

December 27, 1995

Note to Working Group

Re Recent Letters

Attached are three letters recently received concerning our Working Group and its activities.

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Joel Lubenau
Co-Chair

- c : JYurko



HEALTH PHYSICS ASSOCIATES, INC.

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LENHARTSVILLE, PA 19534
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*Review Group - Radioactive
Devices*

December 18, 1995

Joel Lubenau
Co-chair, NRC-State Working Group to Review
Devices Containing Radioactive Material

re: Comments on problem of radioactivity in scrap metal
for recycle and possible attempts at solutions.

Dear Joel:

The following are comments on the referenced subject material.

Comments on Christopher Ryder proposal

The general concept of an amnesty program is a good one. In several cases, companies have become burdened by the cost of rendering a discovered source safe and ultimate disposal. In a very real sense, the steel mill or scrap processor is the victim of the failure of a regulatory agency to adequately encourage full compliance with existing regulations, that if they were complied with, would negate the problem. I am not that much of an idealist to believe this is possible in the real world, and I'm not sure I would want the degree of governmental interference into the daily affairs of business that would be required to achieve nearly full compliance. I also know that both steel plants and scrap processors are partly the blame for their own ill fortune. It has been known throughout the industry, since at least 1986, that it was possible to achieve a reasonably high level of detection of shielded sources in scrap steel. Other metals probably offer less attenuation than steel.

However, to lay the full cost of the amnesty program on the "victims" is impractical and is likely to be doomed, politically. There are several apparent inconsistencies and issues that elicit concern in Chris' proposal.

- I have never seen a governmental estimate for a new bureaucratic that adequately assessed the real cost. This is especially true with the unknown cost of future disposals. Even if his estimate of \$100,000 is realistic, most mini-mills and all scrap processors would be very reluctant to enter into such a costly program. It is more

likely to encourage companies to lobby their federal representatives for more realistic relief. I do not believe it is legitimate to use the comparison with clean-up costs following a melting. That would be acceptable if the scrap routinely contained radioactivity and the steel plant accepted this fact as a normal part of doing business. Rather, we are dealing with a loss of control by both a licensee (GL or specific) and a regulatory agency, and the impact on someone who has spent a considerable amount of time and money in installing a detection system. The costs go well beyond the cost of the detection system components, into other engineering and installation costs, training of personnel, and the development of response procedures.

- The proposal specifically targets SMA member companies and could benefit non-SMA member companies and scrap yards.
- The concept of recycling a sealed source found in scrap metal is highly suspect from a radiation safety standpoint. It is quite likely the integrity of the sealed source may have been degraded, even if it is not breached. A device manufacturer would have to determine that the full integrity is still intact. The cost to appraise the sealed source is not cost-effective, and it is probably best to dispose of the source. Secondly, device manufacturers are not presently paying for the return of useful sealed sources that can be easily recycled into other gauging devices. In actual practice, the owner of the source pays to have the source housing taken off his hands.
- I do not believe the answer to the problem is to institute a new bureaucratic program. The existing program doesn't work, including the reporting of GL devices shipped (which has been in effect for 30+ years). Yet, the NRC has no way of retrieving the information in a cost-effective way. Why should those of us that will ultimately bear the cost for any new program have any confidence that the new program will be any more effective? I make this statement to let the NRC know the general feeling on the part of those who are regulated.
- Chris Ryder speaks of evaluating effectiveness. He is missing an important point in that effectiveness must also be measured in terms of preventing the entry of sources into the scrap metal stream.

