

**Licenses, Certifications, and Approvals for Materials Licensees (76 FR 56951) RATS ID #
2011-2 Effective date 11/14/2011**

Alabama Rule Text Equivalent to 10 CFR 36.13

420-3-26-.02(9)

(9) **General Requirements for the Issuance of Specific Licenses.** A license application will be approved if the Agency determines that:

(a) The applicant is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with these rules in such a manner as to minimize danger to public health and safety or property;

(b) The applicant's proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety of property;

(c) The issuance of the license will not be inimical to the health and safety of the public; and

(d) The applicant satisfied any applicable special requirements in this Rule 420-3-26-.02.

and

420-3-26-.02(10)(u)

(u) **Licensing of Irradiators.** A specific license for the use of radioactive material in an irradiator will be issued if the applicant satisfies the general requirements of 420-3-26-.02(9) and the following requirements:

1. The applicant must describe the training provided to irradiator operators including:

(i) Classroom training and on-the-job simulator training;

(ii) Safety reviews;

(iii) Means employed by the applicant to test each operator's understanding of Agency rules, licensing requirements, and the operating, safety, and emergency procedures for the irradiator; and

(iv) Minimum training and experience of personnel who provide training.

2. The application must include a copy of the written operating and emergency

procedures listed in 420-3-26-.14(18) that describes the radiation safety aspects of the procedures.

3. The application must describe the organizational structure for managing the irradiator, specifically the radiation safety responsibilities and authority of the radiation safety officer and those management personnel who have radiation safety responsibility or authority. In particular, the application must specify who, within the management structure, has the authority to stop unsafe operations. The application must also describe the training and experience required for the position of radiation safety officer.

4. The application must include a description of the access control systems required by 420-3-26-.12(7), the radiation monitors described by 420-3-26-.14(10), the method of detecting leaking sources required by 420-3-26-.14(21), including the sensitivity of the method, and a diagram of the facility that shows the locations of all required interlocks and radiation monitors.

5. If the applicant intends to perform leak testing, the applicant shall establish procedures for performing leak testing of dry-source-storage sealed sources and submit a copy of these procedures to the Agency. The procedures must include:

- (i) Methods of collecting leak test samples;
- (ii) Qualifications of the individual who collects the samples;
- (iii) Instruments to be used; and
- (iv) Methods of analyzing the samples.

6. If licensee personnel are to load or unload sources, the applicant shall describe the qualifications and training of the personnel and the procedures to be used. If the applicant intends to contract for source loading and unloading at its facility, the loading or unloading must be done by persons specifically authorized by the Agency, the U.S. Nuclear Regulatory Commission, or an Agreement State to load or unload irradiator sources.

7. The applicant shall describe the inspection and maintenance checks, including the frequency of the checks required by 420-3-26-.14(22).

Alabama Rule Text Equivalent to 10 CFR 39.13

420-3-26-.12(1)

**RADIATION SAFETY REQUIREMENTS FOR WIRELINE SERVICE OPERATIONS
AND SUBSURFACE TRACER STUDIES**

(1) **Purpose.** This Rule establishes radiation safety requirements for persons using sources of radiation for wireline service operations including mineral logging, radioactive markers, uranium sinker bars, subsurface tracer studies, and fishing operations. The requirements of this Rule are in addition to, and not in substitution for, the requirements of Rules 420-3-26-.01, 420-3-26-.02, 420-3-26-.03, 420-3-26-.10, and 420-3-26-.13 of these rules.

**Change of Compatibility of 10 CFR 31.5 and 31.6 in the Withdrawal of Proposed Rule and
Closure of Petition For Rulemaking: Organization of Agreement States and Florida
Department of Health, Bureau of Radiation Control (77 FR 3640, Published January 25,
2012) RATS ID: 2012-1 Effective: 1/25/2012**

Alabama Rule Text Equivalent to 10 CFR 31.5

420-3-26-.02(7)

**(7) General Licenses - Certain Detecting, Measuring, Gauging, or Controlling
Devices and Certain Devices for Producing Light or an Ionized Atmosphere.**

(a) A general license is hereby issued to commercial and industrial firms and research, educational and medical institutions, individuals in the conduct of their business, and federal, state, or local government agencies to acquire, receive, possess, use or transfer, in accordance with the provisions of paragraphs 1., 2. and 3. of Rule 420-3-26-.02(7)(a), radioactive 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.

(i) The general license in paragraph (a) of Rule 420-3-26-.02(7) applies only to radioactive material contained in devices which have been manufactured or initially transferred and labeled in accordance with the specifications contained in:

(I) A specific license issued under this Rule; or

(II) An equivalent specific license issued by the U.S. Nuclear Regulatory Commission, another Agreement State or Licensing State.

(ii) The devices must have been received from one of the specific licensees described in Rule 420-3-26-.02(7)(a)1.(i) or through a transfer made under paragraph 3(xi) of

Rule 420-3-26-.02(7)(a) and which will be possessed and used at a single physical location.

(iii) The general license in paragraph 1. of Rule 420-3-26-.02(7)(a) applies only to radioactive material which will be possessed and used at a single physical location.

