

Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements
10 CFR Parts 30, 31, 32, and 150
(72 FR 58473) RATS ID # 2007-2 Effective date 12/17/07
Date Due for State Adoption 12/17/10

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§30.14	Exempt Concentrations		B	<p>In Sec. 30.14, paragraphs (c) and (d) are revised to read as follows:</p> <p>(c) A manufacturer, processor, or producer of a product or material is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in this part and parts 31 through 36 and 39 of this chapter to the extent that this person transfers byproduct material contained in a product or material in concentrations not in excess of those specified in §30.70 and introduced into the product or material by a licensee holding a specific license issued by the Commission expressly authorizing such introduction. This exemption does not apply to the transfer of byproduct material contained in any food, beverage, cosmetic, drug, or</p>			

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				<p>other commodity or product designed for ingestion or inhalation by, or application to, a human being.</p> <p>(d) No person may introduce byproduct material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under this section or equivalent regulations of an Agreement State, except in accordance with a license issued under § 32.11 of this chapter.</p>			
§30.15	Certain items containing byproduct material		B	<p>In Sec. 30.15, paragraphs (a)(2), (a)(4), (a)(6), and (a)(10) are removed and reserved, paragraphs (a)(3) and (a)(5) are revised, and paragraph (a)(7) is added to read as follows:</p> <p>(a)^{***} (2) [Reserved]</p>			

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				<p>(3) Balances of precision containing not more than 1 millicurie of tritium per balance or not more than 0.5 millicurie of tritium per balance part manufactured before December 17, 2007.</p> <p>(4) [Reserved]</p> <p>(5) Marine compasses containing not more than 750 millicuries of tritium gas and other marine navigational instruments containing not more than 250 millicuries of tritium gas manufactured before December 17, 2007.</p> <p>(6) [Reserved]</p> <p>(7) Ionization chamber smoke detectors containing not more than 1 microcurie (μCi) of americium-241 per detector in</p>			

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				the form of a foil and designed to protect life and property from fires.*** (10) [Reserved]			
§30.16	Resins containing scandium-46 and designed for sand consolidation in oil wells		B	[Removed]			
§30.18	Exempt quantities		B	<p>In Sec. 30.18 paragraph (a) is revised and paragraph (e) is added to read as follows:</p> <p>(a) Except as provided in paragraphs (c) through (e) of this section, any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in part 30 through 34, 36 and 39 of this chapter to</p>			

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				<p>the extent that such person receives, posses, uses, transfers, owns, or acquires byproduct material in individual quantities, each of which does not exceed the applicable quantity set forth in §30.71, Schedule B.</p> <p>(e) No person may, for purposes of producing an increased radiation level, combine quantities of byproduct material covered by this exemption so that the aggregate quantity exceeds the limits set forth in § 30.71, Schedule B, except for byproduct material combined within a device placed in use before May 3, 1999, or as otherwise permitted by the regulations in this part.</p>			
§31.5	Certain detecting,		B	In Sec. 31.5, paragraph (c)(8)(ii) introductory text and			

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	measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere			<p>paragraph (c)(8)(iii) are revised to read as follows:</p> <p>(c)*** (8)*** (ii) Shall within 30 days after the transfer of a device to a specific licensee or export, furnish a report to the Director of the Office of Federal and State Materials and Environmental Management Programs by an appropriate method listed in §30.6(a) of this chapter, including in the address: ATTN: Document Control Desk/ GLTS. The report must contain- ***</p> <p>(iii) Shall obtain written NRC approval before transferring the device to any other specific licensee not specifically identified in paragraph (c)(8)(I) of this section; however a holder of a specific license may transfer a device for possession</p>			

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				<p>and use under its own specific license without prior approval, if, the holder:</p> <p>(A) 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;</p> <p>(B) Removes, alters, covers, or clearly and unambiguously augments the existing label (otherwise required by (c)(1) of this section) so that the device is labeled in compliance with §20.1904 of this chapter; however the manufacturer, model number, and serial number must be retained;</p> <p>(C) Obtains manufacturer's or initial transferor's information concerning maintenance that would be applicable under the specific license (such as leak testing procedures); and</p> <p>(D) Reports the transfer under</p>			

