§ 150.10 Persons exempt.

Except as provided in §§150.15, 150.16, 150.17, 150.17a, and 150.19, any person in an Agreement State who manufactures, produces, receives, possesses, uses, or transfers byproduct material, source material, or special nuclear material in quantities not sufficient to form a critical mass is exempt from the requirements for a license contained in Chapters 6, 7, and 8 of the Act, regulations of the Commission imposing licensing requirements upon persons who manufacture, produce, receive, possess, use, or transfer such materials, and from regulations of the Commission applicable to licensees. The exemptions in this section do not apply to agencies of the Federal government as defined in §150.3.


§ 150.11 Critical mass.

(a) For the purposes of this part, special nuclear material in quantities not sufficient to form a critical mass means uranium enriched in the isotope U-235 in quantities not exceeding 350 grams of contained U-235; uranium-233 in quantities not exceeding 200 grams; plutonium in quantities not exceeding 200 grams; or any combination of them in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all kinds of special nuclear materials in combination shall not exceed unity. For example, the following quantities in combination would not exceed the limitation and are within the formula, as follows:

\[
(175 \text{ grams contained U-235}/350)+ (50 \text{ grams U-233}/200)+ (50 \text{ grams Pu}/200)=1
\]

(b) To determine whether the exemption granted in §150.10 applies to the receipt, possession or use of special nuclear material at any particular plant or other authorized location of use, a person shall include in the quantity computed according to paragraph (a) of this section the total quantity of special nuclear material which he is authorized to receive, possess or use at the plant or other location of use at any one time.


CONTINUED COMMISSION REGULATORY AUTHORITY IN AGREEMENT STATES

§ 150.14 Commission regulatory authority for physical protection.

Persons in Agreement States possessing, using or transporting special nuclear material of low strategic significance in quantities greater than 15 grams of plutonium or uranium-233 or uranium-235 (enriched to 20 percent or
more in the U–235 isotope) or any combination greater than 15 grams when computed by the equation
grams = grams uranium-235 + grams plutonium + grams uranium-233 shall meet the physical protection require-
ments of § 73.67 of 10 CFR part 73.

[44 FR 43285, July 24, 1979, as amended at 44 FR 68196, Nov. 28, 1979]

§ 150.15 Persons not exempt.

(a) Persons in agreement States are not exempt from the Commission’s li-
censing and regulatory requirements with respect to the following activities:
(1) The construction and operation of any production or utilization facility. As used in this subparagraph, operation of a facility includes, but is not limited to (i) the storage and handling of radioactive wastes at the facility site by the person licensed to operate the facility, and (ii) the discharge of radioactive effluents from the facility site.

(2) The export from or import into the United States of byproduct, source, or special nuclear waste materials, as defined in regulations or orders of the Commission. For purposes of this part, ocean or sea means any part of the territorial waters of the United States and any part of the international waters.

(3) The transfer, storage or disposal of radioactive waste material resulting from the separation in a production fa-
cility of special nuclear material from irradiated reactor fuel. This subparagraph does not apply to the transfer, storage or disposal of contaminated equipment.

(4) The disposal of such other byprod-
uct, source, or special nuclear material as the Commission determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

(b) Notwithstanding any exemptions provided in this part, the Commission may from time to time by rule, regula-
tion, or order, require that the manu-
facturer, processor, or producer of any equipment, device, commodity, or other product containing source, by-
product, or special nuclear material shall not transfer possession or control of such product except pursuant to a li-
cense or an exemption from licensing issued by the Commission.


§ 150.15a Continued Commission au-
thority pertaining to byproduct ma-
terial.

(a) Prior to the termination of any Agreement State license for byproduct material as defined in §150.3(c)(2) of this part, or for any activity that results in the production of such mate-
rial, the Commission shall have made a determination that all applicable standards and requirements pertaining to such material have been met.

(b) After November 8, 1981, the Com-
mision reserves the authority to es-
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