Nuclear Regulatory Commission

§ 40.13

(2) Constitutes a violation of a requirement, procedure, instruction, contract, purchase order, or policy of a licensee, applicant, contractor, or subcontractor.

[63 FR 1896, Jan. 13, 1998]

EXEMPTIONS

§ 40.11 Persons using source material under certain Department of Energy and Nuclear Regulatory Commission contracts.

Except to the extent that Department facilities or activities of the types subject to licensing pursuant to section 202 of the Energy Reorganization Act of 1974 or the Uranium Mill Tailings Radiation Control Act of 1978 are involved, any prime contractor of the Department is exempt from the requirements for a license set forth in sections 62, 63, and 64 of the Act and from the regulations in this part to the extent that such contractor, under his prime contract with the Department, receives, possesses, uses, transfers or delivers source material for: (a) The performance of work for the Department at a United States Government-owned or controlled site, including the transportation of source material to or from such site and the performance of contract services during temporary interruptions of such transportation; (b) research in, or development, manufacture, storage, testing or transportation of, atomic weapons or components thereof; or (c) the use or operation of nuclear reactors or other nuclear devices in a United States Government-owned vehicle or vessel. In addition to the foregoing exemptions, and subject to the requirement for licensing of Department facilities and activities pursuant to section 202 of the Energy Reorganization Act of 1974 or the Uranium Mill Tailings Radiation Control Act of 1980, any prime contractor or subcontractor of the Department or the Commission is exempt from the requirements for a license set forth in section 62 of the Act to the extent that such person receives, possesses, uses, transfers or delivers source material in an amount exceeding 500 kilograms, unless the shipment is in the form of ore or ore residue.


§ 40.12 Carriers.

(a) Except as specified in paragraph (b) of this section, common and contract carriers, freight forwarders, warehousemen, and the U.S. Postal Service are exempt from the regulations in this part and the requirements for a license set forth in section 62 of the Act to the extent that they transport or store source material in the regular course of the carriage for another or storage incident thereto.

(b) The exemption in paragraph (a) of this section does not apply to a person who possesses a transient shipment (as defined in §40.4(r)), an import shipment, or an export shipment of natural uranium in an amount exceeding 500 kilograms, unless the shipment is in the form of ore or ore residue.

[52 FR 9651, Mar. 26, 1987]

§ 40.13 Unimportant quantities of source material.

(a) Any person is exempt from the regulations in this part and from the requirements for a license set forth in section 62 of the Act to the extent that such person receives, possesses, uses, transfers or delivers source material in any chemical mixture, compound, solution, or alloy in which the source material is by weight less than one-twentieth of 1 percent (0.05 percent) of the mixture, compound, solution or alloy. The exemption contained in this paragraph does not include byproduct material as defined in this part.

(b) Any person is exempt from the regulations in this part and from the requirements for a license set forth in section 62 of the Act to the extent that such person receives, possesses, uses, or transfers unrefined and unprocessed ore containing source material; provided, that, except as authorized in a
specific license, such person shall not refine or process such ore.

(c) Any person is exempt from the regulation in this part and from the requirements for a license set forth in section 62 of the Act to the extent that such person receives, possesses, uses, or transfers:

(1) Any quantities of thorium contained in (i) incandescent gas mantles, (ii) vacuum tubes, (iii) welding rods, (iv) electric lamps for illuminating purposes: Provided, That each lamp does not contain more than 50 milligrams of thorium, (v) germicidal lamps, sunlamps, and lamps for outdoor or industrial lighting: Provided, That each lamp does not contain more than 2 grams of thorium, (vi) rare earth metals and compounds, mixtures, and products containing not more than 0.35 percent by weight thorium, uranium, or any combination of these, or (vii) personnel neutron dosimeters: Provided, That each dosimeter does not contain more than 50 milligrams of thorium.

(2) Source material contained in the following products:
   (i) Glazed ceramic tableware, provided that the glaze contains not more than 20 percent by weight source material;
   (ii) Piezoelectric ceramic containing not more than 2 percent by weight source material;
   (iii) Glassware containing not more than 10 percent by weight source material; but not including commercially manufactured glass brick, pane glass, ceramic tile, or other glass or ceramic used in construction;
   (iv) Glass enamel or glass enamel frit containing not more than 10 percent by weight source material imported or ordered for importation into the United States, or initially distributed by manufacturers in the United States, before July 25, 1983.1

(3) Photographic film, negatives, and prints containing uranium or thorium;

