



ADMINISTRATIVE RULES OF MONTANA



37.14.506 EXEMPTIONS: RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL

(1)

- (a) Except as provided in (b) below, any person is exempt from this subchapter to the extent that such person receives, possesses, uses, transfers, or acquires products or materials containing radioactive material in concentrations not in excess of those listed in Schedule A of this subchapter, with the exception of radium 226 for which the exempt concentration is 5×10

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mCi/ml (u Ci/gm) .

- (b) No person may introduce radioactive material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under (a) above or equivalent regulations of the US nuclear regulatory commission, any agreement state or licensing state, except in accordance with a specific license issued pursuant to ARM 37.14.542 (1) or the general license provided in ARM 37.14.551 .

(2)

- (a) Except as provided in (c) and (d) below, any person is exempt from this chapter to the extent that such person receives, possesses, uses, transfers or acquires radioactive material in individual quantities each of which does not exceed the applicable quantity set forth in Schedule B of this subchapter.
- (b) ARM 37.14.506 (2) does not authorize the production, packaging or repackaging of radioactive material for purposes of commercial distribution, or the incorporation of radioactive material into products intended for commercial distribution.
- (c) No person may, for purposes of commercial distribution, transfer radioactive material in the individual quantities set forth in Schedule B of this subchapter, knowing or having reason to believe that such quantities of radioactive material will be transferred to persons exempt under (2) of this rule or equivalent regulations of the US nuclear regulatory commission, any agreement state or licensing state, except in accordance with a specific license issued by the US nuclear regulatory commission pursuant to 10 CFR Part 32, section 32.18 or by the department pursuant to ARM 37.14.542 (2) which license states that the radioactive material may be transferred by the licensee to persons exempt under (2) or the equivalent regulations of the US nuclear regulatory commission, any agreement state or licensing state.

- (3) Except for persons who apply radioactive material to, or persons who incorporate radioactive material into the following products, any person is exempt from this subchapter to the extent that he receives, possesses, uses, transfers, or acquires the following products: (Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing byproduct material whose subsequent possession, use, transfer, and disposal by all other persons are exempted from regulatory requirements may be obtained only from the US Nuclear Regulatory Commission, Washington, DC 20555.)
- (a) Timepieces or hands or dials containing not more than the following specified quantities of radioactive material and not exceeding the following specified levels of radiation:
 - (i) 25 millicuries of tritium per timepiece.
 - (ii) 5 millicuries of tritium per hand.
 - (iii) 15 millicuries of tritium per dial (bezels when used shall be considered as part of the dial) .
 - (iv) 100 microcuries of promethium-147 per watch or 200 microcuries of promethium-147 per any other timepiece.
 - (v) 20 microcuries of promethium-147 per watch hand or 40 microcuries of promethium-147 per other timepiece hand.
 - (vi) 60 microcuries of promethium-147 per watch dial or 120 microcuries of promethium-147 per other timepiece dial (bezels when used shall be considered as part of the dial) .
 - (vii) The levels of radiation from hands and dials containing promethium-147 will not exceed, when measured through 50 milligrams per square centimeter of absorber:
 - (A) For wrist watches, 0.1 millirad per hour at 10 centimeters from any surface.
 - (B) For pocket watches, 0.1 millirad per hour at 1 centimeter from any surface.
 - (C) For any other timepiece, 0.2 millirad per hour at 10 centimeters from any surface.
 - (viii) One microcurie of radium-226 per timepiece in timepieces acquired prior to the effective date of this chapter.
 - (b) Lock illuminators containing not more than 15 millicuries of tritium or not more than 2 millicuries of promethium-147 installed in automobile locks. The levels of radiation from each lock illuminator containing promethium-147 will not exceed 1 millirad per hour at 1 centimeter from any surface when measured through 50 milligrams per square centimeter of absorber.
 - (c) Precision balances containing not more than 1 millicurie of tritium per balance or not more than 0.5 millicurie of tritium per balance part.
 - (d) Automobile shift quadrants containing not more than 25 millicuries of tritium.
 - (e) Marine compasses containing not more than 750 millicuries of tritium gas and other marine navigational instruments containing not more than 250 millicuries of tritium gas.