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				paragraph (c)(8)(ii) of this section.			
§32.8	Information collection requirements: OMB approval		D	N/A	N/A		
§32.11	Introduction of byproduct material in exempt concentrations into products or materials, and transfer of ownership or possession: Requirements for license.		NRC*** (***please note all of 10 CFR 32.11 has been changed from a Compatibility Category C/B to a Compatibility Category NRC)	In Sec. 32.11, paragraph (a) is revised to read as follows: (a) Satisfies the general requirements specified in § 30.33(a)(2) and (3) do not apply to an application for a license to introduce byproduct material into a product or material owned by or in the possession of the license or another and the transfer of ownership or possession of the product or material containing byproduct material, if the possession and use of the byproduct material to be introduced is authorized by a license issued by an Agreement State;			

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§32.12	Same: Records and material transfer reports		NRC*** (***please note 10 CFR 32.12 has been changed from a Compatibility Category C to a Compatibility Category NRC)	Sec. 32.12 is revised to read as follows: (a) Each person licensed under §32.11 shall maintain records of transfer of byproduct material and file a report with the Director of the Office of Federal and State Materials and Environmental Management Programs by an appropriate method listed in §30.6(a) of this chapter, including in the address: ATTN: Document Control Desk/ Exempt Distribution. (1) The report must clearly identify the specific licensee submitting the report and include the license number of the specific licensee. (2) The report must indicate that the byproduct material is transferred for use under §30.14 of this chapter or			

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				<p>equivalent regulations of an Agreement State.</p> <p>(b) The report must identify the:</p> <p>(1) Type and quantity of each product or material into which byproduct material has been introduced during the reporting period;</p> <p>(2) Name and address of the person who owned or possessed the product or material into which byproduct material has been introduced, at the time of the introduction;</p> <p>(3) The type and quantity of radionuclide introduced into each product or material; and</p> <p>(4) The initial concentrations of the radionuclide in the product or material at the time of transfer to the byproduct material by the licensee.</p> <p>(c)(1) The licensee shall file the report, covering the preceding</p>			

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				<p>calendar year, on or before January 31 of each year. In its first report after December 17, 2007, the licensee shall separately include data for transfers in prior years not previously reported to the Commission or to an Agreement State.</p> <p>(2) Licensees who permanently discontinue activities authorized by the license issued under §32.11 shall file a report for the current calendar year within 30 days after ceasing distribution.</p> <p>(d) if no transfers of byproduct material have been made under §32.11 during the reporting period, the report must so indicate.</p> <p>(e)The license shall maintain the record of a transfer for one year after the transfer is included in a report to the</p>			

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§32.13	Same: Prohibition of introduction		C	Commission. Sec. 32.13 is revised to read as follows: No person may introduce byproduct material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under §30.14 of this chapter or equivalent regulations of an Agreement State, except in accordance with a license issued under §32.11.			
§32.14	Certain items containing byproduct material; Requirements for license to apply or initially transfer		NRC	Sec. 32.14 paragraph (d) is revised to read as follows: d) The Commission determines that the byproduct material is properly contained in the product under the most severe conditions that are likely to be encountered in normal use and handling.			

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§32.15	Same: Quality assurance prohibition of transfer, and labeling		NRC	<p>Sec. 32.15, paragraph (d) is revised to read as follows:</p> <p>****</p> <p>(d)(1) Label or mark each unit, except timepieces or hands or dials containing tritium or promethium-147, and its container so that the manufacturer or initial transferor of the product and the byproduct material in the product can be identified.</p> <p>(2) For ionization chamber smoke detectors, label or mark each detector and its point-of-sale package so that:</p> <p>(i) Each detector has a durable, legible, readily visible label or marking on the external surface of the detector containing:</p> <p>(A) The following statement: "CONTAINS RADIOACTIVE MATERIAL";</p>			

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				<p>(B) The name of the radionuclide (“americium-241” or “Am-241”) and the quantity of activity; and (C) An identification of the person licensed under § 32.14 to transfer the detector for use under § 30.15(a)(7) of this chapter or equivalent regulations of an Agreement State. (ii) The labeling or marking specified in paragraph (d)(2)(I) of this section is located where it will be readily visible when the detector is removed from its mounting. (iii) The external surface of the point of sale package has a legible, readily visible label or marking containing: (A) The name of the radionuclide and quantity of activity; (B) An identification of the</p>			

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				<p>person licensed under § 32.14 to transfer the detector for use under § 30.15(a)(7) or equivalent regulations of an Agreement State; and</p> <p>(C) The following or a substantially similar statement: "THIS DETECTOR CONTAINS RADIOACTIVE MATERIAL. THE PURCHASER IS EXEMPT FROM ANY REGULATORY REQUIREMENTS."</p> <p>(iv) Each detector and point-of-sale package is provided with such other information as may be required by the Commission.</p>			
§32.16	Certain items containing byproduct material: Records and reports of transfer		NRC	<p>Section 32.16 is revised to read as follows:</p> <p>(a) Each person licensed under § 32.14 shall maintain records of all transfers of byproduct material and file a report with the Director of the Office of</p>			