(iv) Notwithstanding the requirements listed in 420-3-26-.02(7)(a)1.(ii) and (iii), state and local emergency response agencies are exempt from requirements that devices described in 420-3-26-.02(7)(a)1. be possessed and used at a single location.

2. Any person who acquires, receives, possesses, uses, or transfers radioactive material in a device pursuant to the general license in paragraph 1 of Rule 420-3-26-.02(7)(a):

(i) Shall 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 thereon and shall comply with all instructions and precautions provided by such labels;

(ii) Shall 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 are 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 microcuries (3.7 MBq) of other beta and/or gamma emitting material or 10 microcuries 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;

(iii) Shall assure that the tests required by paragraph 2.(ii) of Rule 420-3-26-.02(7)(a) and other testing, installation, servicing, and removal from installation involving the radioactive materials, its shielding or containment, are performed:

(I) In accordance with the instructions provided by the labels; or

(II) By a person holding a specific license issued by the Agency, another Agreement State, or the U.S. Nuclear Regulatory Commission to perform such activities;

(iv) Shall maintain records showing compliance with the requirements of paragraphs 2.(ii) and 2.(iii) of Rule 420-3-26-.02(7)(a). The records must show the results of the tests. The records also must show the dates of performance of, and the names of persons performing testing, installing, servicing, and removing from the installation radioactive material and its shielding or containment. The licensee shall retain these records as follows:

(I) Each record of a test for leakage of radioactive material required by paragraph 2.(ii) of Rule 420-3-26-.02(7)(a) must be retained for three years after the next required leak test is performed or until the sealed source is transferred or disposed.

(II) Each record of a test of the off-on mechanism and indicator required by paragraph 2.(ii) of Rule 420-3-26-.02(7)(a) must be retained 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.

(III) Each record that is required by paragraph 2.(iv) of Rule 420-3-26-.02(7)(a) must be retained for three years from the date of the recorded event or until the device is transferred or disposed.

(v) Shall 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 0.005 microcurie (0.185 becquerel) or more of removable radioactive material. The device may not be operated until it has been repaired by the manufacturer or another person holding a specific license to repair such devices that was issued by the Agency, another Agreement State, or the U. S. Nuclear Regulatory Commission. 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 or as otherwise approved by the Agency. A report containing a brief description of the event and the remedial action taken; and, in the case of detection of 0.005 microcurie (0.185 kBq) 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, must be furnished to the Director, Office of Radiation Control, P. O. Box 303017, Montgomery, Alabama 36130-3017 within 30 days. Under these circumstances, the criteria set out in Rule 420-3-26-.03(60), "Radiological Criteria for Unrestricted Use" may be applicable, as determined by the Agency on a case-by-case basis.

(vi) Shall not abandon the device containing radioactive material.

(vii) Shall not export the device containing radioactive material except in accordance with regulations of the U.S. Nuclear Regulatory Commission.

(viii) Shall transfer or dispose of the device containing radioactive material only by export as provided by paragraph 2.(vii) of Rule 420-3-26-.02(7)(a), by transfer to another general licensee as authorized in paragraph 2.(xi) of Rule 420-3-26-.02(7)(a), or to a person authorized to receive the device by a specific license issued under this Rule 420-3-26-.02, or to a person authorized to receive the device by a specific license issued under Rule 420-3-26-.02 that authorizes waste collection, or equivalent regulations of another Agreement State or the U.S. Nuclear Regulatory Commission, or as otherwise approved under paragraph 2.(x) of Rule 420-3-26-.02(7)(a).

(ix) Shall, within 30 days after the transfer of a device to a specific licensee or export, furnish a report to the Director, Office of Radiation Control, P.O. Box 303017, Montgomery, Alabama 36130-3017. The report must contain:

(I) The identification of the device by manufacturer's (or initial transferor's) name, model number, and serial number;

(II) The name, address, and license number of the person receiving the device (license number not applicable if exported); and

(III) The date of the transfer.

(x) Shall obtain written Agency approval before transferring the device to any specific licensee not specifically identified in paragraph 2.(viii) of Rule 420-3-26-.02(7)(a); however, a holder of a specific license may transfer a device for possession and use under its own specific license without prior approval if the holder:

(I) Verifies that the specific license authorizes the possession and use, or applies for and obtains an amendment to the license authorizing the possession and use;

(II) Removes, alters, covers or clearly and unambiguously augments the existing label [otherwise required by Rule 420-3-26-.02(7)(a)2.(i)] so that the device is labeled in compliance with Rule 420-3-26-.03(30); however, the manufacturer model number and serial number must be retained;

(III) Obtains manufacturer's or initial transferor's information concerning maintenance that would be applicable under the specific license (such as leak testing procedures); and

(IV) Reports the transfer as required in Rule 420-3-26-.02(7)(a)2.(ix).

