



ADMINISTRATIVE RULES OF MONTANA



37.14.551 RECIPROCITY

- (1) Subject to this chapter, any person who holds a specific license from the US nuclear regulatory commission or any agreement state or licensing state, and issued by the agency having jurisdiction where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained, is hereby granted a general license to conduct the activities authorized in such licensing document within this state for a period not in excess of 180 days in any calendar year provided that:
 - (a) the licensing document does not limit the activity authorized by such document to specified installations or locations;
 - (b) the out-of-state licensee notifies the department in writing at least 3 days prior to engaging in such activity. Such notification shall indicate the location, period, and type of proposed possession and use within the state, and shall be accompanied by a copy of the pertinent licensing document. If, for a specific case, the 3-day period would impose an undue hardship on the out-of-state licensee, he may, upon application to the department, obtain permission to proceed sooner. The department may waive the requirement for filing additional written notifications during the remainder of the calendar year following the receipt of the initial notification from a person engaging in activities under the general license provided in (1) .
 - (c) the out-of-state licensee complies with all applicable rules of the department and with all the terms and conditions of his licensing document, except any such terms and conditions which may be inconsistent with applicable rules of the department;
 - (d) the out-of-state licensee supplies such other information as the department may request; and
 - (e) the out-of-state licensee shall not transfer or dispose of radioactive material possessed or used under the general license provided in (1) except by transfer to a person:
 - (i) specifically licensed by the department or by the US nuclear regulatory commission to receive such material, or
 - (ii) exempt from the requirements for a license for such material under ARM 37.14.506 (1) .
- (2) Notwithstanding the provisions of (1) of this rule, any person who holds a specific license issued by the US nuclear regulatory commission or an agreement state authorizing the holder to manufacture, transfer, install, or service a device described in ARM 37.14.512 (4) (a) within areas subject to the jurisdiction of the licensing body is hereby granted a general license to install, transfer, demonstrate or service such a device in this state provided that:

- (a) such person shall file a report with the department within 30 days after the end of each calendar quarter in which any device is transferred to or installed in this state. Each such report shall identify each general licensee to whom such device is transferred by name and address, the type of device transferred, and the quantity and type of radioactive material contained in the device;
 - (b) the device has been manufactured, labeled, installed, and serviced in accordance with applicable provisions of the specific license issued to such person by the US nuclear regulatory commission or an agreement state;
 - (c) such person shall assure that any labels required to be affixed to the device under regulations of the authority which licensed manufacture of the device bear a statement that "Removal of this label is prohibited"; and
 - (d) the holder of the specific license shall furnish to each general licensee to whom he transfers such device or on whose premises he installs such device a copy of the general license contained in ARM 37.14.512 (4) .
- (3) The department may withdraw, limit, or qualify its acceptance of any specific license or equivalent licensing document issued by another agency, or any product distributed pursuant to such licensing document, upon determining that such action is necessary in order to prevent undue hazard to public health and safety or property.

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

Implementing statute(s): Sec. 75-3-101 and 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.