

Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material
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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
§30.31	Types of Licenses		C	<p>Amended Section: Licenses for byproduct material are of two types: General and specific.</p> <p>(a) The Commission issues a specific license to a named person who has filed an application for the license under the provisions of this part and parts 32 through 36, and 39.</p> <p>(b) A general license is provided by regulation, grants authority to a person for certain activities involving byproduct material, and is effective without the filing of an application with the Commission or the issuance of a licensing document to a particular person. However, registration with the Commission may be required by the particular general license.</p>			
§30.34	Terms and conditions of licenses.		H&S	<p>Amended Paragraph (h)(1): (h)(1) Each general licensee that is required to register by Sec. 31.5(c)(13) of this chapter and each specific licensee shall notify the appropriate NRC Regional Administrator, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of title 11 (Bankruptcy) of the United States Code by or against:</p>			

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				(i) The licensee; (ii) An entity (as that term is defined in 11 U.S.C. 101(14)) controlling the licensee or listing the license or licensee as property of the estate; or (iii) An affiliate (as that term is defined in 11 U.S.C. 101(2)) of the licensee.			
§31.1	Purpose and scope		D	N/A	N/A		
§31.2	Terms and conditions		D	N/A	N/A		
§31.5 (a)	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere		B	Amended 31.5(a): (a) A general license is hereby issued to commercial and industrial firms and research, educational and medical institutions, individuals in the conduct of their business, and Federal, State or local government agencies to acquire, receive, possess, use or transfer, in accordance with the provisions of paragraphs (b), (c) and (d) of this section, byproduct material contained in devices 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.			

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§31.5 (b)	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere		B	<p>Amended 31.5(b): (b)(1) The general license in paragraph (a) of this section applies only to byproduct material contained in devices which have been manufactured or initially transferred and labeled in accordance with the specifications contained in-- (i) A specific license issued under Sec. 32.51 of this chapter; or (ii) An equivalent specific license issued by an Agreement State. (2) The devices must have been received from one of the specific licensees described in paragraph (b)(1) of this section or through a transfer made under paragraph (c)(9) of this section.</p>			
§31.5 (c)(1)	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere		B	<p>Amended 31.5(c)(1): (c) Any person who acquires, receives, possesses, uses or transfers byproduct material in a device pursuant to the general license in paragraph (a) of this section: (1) Shall assure that all labels affixed to the device at the time of receipt and bearing a statement that removal of the label is prohibited are maintained thereon and shall comply with all instructions and precautions provided by such labels;</p>			

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§31.5 (c)(2)	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere		B	<p>Amended 31.5(c)(2): (c)(2) Shall 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 six-month intervals or at such other intervals as are specified in the label; however: (i) Devices containing only krypton need not be tested for leakage of radioactive material, and (ii) 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 need not be tested for any purpose;</p>			
§31.5 (c)(3)	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere		B	<p>Amended 31.5(c)(3): (c)(3) Shall assure that the tests required by paragraph (c)(2) of this section and other testing, installation, servicing, and removal from installation involving the radioactive materials, its shielding or containment, are performed: (i) In accordance with the instructions provided by the labels; or (ii) By a person holding a specific license pursuant to parts 30 and 32</p>			

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				of this chapter or from an Agreement State to perform such activities;			
§31.5 (c)(4)	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere		B	<p>Amended 31.5(c)(4): (c)(4) Shall maintain records showing compliance with the requirements of paragraphs (c)(2) and (c)(3) of this section. The records must show the results of tests. The records also must show the dates of performance of, and the names of persons performing, testing, installing, servicing, and removing from the installation radioactive material and its shielding or containment. The licensee shall retain these records as follows:</p> <p>(i) Each record of a test for leakage or radioactive material required by paragraph (c)(2) of this section must be retained for three years after the next required leak test is performed or until the sealed source is transferred or disposed of.</p> <p>(ii) Each record of a test of the on-off mechanism and indicator required by paragraph (c)(2) of this section must be retained for three 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.</p> <p>(iii) Each record that is required by</p>			