(4) Any finished product or part fabricated of, or containing tungsten or magnesium-thorium alloys, provided that the thorium content of the alloy does not exceed 4 percent by weight and that the exemption contained in this subparagraph shall not be deemed to authorize the chemical, physical or metallurgical treatment or processing of any such product or part; and

(5) Uranium contained in counterweights installed in aircraft, rockets, projectiles, and missiles, or stored or handled in connection with installation or removal of such counterweights: Provided, That:
   (i) The counterweights are manufactured in accordance with a specific license issued by the Commission or the Atomic Energy Commission authorizing distribution by the licensee pursuant to this paragraph;
   (ii) Each counterweight has been impressed with the following legend clearly legible through any plating or other covering: “Depleted Uranium”;
   (iii) Each counterweight is durably and legibly labeled or marked with the identification of the manufacturer, and the statement: “Unauthorized Alterations Prohibited”;2 and
   (iv) The exemption contained in this paragraph shall not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of any such counterweights other than repair or restoration of any plating or other covering.

(6) Natural or depleted uranium metal used as shielding constituting part of any shipping container: Provided, That:
   (i) The shipping container is conspicuously and legibly impressed with the legend “CAUTION—RADIOACTIVE SHIELDING—URANIUM”; and
   (ii) The uranium metal is encased in mild steel or equally fire resistant metal of minimum wall thickness of one-eighth inch (3.2 mm).

(7) Thorium contained in finished optical lenses, provided that each lens does not contain more than 30 percent

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1On July 25, 1983, the exemption of glass enamel or glass enamel frit was suspended. The exemption was eliminated on September 11, 1984.

2The requirements specified in paragraphs (c)(5) (ii) and (iii) of this section need not be met by counterweights manufactured prior to Dec. 31, 1969. Provided, That such counterweights were manufactured under a specific license issued by the Atomic Energy Commission and were impressed with the legend required by §40.19(c)(5)(ii) in effect on June 30, 1969.
by weight of thorium; and that the exemption contained in this subpara-
graph shall not be deemed to authorize either:

(i) The shaping, grinding or polishing of such lens or manufacturing proc-
esses other than the assembly of such lens into optical systems and devices
without any alteration of the lens; or

(ii) The receipt, possession, use, transfer, or of thorium contained in
contact lenses, or in spectacles, or in eyepieces in binoculars or other optical
instruments.

(8) Thorium contained in any finished aircraft engine part containing nick-
thorium alloy, Provided, That:

(i) The thorium is dispersed in the nickel-thorium alloy in the form of fine-
ly divided thoria (thorium dioxide); and

(ii) The thorium content in the nick-
el-thorium alloy does not exceed 4 per-
cent by weight.

(9) The exemptions in this paragraph
(c) do not authorize the manufacture of
any of the products described.

(d) Any person is exempt from the
regulations in this part and from the
requirements for a license set forth in
section 62 of the Act to the extent that
such person receives, possesses, uses, or
transfers uranium contained in detec-
tor heads for use in fire detection
units, provided that each detector head
contains not more than 0.005
microcurie of uranium. The exemption
in this paragraph does not authorize
the manufacture of any detector head
containing uranium.

§ 40.21 General license to receive title
to source or byproduct material.

(a) Licenses for source material and
byproduct material are of two types:
general and specific. Licenses for long-
term care and custody of residual ra-
dioactive material at disposal sites are
general licenses. The general licenses
provided in this part are effective with-
out the filing of applications with the
Commission or the issuance of licens-
ing documents to particular persons.
Specific licenses are issued to named
persons upon applications filed pursu-
ant to the regulations in this part.

(b) Section 40.27 contains a general li-
cense applicable for custody and long-
term care of residual radioactive mate-
rial at uranium mill tailings disposal
sites remediated under title I of the
Uranium Mill Tailings Radiation Control
Act of 1978, as amended.

(c) Section 40.28 contains a general li-
cense applicable for custody and long-
term care of byproduct material at
uranium or thorium mill tailings dis-
posal sites under title II of the Ura-
nium Mill Tailings Radiation Control
Act of 1978, as amended.

GENERAL LICENSES
§ 40.20 Types of licenses.

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[37 FR 5747, Mar. 21, 1972, as amended at 36
FR 36279, July 18, 1974; 40 FR 7877, Mar. 3,
1975; 45 FR 65531, Oct. 3, 1980; 46 FR 13979,
55796, Nov. 2, 2001]

§ 40.21 General license to receive title
to source or byproduct material.

A general license is hereby issued au-
thorizing the receipt of title to source
or byproduct material, as defined in
this part, without regard to quantity.
This general license does not authorize
any person to receive, possess, deliver,