

(STP-02-016, February 2002, Program, NRC Amendments)

February 28, 2002

ALL AGREEMENT STATES
MINNESOTA, PENNSYLVANIA, WISCONSIN

**PROGRAM MANAGEMENT INFORMATION: REVISION OF CHRONOLOGY OF NRC
AMENDMENTS (STP-02-016)**

Enclosed is a corrected version of the latest revision to the Chronology of the Nuclear Regulatory Commission (NRC) Amendments (Final Regulations Adopted since January 1, 2001 through December 15, 2001) as maintained by the Office of State and Tribal Programs. This letter replaces letter [STP-02-006](#). This new letter corrects the omission of Section 32.52 (c) and also clarifies the compatibility requirements of sections 31.5, 31.6, 30.31, 30.34(h)(1), 31.1, and 31.2. This chronology contains only one new amendment, "Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material" and is a follow up to All Agreement States Letter [STP-01-028](#), dated March 29, 2001. The chronology is for your use to plan rulemaking actions that are needed to satisfy the compatibility category designations of the NRC regulations. This document will also be used by the Integrated Materials Performance Evaluation Program (IMPEP) teams during upcoming program reviews.

If you have any questions regarding this correspondence, please contact me or the individual named below.

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Enclosure:
As stated

CHRONOLOGY OF NRC AMENDMENTS
(FINAL REGULATIONS ADOPTED January 1, 2001 through December 15, 2001)¹
(Compatibility and Health and Safety Category Designations Pursuant to the
Policy Statement on Adequacy and Compatibility Approved June 30, 1997)

REGULATION SECTION	SECTION TITLE	SUGGESTED STATE REGULATIONS ²	COMPATIBILITY/ H&S CATEGORY	SUMMARY OF CHANGE
<p>Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material 65 FR 79162, Published December 18, 2000 Effective: February 16, 2001, RATS ID: 2001-1 Implementation Date: [Requirements of Section 32.52(a) and (b)] August 16, 2001 Implementation Date: (Entire Amendment) February 16, 2004</p> <p>Note: The revisions to Part 32 and Sec. 31.5 are classified as Category B. Through this action, existing provisions of Sec. 31.5 are also being reclassified from Category D to Category B, and Sec. 31.6 is being reclassified from Category C to Category B. Although changes are being made to Sections 30.31, 30.34(h)(1), 31.1, and 31.2 as part of this rulemaking, the existing compatibility designations for these regulations are not affected.</p>				
30.31	Types of licenses	Part C (not yet included)	C	Revision reconciles the apparent conflict between the description of a general license and a registration requirement.
30.34(h)(1)	Terms and conditions of licenses	Part C (not yet included)	D/H & S	Revision makes the bankruptcy notification requirement applicable to those general licensees subject to the registration requirement.
31.1	Purpose and scope	Part C (not yet included)	D	Revision clarifies that only those paragraphs in part 30 specified in Sec. 31.2 or the particular general license apply to part 31 general licensees.
31.2	Terms and conditions	Part C (not yet included)	D	Revision clarifies references to the sections of part 30 that are applicable to all of the part 31 general licensees.

¹See All Agreement States Letter ([SP-01-008](#)), February 1, 2001, for Chronology of NRC Amendments before December 31, 2000.

²Prepared by the Conference of Radiation Control Program Directors, Inc.

31.5(b)	Certain measuring, gauging or controlling devices	Part C (not yet included)	B	Revision clarifies the status of a person who receives a device through an unauthorized transfer by limiting the applicability of the general license to those who receive a device through an authorized transfer; and removes the restriction on devices distributed by Agreement State licensees in Agreement States without a general license.
31.5(c)(5)	Certain measuring, gauging or controlling devices	Part C (not yet included)	B	Revision adds a plan for ensuring that premises and environs are suitable for unrestricted access, to the information that must be sent to NRC in the case of a failure, when device damage or failure is likely to or known to have resulted in contamination; changes the addressee for reporting information concerning a failure; and clarifies that the criteria in Sec. 20.1402 may be applied and that byproduct material no longer in the device may only be transferred to a licensee authorized to receive it or as otherwise approved by the Commission.
31.5(c)(8)	Certain measuring, gauging or controlling devices	Part C (not yet included)	B	Revision allows transfers to specific licensees authorized under part 30, or equivalent Agreement State regulations, as waste collectors, in addition to previously allowed transfers to part 32 (and Agreement State) licensees; allows transfers to other specific licensees, but only with prior written NRC approval; and adds the recipient's license number, the serial number of the device, and the date of transfer to the information required to be provided to NRC upon transfer of a device. Revision also requires a report in the case of export under Sec. 31.5(c)(7) and removes the exception to reporting when a device is being replaced.
31.5(c)(9)(i)	Certain measuring, gauging or controlling devices	Part C (not yet included)	B	Revision adds to the reporting requirement, in the case of a transfer to a general licensee taking over possession of a device at the same location, to provide the serial number of the device and the name, title, and phone number of the person identified as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements, rather than simply a contact name. It also specifies that the address of the transferee be the mailing address at the location of use. In addition, it adds to the information to be provided to the transferee, copies of additional applicable sections of the regulations.

