

**Torres, RobertoJ**

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**From:** Torres, RobertoJ  
**Sent:** Tuesday, March 02, 2010 1:39 PM  
**To:** Murnahan, Colleen  
**Cc:** 'goodnough@dryforkcoal.com'  
**Subject:** Mail Control 472574

Colleen:

Mail control number 472574 for new specific license application for one fixed gauge from "Western Fuels - Wyoming, Inc." is being voided because the fixed gauging device will be a general licensed (GL) device. Furthermore, the written documentation submitted by the applicant states that they want a general license. The license application fee of \$1,400 will have to be refunded to the applicant.

I will be submitting to the applicant in a separate email information about general license regulations.

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## Torres, RobertoJ

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**From:** Torres, RobertoJ  
**Sent:** Tuesday, March 02, 2010 2:09 PM  
**To:** 'goodnough@dryforkcoal.com'  
**Subject:** General license information  
**Attachments:** General license requirements-Summary.pdf

Ms. Goodnough:

The sealed source and device registration certificate number for the Real Time Instruments, Model Ashcan, fixed gauge (i.e., device) is OH-1272-D-101-B. This certificate states that the device can be either generally licensed (no paper license required, may or may not need registration with NRC) or specifically licensed (paper license required). When you receive the device you need to read the label attached to it. If the device label states that "the possession and use of this device is governed by the **general license** regulations...etc or similar language" then your device is a generally licensed (GL) device (no paper license required, may or may not need registration with NRC). The possession and use of a GL device is governed by NRC's general license regulations described in 10 CFR 31.5 (see link).

<http://www.nrc.gov/reading-rm/doc-collections/cfr/part031/part031-0005.html>

This regulation states, among other things, that registration with the NRC of a generally licensed device is required for devices containing:

10 millicuries or more of Cesium-137,  
0.1 millicurie or more of Strontium-90,  
1 millicurie or more of Cobalt-60,  
0.1 millicurie or more of Radium-226,  
1 millicurie or more of Americium-241, or  
any other transuranic (element with atomic number greater than Uranium (92)).

If your device is a GL device based on what the label attached to the device states AND your device exceeds the type of radionuclides and amounts listed above, then your device requires registration with the NRC and payment of an annual registration fee. As a general licensee you need to comply with certain recordkeeping requirements which are summarized in the attachment.

The point of contact regarding general license registration is Mr. Ujagar Bhachu, 301-415-7894 ([ujagar.bhachu@nrc.gov](mailto:ujagar.bhachu@nrc.gov)). Mr. Bhachu is located in NRC's Headquarters in Rockville, Maryland.

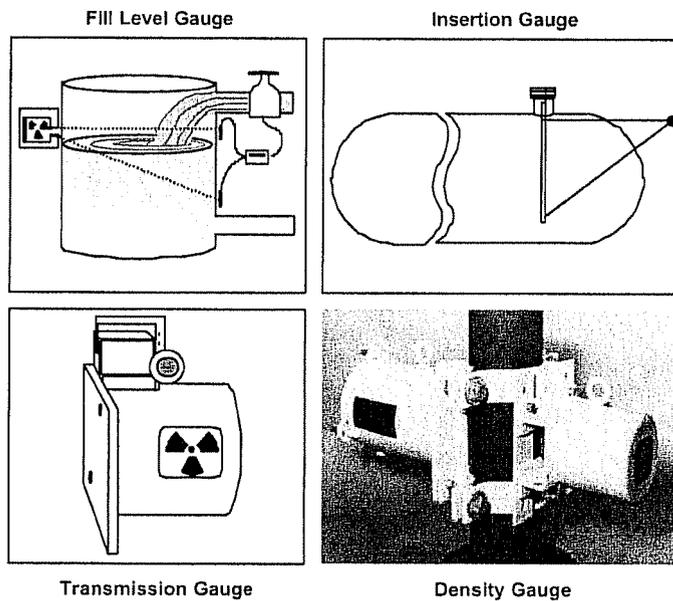
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## **Appendix K**

