

4731.0416 AIR TRANSPORT OF PLUTONIUM.

Subpart 1. **Limitations for plutonium transport.** Notwithstanding the provisions of any general license and notwithstanding any exemptions stated directly in parts 4731.0400 to 4731.0424 or included indirectly by citation to Code of Federal Regulations, title 49, chapter I, as may be applicable, a licensee must ensure that plutonium in any form, whether for import, export, or domestic shipment, is not transported by air, or delivered to a carrier for air transport, unless:

- A. the plutonium is contained in a medical device designed for individual human application;
- B. the plutonium is contained in a material in which the specific activity is less than or equal to the activity concentration values for plutonium specified in part 4731.0422, subpart 3, and in which the radioactivity is essentially uniformly distributed;
- C. the plutonium is shipped in a single package containing no more than an A₂ quantity of plutonium in any isotope or form and is shipped according to part 4731.0402; or
- D. the plutonium is shipped in a package specifically authorized for shipment of plutonium by air in the certificate of compliance for that package issued by the NRC.

Subp. 2. **Federal law.**

A. Nothing in subpart 1 is to be interpreted as removing or diminishing the requirements of Code of Federal Regulations, title 10, section 73.24.

B. For a shipment of plutonium by air that is subject to subpart 1, item D, a licensee must, through special arrangement with the carrier, require compliance with the DOT regulations applicable to the air transport of plutonium under Code of Federal Regulations, title 49, section 175.704.

Statutory Authority: *MS s 144.1202; 144.1203*

History: *29 SR 755; 32 SR 831; 44 SR 239*

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