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				<p>Federal and State Material and Environmental Management Programs by an appropriate method listed in § 30.6(a) of this chapter, including in the address: ATTN: Document Control Desk/Exempt Distribution. (1) The report must clearly identify the specific licensee submitting the report and include the license number of the specific licensee. (2) The report must indicate that the products are transferred for use under § 30.15 of this chapter, giving the specific paragraph designation, or equivalent regulations of an Agreement State. (b) The report must include the following information on products transferred to other persons for</p>			

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				<p>use under § 30.15 or equivalent regulations of an Agreement State: (1) A description or identification of the type of each product and the model number(s), if applicable; (2) For each radionuclide in each type of product and each model number, if applicable, the total quantity of the radionuclide; and (3) The number of units of each type of product transferred during the reporting period by model number, if applicable. (c)(1) The licensee shall file the report, covering the preceding calendar year, on or before January 31 of each year. In its first report after December 17, 2007, the licensee shall separately include data for transfers in prior years not previously reported to the Commission.</p>			

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				<p>(2) Licensees who permanently discontinue activities authorized by the license issued under § 32.14 shall file a report for the current calendar year within 30 days after ceasing distribution.</p> <p>(d) If no transfers of byproduct material have been made under § 32.14 during the reporting period, the report must so indicate.</p> <p>(e) The licensee shall maintain the record of a transfer for one year after the transfer is included in a report to the Commission.</p>			
§32.17	Resins containing scandium-46 and designed for sand-consolidation in oil wells: requirements for license to manufacture,		B	[Removed]			

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	or initially transfer for sale or distribution.						
§32.20	Same: Records and material transfer reports		NRC	<p>Section 32.20 is revised to read as follows:</p> <p>(a) Each person licensed under § 32.18 shall maintain records of transfer of material identifying, by name and address, each person to whom byproduct material is transferred for use under § 30.18 of this chapter or the equivalent regulations of an Agreement State and stating the kinds, quantities, and physical form of byproduct material transferred.</p> <p>(b) The licensee shall file a summary report with the Director of the Office of Federal and State Materials and Environmental Management Programs by an appropriate</p>			

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				<p>method listed in § 30.6(a) of this chapter, including in the address: ATTN: Document Control Desk/Exempt Distribution.</p> <p>(1) The report must clearly identify the specific licensee submitting the report and include the license number of the specific licensee.</p> <p>(2) The report must indicate that the materials are transferred for use under § 30.18 or equivalent regulations of an Agreement State.</p> <p>(c) For each radionuclide in each physical form, the report shall indicate the total quantity of each radionuclide and the physical form, transferred under the specific license.</p> <p>(d)(1) The licensee shall file the report, covering the preceding calendar year, on or before</p>			

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				<p>January 31 of each year. In its first report after December 17, 2007, the licensee shall separately include the total quantity of each radionuclide transferred for transfers in prior years not previously reported to the Commission.</p> <p>(2) Licensees who permanently discontinue activities authorized by the license issued under § 32.18 shall file a report for the current calendar year within 30 days after ceasing distribution.</p> <p>(e) If no transfers of byproduct material have been made under § 32.18 during the reporting period, the report must so indicate.</p> <p>(f) The licensee shall maintain the record of a transfer for one year after the transfer is included in a summary report to the Commission.</p>			
§32.25	Conditions of licenses		NRC	Sec. 32.25, paragraph (c) is revised to read as follows:			

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	issued under §32.22: Quality control, labeling, and reports of transfer			<p>(c) Maintain records of all transfers and file a report with the Director of the Office of Federal and State Materials and Environmental Management Programs by an appropriate method listed in § 30.6(a) of this chapter, including in the address: ATTN: Document Control Desk/Exempt Distribution.</p> <p>(1) The report must clearly identify the specific licensee submitting the report and include the license number of the specific licensee.</p> <p>(2) The report must indicate that the products are transferred for use under § 30.19 of this chapter or equivalent regulations of an Agreement State.</p> <p>(3) The report must include the following information on</p>			