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- Chris speaks of addressing the problem of greater than Class C waste. This is an issue that the NRC must address on a broader plane. It is illogical to license for use, gauges that contain americium 241 in a quantity that cannot be disposed of as low level waste. If the radioactive material is so dangerous that it must be segregated from the public in a high-level depository, what consideration has been given to the potential dispersal of the radioactive material under accidental conditions, which could also result in the dispersal of the radioactive material? In this latter case, there would not be the protection offered by a well designed low level radioactive waste disposal facility. Sealed americium sources that are acceptable for licensing as gauging devices should be acceptable for disposal as Class C.
 - Chris Ryder speaks of evaluating effectiveness. He is missing an important point in that effectiveness must also be measured in terms of preventing the entry of sources into the scrap metal stream.
 - I realize the increasing cost for regulators to respond to scrap metal alarms and the desire to determine the cause of the alarm, or even a level of radioactivity that could be accepted. However, there are both PR and ALARA concerns that would dictate against such an approach.
 - * A device that has entered the scrap stream has an unknown history and may present a contamination potential for personnel who disturb the scrap in order to identify and possibly isolate the device. It may also present a greatly increased external radiation exposure potential. It is one thing to have HP's perform this work, but to expect a plant worker who possesses minimal radiation safety training to make these determinations is not a good philosophy.
 - * It will be very difficult to have the general steel industry buy into accepting radioactivity for recycling, regardless of the low hazard potential. HP's tend to be "institutionalized" in their thinking and forget the perceived risk that exists in the general public. The general public includes the person buying steel to make metal furniture, cars, food cans, etc. There may full safety, but the perceived risk will force the failure of such a program.

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- Chris' proposal has the bulk of the modification of programs and procedures, and the outlay of funds coming from the industry presently affected. There appears to be a reluctance to look within the NRC for cost-effective ways to change NRC programs and policies. This is a government approach that is all too often seen by industry, and which causes a mistrust of governmental programs. The advantages do outweigh the disadvantages - as far as the NRC is concerned. I am not sure the same could be said for the steel industry.

My own comments: These are not directed at you personally. They are offered in the hope that you may be able to bring these issues to the attention of the decision makers in management.

- I believe the issues have to be separated into those sources that are likely to cause a significant public impact if they enter the scrap stream, and those that will not. Exit signs, promethium 147, a few millicuries of energetic gamma emitters are not likely to cause a real impact on public safety if melted. However, the NRC, EPA and the states must be willing to use real risk estimates and allow for the disposal as non-radioactive waste, any product and byproduct of the steelmaking process so contaminated. This has to be a universally accepted set of values and not subject to political posturing between the different governmental agencies.
- The NRC has to come up with a reasonable value for cesium 137 and other radionuclides in dust that are likely to be melted during steelmaking. This is an opportunity for the NRC to use real risk estimates, based on the likely access to the dust and other material. It does no one any good to develop risk scenarios that do not consider real transport in soils and ground waters, or release into the air.
- If a "deposit" is adopted for GL devices, the NRC should be aware that there are many industrial gauges that cost around \$3000. To have a "deposit" that is 10 percent of the cost of the device, is likely to drive many users to non-radioactive alternatives.
- As the NRC's fees for specific licenses increase, there is an increase in the discontinuance of the use of licensed material: both specific and GL. This discontinuance is accompanied by an increase in disposals: both legal and illegal. I can appreciate that the NRC is under the similar economic constraints as industry. The NRC must understand that industry

is also under real economic constraints and any increase in expenditures in one area will result in a decrease in another area: usually the "safety": and other "overhead" programs are the first to suffer.

- The GL concept is good and useful to both industry and government, but it is open to misuse and it does cost government to implement. It may be time for the NRC to re-examine the entire GL concept. If something is truly "idiot proof" and would not cause a real hazard if control and containment were lost, perhaps it should be license exempt. Possible examples are exit signs and other small sources. The NRC and the states should have at least a minimal enforcement program directed at GL users. One possibility would be an annual inventory and submittal of leak tests or other required tests. Follow-up could be computerized based on an initial database and updates from the manufacturer's reports. Cost should be assessed against the GL licensees of those devices which are of real concern.
- If the NRC attempts to broaden the financial assurance application to include sealed sources in lower quantities than presently in effect, it is likely to cause a decrease in the use of radioactive gauges by many companies. The NRC should look at the real potential for plant contamination and not use the financial assurance approach to attack the problem being addressed by this working group.
- Some meltings may be the responsibility of the steel plant. Examples observed have been due to a failure to upgrade detection systems, failure to take alarms seriously, using hand-held survey meters to over-ride an installed detection system, permitting entry by some vehicles because of a back-up at the detection system, using low paid temporary personnel to man the detection system.
- This problem is really beyond the normal regulatory approach. It is good that real public input has been sought from the beginning. Those affected have to buy into the entire solution if there is to be any hope of success. If the NRC tries to push a "regulatory" approach that penalizes the steel or scrap industry, it will probably see lobbying on the legislative level. I heard language from at least one NRC member of the working group that suggests he is still focused on "solving" the problem using traditional "regulatory" approaches. It will not work! I second Chris Ryder's statement in warning that a rapid, but poorly thought out approach not be adopted. The "don't just stand there, do something" approach may be worse than taking a slower reasoned approach. If the NRC would

Joel Lubenau

Comments on problem of radioactivity in scrap metal for
recycle and possible attempts at solutions.

