TABLE 3 - GENERAL LICENSES

ITEMS, TERMS AND CONDITIONS

Item (a) - Certain quantities of radioactive material, devices and equipment.

(1)A general license is hereby issued to transfer, receive, acquire, own, possess and use radioactive material incorporated in the following devices or equipment which have been manufactured or imported, tested and labeled in accordance with the specification contained in a license or permit from the commissioner, the State Department of Health, the New York City Department of Health, the United States Nuclear Regulatory Commission or any agreement State, which license or permit provides that such items may be distributed to persons under the general license provisions of Item (a) or its equivalent. Such devices or equipment are:

(i) A device designed for use in ionizing air and containing, as a sealed source, a total quantity of not more than 500 microcuries of Polonium 210.

(ii) Any device designed for use in ionizing air and containing, as a sealed source, a total quantity of not more than 500 microcuries of Polonium 210 or 50 millicuries of Hydrogen 3.

(2) Terms and conditions. Every person in respect to certain quantities of radioactive material, devices and equipment shall comply with the following requirements:

(i) Such person shall not by any method combine, increase or cause any combination or increase in the radioactivity of any device containing radioactive material, or administer externally or internally, or direct the administration of, any device to a human being for any purpose.

(ii) Such person shall comply with the requirements of this Part (rule), specifically sections 38.20, 38.25 and 38.28, subdivision (h).

Item (b) - Certain fixed measuring, gauging or controlling devices.

(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; and contain no more than one millicurie of strontium 90 or of any transuranic radionuclide.

(ii) Such devices are labeled in accordance with the provisions of a license which authorizes the distribution of the devices.

(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 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

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(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.)

(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.

(2) Terms and conditions. Every person under this general license shall comply with the following requirements:

(i) Such person shall, upon receipt of a generally licensed device, register it with the commissioner on a form prescribed by him describing the type of such device obtained, the quantity and type of radioactive material contained in such device, and such other information as the commissioner may require.

(ii) No such person shall dispose of, by abandonment or otherwise, any such 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 registration number, manufacturer's name, model and serial number of device transferred, the name and address of the transferee's radiation safety officer.

(iii) Such person assures 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 as a condition of his/her general license.

(iv) Such person 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.

(v) Such person 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 subparagraph (vi) of this paragraph.

(vi) Such person 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 subparagraph (v) of this paragraph.

(vii) Such person 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 person under this general license shall promptly notify the commissioner in writing.

(viii) Upon any indication of a possible failure of or damage to the shielding or containment of such radioactive material or an on-off mechanism and indicator, such person shall immediately notify the commissioner and shall suspend use of such device until it has been repaired, lawfully disposed of or accepted by the commissioner as in substantial compliance with this Part (rule).

(ix) Such person shall comply with the requirements specified in section 38.28, subdivision (h) of this Part (rule) and such other requirements as the commissioner may determine to be applicable but otherwise shall be exempt from the requirements of sections 38.16 through 38.28 of this Part (rule).

Item (c) - Strontium 90 in ice detection devices.

(1) A general license is hereby issued to own, receive, possess, use and transfer Strontium 90 contained in any device designed for use in ice detection and containing a total quantity of not more than 50 microcuries of Strontium 90 [and] provided that:

(i) Each such device has been manufactured or imported in accordance with 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; and

(ii) Such devices are labeled in accordance with the provisions of a license which authorizes the distribution of the devices[.];

(iii) Such devices bear durable labels which include the radiation hazard symbol as specified in section 38.25 of this Part (rule), a statement that the device contains Strontium 90 and the quantity thereof, instructions for disposal, and statements that the device may be possessed pursuant to a general license or equivalent, that the manufacturer or civil authorities shall be notified if the device is found, that removal of labeling is prohibited and that disassembly and that repair of the device may be performed only by a person holding a license to manufacture or service such devices.

(2) Terms and conditions. Every person in respect to ice detectors containing Strontium 90 shall comply with the following requirements:

(i) Such person shall, upon occurrence of visually observable damage (such as a bend or crack or discoloration from overheating) to the device, discontinue use of the device until it has been inspected, tested for leakage and repaired by

a person authorized to conduct such activities by a specific license or permit from 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 shall dispose of the device in accordance with section 38.20 of this Part (rule).

(ii) Such person shall assure that all labels affixed to the device at the time of receipt, and that bear a statement prohibiting removal, are maintained on such device.

(iii) Such person shall not assemble, disassemble or repair Strontium 90 in ice detection devices.

(iv) Such person shall comply with the requirements of section 38.20 of this Part (rule) and such other requirements as the commissioner may determine to be applicable to a particular device, but otherwise such person shall be exempt from the requirements of sections 38.16 through 38.28 of this Part (rule).

Item (d) - Source material.

