

## § 32.301

NRC's Office of Federal and State Materials and Environmental Management Programs, ATTN: SDR by an appropriate method listed in § 30.6(a) of this chapter and must normally be made no later than two years after initial distribution of all of the source(s) or device(s) covered by the certificate has ceased. However, if the certificate holder determines that an initial transfer was in fact the last initial transfer more than two years after that transfer, the certificate holder shall request inactivation of the certificate within 90 days of this determination and briefly describe the circumstances of the delay.

(b) If a distribution license is to be terminated in accordance with § 30.36 of this chapter, the licensee shall request inactivation of its registration certificates associated with that distribution license before the Commission will terminate the license. Such a request for inactivation of certificate(s) must indicate that the license is being terminated and include the associated specific license number.

(c) A specific license to manufacture or initially transfer a source or device covered only by an inactivated certificate no longer authorizes the licensee to initially transfer such sources or devices for use. Servicing of devices must be in accordance with any conditions in the certificate, including in the case of an inactive certificate.

[77 FR 43695, July 25, 2012]

## Subpart E—Violations

### § 32.301 Violations.

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of—

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under section 234 of the Atomic Energy Act:

(1) For violations of—

## 10 CFR Ch. I (1–13 Edition)

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under section 186 of the Atomic Energy Act of 1954, as amended.

[57 FR 55073, Nov. 24, 1992]

### § 32.303 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under sections 161b, 161i, or 161o of the Act. For purposes of section 223, all the regulations in part 32 are issued under one or more of sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in part 32 that are not issued under subsections 161b, 161i, or 161o for the purposes of section 223 are as follows: §§ 32.1, 32.2, 32.8, 32.11, 32.14, 32.18, 32.21, 32.22, 32.23, 32.24, 32.26, 32.27, 32.28, 32.30, 32.31, 32.51, 32.53, 32.57, 32.61, 32.71, 32.72, 32.74, 32.301, and 32.303.

[57 FR 55073, Nov. 24, 1992, as amended at 59 FR 61781, Dec. 2, 1994; 73 FR 42674, July 23, 2008; 77 FR 43696, July 25, 2012]

## PART 33—SPECIFIC DOMESTIC LICENSES OF BROAD SCOPE FOR BYPRODUCT MATERIAL

Sec.

33.1 Purpose and scope.

33.8 Information collection requirements: OMB approval.

### SPECIFIC LICENSES OF BROAD SCOPE

33.11 Types of specific licenses of broad scope.

33.12 Applications for specific licenses of broad scope.

33.13 Requirements for the issuance of a Type A specific license of broad scope.

## Nuclear Regulatory Commission

## § 33.11

- 33.14 Requirements for the issuance of a Type B specific license of broad scope.
- 33.15 Requirements for the issuance of a Type C specific license of broad scope.
- 33.16 Application for other specific licenses.
- 33.17 Conditions of specific licenses of broad scope.

### VIOLATIONS

- 33.21 Violations.
- 33.23 Criminal penalties.

### SCHEDULES

- 33.100 Schedule A.

AUTHORITY: Atomic Energy Act secs. 81, 161, 181, 182, 183, 223, 234 (42 U.S.C. 2111, 2201, 2231, 2232, 2233, 2273, 2282); Energy Reorganization Act sec. 201 (42 U.S.C. 5841); Government Paperwork Elimination Act sec. 1704 (44 U.S.C. 3504 note); Energy Policy Act of 2005 sec. 651(e), Pub. L. 109-58, 119 Stat. 806-810 (42 U.S.C. 2014, 2021b, 2111).

SOURCE: 33 FR 14579, Sept. 28, 1968, unless otherwise noted.

### § 33.1 Purpose and scope.

This part prescribes requirements for the issuance of specific licenses of broad scope for byproduct material ("broad licenses") and certain regulations governing holders of such licenses. The provisions and requirements of this part are in addition to, and not in substitution for, other requirements of this chapter. In particular, the provisions of part 30 of this chapter apply to applications and licenses subject to this part.

### § 33.8 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act (44 U.S.C. 3501 et seq.). The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has approved the information collection requirements contained in this part under control number 3150-0015.

(b) The approved information collection requirements contained in this part appear in §§ 33.12, 33.13, 33.14 and 33.15.

(c) This part contains information collection requirements in addition to those approved under the control number specified in paragraph (a) of this section. These information collection requirements and the control numbers under which they are approved are as follows:

- (1) In § 33.12, NRC Form 313 is approved under control number 3150-0120.
- (2) [Reserved]

[49 FR 19625, May 9, 1984, as amended at 62 FR 52186, Oct. 6, 1997; 67 FR 67099, Nov. 4, 2002]

### SPECIFIC LICENSES OF BROAD SCOPE

### § 33.11 Types of specific licenses of broad scope.

(a) A "Type A specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use, and transfer of any chemical or physical form of the byproduct material specified in the license, but not exceeding quantities specified in the license, for purposes authorized by the Act. The quantities specified are usually in the multicurie range.