December 18, 1995

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relax the concentration limits for dust, it would eliminate
some of the pressure for immediate action. Both issues must
be addressed together.

Sincerely, o

A. LaMastra

*Review Group -
Radioactive Devices*

From: Bruce Clemens <clemens@utkvx.utcc.utk.edu>
To: Joel Lubenau <jol@nrc.gov>
Date: 12/24/95 10:47am
Subject: Comments

Season's greetings... I wanted to get this to you before the new year. I'll try and follow up with a hard copy when I return to the office. Our latest struggle is the date of our next annual conference. Would you prefer the last week in July or in October? Cheers.

December 22, 1995

Mr. Joel Lubenau
USNRC
Office of Nuclear Materials Safety and Safeguards
M/S T-8F5
Washington, DC 20555-0001 jol@nrc.gov

Subject: Comments on draft meeting notes October 24-25, 1995

Dear Mr. Lubenau,

Congratulations on an excellent effort to review the regulation of radioactive devices. Please let me know what we in the academic community can do to help in your efforts. I look forward to the report of your December 19-20 meeting in Washington. My comments on the draft minutes of the October 24-25 meeting, dated November 14, are as follows:

1. Please count on the University of Tennessee to support your effort.

We are scheduling our fourth annual conference to deal with radioactive scrap metal in Knoxville. The conference will be held on either the last week in July or the third week in October. The Nuclear Regulatory Commission (NRC), the Environmental Protection Agency (EPA) the Conference of Radiation Control Protection Directors (CRCPD), the Institute of Scrap Recycling Industries (ISRI), the Steel Manufacturing Association (SMA), and other members of your working group have made excellent presentations at the first three conferences. We hope that our conference will continue to provide a forum of stakeholders to discuss the issues of radioactive scrap metal. I also hope that you will continue to participate.

2. The working group should consider an additional objective of research.

The Environmental Protection Agency has agreed to fund our research effort on detection equipment in the steel industry. A work plan is attached. We understand that the working group has a very comprehensive agenda, but we recommend that the working group add an objective of participating in our research. Your input would include reviewing draft documents and survey instruments (questionnaires). Also we would hope that a representative of your working group would attend a stakeholder forum in Knoxville.

3. Consider asking the Department of Energy to name a representative for your working group.

PDR

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If the U.S. private sector controls millions of general licensed sources, I imagine that the U.S. government also has a vast number of similar sources. We recommend that you consider adding a member of the Department of Energy or the Department of Defense to your working group.

4. Consider funding the participation of academic representatives at your next meeting.

We feel that representatives of the academic community can provide significant support for your efforts. In addition to the appearance of objectivity, significant relevant research is underway at a number of universities and national laboratories. We recommend that you invite representative of the research community to participate in future working group meetings. We are aware of research at the Oregon Institute of Graduate Studies, the University of South Carolina, several DOE national laboratories, in addition to our efforts at the University of Tennessee. Regrettably, we do not have the funds available for travel. We recommend that you consider funding the participation of two representatives of the research community.

I hope that you will share our comments with the members of the working group. Again, we congratulate you on the excellent effort to date. We look forward to working with you in the future.

Sincerely,

Bruce Clemens

cc: Jack Barkenbus, UT; Michael Gresalfi, Oak Ridge National Laboratory; John MacKinney, USEPA; Stephan Warren, DOE

Attachment: Draft work plan

CC: Michael Gresalfi <i32@ornl.gov>

*Review Group -
Radioactive Devices*

FAX COVER PAGE

To:		From : CHARLES T. GALLAGHER
Fax Number :		Company :NSSI/ RECOVERY SERVICES
Date :	Time :	For Information Call:713-641-0391
Subject :		Fax Number : 713-641-6153

PO Box 34042

77234 Houston Tx

PDR

~~95122900TS~~

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December 21, 1995

Joel Lubenau
Nuclear Regulatory Commission

Dear Mr. Lubenau,

I read in the HP Newsletter where you and others will be discussing the problems associated with the accidental melting of radioactive sources in steel mills, and possible solutions to limit the occurrence in the future.

