

PART He-P 4031 GENERAL LICENSES

REVISION NOTE:

Doc. #6942, effective 2-1-99, repealed Parts He-P 2030, 2031, 2032, 2033, 2034, 2035, 2042 and 2093 relative to Radiation and Radioactive Material and adopted new rules to replace them and renumbered them as He-P 4030, 4031, 4032, 4033, 4034, 4035, 4093 and 4096.

PART He-P 4031 GENERAL LICENSES

Statutory Authority: RSA 125-F:5,V

He-P 4031.01 Purpose and Scope.

(a) This part establishes general licenses for the possession and use of byproduct material and a general license for ownership of byproduct material.

(b) Specific provisions of He-P 4030 shall be applicable to general licenses established by this part.

(c) The specific provisions of He-P 4030 applicable to the general licenses are specified in He-P 4031.02.

Source. (See Revision Note at part heading for He-P 4031) #6942, eff 2-1-99; ss by #8481, eff 11-5-05; ss by #10604, eff 5-23-14

He-P 4031.02 Terms and Conditions. The general license provided in this part shall be subject to the general provisions of He-P 4030.01, 4030.03(b), 4030.10(a), (c), (d), (i) and (j), He-P 4030.15, He-P 4030.16, He-P 4030.17, He-P 4001, He-P 4003, He-P 4019, He-P 4020, He-P 4021, He-P 4022, He-P 4023, and He-P 4037, unless indicated otherwise in the specific provision of the general license.

Source. (See Revision Note at part heading for He-P 4031) #6942, eff 2-1-99; ss by #8481, eff 11-5-05; ss by #10604, eff 5-23-14

He-P 4031.03 General Licenses - Source Material.

(a) A general license shall be issued authorizing commercial and industrial firms, research, educational, and medical institutions, and state and local government agencies to receive, possess, use, and transfer uranium and thorium, in their natural isotopic concentrations and in the form of depleted uranium, for research, development, educational, commercial, or operational purposes, in the following forms and quantities:

(1) No more than 1.5 kg (3.3 lb) of uranium and thorium in dispersible forms, which shall include gaseous, liquid, and powder forms, at any one time, and under the following conditions:

a. Any material processed by the general licensee that alters the chemical or physical form of the material containing source material shall be accounted for as a dispersible form;

b. A person authorized to possess, use, and transfer source material under He-P 4032.03(a) shall not receive more than a total of 7 kg (15.4 lb) of uranium and thorium in any one calendar year;

c. Persons possessing source material in excess of these limits in b. above may:

- (i) Continue to possess up to 7 kg (15.4 lb) of uranium and thorium at any one time for one year until the DHHS/RHS takes final action on a pending application submitted on or before August 27, 2014, for a specific license for such material; and
- (ii) Continue to receive up to 70 kg (154 lb) of uranium or thorium in any one calendar year until December 31, 2014, or until the DHHS/RHS takes final action on a pending application submitted on or before August 27, 2014, for a specific license for such material;

(2) No more than a total of 7 kg (15.4 lb) of uranium and thorium at any one time, and under the following conditions:

a. A person authorized to possess, use, and transfer source material under this paragraph shall not receive more than a total of 70 kg (154 lb) of uranium and thorium in any one calendar year; and

b. A person shall not alter the chemical or physical form of the source material possessed under He-P 4032.03(a) unless it is accounted for under the limits of He-P 4032.03(a)(1);

(3) No more than 7 kg (15.4 lb) of uranium, removed during the treatment of drinking water, at any one time. In addition, a person shall not remove more than 70 kg (154 lb) of uranium from drinking water during a calendar year under He-P 4032.03(a); or

(4) No more than 7 kg (15.4 lb) of uranium and thorium at laboratories for the purpose of determining the concentration of uranium and thorium contained within the material being analyzed at any one time. In addition, a person authorized to possess, use, and transfer source material under He-P 4032.03(a) shall not receive more than a total of 70 kg (154 lb) of source material in any one calendar year.