(b) A "Type B specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use, and transfer of any chemical or physical form of byproduct material specified in § 33.100, Schedule A, of this part for purposes authorized by the Act. The possession limit for a Type B broad license, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in § 33.100, Schedule A, Column I. If two or more radionuclides are possessed thereunder, the possession limit for each is determined as follows: For each radionuclide, determine the ratio of the quantity possessed to the applicable quantity specified in § 33.100, Schedule A, Column I, for that radionuclide. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.

(c) A "Type C specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use, and transfer of any chemical or physical form of byproduct material specified in § 33.100, Schedule A, for purposes authorized by

### § 33.12

the Act. The possession limit for a Type C broad license, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in § 33.100, Schedule A, Column II. If two or more radionuclides are possessed thereunder, the possession limit is determined for each as follows: For each radionuclide determine the ratio of the quantity possessed to the applicable quantity specified in § 33.100, Schedule A, Column II, for that radionuclide. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.

(Sec. 161, as amended, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1243 (42 U.S.C. 5841))

[33 FR 14579, Sept. 28, 1968, as amended at 43 FR 6923, Feb. 17, 1978]

### § 33.12 Applications for specific licenses of broad scope.

A person may file an application for specific license of broad scope on NRC Form 313, "Application for Material License," in accordance with the provisions of § 30.32 of this chapter.

[68 FR 58805, Oct. 10, 2003]

### § 33.13 Requirements for the issuance of a Type A specific license of broad scope.

An application for a Type A specific license of broad scope will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter;

(b) The applicant has engaged in a reasonable number of activities involving the use of byproduct material; and

(c) The applicant has established administrative controls and provisions relating to organization and management, procedures, record keeping, material control, and accounting and management review that are necessary to assure safe operations, including:

(1) The establishment of a radiation safety committee composed of such persons as a radiological safety officer, a representative of management, and persons trained and experienced in the safe use of radioactive materials;

(2) The appointment of a radiological safety officer who is qualified by training and experience in radiation protec-

### 10 CFR Ch. I (1-1-13 Edition)

tion, and who is available for advice and assistance on radiological safety matters; and

(3) The establishment of appropriate administrative procedures to assure:

(i) Control of procurement and use of byproduct material;

(ii) Completion of safety evaluations of proposed uses of byproduct material which take into consideration such matters as the adequacy of facilities and equipment, training and experience of the user, and the operating or handling procedures; and

(iii) Review, approval, and recording by the radiation safety committee of safety evaluations of proposed uses prepared in accordance with paragraph (c)(3)(ii) of this section prior to use of the byproduct material.

### § 33.14 Requirements for the issuance of a Type B specific license of broad scope.

An application for a Type B specific license of broad scope will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter; and

(b) The applicant has established administrative controls and provisions relating to organization and management, procedures, record keeping, material control and accounting, and management review that are necessary to assure safe operations, including:

(1) The appointment of a radiological safety officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiological safety matters; and

(2) The establishment of appropriate administrative procedures to assure:

(i) Control of procurement and use of byproduct material;

(ii) Completion of safety evaluations of proposed uses of byproduct material which take into consideration such matters as the adequacy of facilities and equipment, training and experience of the user, and the operating or handling procedures; and

(iii) Review, approval, and recording by the radiological safety officer of safety evaluations of proposed uses prepared in accordance with paragraph

## Nuclear Regulatory Commission

## § 33.21

(b)(2)(ii) of this section prior to use of the byproduct material.

### § 33.15 Requirements for the issuance of a Type C specific license of broad scope.

An application for a Type C specific license of broad scope will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter; and

(b) The applicant submits a statement that byproduct material will be used only by, or under the direct supervision of, individuals who have received:

(1) A college degree at the bachelor level, or equivalent training and experience, in the physical or biological sciences or in engineering; and

(2) At least 40 hours of training and experience in the safe handling of radioactive materials, and in the characteristics of ionizing radiation, units of radiation dose and quantities, radiation detection instrumentation, and biological hazards of exposure to radiation appropriate to the type and forms of byproduct material to be used; and

(c) The applicant has established administrative controls and provisions relating to procurement of byproduct material, procedures, record keeping, material control and accounting, and management review necessary to assure safe operations.

### § 33.16 Application for other specific licenses.

An application filed pursuant to part 30 of this chapter for a specific license other than one of broad scope will be considered by the Commission as an application for a specific license of broad scope under this part if the requirements of the applicable sections of this part are satisfied.