- (f) Thermostat dials and pointers containing not more than 25 millicuries of tritium per thermostat.
- (g) Electron tubes; provided, that each tube does not contain more than 1 of the following specified quantities of byproduct material:
 - (i) 150 millicuries of tritium per microwave receiver protector tube or 10 millicuries of tritium per any other electron tube.
 - (ii) 1 microcurie of cobalt-60.
 - (iii) 5 microcuries of nickel-63.
 - (iv) 30 microcuries of krypton-85.
 - (v) 5 microcuries of cesium-137.
 - (vi) 30 microcuries of promethium-147.

And provided further, that the levels of radiation from each electron tube containing byproduct material do not exceed 1 millirad per hour at 1 centimeter from any surface when measured through 7 milligrams per square centimeter of absorber. For purposes of (g) , "electron tubes" include spark gap tubes, power tubes, gas tubes including glow lamps, receiving tubes, microwave tubes, indicator tubes, pick-up tubes, radiation detection tubes, and any other completely sealed tube that is designed to conduct or control electrical currents.

- (h) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, a source of radioactive material not exceeding the applicable quantity set forth in Schedule B of this subchapter.
- (i) Spark gap irradiators containing not more than 1 microcurie of cobalt-60 per spark gap irradiator for use in electrically ignited fuel oil burners having a firing rate of at least 3 gallons (11.4 liters) per hour.

(4)

- (a) Except for persons who manufacture, process, or produce self-luminous products containing tritium, krypton-85, or promethium-147, any person is exempt from this chapter to the extent that such person receives, possesses, uses, transfers, or acquires tritium, krypton-85 or promethium-147 in self-luminous products manufactured, processed, produced, imported, or transferred in accordance with a specific license issued by the US nuclear regulatory commission pursuant to 10 CFR Part 32, section 32.22, which license authorizes the transfer of the product to persons who are exempt from regulatory requirements. The exemption in (a) does not apply to tritium, krypton-85, or promethium-147 used in products for frivolous purposes or in toys or adornments.
- (b) Any person is exempt from this chapter to the extent that such person receives, possesses, uses, or transfers articles containing less than 0.1 microcurie of radium-226 which were acquired prior to the effective date of this chapter.

(5)

- (a) Except for persons who manufacture, process, or produce gas and aerosol detectors containing radioactive material, any person is exempt from this chapter to the extent that

such person receives, possesses, uses, transfers, or acquires radioactive material in gas and aerosol detectors designed to protect life or property from fire and airborne hazards provided that detectors containing radioactive material shall have been manufactured, imported, or transferred in accordance with a specific license issued by the US nuclear regulatory commission pursuant to 10 CFR Part 32, section 32.26; or a licensing state pursuant to ARM

- (b) Gas and aerosol detectors previously manufactured and distributed to general licensees in accordance with a specific license issued by an agreement state shall be considered exempt under (a) above, provided that the device is labeled in accordance with the specific license authorizing distribution of the generally licensed device, and provided further that they meet the requirements of ARM 37.14.542 (3) .
 - (c) Gas and aerosol detectors containing NARM previously manufactured and distributed in accordance with a specific license issued by a licensing state shall be considered exempt under (a) above, provided that the device is labeled in accordance with the specific license authorizing distribution, and provided further that they meet the requirements of ARM 37.14.542 (3) .
- (6) Any person is exempt from this chapter to the extent that such person receives, possesses, uses, transfers, or acquires synthetic plastic resins containing scandium-46 which are designed for sand consolidation in oil wells. Such resins shall have been manufactured or imported in accordance with a specific license issued by the US nuclear regulatory commission, or shall have been manufactured in accordance with the specifications contained in a specific license issued by the department or any agreement state to the manufacturer of such resins pursuant to licensing requirements equivalent to those in 10 CFR Part 32, sections 32.16 and 32.17, of the regulations of the US nuclear regulatory commission. This exemption does not authorize the manufacture of any resins containing scandium-46.

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

Implementing statute(s): Sec. 75-3-104 and 75-3-202, MCA

History: NEW, 1980 MAR p. 1069, Eff. 3/28/80; AMD, 1980 MAR p. 2926, Eff. 11/15/80; TRANS, from DHES, 1996 MAR p. 433; TRANS, from DEQ, 2000 MAR p. 189.