(b) Persons who receive, possess, use, or transfer source material pursuant to the general license issued in He-P 4031.03(a):

(1) Shall be prohibited from administering source material, or the radiation therefrom, either externally or internally, to human beings except as may be authorized by the DHHS/RHS in a specific license;

(2) Shall not abandon such source material;

(3) Shall dispose of such source material as follows:

a. A cumulative total of 0.5 kg (1.1 lb) of source material in a solid, non-dispersible form may be transferred each calendar year, by a person authorized to receive, possess, use, and transfer source material under this general license to persons receiving the material for permanent disposal. The recipient of source material transferred under the provisions of this paragraph shall be exempt from the requirements to obtain a license under this part to the extent the source material is permanently disposed. This provision shall not apply to any person who is in possession of source material under a specific license issued under He-P 4032 or He-P 4033; or

b. In accordance with He-P 4023.01;

(4) Shall be subjected to the provisions in He-P 4020, He-P 4030.01, He-P 4030.10(j) through (n), He-P 4030.15, He-P 4030.16, and He-P 4031.02;

(5) Shall respond to written requests from the DHHS/RHS to provide information relating to the general license within 30 calendar days of the date of the request, or other time specified in the request. If the person cannot provide the requested information within the allotted time, the person shall, within that same time period, request a longer period to supply the information by providing the DHHS/RHS, a written justification for the request; and

(6) Shall not export such source material except in accordance with 10 CFR Part 110.

(c) Any person who receives, possesses, uses, or transfers source material in accordance with He-P 4031.03(a) shall conduct activities so as to minimize contamination of the facility and the environment. When activities involving such source material are permanently ceased at any site, if evidence of significant contamination is identified, the general licensee shall notify the DHHS/RHS about such contamination and may consult with the DHHS/RHS as to the appropriateness of sampling and restoration activities to ensure that any contamination or residual source material remaining at the site where source material was used under this general license is not likely to result in exposures that exceed the limits in He-P 4024.09.

(d) Any person who receives, possesses, uses, or transfers source material in accordance with the general license granted in He-P 4031.03(a) shall be exempt from the provisions of He-P 4019, He-P 4020, and He-P 4021 to the extent that such receipt, possession, use, and transfer are within the terms of this general license, except that such person shall comply with the provisions of He-P 4023.01 and He-P 4024.09 to the extent necessary to meet the provisions of He-P 4031.03(b)(2) and (c). However, this exemption shall not apply to any person who also holds a specific license issued under He-P 4032 or He-P 4033.

(e) A general license shall be issued to receive, acquire, possess, use, or transfer depleted uranium provided that:

(1) The depleted uranium is contained in industrial products or devices for the purpose of providing a concentrated mass in a small volume of the product or device in accordance with the provisions of He-P 4031.03(e)(2), (3), and (4);

(2) The depleted uranium authorized in He-P 4031.03(e)(1) is contained only in industrial products or devices which have been manufactured in accordance with a specific license issued to the manufacturer by the U.S. Nuclear Regulatory Commission or an Agreement State which authorizes manufacture of the products or devices for distribution to persons generally licensed by the U.S. Nuclear Regulatory Commission or an Agreement State;

(3) A person who receives, acquires, possesses, or uses depleted uranium pursuant to the general license established by He-P 4031.03(e)(1):

a. Shall not introduce such depleted uranium, in any form, into a chemical, physical, or metallurgical treatment or process, except when a treatment or process is for repair or restoration of the plating or covering of the depleted uranium;

b. Shall not abandon such depleted uranium;

c. Shall transfer or dispose of depleted uranium only by transfer in accordance with the provisions of He-P 4030.15;

d. Shall furnish the transferee a copy of this rule when depleted uranium is transferred in accordance with He-P 4031.03(e)(3)c;

e. Shall furnish the transferee a copy of He-P 4031 accompanied by a note explaining that use of the product or device is regulated by the U.S. Nuclear Regulatory Commission or an Agreement State in the case where the transferee receives the depleted uranium pursuant to a general license contained in the U.S. Nuclear Regulatory Commission's or an Agreement State's regulation equivalent to He-P 4031.03(e)(1);

f. Shall report within 30 days of any transfer, a report in writing to the DHHS/RHS the name and address of the person receiving the depleted uranium pursuant to such transfer; and

g. Shall not export depleted uranium except in accordance with a license issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 110; and

(4) Any person receiving, acquiring, possessing, using, or transferring depleted uranium pursuant to the general license established by He-P 4031.03(e) shall be exempt from the requirements of He P 4019 through He-P 4023 with respect to the provisions of He-P 4031.

