorization. See Sec. 20.304 contained in the 10 CFR, parts

(2) Records required by 10 CFR 20.2103(b)(4); and

(3) Records required by Sec. 70.25(g).

(c)(1) Records which must be maintained pursuant to this part may be the original or a reproduced copy, or microform if the reproduced copy or microform is duly authenticated by authorized personnel, and the microform is capable of producing a clear and legible copy after storage for the period specified by Commission regulations. The record may also be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period. Records such as letters, drawings, and specifications, must include all pertinent information such as stamps, initials, and signatures. The licensee shall maintain adequate safeguards against tampering with and loss of records.

(2) If there is a conflict between the Commission's regulations in this part, license condition, or other written Commission approval or authorization pertaining to the retention period for the same type of record, the retention period specified in the regulations in this part for these records shall apply unless the Commission, pursuant to Sec. 70.14 17, has granted a specific exemption from the record retention requirements specified in the regulations in this part.

Sec. 70.52 Reports of accidental criticality or loss or theft or attempted theft of special nuclear material.

(a) Each licensee shall notify the NRC Operations Center \1\ within one hour after discovery of any case of accidental criticality or any loss, other than normal operating loss, of special nuclear material.

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\1\ Commercial telephone number of the NRC Operations Center is (301) 816-5100.

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(b) Each licensee who possesses one gram or more of contained uranium-235, uranium-233, or plutonium shall notify the NRC Operations Center within one hour after discovery of any loss or theft or unlawful diversion of special nuclear material which the licensee is licensed to possess or any incident in which an attempt has been made or is believed to have been made to commit a theft or unlawful diversion of such material.

(c) This notification must be made to the NRC Operations Center via the Emergency Notification System if the licensee is party to that system. If the Emergency Notification System is inoperative or unavailable, the licensee shall make the required notification via commercial telephonic service or other dedicated telephonic system or any other method that will ensure that a report is received by the NRC Operations Center within one hour. The exemption of Sec. 73.21(g)(3)