

4731.3050 EXEMPTION; GAS AND AEROSOL DETECTORS CONTAINING RADIOACTIVE MATERIAL.

Subpart 1. **Specific license exemption.** Except for persons who manufacture, process, produce, or initially transfer for sale or distribution gas and aerosol detectors containing radioactive material, a person is exempt from parts 4731.1000 to 4731.2090 and 4731.3000 to 4731.7280 to the extent that the person receives, possesses, uses, transfers, owns, or acquires radioactive material in gas or aerosol detectors designed to protect life or property from fires and airborne hazards and manufactured, processed, produced, or initially transferred according to a specific license issued under Code of Federal Regulations, title 10, section 32.26, that authorizes the initial transfer of the product for use under this part. This exemption also covers gas and aerosol detectors manufactured or distributed before November 30, 2007, in accordance with a specific license issued by a state under comparable provisions to Code of Federal Regulations, title 10, section 32.26, authorizing distribution to persons exempt from regulatory requirements.

Subp. 2. **Specific license required.** A person who desires to manufacture, process, or produce gas and aerosol detectors containing radioactive material or to initially transfer such products for use under subpart 1 must apply for a license under Code of Federal Regulations, title 10, section 32.26, that states that the product may be initially transferred by the licensee to persons exempt under subpart 1 or equivalent regulations of the NRC or an agreement state.

Statutory Authority: *MS s 144.1202; 144.1203*

History: *29 SR 755; 33 SR 1440*

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