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				<p>products transferred to other persons for use under § 30.19 or equivalent regulations of an Agreement State:</p> <p>(i) A description or identification of the type of each product and the model number(s);</p> <p>(ii) For each radionuclide in each type of product and each model number, the total quantity of the radionuclide;</p> <p>(iii) The number of units of each type of product transferred during the reporting period by model number.</p> <p>(4)(i) The licensee shall file the report, covering the preceding calendar year, on or before January 31 of each year. In its first report after December 17, 2007, the licensee shall separately include data for transfers in prior years not previously reported to the</p>			

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				<p>Commission.</p> <p>(ii) Licensees who permanently discontinue activities authorized by the license issued under § 32.22 shall file a report for the current calendar year within 30 days after ceasing distribution.</p> <p>(5) If no transfers of byproduct material have been made under § 32.22 during the reporting period, the report must so indicate.</p> <p>(6) The licensee shall maintain the record of a transfer for one year after the transfer is included in a report to the Commission.</p>			
§32.29	Conditions of licenses issued under §32.26: Quality control, labeling, and reports of transfer		NRC	<p>Sec. 32.26: Quality control, labeling, and reports of transfer.</p> <p>(c) Maintain records of all transfers and file a report with the Director of the Office of Federal and State Materials</p>			

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				<p>and Environmental Management Programs by an appropriate method listed in § 30.6(a) of this chapter, including in the address: ATTN: Document Control Desk/Exempt Distribution.</p> <p>(1) The report must clearly identify the specific licensee submitting the report and include the license number of the specific licensee.</p> <p>(2) The report must indicate that the products are transferred for use under § 30.20 of this chapter or equivalent regulations of an Agreement State.</p> <p>(3) The report must include the following information on products transferred to other persons for use under § 30.20 or equivalent regulations of an Agreement</p>			

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				<p>State:</p> <p>(i) A description or identification of the type of each product and the model number(s);</p> <p>(ii) For each radionuclide in each type of product and each model number, the total quantity of the radionuclide;</p> <p>(iii) The number of units of each type of product transferred during the reporting period by model number.</p> <p>(4)(i) The licensee shall file the report, covering the preceding calendar year, on or before January 31 of each year. In its first report after December 17, 2007, the licensee shall separately include data for transfers in prior years not previously reported to the Commission.</p> <p>(ii) Licensees who permanently discontinue activities authorized by the license issued under §</p>			

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				<p>32.26 shall file a report for the current calendar year within 30 days after ceasing distribution.</p> <p>(5) If no transfers of byproduct material have been made under § 32.26 during the reporting period, the report must so indicate.</p> <p>(6) The licensee shall maintain the record of a transfer for one year after the transfer is included in a report to the Commission.</p>			
§32.40	Schedule A--prototype tests for automobile lock illuminators.		NRC	[Removed]			
§150.20	Recognition of Agreement State licenses.		C	<p>In Sec. 150.20 paragraph (b) introductory text, and paragraph (b)(3) are revised to read as follows:</p> <p>(b) Notwithstanding any provision to the contrary in any</p>			

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				<p>specific license issued by an Agreement State to a person engaging in activities in a non-Agreement State, or in offshore waters under the general license provided in this section, the general licenses provided in this section are subject to all provisions of the Act, now or hereafter in effect, and to all applicable rules, regulations, and orders of the Commission including provisions of §§30.7(a) through (f), 30.9, 30.10, 30.34, 30.41, and 30.51 through 30.63 of this chapter; §§40.7(a) through (f), 40.9, 40.10, 40.41, 40.51, 40.61 through 40.63, 40.71, and 40.81 of this chapter; §§70.7(a) through (f), 70.9 70.10, 70.32, 70.42, 70.52, 70.55, 70.56, 70.60 through 70.62 of this chapter; §§74.11, 74.15, and 74.19 of this chapter; and to the provisions of 10 CFR parts 19,</p>			

**Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements
 10 CFR Parts 30, 31, 32, and 150
 (72 FR 58473) RATS ID # 2007-2 Effective date 12/17/07
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				<p>20 and 71 and subparts C through H of part 34, §§39.15 and 39.31 through 39.77 of this chapter. In addition, any person engaging in activities in non-Agreement States, in areas of exclusive Federal jurisdiction within Agreement States, or in offshore waters under the general licenses provided in this section: ***</p> <p>(3) Shall not, in any non-Agreement State, in an area of exclusive Federal jurisdiction within an Agreement State, or in offshore waters, transfer or dispose of radioactive material possessed or used under the general licenses provided in this section, except by transfer to a person who is specifically licensed by the Commission to receive this material.</p>			