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				paragraph (c)(3) of this section must be retained for three years from the date of the recorded event or until the device is transferred or disposed of.			
§31.5 (c)(5)			B	<p>Amended Paragraph (c)(5): (c)(5) Shall immediately suspend operation of the device if there is 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 185 becquerel (0.005 microcurie) or more removable radioactive material. The device may not be operated until it has been repaired by the manufacturer or other person holding a specific license to repair such devices that was issued under parts 30 and 32 of this chapter or by an Agreement State. The device and any radioactive material from the device may only be disposed of by transfer to a person authorized by a specific license to receive the byproduct material in the device or as otherwise approved by the Commission. 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 material or failure of or</p>			

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				<p>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 Director of Nuclear Material Safety and Safeguards, ATTN: GLTS, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 within 30 days. Under these circumstances, the criteria set out in Sec. 20.1402, "Radiological criteria for unrestricted use," may be applicable, as determined by the Commission on a case-by-case basis</p>			
§31.5 (c)(6)	<p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p>		B	<p>Amended 31.5(c)(6): (6) Shall not abandon the device containing byproduct material;</p>			
§31.5 (c)(7)	<p>Certain detecting, measuring, gauging, or controlling devices and</p>		B	<p>Amended 31.5(c)(7): (7) Shall not export the device containing byproduct material except in accordance with part 110 of this chapter;</p>			

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	certain devices for producing light or an ionized atmosphere						
§31.5 (c)(8)	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere		B	<p>Amended Paragraph (c)(8): (8)(i) Shall transfer or dispose of the device containing byproduct material only by export as provided by paragraph (c)(7) of this section, by transfer to another general licensee as authorized in paragraph (c)(9) of this section, or to a person authorized to receive the device by a specific license issued under parts 30 and 32 of this chapter, or part 30 of this chapter that authorizes waste collection, or equivalent regulations of an Agreement State, or as otherwise approved under paragraph (c)(8)(iii) of this section. (ii) Shall furnish a report to the Director of Nuclear Material Safety and Safeguards, ATTN: GLTS, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 within 30 days after the transfer of a device to a specific licensee or export. The report must contain-- (A) The identification of the device by manufacturer's (or initial transferor's) name, model number, and serial number;</p>			

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				<p>(B) The name, address, and license number of the person receiving the device (license number not applicable if exported); and</p> <p>(C) The date of the transfer.</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.</p>			
§31.5 (c)(9)(i)	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere		B	<p>Amended Paragraph (c)(9):</p> <p>(9) Shall transfer the device to another general licensee only if--</p> <p>(i) The device remains in use at a particular location. In this case, the transferor shall give the transferee a copy of this section, a copy of Secs. 31.2, 30.51, 20.2201, and 20.2202 of this chapter, and any safety documents identified in the label of the device. Within 30 days of the transfer, the transferor shall report to the Director of Nuclear Material Safety and Safeguards, ATTN: GLTS, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001--</p> <p>(A) The manufacturer's (or initial transferor's) name;</p> <p>(B) The model number and the serial number of the device transferred;</p>			

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				<p>(C) The transferee's name and mailing address for the location of use; and</p> <p>(D) The name, title, and phone number of the responsible individual identified by the transferee in accordance with paragraph (c)(12) of this section to have knowledge of and authority to take actions to ensure compliance with the appropriate regulations and requirements; or</p> <p>(ii) 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.</p>			
§31.5 (c)(10)	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere		B	<p>Amended 31.5(c)(10): (10) Shall comply with the provisions of §§20.2201, and 20.2202 of this chapter for reporting radiation incidents, theft or loss of licensed material, but shall be exempt from the other requirements of parts 19, 20, and 21, of this chapter.</p>			
§31.5 (c)(11)	Certain detecting, measuring, gauging, or		B	<p>Amended 31.5(c)(11): (11) Shall respond to written requests from the Nuclear Regulatory Commission to provide</p>			