I have been personally involved as a consultant in two such incidents in the last several years: the one at Border Steel in El Paso, and the one at Chaparral Steel in Midlothian, Texas.

I also have dealings with numerous licensees that have generally licensed devices.

One suggestion that I present to these licensees to keep better track of their inventory of sources is to perform leak testing on a more frequent schedule than the normal once every three years.

Licensees that perform leak testing every six months can keep a closer watch on their devices. A lot of things can happen over a three year period. It is a whole lot harder to trace down where something might have gone to, when you have to backtrack three years.

If you feel there might be merit in this line of thought, please contact me at 713-641-0391.

Sincerely,

Charles T. Gallagher
Technical Services Manager
12215c1.let



STATE OF NEW YORK
DEPARTMENT OF LABOR
DIVISION OF SAFETY AND HEALTH
Radiological Health Unit
Building #12, Room 457
State Office Building Campus
Albany, NY 12240

November 13, 1995

Joel Lubenau
U.S. Nuclear Regulatory Commission
Mail Stop T-8F5
Washington, DC 20555

Dear Joel:

I would like to propose a strawman for the next meeting of the working group on control of sealed sources.

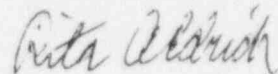
- Premises:
- 1) "General Licensing" of sealed sources/devices is a basically flawed concept that tries to establish a middle ground between exemption and specific licensing. It fails because it results in too little control of hazardous sources, and invites over-regulation of sources that do not pose a realistic hazard if lost or stolen.
 - 2) As long as we continue to combine sources with such disparate comparative hazards in one regulatory class, we will not solve the current problems. Any increase in regulatory oversight will simply shift the imbalance a bit -- continuing under-regulation of the hazardous sources and increasing over-regulation of the others.
- Solution:
- 1) Divide current "generally licensed" sources/devices into those that should be specifically licensed and those that should be exempted.
 - 2) As a starting point I would suggest these guidelines:
 - a) Specific licenses - gauges containing millicurie quantities of gamma emitters, gas chromatograph sources.
 - b) Exemptions - self-luminous lights, static eliminators, liquid scintillation counter sources, small beta sources.

These are not comprehensive lists, but a starting point for discussion.

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This would not eliminate all problems. Some exempted sources might still set-off sensitive alarms, but so does out-patient waste in municipal trash. However, it should prevent the smelting of sources big enough to cause major problems, and it will restore sanity to our regulatory approach.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rita Aldrich".

Rita Aldrich
Principal Radiophysicist

RA/fdh



REVIEW GROUP -
RADIOACTIVE DEVICES

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

February 20, 1996

MEMORANDUM TO: Working Group Members

FROM: Joel O. Lubenau *Joel O. Lubenau*
Working Group Co-chair

RE: New York State Department of Labor Proposed
Solution for General Licensed Devices

Rita Aldrich recently submitted a copy of the New York State Department of Labor's proposed solution to the general license problem (enclosure).

Enclosure: As stated

cc w/enclosure:
R.Free, Co-chair
WG Liaisons
NRC Public Document Room

9604160161_{1p}



STATE OF NEW YORK
DEPARTMENT OF LABOR
DIVISION OF SAFETY AND HEALTH
Radiological Health Unit
Building #12, Room 457
State Office Building Campus
Albany, NY 12240

February 13, 1996

Mr. Joel Lubenau
U.S. Nuclear Regulatory Commission
Mail Stop T-8F5
Washington, D.C. 20555

Dear Joel:

Attached is the New York State Department of Labor's proposed solution to the GL problem.

This includes two code amendments (attachments A and B). One of these removes devices containing millicurie quantities of gamma-emitters from the device GL. The second states that specific licenses will be issued for the removed devices, but that the exemption from most parts of the code will continue and that these licensees will only be subject to disposal requirements and the conditions of their licenses.