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

(I) The device remains in use at a particular location. In this case, the transferor shall give the transferee a copy of this Rule 420-3-26-.02, a copy of Rule 420-3-26-.03, and any safety documents identified in the label of the device. Within thirty days of the transfer, the transferor shall report to the Director, Office of Radiation Control, P.O. Box 303017-3017, Montgomery, Alabama 36130-3017:

I. The manufacturer's (or initial transferor's) name;

II. The model number and the serial number of the device transferred;

III. The transferee's name, and mailing address for the location of use; and

IV. The name, title, and phone number of the responsible individual identified by the licensee in accordance with paragraph 2.(xiv) of Rule 420-3-26-.02(7)(a) to have knowledge of and authority to take actions to ensure compliance with the appropriate rules and requirements; or

(II) 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.

(xii) Shall comply with the provisions of Rule 420-3-26-.03(51) and (52) for reporting stolen, lost, or missing sources or devices and reporting radiation incidents but shall be exempt, unless otherwise specified, from the other requirements of Rule 420-3-26-.03 and Rule 420-3-26-.10.

(xiii) Shall respond to written requests from the Agency to provide information relating to the general license within thirty calendar days of the request, or other time specified in the request. If the general licensee cannot provide the requested information within the allotted time, it shall, within that same time period, request a longer period to supply the information by providing the Director, Office of Radiation Control, P.O. Box 303017, Montgomery, Alabama 36130-3017 a written justification for the request.

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

(xv) Shall register, in accordance with paragraphs (7)(a)2.(xv)(II) and (III) of Rule 420-3-26-.02(7)(a), devices containing at least 10 millicuries (370MBq) of cesium-137, 0.1 millicurie (3.7MBq) of strontium-90, 1.0 millicurie (37 MBq.) of cobalt-60, 0.1 millicurie of radium-226, or 1.0 millicurie (37MBq) of americium-241 or any other transuranic [i.e., element with atomic number greater than uranium (92)], based on the activity indicated on the label. Each address for a location of use, as described in paragraph (7)(a)2.(xv)(II)IV of Rule 420-3-26-.02(7)(a), represents a separate general license and requires a separate registration.

I. If in possession of a device meeting the criteria of paragraph (a)2.(xv) of Rule 420-3-26-.02(7)(a), shall register these devices with the Agency. The registration information must be submitted to the Agency within 30 days of the date of receipt of the device(s). In addition, a general licensee holding devices meeting the criteria of paragraph (a)2.(xv) of Rule 420-3-26-.03(7)(a) is subject to the bankruptcy notification requirement in Rule 420-3-26-.02(12)(e).

II. In registering devices, the general 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: the manufacturer (or initial transferor), model number, serial number, the radioisotope and activity (as indicated on the label).
- (III) Name, title, and telephone number of the responsible person designated as a representative of the general licensee under paragraph (a)2.(xiv) of Rule 420-3-26-.02(7)(a).

(IV) Address or location at which the device(s) are used and/or stored.

(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.

(VI) Certification by the responsible representative of the general licensee that they are aware of the requirements of the general license.

(xvi) Shall report changes to the mailing address for the location of use (including change in the name of licensee) to the Director, Office of Radiation Control, P.O. Box 303017, Montgomery, Alabama 36130-3017 within thirty days of the effective date of the change.

(xvii) May not hold devices that are not in use for longer than two years. If devices with shutters are not being used, the shutter must be locked in the closed position. The testing required by paragraph (a)2.(ii) of Rule 420-3-26-.02(7)(a) 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 must 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.

(xviii) Shall notify the Agency, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of title 11 (Bankruptcy) of the United States by or against:

(I) The licensee;

(II) Any entity [as that term is defined in 11 U.S.C. 101(14)] controlling the licensee or listing the license or licensee as property of the estate; or

(III) An affiliate [as that term is defined in 11 U.S.C. 101(2)] of the licensee.

3. The general license in paragraph (7)(a) of Rule 420-3-26-.02(7) does not authorize the manufacture or import of devices containing radioactive material.

Alabama Rule Text Equivalent to 10 CFR 31.6

420-3-26-.02(20)(b)

(20) **Reciprocal Recognition of Licenses.**

...

(b) Notwithstanding the provisions of paragraph (a) of this 420-3-26-.02(20), any person who holds a specific license issued by the U.S. Nuclear Regulatory Commission, Licensing State, or an Agreement State to authorize the holder to manufacture, transfer, install, or service a device described in 420-3-26-.02(7)(b)l. within areas subject to the jurisdiction of the licensing body is hereby granted a general license to install, transfer, or service such a device in this State provided that:

1. Such person shall file a report with the Agency within thirty (30) days after the end of each calendar quarter in which any device is transferred to or installed in this state. Each such report shall identify each general license to whom such device is transferred by name and address, the type of device transferred, and the quantity and type of radioactive material contained in the device.

2. The device has been manufactured, labeled, installed, and serviced in accordance with applicable provisions of the specific license issued to such person by the U.S. Nuclear Regulatory Commission, Licensing State, or an Agreement State.

3. Such person shall assure that any labels required to be affixed to the device under regulations of the authority which licensed manufacture of the device bear a statement the "Removal of this label is prohibited;" and,

4. The holder of the specific license shall furnish to each general licensee to whom he transfers such device or on whose premises he installs such device a copy of the general license contained in 420-3-26-.02(7)(b)l.