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	controlling devices and certain devices for producing light or an ionized atmosphere			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 general licensee cannot 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 Director of the Office of Nuclear Material Safety and Safeguards, by an appropriate method listed in §30.6(a) of this chapter, a written justification for the request.			
§31.5 (c)(12)	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere		B	Amended Paragraph (c)(12): (c)(12) Shall appoint an individual responsible for having knowledge of the appropriate regulations and requirements and the authority for taking required actions to comply with appropriate regulations and requirements. The general licensee, through this individual, shall ensure the day-to-day compliance with appropriate regulations and requirements. This appointment does not relieve the general licensee of any of its responsibility in this regard.			
§31.5 (c)(13)	Certain detecting, measuring, gauging, or controlling		B	Amended Paragraph (c)(13): (c)(13) (i) Shall register, in accordance with paragraphs (c)(13)(ii) and (iii) of this section, devices containing			

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	devices and certain devices for producing light or an ionized atmosphere			<p>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 or any other transuranic (i.e., element with atomic number greater than uranium (92)), based on the activity indicated on the label. Each address for a location of use, as described under paragraph (c)(13)(iii)(D) of this section, represents a separate general licensee and requires a separate registration and fee.</p> <p>(ii) If in possession of a device meeting the criteria of paragraph (c)(13)(i) of this section, shall register these devices annually with the Commission and shall pay the fee required by Sec. 170.31 of this chapter. Registration must be done by verifying, correcting, and/or adding to the information provided in a request for registration received from the Commission. The registration information must be submitted to the NRC 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 paragraph (c)(13)(i) of this section is subject to the bankruptcy notification requirement in Sec. 30.34(h) of this chapter.</p>			

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				<p>(iii) In registering devices, the general licensee shall furnish the following information and any other information specifically requested by the Commission--</p> <p>(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).</p> <p>(C) Name, title, and telephone number of the responsible person designated as a representative of the general licensee under paragraph (c)(12) of this section.</p> <p>(D) Address or location at which the device(s) are used and/or stored. For portable devices, the address of the primary place of storage.</p> <p>(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.</p> <p>(F) Certification by the responsible representative of the general licensee that they are aware of the requirements of the general license.</p> <p>(iv) Persons generally licensed by an Agreement State with respect to devices meeting the</p>			

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				<p>criteria in paragraph (c)(13)(i) of this section are not subject to registration requirements if the devices are used in areas subject to NRC jurisdiction for a period less than 180 days in any calendar year. The Commission will not request registration information from such licensees.</p>			
§31.5 (c)(14)	<p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p>		B	<p>Amended Paragraph (c)(14): (c)(14) Shall report changes to the mailing address for the location of use (including change in name of general licensee) to the Director of Nuclear Material Safety and Safeguards, ATTN: GLTS, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 within 30 days of the effective date of the change. For a portable device, a report of address change is only required for a change in the device's primary place of storage.</p>			
§31.5(c) (15)	<p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing</p>		B	<p>Amended Paragraph (c)(15): (c)(15) May not hold devices that are not in use for longer than 2 years. If devices with shutters are not being used, the shutter must be locked in the closed position. The testing required by paragraph (c)(2) of this section need not be performed during the period of</p>			

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	light or an ionized atmosphere			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 must be tested for leakage before use or transfer and the shutter tested before use. Devices kept in standby for future use are excluded from the two-year time limit if the general licensee performs quarterly physical inventories of these devices while they are in standby.			
§31.5(d)	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere		B	Amended Paragraph (d): The general license in paragraph (a) of this section does not authorize the manufacture or import of devices containing byproduct material.			
§31.6	General license to install devices generally licensed in § 31.5		B	Amended 31.6: Any person who holds a specific license issued by an Agreement State authorizing the holder to manufacture, install, or service a device described in § 31.5 within such Agreement State is hereby granted a general license to install and service such device in any non-Agreement State and a			