Also attached is a copy of a guide/application for a specific license to receive any source/device approved for distribution under general license, but exceeding the one millicurie criterion. This assumes that GL distribution will continue, at least in the short term. We can amend it later if the regulatory scheme changes.

Removal of these devices from the class of devices requiring "registration," automatically moves them into a fee category which will support the increased demands on our program for administering these devices.

The guide/application explains requirements and calls for a minimal amount of information to be submitted for the license. However, the conditions of the license (which are included in the guide) require the licensee to notify us within 30 days of receipt of a gauge by sending us a copy of the SS&D registry sheets. We hope to kill two birds with one stone this way, since we find that GL licensees rarely know the correct make, model and serial number of devices and sources. They also have to send in an accurate inventory in January of each year, and the licenses will be renewed every three years (as are all of our licenses).

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The license is guaranteed to be issued within ten days of our receipt of an application, and after issuance the licensee can receive any GL device/source without our prior approval. We feel that this preserves the convenience of the GL, while bringing regulation of the sources that have caused scrap and steel mill problems into conformance with those that apply to frequently identical sources distributed under specific licenses.

Comments are welcome.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rita Aldrich".

Rita Aldrich
Principal Radiophysicist

RA:jmp
attachments

A

Section 38.41, Tables and appendices, "Table 3 - General Licenses: Items, Terms and Conditions," Item (b), paragraph (1) is amended to read as follows:

- (1) A general license is hereby issued to own, receive, acquire, possess and use radioactive material when contained in any fixed device designed for use in detecting, measuring, gauging or controlling thickness, density, level interface location, radiation, leakage or qualitative or quantitative chemical composition, or designed for producing light or ionized atmosphere, when such devices are manufactured or imported in accordance with the specifications contained in a license or permit issued to the supplier by the commissioner, the State Department of Health, the New York City Department of Health, the United States Nuclear Regulatory Commission or any agreement state and authorizing distribution under the general license of this Item or its equivalent, provided that:

- (i) Such devices contain no more than one millicurie of gamma-emitting radioactive material, where gamma radiation is the emission of interest.
- [i](ii) Such devices are labeled in accordance with the provisions of a license which authorizes the distribution of the devices.
- [ii](iii) Such devices bear a durable label containing the following or a substantially similar statement which contains the information called for in the following statement:
- "The receipt, possession, use and transfer of this device, Model _____, Serial No. _____, are subject to a general license or equivalent and regulations of the United States Nuclear Regulatory Commission or of a State with which the Nuclear Regulatory Commission has entered into an agreement for the exercise of regulatory authority. This label shall be maintained on the device in a legible condition.

Removal of this label is prohibited.

Caution - Radioactive Material

(Name of Supplier)"

(The model, serial number and name of the supplier may be omitted from this label provided they are elsewhere specified in labeling affixed to the device. Devices licensed and distributed prior to the effective date of this Part (rule) may bear labels previously authorized.)

[iii](iv) Such devices are installed on the premises of the general licensee by a person authorized to install such devices under a license or permit issued to the installer by the Commissioner, the State Department of Health, the New York City Department of Health, the United States Nuclear Regulatory Commission or any agreement state, if a label affixed to the device at the time of receipt states that installation by a licensee is required. The requirement of this Item does not apply while devices are held in storage in the original shipping containers pending installation by a licensee.

B

Section 38.5 is amended to add:

- (c) Specific licenses shall be issued to authorize possession and use of certain measuring, gauging or controlling devices which are not included in Table 3 of Section 38.41, but which are authorized by the USNRC or a state for distribution under a general license. Such licensees shall comply with Section 38.28, subdivision (h) of this Part (rule) and the conditions of the specific license, but shall be otherwise exempt from the requirements of Section 38.16 through 38.28 of this Part (rule).

NEW YORK STATE DEPARTMENT OF LABOR
RADIOLOGICAL HEALTH UNIT

Radiation Guide 1.3(a)

GUIDE AND APPLICATION FOR THE USE OF
SEALED SOURCES IN MEASURING, GAUGING OR CONTROLLING DEVICES*

A. Purpose of Guide/Application

This guide describes procedures for use and control over certain devices formerly obtainable without filing an application for a license. Applications are now required in order to improve control over the radioactive sources in such devices, and to ensure that they are accounted for at all times and properly disposed of when no longer needed.