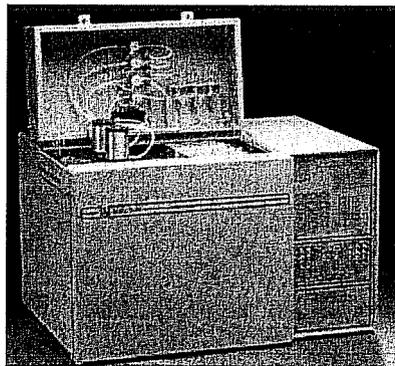
### **Guidance for 10 CFR 31.5 General Licensees (Q&As)**

### 1. What is a generally licensed (GL) device?

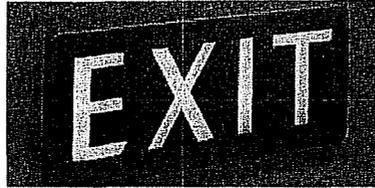
Generally licensed (GL) devices contain radioactive material and are typically used to detect, measure, or control the density, level, or chemical composition of various items. Examples of such devices are gas chromatographs, density gauges, fill-level gauges, and static elimination devices. One of the more widely used devices are self-luminous exit signs.



**Figure K.1 Fixed Gauges.** *Certain fixed nuclear gauges may be possessed and used under the general license in 10 CFR 31.5.*



**Figure K.2 Gas Chromatograph Unit.** *Certain gas chromatograph units (detector cells) used for analysis of chemical composition can be possessed under the general license in 10 CFR 31.5.*



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**Figure K.3 Self-Luminous Exit Sign.** *Certain self-luminous, tritium exit signs can be possessed under 10 CFR 31.5 (typical devices initially contain 25 curies of tritium per sign).*

**2. What is a 10 CFR 31.5 general licensee?**

A general licensee is a company or person who uses or stores a GL device. The device is obtained through an authorized transfer from the device manufacturer/distributor or by a change of company ownership whereby the device remains in use at a particular location. If you have received a device through unauthorized means, contact your regulatory authority immediately (see Question 14).

**3. What is NRC registration of generally licensed devices?**

NRC requires that certain devices authorized in 10 CFR 31.5 be registered each year. Registration of the device depends upon the type and quantity of radioactive material in the device (see Question 4). Registration involves completing NRC Form 664, "General Licensee Registration," and submitting it to NRC (see Questions 4 and 6).

**4. Which GL devices are subject to NRC registration?**

Devices that are subject to NRC registration are devices used and/or stored in NRC jurisdiction that contain, at the time of manufacture, at least 370 megabecquerels (MBq) (10 millicuries (mCi)) of cesium-137, 3.7 MBq (0.1 mCi) of strontium-90, or 37 MBq (1 mCi) of cobalt-60, americium-241, curium-244, or any transuranic isotope, i.e., element with atomic number greater than uranium (92).

Tritium exit signs and gas chromatographs are not subject to registration.

NRC registration is not required for a general licensee using a device in NRC jurisdiction for less than 180 days in any calendar year.

See Question 14 for a listing of states where NRC has jurisdiction (non-Agreement States), as well as a listing of states where NRC has given the state the authority for regulating use of radioactive material (Agreement States).

**5. How do I know if I have a GL device?**

If you have a device as described in Question 1 above, look at the device for any and all labels.

GL devices should have labels containing such words as:

“Caution-Radioactive Material”; “The receipt, possession, use, and transfer of the device are subject to a general license”; *OR* identification of the radioactive material, such as “5 millicuries of cesium-137” or “1 mCi of Am-241.”

Also, review any paperwork (such as manuals or brochures) that you received with the device. It can provide you with information on the radioactivity contained within the device and whether or not the device is subject to NRC regulations. If you are still unsure, contact the manufacturer or distributor of the device for help. If the manufacturer is not available, contact NRC (see Question 14).

Possession or use of similar devices may require a specific license. Manufacturers or distributors cannot transfer specifically licensed devices to customers who do not have a specific license to possess such a device. The customer should apply to NRC or the appropriate Agreement State for such a license.