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				<p>general license to install and service such device in offshore waters, as defined in § 150.3(f) of this chapter: Provided, That:</p> <p>(a) [Reserved]</p> <p>(b) 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.</p> <p>(c) Such person assures that any labels required to be affixed to the device under regulations of the Agreement State which licensed manufacture of the device bear a statement that removal of the label is prohibited.</p>			
§32.51 (a)(4)(5)	Byproduct material contained in devices for use under Sec. 31.5; requirements for license to manufacture, or initially transfer.		B	<p>Added Paragraphs (a)(4)&(5):</p> <p>(a)(4) Each device having a separable source housing that provides the primary shielding for the source also bears, on the source housing, a durable label containing the device model number and serial number, the isotope and quantity, the words, "Caution-Radioactive Material," the radiation symbol described in Sec. 20.1901 of this chapter, and the name of the manufacturer or initial distributor.</p> <p>(a)(5) Each device meeting the criteria of Sec. 31.5(c)(13)(i) of this chapter, bears a permanent (e.g., embossed, etched, stamped, or</p>			

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				engraved) label affixed to the source housing if separable, or the device if the source housing is not separable, that includes the words, "Caution-Radioactive Material," and, if practicable, the radiation symbol described in Sec. 20.1901 of this chapter.			
§32.51a (a)	Same: Conditions of licenses.		B	<p>Amended Paragraph 32.51a(a): (a) If a device containing byproduct material is to be transferred for use under the general license contained in Sec. 31.5 of this chapter, each person that is licensed under Sec. 32.51 shall provide the information specified in this paragraph to each person to whom a device is to be transferred. This information must be provided before the device may be transferred. In the case of a transfer through an intermediate person, the information must also be provided to the intended user prior to initial transfer to the intermediate person. The required information includes--</p> <p>(1) A copy of the general license contained in Sec. 31.5 of this chapter; if paragraphs (c)(2) through (4) or (c)(13) of Sec. 31.5 do not apply to the particular device, those paragraphs may be omitted.</p> <p>(2) A copy of Secs. 31.2, 30.51, 20.2201, and 20.2202 of this</p>			

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				<p>chapter;</p> <p>(3) A list of the services that can only be performed by a specific licensee;</p> <p>(4) Information on acceptable disposal options including estimated costs of disposal; and</p> <p>(5) An indication that NRC's policy is to issue high civil penalties for improper disposal.</p>			
§32.51a (b)				<p>Amended Paragraph 32.51a(b):</p> <p>(b) If byproduct material is to be transferred in a device for use under an equivalent general license of an Agreement State, each person that is licensed under Sec. 32.51 shall provide the information specified in this paragraph to each person to whom a device is to be transferred. This information must be provided before the device may be transferred. In the case of a transfer through an intermediate person, the information must also be provided to the intended user prior to initial transfer to the intermediate person. The required information includes--</p> <p>(1) A copy of the Agreement State's regulations equivalent to Secs. 31.5, 31.2, 30.51, 20.2201, and 20.2202 of this chapter or a copy of Secs. 31.5, 31.2, 30.51, 20.2201, and 20.2202 of this chapter. If a copy of the NRC</p>			

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				<p>regulations is provided to a prospective general licensee in lieu of the Agreement State's regulations, it shall be accompanied by a note explaining that use of the device is regulated by the Agreement State; if certain paragraphs of the regulations do not apply to the particular device, those paragraphs may be omitted.</p> <p>(2) A list of the services that can only be performed by a specific licensee;</p> <p>(3) Information on acceptable disposal options including estimated costs of disposal; and</p> <p>(4) The name or title, address, and phone number of the contact at the Agreement State regulatory agency from which additional information may be obtained.</p>			
§32.52 (a)	Same: material transfer reports and records		B	<p>Amended Paragraph 32.52: Each person licensed under Sec. 32.51 to initially transfer devices to generally licensed persons shall comply with the requirements of this section.</p> <p>(a) The person shall report all transfers of devices to persons for use under the general license in Sec. 31.5 of this chapter and all receipts of devices from persons licensed under Sec. 31.5 to the Director of the Office of Nuclear Material Safety and Safeguards, ATTN: GLTS, U.S. Nuclear</p>			