(1) A general license is hereby issued authorizing commercial and industrial firms, and research, educational and medical institutions in respect to the use and transfer of any source material in quantities not exceeding a total of 15 pounds at any one time or a total of 150 pounds in any calendar year for commercial, industrial, research and development purposes.

(2) Terms and conditions. Every person in respect to generally licensed quantities of source material shall comply with the requirements of section 38.20 of this Part (rule) and other requirements as the commissioner may determine to be applicable, but otherwise such person shall be exempt from the requirements of section 38.16 through 38.28 of this Part (rule), except that:

(i) This exemption shall not be deemed to apply to any such person who is also in possession of source material under a license or permit issued by the commissioner, the State Department of Health or the New York City Department of Health.

Item (e) - Luminous safety devices for use in aircraft.

(1) A general license is hereby issued for all persons in respect to Hydrogen 3 or Promethium 147 contained in luminous safety devices for use in aircraft, when each device contains not more than 10 curies of Hydrogen 3 or 300 millicuries of Promethium 147 and has been manufactured, assembled or imported in accordance with a license or permit 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 and authorizing distribution under the general

license of this Item or equivalent. This exemption does not authorize the manufacture, assembly or repair of luminous safety devices containing Hydrogen 3 or Promethium 147. This exemption does not authorize the transfer, receipt, possession or use of Promethium 147 in instrument dials.

(2) Terms and conditions. Every person in respect to generally licensed luminous safety devices for use in aircraft shall comply with the requirements of section 38.20 of this Part (rule) and other requirements as the commissioner may determine to be applicable, but otherwise such person shall be exempt from the requirements of sections 38.16 through 38.28 of this Part (rule).

Item (f) - Americium 241 and Plutonium in the form of calibration or reference sources.

(1) A general license is hereby issued with respect to Americium 241 and Plutonium contained in the form of calibration or reference sources to those persons holding a license or permit issued by the commissioner, the State Department of Health or the New York City Department of Health authorizing the receipt, possession, use and transfer of radioactive materials or persons holding licenses issued by the United States Nuclear Regulatory Commission authorizing the receipt, possession, use and transfer of special nuclear material. Such sources must have been manufactured or imported, tested and labeled in accordance with a license or permit 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, and authorizing the distribution under the general license of this Item or equivalent.

(2) Terms and conditions. Every person in respect to generally licensed Americium 241 or Plutonium calibration or reference sources shall comply with the following requirements.

(i) Such person shall not possess at any one time, at any one location of storage or use, more than 5 microcuries of Americium 241 and 5 microcuries of Plutonium in the form of generally licensed sources.

(ii) Such person shall not receive, possess, use or transfer any such source unless the source, or the storage container, shall have affixed thereto a label with the following statement or a substantially similar statement:

"The receipt, possession, use and transfer of this source, Model No. _____, Serial No._____, are subject to general license or the equivalent and regulation 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. Do not remove this label. CAUTION - RADIOACTIVE MATERIAL - THIS SOURCE CONTAINS (Use name of material in source) DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

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(Name of manufacturer or importer)"

(iii) Such person shall not transfer, abandon or dispose of such source except by transfer to a person authorized to receive the source by a license or permit issued by the commissioner, the State Department of Health, the New York City Department of Health, the United States Nuclear Regulatory Commission or an agreement State.

(iv) Such person shall store such source, except when the source is being used, in a closed container adequately designed and constructed to contain Americium 241 or Plutonium which might otherwise escape during storage.
(v) Such person shall not use such source for any purpose other than the calibration of radiation detectors or the standardization of other sources.
(vi) Such person shall comply with other applicable requirements of this Part (rule).

Item (g) - Depleted uranium in certain industrial and commercial products or devices.

(1) A general license is hereby issued to receive, acquire, possess, use or transfer, depleted uranium contained in industrial and commercial products or devices for the purpose of providing a concentrated mass in a small volume of the product or device when the product or device is 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 product or devices are labeled in accordance with the provisions of a license which authorizes the distribution of the products or devices.

(ii) Such products or devices are clearly impressed with the following wording clearly legible through any plating or other covering: "Depleted Uranium".

(2) Terms and conditions. Every person under this general license shall comply with the following requirements:

(i) Such person shall, upon receipt of a generally licensed device or product, register it with the commissioner on a form prescribed by him describing the radiation protection and control program to assure physical control over the depleted uranium products and devices and designed to prevent transfer to unauthorized persons and such other information as the commissioner may require.

(ii) Such person shall not introduce such depleted uranium device or product, in any form, into any chemical, physical, or metallurgical treatment or process except a treatment or process for repair or restoration of any plating or other covering on the depleted uranium.