#### 6. How do I know if I have a GL device that is subject to registration?

The device manufacturer should be able to answer questions regarding the registration of any devices you have purchased. However, you could look at the identification of the radioisotope and quantity of radioactive material listed on a label on the device. If the device contains at least 370 megabecquerels (MBq) (10 millicuries (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, 37 MBq (1 mCi) of curium-244 or any other transuranic, then it is subject to registration by NRC. NRC will contact you when registration is required.

#### 7. What are the requirements for a GL device?

GL devices used within NRC jurisdiction are subject to the NRC regulations listed in 10 CFR 31.5. General licensees are required to appoint a responsible individual who will know about the requirements and have the authority to carry out the necessary duties to comply with the regulatory requirements. These requirements are summarized in the following four tables:

#### Routine Maintenance

Maintain labels.
Comply with the instructions and precautions provided on the labels, including any referenced documents such as operating and service manuals.
If required, perform leak tests every six months in accordance with manufacturer’s instructions (unless in storage or otherwise indicated on the label), and maintain this record for three years.
If required, perform shutter tests every six months in accordance with manufacturer’s instructions (unless in storage or otherwise indicated on the label), and maintain this record for three years.

**Requirements if the Device Becomes Damaged or Fails a Shutter or Leak Test**

Suspend operation of the device.
Have the device repaired or properly disposed of by the manufacturer or distributor.
Provide to NRC, within 30 days, a brief description of the event and remedial actions taken. If contamination is measured as greater than 185 Bq (0.005 microcuries) or is likely to have resulted from the event, develop and submit a plan to NRC for ensuring that the premises and environs are acceptable for unrestricted use.

**Additional Actions to be Taken in the Case of Significant Damage to the Device**

Immediately secure the area and keep people away from the device until the situation is assessed and radiation levels are known. If equipment is involved, isolate it until it is determined there is no contamination present. Perform first aid for any injured individuals but remove them from the area only when medically safe to do so.
Arrange for a radiation survey to be conducted as soon as possible by a knowledgeable person using an appropriate radiation detector (survey meter). This person could be a representative of a manufacturer or distributor, a local emergency responder, a consultant, or a licensee employee using a radiation survey meter. To accurately assess the radiation hazard, it is essential that the person performing the survey be competent in the use of a radiation survey meter.
In addition to any required notification of NRC, you may report any incident to NRC by calling NRC's Emergency Operations Center at (301) 816-5100, which is staffed 24 hours a day and accepts collect calls. Local authorities may also be able to provide assistance.

**Reporting Requirements (Applicable to All 10 CFR 31.5 General Licensees)**

Type of Report	Contents of Report	Frequency	Send to
Transfer, or disposal	Identification of device by manufacturer's (or initial transferor's) name, model number and serial number; name, address and license number of recipient; and date of transfer.	Within 30 days of transfer, disposal, or export.	Director of NMSS, Attn: GLTS, U.S. NRC, Washington, DC 20555-0001
Transfer report for change of ownership (where device remains in use at a particular location)	Manufacturer's (or initial transferor's) name, model number and serial number; name and address of the transferee; and name, title and phone number of the responsible individual of the transferee.	Within 30 days of transfer.	Director of NMSS, Attn: GLTS, U.S. NRC, Washington, DC 20555-0001

Type of Report	Contents of Report	Frequency	Send to
Report if device becomes damaged or fails a shutter or leak test	Brief description of the event and remedial actions taken and a plan (if contamination is measured or likely) for ensuring that the premises and environs are acceptable for unrestricted use.	Within 30 days of occurrence.	Director of NMSS, Attn: GLTS, U.S. NRC, Washington, DC 20555-0001
Report name change of licensee	New name of general licensee.	Within 30 days of occurrence.	Director of NMSS, Attn: GLTS, U.S. NRC, Washington, DC 20555-0001
Report of change of mailing address of the location of use ( <i>Note:</i> In the case of portable devices, this only applies to the mailing address of the device's primary place of storage.)	New mailing address where device is used or stored.	Within 30 days after moving the device.	Director of NMSS, Attn: GLTS, U.S. NRC, Washington, DC 20555-0001
Report of incidents or lost or stolen devices	<p>The following information:</p> <ul style="list-style-type: none"> <li>(A) Description of the radioactive material;</li> <li>(B) Description of the circumstances under which the loss or theft occurred;</li> <li>(C) Disposition of the radioactive material;</li> <li>(D) Radiation exposure to individuals;</li> <li>(E) Actions taken to recover the material;</li> <li>(F) Actions taken to prevent recurrence.</li> </ul>	Telephone report within 30 days of occurrence; written report within 30 days of the telephone report.	Administrator of the appropriate NRC Regional Office