### § 33.17 Conditions of specific licenses of broad scope.

(a) Unless specifically authorized pursuant to other parts of this chapter, persons licensed under this part shall not:

(1) Conduct tracer studies in the environment involving direct release of byproduct material;

(2) Receive, acquire, own, possess, use, transfer, or import devices containing 100,000 curies or more of byproduct material in sealed sources used for irradiation of materials;

(3) Conduct activities for which a specific license issued by the Commission under part 32, 34, or 35 of this chapter is required; or

(4) Add or cause the addition of byproduct material to any food, beverage, cosmetic, drug, or other product designed for ingestion or inhalation by, or application to, a human being.

(b) Each Type A specific license of broad scope issued under this part shall be subject to the condition that byproduct material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's radiation safety committee.

(c) Each Type B specific license of broad scope issued under this part shall be subject to the condition that byproduct material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's radiological safety officer.

(d) Each Type C specific license of broad scope issued under this part shall be subject to the condition that byproduct material possessed under the license may only be used by, or under the direct supervision of, individuals who satisfy the requirements of § 33.15 of this part.

## VIOLATIONS

### § 33.21 Violations.

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of—

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under section 234 of the Atomic Energy Act:

(1) For violations of—

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

§ 33.23

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under section 186 of the Atomic Energy Act of 1954, as amended.

[57 FR 55073, Nov. 24, 1992]

§ 33.23 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under sections 161b, 161i, or 161o of the Act. For purposes of section 223, all the regulations in part 33 are issued under one or more of sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in part 33 that are not issued under sections 161b, 161i, or 161o for the purposes of section 223 are as follows: §§ 33.1, 33.8, 33.11, 33.12, 33.13, 33.14, 33.15, 33.16, 33.21, 33.23 and 33.100.

[57 FR 55073, Nov. 24, 1992]

SCHEDULES

§ 33.100 Schedule A.

Byproduct material	Col. I curies	Col. II curies
Antimony-122	1	0.01
Antimony-124	1	.01
Antimony-125	1	.01
Arsenic-73	10	.1
Arsenic-74	1	.01
Arsenic-76	1	.01
Arsenic-77	10	.1
Barium-131	10	.1
Barium-140	1	.01
Beryllium-7	10	0.1
Bismuth-210	.1	.001
Bromine-82	10	.1
Cadmium-109	1	.01
Cadmium-115m	1	.01
Cadmium-115	10	.1
Calcium-45	1	.01
Calcium-47	10	.1
Carbon-14	100	1.
Cerium-141	10	.1
Cerium-143	10	.1
Cerium-144	.1	.001
Cesium-131	100	1.

10 CFR Ch. I (1-1-13 Edition)

Byproduct material	Col. I curies	Col. II curies
Cesium-134m	100	1.
Cesium-134	.1	.001
Cesium-135	1	.01
Cesium-136	10	.1
Cesium-137	.1	.001
Chlorine-36	1	.01
Chlorine-38	100	1.
Chromium-51	100	1.
Cobalt-57	10	0.1
Cobalt-58m	100	1.
Cobalt-58	1	.01
Cobalt-60	.1	.001
Copper-64	10	.1
Dysprosium-165	100	1.
Dysprosium-166	10	.1
Erbium-169	10	.1
Erbium-171	10	.1
Europium-152 9.2 h	10	.1
Europium-152 13 y	.1	.001
Europium-154	.1	.001
Europium-155	1	.01
Fluorine-18	100	1.
Gadolinium-153	1	.01
Gadolinium-159	10	.1
Gallium-72	10	.1
Germanium-71	100	1
Gold-198	10	.1
Gold-199	10	.1
Hafnium-181	1	.01
Holmium-166	10	.1
Hydrogen-3	100	1
Indium-113m	100	1
Indium-114m	1	.01
Indium-115m	100	1
Indium-115	1	.01
Iodine-125	.1	.001
Iodine-126	.1	.001
Iodine-129	.1	.01
Iodine-131	.1	.001
Iodine-132	10	.1
Iodine-133	1	.01
Iodine-134	10	.1
Iodine-135	1	.01
Iridium-192	1	.01
Iridium-194	10	.1
Iron-55	10	.1
Iron-59	1	.01
Krypton-85	100	1
Krypton-87	10	.1
Lanthanum-140	1	.01
Lutetium-177	10	.1
Manganese-52	1	.01
Manganese-54	1	.01
Manganese-56	10	.1
Mercury-197m	10	.1
Mercury-197	10	.1
Mercury-203	1	.01
Molybdenum-99	10	.1
Neodymium-147	10	.1
Neodymium-149	10	.1
Nickel-59	10	.1
Nickel-63	1	.01
Nickel-65	10	.1
Niobium-93m	1	.01
Niobium-95	1	.01
Niobium-97	100	1.
Osmium-185	1	.01
Osmium-191m	100	1.
Osmium-191	10	.1
Osmium-193	10	.1
Palladium-103	10	.1
Palladium-109	10	.1
Phosphorus-32	1	.01

