



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

February 18, 1997

Mr. Bart Stuchell
Detex, Inc.
P.O. Box 2747
Alliance, OH 44601-0747

Dear Mr. Stuchell:

This letter is in response to your January 9, 1997, letter concerning the transfer requirements included in 10 CFR Section 31.5, and the February 6, 1997, telephone conversation with John Lubinski and Tom O'Brien of my staff. Below are the procedures that you indicate Detex, Inc. will follow and my comments on their compliance with the requirements of 10 CFR 31.5:

1. Detex, Inc. purchases byproduct-containing instruments from a vendor.

If you are receiving a device that is manufactured and distributed in accordance with a 10 CFR Section 32.51, or an Agreement State equivalent, the device may be possessed and used under the 10 CFR 31.5 general license. You indicated during the telephone conversation that Detex is receiving devices from ASOMA, an Agreement State licensee, and Metorex, an NRC licensee, both of which manufacture and distribute in accordance with 10 CFR 32.51. Therefore, you may possess and use the device under the 10 CFR 31.5 general license.

2. Detex, Inc. installs vendor's product in Detex, Inc. on-line instruments.

You indicated during the telephone conversation that Detex is only mounting the device within another unit and not dismantling or modifying the device. You also stated that Detex is following the guidance in the operations manual. Therefore, this activity is in compliance with the 10 CFR 31.5 general license requirements.

3. Detex, Inc. sends complete on-line systems to end user.

You indicated during the telephone conversation that Detex is only sending the devices to persons licensed in accordance with 10 CFR Part 50. Since the recipients possess a specific license under 10 CFR Part 50, they are not acquiring the devices under 10 CFR 31.5 or 10 CFR Part 30 or their respective Agreement State equivalents. This practice is consistent with the 10 CFR 31.5 general license requirements since the recipient is specifically licensed to receive the radioactive material in the device.

It should be noted that if the recipient is not licensed in accordance with 10 CFR Part 50, Detex must verify that the recipient is licensed in accordance with 10 CFR Part 30 requirements, or Agreement State equivalents, prior to Detex transferring of the device.

February 18, 1997

4. Detex, Inc. notifies NRC and vendor in writing. The written letter will contain, manufacturer's name and model number and the name and address of the person receiving the device.

This practice meets the notification requirements of 10 CFR 31.5(c)(8).

The process described in your letter of January 9, 1997, will comply with the transfer requirements of 10 CFR 31.5 if it follows the above procedures, including the qualifications that are listed. If you have any questions, please contact John Lubinski of my staff at (301) 415-7868.

Sincerely,

Original Signed by

Steven L. Baggett, Chief
Sealed Source Safety Section
Medical, Academic, and Commercial
Use Safety Branch
Division of Industrial and
Medical Nuclear Safety
Office of Nuclear Material Safety
and Safeguards

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