



# REGULATORY GUIDE

OFFICE OF NUCLEAR REGULATORY RESEARCH

## REGULATORY GUIDE 10.2

*(Draft was issued as DG-0013, dated January 2008)*

### GUIDANCE TO ACADEMIC INSTITUTIONS APPLYING FOR SPECIFIC BYPRODUCT MATERIAL LICENSES OF LIMITED SCOPE

#### A. INTRODUCTION

This guide directs the reader to the type of information sought by the U.S. Nuclear Regulatory Commission (NRC) staff to evaluate an application from an academic institution for specific licenses of limited scope for the possession and use of byproduct material. It does not apply to applications for specific licenses of broad scope, licenses for source or special nuclear materials, or licenses for kilocurie irradiation sources. This guide identifies the general principles that the NRC staff will consider in evaluating an applicant's proposed radiation safety measures.

Title 10, Part 30, "Rules of General Applicability to Domestic Licensing of Byproduct Material," of the *Code of Federal Regulations* (10 CFR Part 30) (Ref. 1) provides the regulatory framework for a limited-scope byproduct material license. Other regulations pertaining to this type of license are in 10 CFR Part 19, "Notices, Instructions and Reports to Workers: Inspection and Investigations" (Ref. 2), and 10 CFR Part 20, "Standards for Protection Against Radiation" (Ref. 3). The applicant should carefully study the regulations and submit all information requested.

This regulatory guide endorses the methods and procedures for limited scope byproduct material licensing contained in the current revision of NUREG-1556, Volume 7, "Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Academic, Research, and Development, and Other Licenses of Limited Scope" (Ref. 4), as a process that the NRC staff has found acceptable for meeting the regulatory requirements.

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The NRC issues regulatory guides to describe and make available to the public methods that the NRC staff considers acceptable for use in implementing specific parts of the agency's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in reviewing applications for permits and licenses. Regulatory guides are not substitutes for regulations, and compliance with them is not required. Methods and solutions that differ from those set forth in regulatory guides will be deemed acceptable if they provide a basis for the findings required for the issuance or continuance of a permit or license by the Commission.

This guide was issued after consideration of comments received from the public.

Regulatory guides are issued in 10 broad divisions—1, Power Reactors; 2, Research and Test Reactors; 3, Fuels and Materials Facilities; 4, Environmental and Siting; 5, Materials and Plant Protection; 6, Products; 7, Transportation; 8, Occupational Health; 9, Antitrust and Financial Review; and 10, General.

Electronic copies of this guide and other recently issued guides are available through the NRC's public Web site under the Regulatory Guides document collection of the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/doc-collections/> and through the NRC's Agencywide Documents Access and Management System (ADAMS) at <http://www.nrc.gov/reading-rm/adams.html> under Accession No. ML081140578.

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Since the publication of Revision 1 of Regulatory Guide 10.2 in December 1976, the NRC has revised the requirements for byproduct material licenses to implement a risk-informed, performance-based approach to regulation. Volume 7 of NUREG-1556 incorporates this revised approach.

This regulatory guide contains information collection requirements covered by 10 CFR Parts 19, 20, and 30 and NRC Form 313 that the Office of Management and Budget (OMB) approved under OMB control numbers 3150-0044, 3150-0014, 3150-0017, and 3150-0120, respectively. The NRC may neither conduct nor sponsor, and a person is not required to respond to, an information collection request or requirement unless the requesting document displays a currently valid OMB control number.

## **B. DISCUSSION**

As part of its redesign of the materials license program, the NRC consolidated and updated numerous guidance documents for materials licenses into the multivolume NUREG-1556. Various volumes in the NUREG-1556 series provide current, program-specific guidance on testing, licensing, decommissioning, and terminating materials licenses.

Volume 7 of NUREG-1556 provides applicants with guidance on how to prepare applications for academic, research and development, and other licenses of limited scope, including for gas chromatography devices and x-ray fluorescence analyzers. It also describes the NRC criteria for evaluating the license application. It is not intended to address licenses of broad scope, licenses for the manufacturing and distribution of byproduct material, or licenses for the use of source or special nuclear material.