(f) No person shall initially transfer or distribute source material to persons generally licensed under He-P 4031.03(a)(1) or (a)(2), equivalent regulations of an Agreement State, or Nuclear Regulatory Commission, unless authorized by a specific license issued in accordance with He-P 4032.03(a)(1) and (a)(2), equivalent provisions of an Agreement Statement, or Nuclear Regulatory Commission 10 CFR 40.54. This prohibition shall not apply to analytical laboratories returning processed samples to the client who initially provided the sample. Initial distribution of source material to persons generally license by He-P 4031.03(a) before August 27, 2103, without specific authorization shall continue for 1 year beyond this date. Distribution shall also be continued until DHHS/RHS or the Nuclear Regulatory Commission takes final action on pending application for license or license amendments to specifically authorized distribution submitted on or before August 27, 2014.

Source. (See Revision Note at part heading for He-P 4031) #6942, eff 2-1-99; ss by #8481, eff 11-5-05 (from He-P 4031.01); ss by #10604, eff 5-23-14

He-P 4031.04 General Licenses - Byproduct Material Other Than Source Material.

(a) Reserved.

(b) A general license shall be issued to commercial and industrial firms and to research, educational and medical institutions, individuals in the conduct of their business, and state or local government agencies to own, receive, acquire, possess, use or transfer in accordance with the provisions of He-P 4031.04(c), (d), and (e), byproduct material, excluding special nuclear material, contained in any fixed device 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.

(c) The general license in He-P 4031.04(b) shall apply only to byproduct material contained in devices which have been manufactured or initially transferred and labeled in accordance with the specifications contained in a specific license issued by the DHHS/RHS pursuant to He-P 4032 or in accordance with the specifications contained in a specific license issued by the U.S. Nuclear Regulatory Commission or an Agreement State which authorizes distribution of devices to persons generally licensed by the NRC or an Agreement State.

(d) Devices containing byproduct material as described in He-P 4031.04(c) above shall have been received only from one of the specific licensees specified in He-P 4031.04(c) or through a transfer made in accordance with He-P 4031.04(e)(9).

(e) Any person who owns, receives, acquires, possesses, uses, or transfers byproduct material in a device pursuant to the general license in He-P 4031.04(b) shall:

(1) Assure that all labels affixed to the device at the time of receipt, and bearing a statement that removal of the label is prohibited, shall be maintained thereon and shall comply with all instructions and precautions provided by such labels;

(2) 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 6-month intervals or at such other intervals as are specified on the label; however:

a. Devices containing only krypton shall not be required to be tested for leakage of radioactive material; and

b. Devices containing only tritium or not more than 100 microcuries 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 shall not be required to be tested for any purpose;

(3) Assure that the tests required by He-P 4031.04(e)(2) and other testing, installation, servicing, and removal from installation involving the radioactive materials, its shielding or containment, are performed:

a. In accordance with the instructions provided by the labels; or

b. By a person holding a specific license from the DHHS/RHS, the NRC, or an Agreement State, to perform such activities;

(4) Maintain records showing compliance with the requirements He-P 4031.04(e)(2) and (3) which:

a. Show the results of tests; and

b. Show the dates of performance of, and the names of persons performing, testing, installation servicing, and removal from installation concerning the radioactive material, its shielding or containment;

(5) Retain records as follows:

a. Each record of a test for leakage or radioactive material required by He-P 4031.04(e)(2) shall be retained for 3 years after the next required leak test is performed or until the sealed source is transferred or disposed of;

b. Each record of a test on the "on-off" mechanism and indicator required by He-P 4031.04(e)(2) shall be retained for 3 years after the next required test of the on-off mechanism and indicator is performed or until the sealed source is transferred or disposed of; and

c. Each record that is required by He-P 4031.04(e)(3) shall be retained for 3 years from the date of the recorded event or until the device is transferred or disposed of;

(6) Upon the occurrence of 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 or more removable radioactive material, shall immediately suspend operation of the device until it has been repaired by the manufacturer or other person holding a specific license from the DHHS/RHS, the NRC, or an Agreement State to repair such devices, or disposed of by transfer to a person authorized by a specific license to receive the radioactive material contained in the device and, within 30 days, furnish to the DHHS/RHS a report containing a brief description of the event and the remedial action taken, and in the case of detection of 0.005 microcurie or more removable radioactive contamination 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 DHHS/RHS, in accordance with the criteria set out in He-P 4021.20, and He-P 4024;

(7) Not abandon the device containing byproduct material;