**Additional Reporting Requirements for GL Devices Subject to Registration**

Type of Report	Contents of Report	Frequency	Send to
Registration	<p>The following information and any other information specifically requested by NRC:</p> <p>(A) Name and mailing address;</p> <p>(B) Information about each device: the manufacturer or initial transferor, model number, serial number, radioisotope, and activity;</p> <p>(C) Name, title, and telephone number of the responsible individual;</p> <p>(D) Address where the device(s) is used and/or stored;</p> <p>(E) Certification that the information concerning the device(s) has been verified through a physical inventory and checking of the label;</p> <p>(F) Certification by the responsible individual that he/she is aware of the requirements of the general license.</p> <p><i>Note:</i> This information should be submitted using NRC Form 664.</p>	Annual	Director of NMSS, Attn: GLTS, USNRC, Washington, DC 20555-0001, or as otherwise indicated in the request for registration
Bankruptcy	Notification of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 (Bankruptcy) of the U.S. Code.	Immediately following the filing of a voluntary or involuntary petition for bankruptcy.	Administrator of the appropriate NRC Regional Office

**8. Can I relocate my device(s) from one location to another?**

Some GL devices have been approved for installation and relocation by the general licensee; however, this does not apply to all GL devices. You should contact the manufacturer or distributor to determine if your device(s) has been approved for relocation/installation by the general licensee.

**9. Is there reciprocity for GL devices?**

No, there is no reciprocity provision applicable to general licensees. If a general licensee obtains a device in an Agreement State and wishes to use the device within NRC's jurisdiction, it must do so under 10 CFR 31.5. In this case, the general license in 10 CFR 31.5 applies automatically without application for license or other permission as long as the device has been manufactured and distributed appropriately. The general licensee is subject to the provisions of 10 CFR 31.5.

However, NRC registration is not required for a general licensee using a device in NRC jurisdiction for less than 180 days in any calendar year.

The general license in 10 CFR 31.5 only applies within NRC's jurisdiction. General licensees intending to move from one jurisdiction to another should contact the applicable regulatory authority, NRC, or the particular Agreement State before moving to determine the applicable regulations in their jurisdictions. All jurisdictions do not have a comparable general license, and specific provisions of the general license may vary among jurisdictions.

**10. I am an Agreement State general licensee. Does NRC allow me to use my GL device at temporary job sites within NRC jurisdiction?**

Yes. For portable devices, such as devices used for demonstration purposes, which may be transported from an Agreement State to NRC jurisdiction, use of the device in NRC jurisdiction is permitted as long as the general licensee follows the requirements of 10 CFR 31.5.

**11. Would an Agreement State allow me to use my GL device at temporary job sites within that Agreement State's jurisdiction?**

For portable devices that may be transported from one Agreement State to another, or from NRC jurisdiction to an Agreement State, use of the device comes under the regulations of the Agreement State where the device is being used. Be sure to know the requirements in the area where you are using the device by contacting the particular Agreement State. Some Agreement States currently require that the device be registered or specifically licensed before it can be used in that State.

**12. How can I get rid of a GL device?**

GL devices can only be transferred (for disposal or to obtain a replacement device) to: (1) a person holding a specific license under 10 CFR Parts 30 and 32 or equivalent Agreement State regulations, such as *the device manufacturer*; or (2) a person holding a specific license that authorizes waste collection, such as a *waste broker*.

In the case of a change of ownership where a GL device remains in use at a particular location, the new owner will be the new general licensee. The seller must provide copies of 10 CFR 30.51, 31.2, 31.5, 20.2201, and 20.2202, and any safety documents identified in the device label to the new general licensee.