Volume 7 of NUREG-1556 identifies the information applicants need to complete NRC Form 313, "Application for Materials License," for the use of byproduct material for academic, research and development, and other licenses of limited scope. It contains appendices that include (1) copies of necessary forms, (2) sample applications and completed examples for different types of applications, and (3) examples of the types of supporting information, such as implementing procedures, that the applicant may need to prepare. The NRC is placing added emphasis on conducting its regulatory activities in a risk-informed and performance-based manner. This approach is intended to be less prescriptive and to allow licensees the flexibility to implement the agency's regulations in a manner that is more specific to their needs yet still meets the regulatory requirements. By supplying examples, the NRC seeks to provide information to meet the needs of applicants for licensure without being prescriptive. Guidance in NUREG-1556 represents one means of complying with NRC regulations and is not intended to be the only means of satisfying the regulatory requirements.

## **C. REGULATORY POSITION**

This regulatory guide endorses the method described in the current revision of NUREG-1556, Volume 7, as a process that the NRC has found to be acceptable guidance on how to prepare applications for academic, research and development, and other licenses of limited scope, including for gas chromatography devices and x-ray fluorescence analyzers.

## **D. IMPLEMENTATION**

The purpose of this section is to provide information to applicants and licensees regarding the NRC's plans for using this regulatory guide. The NRC does not intend or approve any imposition or backfit in connection with its issuance.

In some cases, applicants or licensees may propose or use a previously established acceptable alternative method for complying with specified portions of the NRC's regulations. Otherwise, the methods described in this guide will be used in evaluating compliance with the applicable regulations for license applications, license amendment applications, and amendment requests.

## REFERENCES

1. 10 CFR Part 30, "Rules of General Applicability to Domestic Licensing of Byproduct Material," U.S. Nuclear Regulatory Commission, Washington, DC.<sup>1</sup>
2. 10 CFR Part 19, "Notices, Instructions and Reports to Workers: Inspection and Investigations," U.S. Nuclear Regulatory Commission, Washington, DC.
3. 10 CFR Part 20, "Standards for Protection Against Radiation," U.S. Nuclear Regulatory Commission, Washington, DC.
4. NUREG-1556, Volume 7, "Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Academic, Research, and Development, and Other Licenses of Limited Scope," U.S. Nuclear Regulatory Commission, Washington DC, most current date and revision.<sup>2</sup>  
(<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/>)

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<sup>1</sup> All NRC regulations listed herein are available electronically through the Electronic Reading Room on the NRC's public Web site, at <http://www.nrc.gov/reading-rm/doc-collections/cfr/>. Copies are also available for inspection or copying for a fee from the NRC's Public Document Room (PDR) at 11555 Rockville Pike, Rockville, MD; the mailing address is USNRC PDR, Washington, DC 20555; telephone (301) 415-4737 or (800) 397-4209; fax (301) 415-3548; and email [PDR@nrc.gov](mailto:PDR@nrc.gov).

<sup>2</sup> The multivolume NUREG-series report listed herein was published by the U.S. Nuclear Regulatory Commission. These volumes are available electronically through the Electronic Reading Room on the NRC's public Web site, at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/>. Copies are also available for inspection or copying for a fee from the NRC's Public Document Room (PDR) at 11555 Rockville Pike, Rockville, MD; the mailing address is USNRC PDR, Washington, DC 20555; telephone (301) 415-4737 or (800) 397-4209; fax (301) 415-3548; and email [PDR@nrc.gov](mailto:PDR@nrc.gov). In addition, copies are available at current rates from the U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20402-9328, telephone (202) 512-1800; or from the National Technical Information Service (NTIS), at 5285 Port Royal Road, Springfield, VA 22161, online at <http://www.ntis.gov>, by telephone at (800) 553-NTIS (6847) or (703) 605-6000, or by fax to (703) 605-6900.