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				<p>Regulatory Commission, Washington, DC 20555-0001.</p> <p>The report must be submitted on a quarterly basis on Form 653-- "Transfers of Industrial Devices Report" or in a clear and legible report containing all of the data required by the form.</p> <p>(1) The required information for transfers to general licensees includes--</p> <p>(i) The identity of each general licensee by name and mailing address for the location of use; if there is no mailing address for the location of use, an alternate address for the general licensee shall be submitted along with information on the actual location of use.</p> <p>(ii) The name, title, and phone number of the person identified by the general licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements;</p> <p>(iii) The date of transfer;</p> <p>(iv) The type, model number, and serial number of the device transferred; and</p> <p>(v) The quantity and type of byproduct material contained in the device.</p> <p>(2) If one or more intermediate persons will temporarily possess the device at the intended place of</p>			

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				<p>use before its possession by the user, the report must include the same information for both the intended user and each intermediate person, and clearly designate the intermediate person(s).</p> <p>(3) For devices received from a Sec. 31.5 general licensee, the report must include the identity of the general licensee by name and address, the type, model number, and serial number of the device received, the date of receipt, and, in the case of devices not initially transferred by the reporting licensee, the name of the manufacturer or initial transferor.</p> <p>(4) If the licensee makes changes to a device possessed by a Sec. 31.5 general licensee, such that the label must be changed to update required information, the report must identify the general licensee, the device, and the changes to information on the device label.</p> <p>(5) The report must cover each calendar quarter, must be filed within 30 days of the end of the calendar quarter, and must clearly indicate the period covered by the report.</p> <p>(6) The report must clearly identify the specific licensee submitting the report and include the license number of the specific licensee.</p>			

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				(7)(a) If no transfers have been made to or from persons generally licensed under Sec. 31.5 of this chapter during the reporting period, the report must so indicate.			
§32.52 (b)	Same: material transfer reports and records		B	<p>Amended Paragraph 32.52(b): (b) The person shall report all transfers of devices to persons for use under a general license in an Agreement State's regulations that are equivalent to Sec. 31.5 of this chapter and all receipts of devices from general licensees in the Agreement State's jurisdiction to the responsible Agreement State agency. The report must be submitted on Form 653--``Transfers of Industrial Devices Report'' or in a clear and legible report containing all of the data required by the form.</p> <p>(1) The required information for transfers to general licensees includes--</p> <p>(i) The identity of each general licensee by name and mailing address for the location of use; if there is no mailing address for the location of use, an alternate address for the general licensee shall be submitted along with information on the actual location of use.</p> <p>(ii) The name, title, and phone number of the person identified by the general licensee as having</p>			

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				<p>knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements;</p> <p>(iii) The date of transfer;</p> <p>(iv) The type, model number, and serial number of the device transferred; and</p> <p>(v) The quantity and type of byproduct material contained in the device.</p> <p>(2) If one or more intermediate persons will temporarily possess the device at the intended place of use before its possession by the user, the report must include the same information for both the intended user and each intermediate person, and clearly designate the intermediate person(s).</p> <p>(3) For devices received from a general licensee, the report must include the identity of the general licensee by name and address, the type, model number, and serial number of the device received, the date of receipt, and, in the case of devices not initially transferred by the reporting licensee, the name of the manufacturer or initial transferor.(4) If the licensee makes changes to a device possessed by a general licensee, such that the label must be changed to update required information, the report must identify the general licensee,</p>			

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				<p>the device, and the changes to information on the device label.</p> <p>(5) The report must cover each calendar quarter, must be filed within 30 days of the end of the calendar quarter, and must clearly indicate the period covered by the report.</p> <p>(6) The report must clearly identify the specific licensee submitting the report and must include the license number of the specific licensee.</p> <p>(7) If no transfers have been made to or from a particular Agreement State during the reporting period, this information shall be reported to the responsible Agreement State agency upon request of the agency.</p>			
§32.52 (c)	Same: material transfer reports and records		B	<p>Amended Paragraph 32.52(c):</p> <p>(c) The person shall maintain all information concerning transfers and receipts of devices that supports the reports required by this section. Records required by this paragraph must be maintained for a period of 3 years following the date of the recorded event.</p>			