



ADMINISTRATIVE RULES OF MONTANA



37.14.547 SPECIFIC LICENSES: TRANSFER OF MATERIAL

- (1) No licensee shall transfer radioactive material except as authorized pursuant to this rule.
- (2) Except as otherwise provided in his license and subject to the provisions of (3) and (4) of this rule, any licensee may transfer radioactive material:
 - (a) to the department. A licensee may transfer material to the department only after receiving prior approval from the department;
 - (b) to the US department of energy;
 - (c) to any person exempt from the provisions of this subchapter to the extent permitted under such exemption;
 - (d) to any person authorized to receive such material under terms of a general license or its equivalent, or a specific license or equivalent licensing document, issued by the department, the US nuclear regulatory commission, any agreement state or any licensing state, or to any person otherwise authorized to receive such material by the federal government or any agency thereof, the department, any agreement state or any licensing state; or
 - (e) as otherwise authorized by the department in writing.
- (3) Before transferring radioactive material to a specific licensee of the department, the US nuclear regulatory commission, an agreement state or a licensing state, or to a general licensee who is required to register with the department, the US nuclear regulatory commission, an agreement state or a licensing state prior to receipt of the radioactive material, the licensee transferring the material shall verify that the transferee's license authorizes the receipt of the type, form, and quantity of radioactive material to be transferred.
- (4) The following methods for the verification required by (3) of this rule are acceptable:
 - (a) The transferor may have in his possession, and read, a current copy of the transferee's specific license or registration certificate;
 - (b) the transferor may have in his possession a written certification by the transferee that he is authorized by license or registration certificate to receive the type, form and quantity of radioactive material to be transferred, specifying the license or registration certificate number, issuing agency, and expiration date;
 - (c) for emergency shipments the transferor may accept oral certification by the transferee that he is authorized by license or registration certificate to receive the type, form, and quantity of radioactive material to be transferred, specifying the license or registration certificate

number, issuing agency, and expiration date; provided, that the oral certification is confirmed in writing within 10 days;

- (d) the transferor may obtain other sources of information compiled by a reporting service from official records of the department, the US nuclear regulatory commission, the licensing agency of an agreement state or a licensing state as to the identity of licensees and the scope and expiration dates of licenses and registration; or
 - (e) when none of the methods of verification described in (a) , (b) , (c) , or (d) above are readily available or when a transferor desires to verify that information received by 1 of such methods is correct or up-to-date, the transferor may obtain and record confirmation from the department, the US nuclear regulatory commission, or the licensing agency of an agreement state or a licensing state that the transferee is licensed to receive the radioactive material.
- (5) Preparation for shipment and transport of radioactive material shall be in accordance with the provisions of ARM 37.14.552 .

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.