The guide describes a program which an applicant may adopt by signing the application page of the guide (page 6). The signed guide then becomes your application and should be mailed to the address indicated, along with a check in the amount of \$1,695, made out to the Commissioner of Labor. This fee will be payable every three years upon license renewal.

You should keep a copy of the signed guide/application, and provide a copy to your radiation safety officer. You and your radiation safety officer will be responsible for ensuring that the radiation protection program described in the guide/application is implemented.

Your premises will be inspected periodically by a representative of this office to assess compliance with requirements. Failure to comply may result in action against the license.

B. Policies and Procedures

1. **Radiation Safety Officer.** You must designate someone in your company to oversee your radiation protection program and be responsible to you for its implementation. This person's name and telephone number must be entered on line 5 of the application page.
2. **Appendix I** to this guide/application contains the requirements, or license conditions, that will be a part of your license when it is issued.

Your signature on the application page constitutes a commitment to comply with those requirements. You and your radiation safety officer should review these requirements to be sure that you understand them, and plan for their implementation.

* This type of specific license permits possession and use of devices not covered by Table 3 of Section 38.41 of Code Rule 38, but which are otherwise authorized by the USNRC or a State for distribution under general license.

3. You must submit to this office a report of the receipt of each device (see license condition (4) for details).
4. You must submit to this office an accurate annual inventory of all devices possessed under the license (see license condition (9) for details).
5. You must perform, or have performed, certain tests and checks on devices (see license conditions (7) and (8) for details). The required leak test sample must be analyzed by a person or company licensed by the USNRC or an Agreement State to perform such analysis.
6. License condition (13) states that you are not authorized to install, remove or reinstall devices.

If you want authorization to remove or reinstall devices, you must have access to a properly calibrated survey meter, and make surveys of devices to ensure that the shutter is closed before handling the device. The shutter must be locked in the closed position before surveying or handling the device.

You should contact this office to have your license modified to allow these activities. At that time you will be required to submit the make and model of the survey meter that will be used, the training of the person(s) who will perform the surveys and the arrangements you will make to have the meter calibrated annually.

7. **Emergency Procedures.** Employees must be instructed in the actions to take if they observe a problem with a device. Any apparent malfunctions or radiation exposure to individuals must be reported to this office (see also license condition (11)) by telephone, at the following numbers:

Daytime: (518) 457-1202

After-hours: (518) 457-2200 (State Warning Point)

C. Submitting Your Application

After reading this guide and reviewing all requirements, you should sign the Application Page (last page), and make copies of the entire guide and application for your records.

The signed original should be mailed to the address below, along with a check for \$1,695 made out to the Commissioner of Labor. You will receive your license within ten (10) days of our receipt of your application.

MAILING ADDRESS: NYS Department of Labor
Division of Safety & Health
Radiological Health Unit
State Campus, Building 12, Room 457
Albany, New York 12240

APPENDIX I CONDITIONS OF THE LICENSE

A license is hereby issued to own, receive, acquire, possess and use radioactive material when contained in any device designed for use in detecting, measuring, gauging or controlling physical properties, when such devices are manufactured or imported in accordance with the specifications contained in a license or permit issued to the supplier by the Commissioner, the State Department of Health, the New York City Department of Health, the United States Nuclear Regulatory Commission or any agreement state that authorizes distribution under a general license provided that:

- (1) Such devices are labeled in accordance with the provisions of a license which authorizes the distribution of the devices. These labels must be maintained in legible condition and replaced as necessary.
- (2) Such devices bear a durable label containing the following statement (or a substantially similar statement):

"The receipt, possession, use and transfer of this device, Model _____, Serial No. _____, are subject to a general license or equivalent and regulations of the United States Nuclear Regulatory Commission or of a State with which the Nuclear Regulatory Commission has entered into an agreement for the exercise of regulatory authority. This label shall be maintained on the device in a legible condition.

Removal of this label is prohibited.

Caution - Radioactive Material

(Name of Supplier)"

(The model, serial number and name of the supplier may be omitted from this label provided they are elsewhere specified in labeling affixed to the device.)