(iii) No such person shall dispose of by abandonment or otherwise, any such product or device except by transfer to a person who holds a license or permit to receive such product or 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 of transfer to a general licensee within the State a copy of this general license with its terms and conditions and a copy of the registration form prescribed by the commissioner to be completed by the transferee or in case of transfer to a non-Agreement or other Agreement State transferee, a copy of the appropriate regulation and registration form to be completed by the transferee.

(iv) Within 30 days of any transfer such person shall report in writing to the commissioner the name and address of the person receiving the depleted uranium product or device.

(v) Such person shall comply with the requirements specified in section 38.28 of the Part (rule) and such other requirements as the commissioner may determine to be applicable but otherwise such person shall be exempt from other requirements of this Part (rule).

Item (h) - Radioactive material for certain in-vitro clinical or laboratory tests.

(1) A general license is hereby issued to own, receive, acquire, possess, transfer and use radioactive material as specified below for certain in-vitro clinical or laboratory tests by a physician, veterinarian, clinical laboratory or hospital. Such radioactive material shall be manufactured in accordance with a specific license issued by the commissioner, the State Department of Health, the New York City Department of Health, the United States Nuclear Regulatory Commission, any agreement state or any licensing nonagreement state and such license shall authorize distribution under the general license of this Item or its equivalent provided that:

(i) Such radioactive material is in prepackaged units.

(ii) Such radioactive material is limited for use in in-vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or radiation therefrom, to human beings or animals and is limited to the following radionuclides.

(a) Carbon-14, in units not exceeding 10 microcuries each.

(b) Cobalt-57 in units not exceeding 10 microcuries each.

(c) Hydrogen-3 (Tritium) in units not exceeding 50 microcuries each.

(d) Iodine-125, in units not exceeding 10 microcuries each.

(e) Mock Iodine-125 reference or calibration sources, in units not exceeding 0.05 microcuries of Iodine-129 and 0.005 microcuries of Americium-241 each.

(f) Iodine-131, in units not exceeding 10 microcuries each.

(g) Iron-59, in units not exceeding 20 microcuries each.

(h)Selenium-75, in units not exceeding 10 microcuries each.

(iii)Such radioactive material in prepackaged units shall have a label affixed to the container or a leaflet or brochure in the package with the following statement or a substantially similar statement:

(a) For agreement materials licensed by the U. S. Nuclear Regulatory Commission or agreement state, or nonagreement materials licensed by agreement states:

"This radioactive material may be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use, and transfer are subject to the regulations, and a general license of the U.S. Nuclear Regulatory Commission or of a State with which the Commission has entered into an agreement for the exercise of regulatory authority.

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Name of manufacturer”

(b) For nonagreement materials licensed by non-agreement States: "This radioactive material may be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use, and transfer are subject to the regulations, and a general license of a nonagreement State or an agreement state.

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Name of manufacturer”

(2) Terms and conditions. Every physician, veterinarian, clinical laboratory or hospital under this general license shall comply with the following requirements:

(i) Such physician, veterinarian, clinical laboratory or hospital before receipt of radioactive material under this general license shall register with the commissioner, the State Department of Health or the New York City Department of Health on a form prescribed by the appropriate agency.

(ii) Such physician, veterinarian, clinical laboratory or hospital shall not possess at any one time or at any one installation for storage or use a total amount of Cobalt-57, Iodine-125, Iodine-131, Iron-59 and Selenium 75, in excess of 200 microcuries.

(iii) Such physician, veterinarian, clinical laboratory or hospital shall store the radioactive material, until used, in the original shipping container or in a container providing equivalent radiation protection.

(iv) Such physician, veterinarian, clinical laboratory or hospital shall use the radioactive material only as specified in paragraph (1)(ii) of this Item.

(v) Such physician, veterinarian, clinical laboratory or hospital shall not transfer the radioactive material except in the unopened, labeled shipping container as received from supplier and except to a person authorized to receive it pursuant to a specific license issued by the commissioner, the State Department of Health or the New York City Department of Health, the United States Nuclear Regulatory Commission, any agreement state or any licensing non-agreement state (for naturally occurring or accelerator-produced radioactive material only).

(vi) Such physician, veterinarian, clinical laboratory or hospital shall dispose of the mock Iodine-125 reference or calibration sources specified in subparagraph (ii) of paragraph (1) of this Item only as specified in section 38.20 of the Part (rule).

(vii) Such physician, veterinarian, clinical laboratory or hospital shall keep his registration current by reporting any changes within 30 days after the effective date of such change to the commissioner, the State Department of Health or the New York City Department of Health as appropriate.

(viii) Such physician, veterinarian, clinical laboratory or hospital shall comply with the requirements specified in section 38.20 and subdivision (a) of section 38.29 for the mock Iodine-125 specified in subparagraph (ii) of paragraph (1) of this Item and such other requirements as the commissioner may determine to be applicable but otherwise shall be exempt from requirements of sections 38.16 through 38.28 of this Part (rule).