(8) Not export the device containing byproduct material except in accordance with 10 CFR 110;

(9) Except as provided in He-P 4031.04(e)(10), transfer or dispose of the device containing byproduct material only by:

a. Export as provided by He-P 4031.04(e)(8);

b. By transfer to a general licensee as authorized by He-P 4031.04(e)(10); or

c. By transfer to a specific licensee of the DHHS/RHS, the NRC, or an Agreement State whose specific license authorizes him to receive the device and within 30 days after transfer or export of a device to a specific licensee shall furnish to the DHHS/RHS a report containing identification of the device by manufacturer's or initial transferor's name, model number, and serial number, and the name, address, and license number of the person receiving the device, and the date of the transfer;

(10) Transfer byproduct material in a device pursuant to the general license in He-P 4031.04(b) if the general license holder:

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;

b. Removes, alters, covers, or clearly and unambiguously augments the existing label required by He-P 4031.04(e)(1) so that the device is labeled in compliance with He-P 4022.14, except that the manufacturer, model number, and serial number shall be retained;

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

d. Reports the transfer under He-P 4031.04(e)(9);

(11) Transfer the device to another general licensee only:

a. Where the device remains in use at a particular location, in which case the transferor shall give the transferee a copy of this rule and any safety documents identified in the

label on the device and, within 30 days of the transfer, report to the DHHS/RHS the manufacturer's or initial transferor's name, model number and serial number of the device transferred, the name and address of the transferee, and the name, position, and telephone number of an responsible individual identified by the transferee in accordance with He-P 4031.04(e)(14) to have knowledge of and authority to take actions to ensure compliance with these rules, and who may constitute a point of contact between the DHHS/RHS and the transferee; or

b. Where 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;

(12) Comply with the provisions of He-P 4021.12 and 4021.13 for reporting radiation incidents, theft, or loss of licensed material, but shall be exempt from the other requirements of He-P 4019 through He-P 4023;

(13) Respond to written requests from the DHHS/RHS to provide information relating to the general license within 30 calendar days of the date of the request, or other time specified in the request, except that if the general licensee is unable to 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 DHHS/RHS a written justification for the request;

(14) Appoint an individual responsible for having knowledge of the appropriate rules and requirements, and for ensuring day-to-day compliance with the appropriate rules and requirements, and vested with the authority for taking required actions to comply with appropriate rules and requirements, although not relieving the general licensee of its responsibility in this regard;

(15) Register each device containing at least 370 MBq (10 mCi) of cesium-137, 3.7 MBq (0.1 mCi) of strontium-90, 37 MBq (1 mCi) of cobalt-60, or 37 MBq (1 mCi) of americium-241, 3.7 MBq (0.1 mCi) of radium-226, or any other transuranic, based on the activity indicated on the device label. Each address for a location of use, as described under He-P 4031.04(e)(16) of this section, represents a separate general licensee and requires a separate registration and fee;

(16) Register any and all devices meeting the criteria set out in He-P 4031.04(e)(15) annually with the DHHS/RHS and submit the fee required by He-P 4070. Registration shall be done by verifying, correcting, and/or adding to the information provided in a request for registration received from the DHHS/RHS. The registration information shall be submitted to the DHHS/RHS within 30 days of the date of the request for registration or as otherwise indicated in the request. In addition, a general licensee holding devices meeting the criteria of He-P 4031.04(e)(15) of this section is subject to the bankruptcy notification requirement in He-P 4030.10(h)-(i);

(17) In registering devices, furnish the following information and any other information specifically requested by the DHHS/RHS:

a. Name and mailing address of the general licensee;

b. Information about each device: the manufacturer (or initial transferor), model number, serial number, the radioisotope and activity (as indicated on the label);

- c. Name, title, and telephone number of the responsible person designated as a representative of the general licensee under He-P 4031.04(e);
- d. Address or location at which the device(s) are used and/or stored;
- e. 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; and
- f. Certification by the responsible representative of the general licensee that they are aware of the requirements of the general license;

(18) Report changes to the mailing address for the location of use or a change in name of general licensee to the DHHS/RHS within 30 days of the effective date of the change; and

(19) Not hold devices that are not in use for longer than 2 years. If devices with shutters are not being used, the shutter shall be locked in the closed position. The testing required by He-P 4031.04(e) 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 shall be tested for leakage before use or transfer and the shutter tested before use. Devices kept in standby for future use shall be excluded from the 2-year time limit if the general licensee performs quarterly physical inventories of these devices while they are in standby.

