



ADMINISTRATIVE RULES OF MONTANA



37.14.511 GENERAL LICENSES: SOURCE MATERIAL

- (1) A general license is hereby issued authorizing use and transfer of not more than 15 pounds of source material at any 1 time by persons in the following categories:
 - (a) Pharmacists using the source material solely for the compounding of medicinals.
 - (b) Physicians using the source material for medicinal purposes.
 - (c) Persons receiving possession of source material from pharmacists and physicians in the form of medicinals or drugs.
 - (d) Commercial and industrial firms, and research, educational, and medical institutions, and state and local governmental agencies for research, development, educational, commercial or operational purposes.
 - (e) And provided, that no such person shall, pursuant to this general license, receive more than a total of 150 pounds of source material in any 1 calendar year.
- (2) Persons who receive, possess, use, or transfer source material pursuant to the general license issued in (1) of this rule are exempt from the provisions of ARM Title 37, chapter 14, subchapters 7 and 17, to the extent that such receipt, possession, use, or transfer is within the terms of such general license; provided, however, that this exemption shall not be deemed to apply to any such person who is also in possession of source material under a specific license issued pursuant to this subchapter.
- (3) A general license is hereby issued authorizing the receipt of title to source material without regard to quantity. This general license does not authorize any person to receive, possess, use, or transfer source material.
- (4)
 - (a) A general license is hereby issued to receive, acquire, possess, use, or transfer, in accordance with the provisions of (b) through (e) below, depleted uranium contained in industrial products or devices for the purpose of providing a concentrated mass in a small volume of the product or device.
 - (b) The general license in (a) above applies only to industrial products or devices which have been manufactured either in accordance with a specific license issued to the manufacturer of the products or devices pursuant to ARM 37.14.542 (13) or in accordance with a specific license issued to the manufacturer by the US nuclear regulatory commission or an agreement state which authorizes manufacture of the products or devices for distribution to persons generally licensed by the US nuclear regulatory commission or an agreement state.

(c)

- (i) Persons who receive, acquire, possess, or use depleted uranium pursuant to the general license established by (a) above shall file department form MRH-12, "Registration Certificate--Use of Depleted Uranium Under General License", with the department. The form shall be submitted within 30 days after the first receipt or acquisition of such depleted uranium. The registrant shall furnish on department form MRH-12 the following information and such other information as may be required by that form:
 - (A) name and address of the registrant;
 - (B) a statement that the registrant has developed and will maintain procedures designed to establish physical control over the depleted uranium described in (a) above and designed to prevent transfer of such depleted uranium in any form, including metal scrap, to persons not authorized to receive the depleted uranium; and
 - (C) name and/or title, address, and telephone number of the individual duly authorized to act for and on behalf of the registrant in supervising the procedures identified in (B) above.
 - (ii) The registrant possessing or using depleted uranium under the general license established by (a) above shall report in writing to the department any changes in information furnished by him in department form MRH-12, "Registration Certificate--Use of Depleted Uranium Under General License". The report shall be submitted within 30 days after the effective date of such change.
- (d) A person who receives, acquires, possesses, or uses depleted uranium pursuant to the general license established by (a) above:
- (i) Shall not introduce such depleted uranium, in any form, into a chemical, physical, or metallurgical treatment or process, except a treatment or process for repair or restoration of any plating or other covering of the depleted uranium.
 - (ii) Shall not abandon such depleted uranium.
 - (iii) Shall transfer or dispose of such depleted uranium only by transfer in accordance with the provisions of ARM 37.14.547 . In the case where the transferee receives the depleted uranium pursuant to the general license established by (a) above, the transferor shall furnish the transferee a copy of this rule and a copy of department form MRH-12. In the case where the transferee receives the depleted uranium pursuant to a general license contained in the US nuclear regulatory commission's or agreement state's regulation equivalent to (a) above, the transferor shall furnish the transferee a copy of this rule and a copy of department form MRH-12 accompanied by a note explaining that use of the product or device is regulated by the US nuclear regulatory commission or agreement state under requirements substantially the same as those in this rule.
 - (iv) Within 30 days of any transfer, shall report in writing to the department the name and address of the person receiving the depleted uranium pursuant to such transfer.
 - (v) Shall not export such depleted uranium except in accordance with a license issued by the US nuclear regulatory commission pursuant to 10 CFR Part 110.

- (e) Any person receiving, acquiring, possessing, using, or transferring depleted uranium pursuant to the general license established by (a) above is exempt from the requirements of ARM Title 37, chapter 14, subchapters 7 and 17, with respect to the depleted uranium covered by that general license.

Authorizing statute(s): Sec. 75-3-202, MCA

Implementing statute(s): Sec. 75-3-202, MCA

History: NEW, 1980 MAR p. 1069, Eff. 3/28/80; TRANS, from DHES, 1996 MAR p. 433; TRANS, from DEQ, 2000 MAR p. 189.