

4731.0535 EXEMPTION; CERTAIN FEDERAL CONTRACTS.

A. Except to the extent that United States Department of Energy (DOE) facilities or activities of the types subject to licensing under the federal Energy Reorganization Act of 1974, United States Code, title 42, section 5842, are involved, a prime contractor of the DOE is exempt from parts 4731.0525 to 4731.0630 to the extent that the contractor, under the prime contract with the DOE, receives title to, owns, acquires, delivers, receives, possesses, uses, or transfers special nuclear material for:

(1) the performance of work for the DOE at a United States government-owned or -controlled site, including the transportation of special nuclear material to or from the site and the performance of contract services during temporary interruptions of such transportation;

(2) research in or development, manufacture, storage, testing, or transportation of atomic weapons or components thereof; or

(3) the use or operation of nuclear reactors or other nuclear devices in a United States-owned vehicle or vessel.

B. Subject to the requirement for licensing of DOE facilities and activities according to United States Code, title 42, section 5842, a prime contractor or subcontractor of the DOE or the NRC is exempt from parts 4731.0525 to 4731.0630 to the extent that the prime contractor or subcontractor receives title to, owns, acquires, delivers, receives, possesses, uses, or transfers special nuclear material under the prime contract or subcontract when the NRC determines that the exemption is authorized by law and that under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety.

Statutory Authority: *MS s 144.1202; 144.1203*

History: *29 SR 755*

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