

4731.0715 EXEMPTION; USE OF SOURCE MATERIAL UNDER 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 United States Code, title 42, section 5842, the Energy Reorganization Act of 1974, or the Uranium Mill Tailings Radiation Control Act of 1978, Public Law 95-604, are involved, a prime contractor of the DOE is exempt from parts 4731.0700 to 4731.0840 to the extent that the contractor, under the prime contract with the DOE, receives, possesses, uses, transfers, or delivers source material for:

(1) the performance of work for the DOE at a United States government-owned or -controlled site, including the transportation of source material to or from such 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 United States government-owned vehicles or vessels.

B. In addition to the exemptions under item A, and subject to the requirement for licensing of DOE facilities and activities under the Energy Reorganization Act of 1974 or the Uranium Mill Tailings Radiation Control Act of 1980, a prime contractor or subcontractor of the DOE or the NRC is exempt from parts 4731.0700 to 4731.0840 to the extent that:

(1) the prime contractor or subcontractor receives, possesses, uses, transfers, or delivers source material under the prime contract or subcontract; and

(2) the NRC determines that:

(a) the exemption is authorized by law; and

(b) 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*

Published Electronically: *March 12, 2009*