Byproduct material	Col. I curies	Col. II curies
Platinum-191 .....	10	.1
Platinum-193m .....	100	1.
Platinum-193 .....	10	.1
Platinum-197m .....	100	1
Platinum-197 .....	10	.1
Polonium-210 .....	.01	.0001
Potassium-42 .....	1	.01
Praseodymium-142 .....	10	.1
Praseodymium-143 .....	10	.1
Promethium-147 .....	1	.01
Promethium-149 .....	10	.1
Radium-226 .....	0.01	0.0001
Rhenium-186 .....	10	.1
Rhenium-188 .....	10	.1
Rhodium-103m .....	1,000	10.
Rhodium-105 .....	10	.1
Rubidium-86 .....	1	.01
Rubidium-87 .....	1	.01
Ruthenium-97 .....	100	1.
Ruthenium-103 .....	1	.01
Ruthenium-105 .....	10	.1
Ruthenium-106 .....	.1	.001
Samarium-151 .....	1	.01
Samarium-153 .....	10	.1
Scandium-46 .....	1	.01
Scandium-47 .....	10	.1
Scandium-48 .....	1	.01
Selenium-75 .....	1	.01
Silicon-31 .....	10	.1
Silver-105 .....	1	.01
Silver-110m .....	.1	.001
Silver-111 .....	10	.1
Sodium-22 .....	0.1	0.001
Sodium-24 .....	1	.01
Strontium-85m .....	1,000	10.
Strontium-85 .....	1	.01
Strontium-89 .....	1	.01
Strontium-90 .....	.01	.0001
Strontium-91 .....	10	.1
Strontium-92 .....	10	.1
Sulphur-35 .....	10	.1
Tantalum-182 .....	1	.01
Technetium-96 .....	10	.1
Technetium-97m .....	10	.1
Technetium-97 .....	10	.1
Technetium-99m .....	100	1.
Technetium-99 .....	1	.01
Tellurium-125m .....	1	.01
Tellurium-127m .....	1	.01
Tellurium-127 .....	10	.1
Tellurium-129m .....	1	.01
Tellurium-129 .....	100	1
Tellurium-131m .....	10	.1
Tellurium-132 .....	1	.01
Terbium-160 .....	1	.01
Thallium-200 .....	10	.1
Thallium-201 .....	10	.1
Thallium-202 .....	10	.1
Thallium-204 .....	1	.01
Thulium-170 .....	1	.01
Thulium-171 .....	1	.01
Tin-113 .....	1	.01
Tin-125 .....	1	.01
Tungsten-181 .....	1	.01
Tungsten-185 .....	1	.01
Tungsten-187 .....	10	.1
Vanadium-48 .....	1	.01
Xenon-131m .....	1,000	10.
Xenon-133 .....	100	1.
Xenon-135 .....	100	1.
Ytterbium-175 .....	10	.1
Yttrium-90 .....	1	.01
Yttrium-91 .....	1	.01

Byproduct material	Col. I curies	Col. II curies
Yttrium-92 .....	10	.1
Yttrium-93 .....	1	.01
Zinc-65 .....	1	.01
Zinc-69m .....	10	.1
Zinc-69 .....	100	1.
Zirconium-93 .....	1	.01
Zirconium-95 .....	1	.01
Zirconium-97 .....	1	.01
Any byproduct material other than alpha emitting byproduct material not listed above .....	.1	.001

(Sec. 201, Pub. L. 93-438; 88 Stat. 1242 (42 U.S.C. 5841))

[33 FR 14579, Sept. 28, 1968, as amended at 72 FR 55930, Oct. 1, 2007]

**PART 34—LICENSES FOR INDUSTRIAL RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC OPERATIONS**

**Subpart A—General Provisions**

- Sec.
- 34.1 Purpose and scope.
- 34.3 Definitions.
- 34.5 Interpretations.
- 34.8 Information collection requirements: OMB approval.

**Subpart B—Specific Licensing Provisions**

- 34.11 Application for a specific license.
- 34.13 Specific license for industrial radiography.

**Subpart C—Equipment**

- 34.20 Performance requirements for industrial radiography equipment.
- 34.21 Limits on external radiation levels from storage containers and source changers.
- 34.23 Locking of radiographic exposure devices, storage containers, and source changers.
- 34.25 Radiation survey instruments.
- 34.27 Leak testing and replacement of sealed sources.
- 34.29 Quarterly inventory.
- 34.31 Inspection and maintenance of radiographic exposure devices, transport and storage containers, associated equipment, source changers, and survey instruments.
- 34.33 Permanent radiographic installations.
- 34.35 Labeling, storage, and transportation.

**Subpart D—Radiation Safety Requirements**

- 34.41 Conducting industrial radiographic operations.