- (3) Such devices are installed on the premises of the general licensee by a person authorized to install such devices under a license or permit issued to the installer by the Commissioner, the State Department of Health, the New York City Department of Health, the United States Nuclear Regulatory Commission, or any agreement state, if a label affixed to the device at the time of receipt states that such installation is required. The requirement of this Item does not apply while devices are held in storage in the original shipping containers pending installation by a licensee.

- (4) The licensee shall, upon receipt of a device, report this to the Department, within 30 days of receipt, by submitting a copy of the Sealed Source and Device Registry sheets* for the device along with the serial numbers of the source and the device.

The licensee shall also submit the vendor's commitment to accept devices back as stipulated in Condition 12.

- (5) The licensee shall not dispose of any licensed device except by transfer to a person who holds a license or permit to receive such device issued by the Commissioner, the State Department of Health, the New York City Department of Health, the United States Nuclear Regulatory Commission or any agreement state; or in case the device remains in use at a particular location, the transferor shall give the transferee a copy of the requirements of this Item and any safety documents identified in the label on the device and, upon transfer, notify the Commissioner indicating the license number, manufacturer's name, model and serial number of the device transferred, and the name and address of the transferee's radiation safety officer.
- (6) The licensee shall assure that all labels affixed to the devices bearing the statement "Removal of This Label is Prohibited" are maintained on the devices, and shall comply with all instructions contained in such labels and with all other instructions supplied by the manufacturer or distributor.
- (7) The licensee shall cause the device to be tested for leakage of radioactive material at the time of installation of the device or replacement of the radioactive material, and thereafter at intervals that do not exceed six months, or at such longer intervals, not to exceed three years, as specified by the appropriate licensing agency and indicated in the required label; except that any such device containing only Krypton 85 need not be tested for leakage, and devices containing only Hydrogen 3 need not be so tested for any purpose.
- (8) The licensee shall cause each device to be tested for proper operation of the on-off mechanism and indicator, if any, at the time of installation, after replacement of the radioactive material, after any repair or servicing of the device, and at the time of each inventory required by Condition 9.

* NOTE: These can be obtained from the vendor and should be requested when the device is ordered.

- (9) The licensee shall conduct, or have conducted, a periodic inventory of all devices possessed under this general license. Such inventory shall be conducted at intervals not to exceed six months and shall be documented in a record containing the identity of each device, its location, the leak test interval and date of last leak test of the device, and the results of tests required by Condition 8.

On an annual basis, between January 1, and January 31 of each year, the licensee shall submit an accurate inventory of all devices obtained under the license to the Department. Any discrepancies between one year's inventory and the next, must be accounted for by supplying documentation of legal disposal of any deleted devices.

- (10) The licensee shall cause each required test and all other servicing involving such radioactive material, its shielding or containment, to be conducted as specified in the instructions provided by the labels (or by the supplier), or by a person who holds a license which authorizes him/her to manufacture, install or service the device. Such leak test shall be capable of detecting at least 0.005 microcuries of removable radioactivity. Upon detection of leakage of such devices in excess of 0.005 microcuries of removable radioactivity, the licensee shall promptly notify the Department by telephone.
- (11) Upon any indication of a possible failure of, or damage to the shielding or containment of such radioactive material, or an on-off mechanism or indicator, the licensee shall immediately notify the Department and shall suspend use of such device until it has been repaired, lawfully disposed of or accepted by the Department as in substantial compliance with Code Rule 38.
- (12) The licensee shall obtain all devices from vendors who agree to receive them back when they are no longer needed by the licensee.
- (13) This license does not authorize installation, removal or reinstallation of devices.

APPLICATION PAGE

1. Name and address of company:

2. FEIN #:

3. Telephone number of company management:

4. Locations where radioactive devices will be used if different from address in item 1:

5. Name and telephone number of person to be contacted about application (Radiation Safety Officer):

NAME (Please print)

TELEPHONE NUMBER

6. Certification (to be signed by the chief executive officer of the legal entity applying for the license):

"I certify that all information contained in this application is true and correct to the best of my knowledge, and that all policies and procedures described herein will be implemented."

Signature of Certifying Official
(Plant Manager, Company President, Agency Head, etc.)

NAME (Please print)

TITLE

DATE