(f) The general license in He-P 4031.04(b) shall not authorize the manufacture or import of devices containing byproduct material.

(g) The general license provided in He-P 4031.04(b) shall be subject to the provisions of He-P 4001 through He-P 4003, He-P 4030.10, He-P 4030.16, He-P 4030.17, and He-P 4037.

(h) A general license is hereby issued to own, receive, acquire, possess, and use tritium or promethium 147 contained in luminous safety devices for use in aircraft, provided:

(1) Each device contains not more than 10 curies of tritium or 300 millicuries of promethium 147; and

(2) Each device has been manufactured, assembled or imported in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission or each device has been manufactured or assembled in accordance with the specifications contained in a specific license issued by the DHHS/RHS, an Agreement State, or a Licensing State to the manufacturer or assembler of such device pursuant to licensing requirements equivalent to those in section 32.53 of 10 CFR Part 32 of the regulations of the U.S. Nuclear Regulatory Commission.

(i) Persons who own, receive, acquire, possess, or use luminous safety devices pursuant to the general license in He-P 4031.04(h) shall be exempt from the requirements of He-P 4019 through 4023, except that they shall comply with the provisions of sections He-P 4021.12 and He-P 4021.13.

(j) The general license in He-P 4031.04(h) shall not authorize the manufacture, assembly, repair, import or export of luminous safety devices containing tritium or promethium 147.

(k) The general license in He-P 4031.04(h) shall not authorize the ownership, receipt, acquisition, possession or use of promethium 147 contained in instrument dials.

(l) The general license in He-P 4031.04(h) shall be subject to the provisions of He-P 4001 through He-P 4003, He-P 4030.10, He-P 4030.16, He-P 4030.17 and He-P 4037.

(m) A general license shall be issued to those persons listed below to own, receive, acquire, possess, use, and transfer in accordance with the provisions of He-P 4031.04(p), (q) and (s) americium 241 or radium 226 in the form of calibration or reference sources:

(1) Any person who holds a specific license issued by the Agency which authorizes him to receive, possess, use, and transfer byproduct materials, source material; and

(2) Any person who holds a specific license issued by the U.S. Nuclear Regulatory Commission which authorizes him to receive, possess, use, and transfer special nuclear material.

(n) A general license shall be issued to receive, possess, use, and transfer plutonium in the form of calibration or reference sources in accordance with the provisions of He-P 4031.04(p), (q), and (s) to any person who holds a specific license issued by the DHHS/RHS which authorizes him to receive, possess, use, and transfer radioactive material.

(o) A general license shall be issued to any person to own, receive, possess, use, and transfer radium in the form of calibration or reference sources in accordance with equivalent provisions of He-P 4031.04(p), (q), and (s) who holds a specific license issued by the Agency which authorizes him to receive, possess, use, and transfer radioactive material.

(p) The general licenses in He-P 4031.04(m), (n), and (o) shall apply only to calibration or reference sources which have been manufactured in accordance with the specifications contained in a specific license issued to the manufacturer or importer of the sources by the U.S. Nuclear Regulatory Commission, pursuant to section 32.57 of 10 CFR Part 32 or Section 70.39 of 10 CFR Part 70 or which have been manufactured in accordance with the specifications contained in a specific license or equivalent licensing document issued to the manufacturer by the DHHS/RHS, an Agreement State, or a Licensing State pursuant to licensing requirements equivalent to those contained in Section 32.57 of 10 CFR Part 32 or Section 70.39 of 10 CFR Part 70 of the regulations of the U.S. Nuclear Regulatory Commission.

(q) The general licenses provided in He-P 4031.04(m), (n) and (o) shall be subject to the provisions of He P 4001 through He-P 4003, He-P 4019 through He-P 4023, He-P 4030.10, He-P 4030.16, He-P 4030.17 and He-P 4037.