31.5(c)(9)(ii)	Certain measuring, gauging or controlling devices	Part C (not yet included)	B	Revision adds the term, "intermediate person," to clarify that the only time a report of transfer is not required, is when the information on both an intermediate person and an intended user was provided through the distributor in a quarterly material transfer report.
31.5(c)(12)	Certain measuring, gauging or controlling devices	Part C (not yet included)	B	Adds an explicit requirement for the general licensee to appoint an individual assigned responsibility for knowing what regulatory requirements are applicable to the general licensee and having authority to take required actions to comply with the applicable regulations.
31.5(c)(13)	Certain measuring, gauging or controlling devices	Part C (not yet included)	B	Adds an explicit requirement for the general licensee to register devices meeting certain criteria, specifying the information to be provided and referencing the fee requirement in Section 170.31. (Actual fee to be added to Sec. 170.31 in next overall fee rulemaking.)
31.5(c)(14)	Certain measuring, gauging or controlling devices	Part C (not yet included)	B	Adds a requirement for the general licensee to notify NRC of changes to the mailing address for the location of use.
31.5(c)(15)	Certain measuring, gauging or controlling devices	Part C (not yet included)	B	Limits to 2 years the amount of time a general licensee can keep an unused device in storage and allows the deferment of testing during the period of storage. It allows a device to be held longer in standby for future use, if the general licensee conducts quarterly inventory for these devices.
32.51(a)(4) and (5)	Byproduct material contained in devices for use under 31.5; requirements for license to manufacture, or initially transfer	Part C (not yet included)	B	Adds a requirement for an additional label on any separable source housing and a permanent label on devices meeting the criteria for registration.

32.51a(a) and (b)	Byproduct material contained in devices for use under 31.5; requirements for license to manufacture, or initially transfer; Conditions of Licenses	Part C (not yet included)	B	Revision amends the requirements pertaining to the information distributors must provide to the general licensee. Distributors were previously required to provide general licensees with a copy of Sec. 31.5 when the device is transferred. This rule requires that Sec. 31.5 be provided before transfer. The distributor is also required to provide copies of additional applicable Sections of the regulations, a listing of the services that can only be performed by a specific licensee, information regarding disposal options for the devices being transferred, including estimated costs of disposal, and a statement concerning the policy of assessing high civil penalties for improper disposal. For transfers to general licensees in Agreement States, the distributor may furnish either the applicable NRC regulations or the comparable ones of the Agreement State. In addition, the distributor shall furnish the name or title, address, and phone number of the contact at the Agreement State regulatory agency from which additional information may be obtained.
32.51a(c)	Byproduct Material Contained in Devices for use under 31.5; requirements for license to manufacture, or initially transfer; Conditions of Licenses	Part C (not yet included)	B	Allows distributor to propose alternative approach to informing his customers for Commission approval.

32.51a(d)	Byproduct Material Contained in Devices for use under 31.5; requirements for license to manufacture, or initially transfer; Conditions of Licenses	Part C (not yet included)	B	Makes labeling requirements a condition of license 1 year after effective date of rule.
32.51a(e)	Byproduct Material Contained in Devices for use under 31.5; requirements for license to manufacture, or initially transfer; Conditions of Licenses	Part C (not yet included)	B	Adds a requirement for distributors to make available records of final disposition of devices to the various regulatory agencies in the case of bankruptcy or termination of the distributor's license.

32.52(a) and (b)	Byproduct Material Contained in Devices for use under 31.5; requirements for license to manufacture, or initially transfer; Material transfer reports and records	Part C (not yet included)	B	Revision adds the following information to the existing quarterly transfer reporting requirement: the serial number and model number of the device; the date of transfer; for devices received from a general licensee, the type, model number, and serial number of the devices received, the identity of the general licensee by name and address, 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; information that has been changed on device labels; the name and license number of the reporting company; and the specific reporting period. Also, the general licensee address is specified as the mailing address for the location of use of the generally licensed device. The name, title, and phone number of the person identified by the general licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements, replaces the name and/or position of a simple contact between the Commission and the general licensee. Also, a form (NRC Form 653) will be provided for use in making these reports. However, the use of the form is not required as long as the report is clear and legible and includes all of the required information.
32.52(c)	Byproduct Material Contained in Devices for use under 31.5; requirements for license to manufacture, or initially transfer; Material transfer reports and records	Part C (Not yet included)	B	Revises the content of the recordkeeping requirement through specifying that information supporting the revised reports is to be maintained. The period of retention for recordkeeping concerning transfers is reduced from 5 years to 3 years from the date of the recorded event.