

4731.3040 EXEMPT QUANTITIES.

Subpart 1. **Exempt quantities.** Except as provided in subparts 3 to 5, a person is exempt from parts 4731.3000 to 4731.7280 to the extent that the person receives, possesses, uses, transfers, owns, or acquires radioactive material in individual quantities, each of which does not exceed the applicable quantity in part 4731.3145.

Subp. 2. **Receipt under prior license.** A person who possesses radioactive material received or acquired before September 25, 1971, under the general license then provided under Code of Federal Regulations, title 10, section 31.4, or similar general license of a state, is exempt from parts 4731.3000 to 4731.4360, and 4731.6000 to 4731.7280 to the extent that the person possesses, uses, transfers, or owns such radioactive material.

Subp. 3. **Limitation.** This part does not authorize, for purposes of commercial distribution, the production, packaging, repackaging, or transfer of radioactive material or the incorporation of radioactive material into products intended for commercial distribution.

Subp. 4. **Specific license required.** No person may, for purposes of commercial distribution, transfer radioactive material in the individual quantities under part 4731.3145, knowing or having reason to believe that such quantities of radioactive material will be transferred to persons exempt under this part or equivalent regulations of the NRC or an agreement state, except according to a license issued under Code of Federal Regulations, title 10, section 32.18, that states that the radioactive material may be transferred by the licensee to persons exempt under this part or equivalent regulations of the NRC or an agreement state.

Subp. 5. **Aggregation.** No person may, for purposes of producing an increased radiation level, combine quantities of radioactive material covered by this exemption so that the aggregate quantity exceeds the limits set forth in part 4731.3145, except for radioactive material combined within a device placed in use before May 3, 1999, or as otherwise permitted by this part.

Statutory Authority: *MS s 144.1202; 144.1203*

History: *29 SR 755; 33 SR 1440*

Published Electronically: *March 12, 2009*