**13. Can I keep a device that I am not using?**

GL devices not in use can only be stored for two years. After two years, the device must be properly transferred. During this period of non-use, the shutter must be locked in the closed position. Devices kept in standby for future use are excluded from the two-year time limit if the general licensee performs a quarterly physical inventory of the device while it is in standby.

**14. Who can answer additional questions?**

APPENDIX K

Call the device manufacturer, who should be able to assist you. If the manufacturer is no longer in business, or you cannot contact the manufacturer, call the appropriate NRC Regional Office or Agreement State for assistance. Phone numbers for the NRC Regional Offices are listed below.

Note that states where NRC has jurisdiction are called non-Agreement States. States where NRC has given the state the authority to regulate use of radioactive material are called Agreement States.

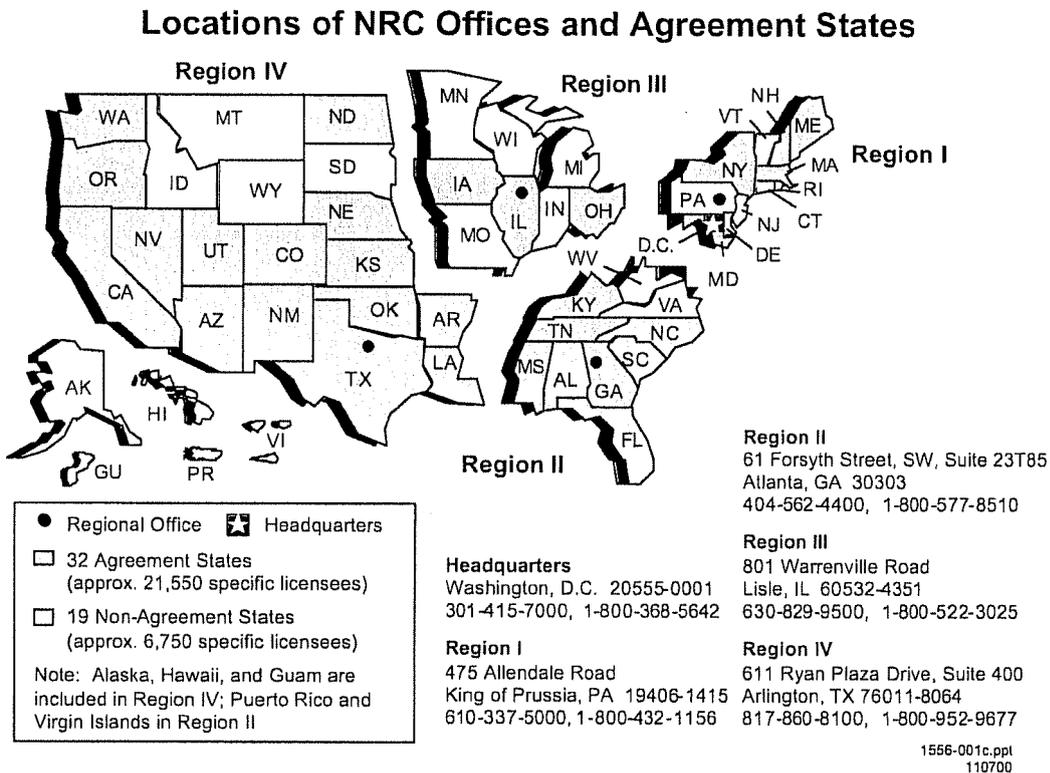


Figure K.4 U.S. Map.

**15. What other requirements apply?**

Persons who possess devices listed in 10 CFR 31.5 are exempt from the requirements of Parts 19, 20, and 21, with the exception of the provisions in 10 CFR 20.2201 and 20.2202. They are subject to the following sections of 10 CFR Part 30: 30.1 through 30.10, 30.14(d), 30.34 (a) to (e), 30.41, 30.50 to 30.53, and 30.61 to 30.63.

**16. My company has a specific license for use of radioactive material and also has generally licensed devices. Do I have to include these devices on my inventory of radioactive materials?**

No, you do not have to include GL devices on your inventory that is required by your specific license. However, many companies have chosen to keep track of their devices through periodic inventory along with their specifically licensed material.