

4731.0403 SPECIFIC EXEMPTIONS.

Subpart 1. **Physicians.** A physician licensed by a state to dispense drugs in the practice of medicine is exempt from part 4731.0402 with respect to transport by the physician of licensed material for use in the practice of medicine. A physician operating under this exemption must be licensed under parts 4731.4400 to 4731.4527 or equivalent regulations of the NRC or an agreement state.

Subp. 1a. **Grounds.** On application of any interested person or on the commissioner's own initiative, the commissioner may grant any exemption from parts 4731.0400 to 4731.0455 that the commissioner determines is authorized by law and will not endanger life or property nor the common defense and security.

Subp. 2. **Low-level materials.** A licensee is exempt from the requirements of parts 4731.0400 to 4731.0455 with respect to shipment or carriage of a package of the following low-level material:

A. natural material and ores containing naturally occurring radionuclides that are not intended to be processed for use of these radionuclides, provided the activity concentration of the material does not exceed ten times the values specified in part 4731.0422, subpart 3; and

B. materials for which the activity concentration is not greater than the activity concentration values specified in part 4731.0422, subpart 3, or for which the consignment activity is not greater than the limit for an exempt consignment under part 4731.0422, subpart 3.

Subp. 3. **Exemption from classification as fissile material.** Fissile material meeting at least one of the requirements in items A to F is exempt from classification as fissile material and from the fissile material package standards of Code of Federal Regulations, title 10, sections 71.55 and 71.59, but is subject to all other requirements of this chapter, except as noted:

A. an individual package containing two grams or less of fissile material;

B. individual or bulk packaging containing 15 grams or less of fissile material, provided the package has at least 200 grams of solid nonfissile material for every gram of fissile material. Lead, beryllium, graphite, and hydrogenous material enriched in deuterium may be present in the package but must not be included in determining the required mass for solid nonfissile material;

C. low concentrations of solid fissile material commingled with solid nonfissile material, provided that:

(1) there is at least 2,000 grams of solid nonfissile material for every gram of fissile material. Lead, beryllium, graphite, and hydrogenous material enriched in deuterium

may be present in the package but may not be included in determining the required mass of solid nonfissile material; and

(2) there is no more than 180 grams of fissile material distributed within 360 kilograms of contiguous nonfissile material. Lead, beryllium, graphite, and hydrogenous material enriched in deuterium may be present in the package but may not be included in determining the required mass of solid nonfissile material;

D. uranium enriched in uranium-235 to a maximum of one percent by weight, and with total plutonium and uranium-233 content of up to one percent of the mass of uranium-235, provided that the mass of any beryllium, graphite, and hydrogenous material enriched in deuterium constitutes less than five percent of the uranium mass;

E. liquid solutions of uranyl nitrate enriched in uranium-235 to a maximum of two percent by mass, with a total plutonium and uranium-233 content not exceeding 0.002 percent of the mass of uranium, and with a minimum nitrogen to uranium atomic ratio (N/U) of two. The material must be contained in at least a DOT Type A package; or

F. packages containing, individually, a total plutonium mass of not more than 1,000 grams, of which not more than 20 percent by mass may consist of plutonium-239, plutonium-241, or any combination of these radionuclides.

Statutory Authority: *MS s 144.1202; 144.1203*

History: *29 SR 755; 32 SR 831*

Published Electronically: *March 12, 2009*