(r) Persons who own, receive, acquire, possess, use and transfer one or more calibration or reference sources pursuant to He-P 4031.04(m), (n), or (o):

(1) Shall not possess at any one time, at any one location of storage or use, more than 5 microcuries of americium 241 and 5 microcuries of radium 226 in such sources;

(2) Shall not receive, possess, use, or transfer such source unless the source, or the storage container, bears a label which includes one of the following statements or a substantially similar statement which contains the information called for in the following statement:

a. "The receipt, possession, use and transfer of this source, Model_____, Serial No._____, are subject to a general license and the regulations of the Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority. Do not remove this label.
CAUTION-RADIOACTIVE MATERIAL
THIS SOURCE CONTAINS (AMERICIUM 241) or (PLUTONIUM) or other named material

DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE
(Name of Manufacturer or Importer)”; and

b. “The receipt, possession, use and transfer of this source, Model_____, Serial No. _____, are subject to a general license and the regulations of a Licensing State. Do not remove this label.

CAUTION - RADIOACTIVE MATERIAL

THIS SOURCE CONTAINS RADIUM-226

DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE
(Name of Manufacturer or Importer)”; and

(3) Shall not transfer, abandon, or dispose of such source except by transfer to a person authorized by a license from the DHHS/RHS, the U.S. Nuclear Regulatory Commission, an Agreement State, or a Licensing State to receive the source;

(4) Shall store such source, except when the source is being used, in a closed container designed and constructed to contain americium 241 or radium-226 which might otherwise escape during storage; and

(5) Shall not use such source for any purpose other than the calibration of radiation detectors or the standardization of other sources.

(s) The general licenses in He-P 4031.04(m), (n), and (o) shall not authorize the manufacture, import or export of calibration or reference sources containing americium-241 or radium-226.

(t) A general license shall be issued to own radioactive material without regard to quantity. Notwithstanding any other provisions of this part, this general license does not authorize the manufacture, production, transfer, receipt, possession, use, import or export of byproduct material, except as authorized in a specific license.

(u) A general license shall be issued to own, receive, acquire, possess, use and transfer strontium 90 contained in ice detection devices, provided each device contains not more than fifty microcuries of strontium 90 and each device has been manufactured or initially transferred in accordance with a specific license issued by the Nuclear Regulatory Commission or each device has been manufactured in accordance with the specifications contained in a specific license or equivalent licensing document issued by the DHHS/RHS, an Agreement State, or a Licensing State to the manufacturer of such device pursuant to licensing requirements equivalent to those in section 32.61 of 10 CFR Part 32 of the regulations of the Nuclear Regulatory Commission.

(v) Persons who own, receive, acquire, possess, use, or transfer strontium 90 contained in ice detection devices pursuant to the general license in He-P 4031.04(u) shall:

(1) Upon occurrence of visually observable damage, such as a bend or crack or discoloration from overheating, to the device, discontinue use of the device until it has been inspected, tested for leakage and repaired by a person holding a specific license or equivalent licensing document from the Nuclear Regulatory Commission, an Agreement State, or a Licensing State to manufacture or service such devices; or shall dispose of the device pursuant to the provisions of those rules;

(2) Assure that all labels affixed to the device at the time of receipt, and which bear a statement which prohibits removal of the labels, are maintained thereon; and

(3) Be exempt from the requirements of He-P 4019 through He-P 4023, except that such person shall comply with the provisions of He-P 4023, He-P 4021.12 and He-P 4021.13.

(w) The general license in He-P 4031.04(u) shall not authorize the manufacture, assembly, disassembly, repair, or import of strontium 90 in ice detection devices.

(x) The general license in He-P 4031.04(u) shall be subject to the provisions of He-P 4001 through He-P 4003, He-P 4030.10, He-P 4030.16, He-P 4030.17, and He-P 4037.

Source. #8481, eff 11-5-05 (from He-P 4031.02); ss by #10604, eff 5-23-14

He-P 4031.05 General License to Install Devices Generally Licensed in He-P 4031.04(b). Any person who holds a specific license issued by an Agreement State or the Nuclear Regulatory Commission, authorizing the holder to manufacture, install, or service a device described in He-P 4031.04(b) within such Agreement State or non-Agreement State, is hereby granted a general license to install and service such device in this state and a general license to install and service such device in offshore waters, as defined in 10 CFR provided:

(a) The device has been manufactured, labeled, installed, and serviced in accordance with applicable provisions of the specific license issued to such person by the Agreement State or, the Nuclear Regulatory Commission; and

(b) Such person assures that any labels required to be affixed to the device under regulations of the Agreement State or the Nuclear Regulatory Commission, which licensed manufacture of the device bear a statement that removal of the label is prohibited.

Source. #8481, eff 11-5-05 (from He-P 4031.03); ss by #10604, eff 5-23-14