

4731.0770 SPECIFIC LICENSE; CERTAIN INDUSTRIAL PRODUCTS AND DEVICES.

Subpart 1. **License requirements.** An application for a specific license to manufacture industrial products and devices containing depleted uranium or to initially transfer such products and devices, for use according to part 4731.0750 or equivalent regulations of the NRC or an agreement state, shall be approved if the applicant:

A. satisfies the general requirements under part 4731.0765;

B. submits sufficient information relating to the design, manufacture, prototype testing, quality control procedures, labeling or marking, proposed uses, and potential hazards of the industrial product or device to provide reasonable assurance that possession, use, or transfer of the depleted uranium in the product or device is not likely to cause any individual to receive in one year a radiation dose in excess of ten percent of the annual limits specified in part 4731.2020, subpart 1; and

C. submits sufficient information regarding the industrial product or device and the presence of depleted uranium for a mass-volume application in the product or device to provide reasonable assurance that unique benefits will accrue to the public because of the usefulness of the product or device.

Subp. 2. **Questionable benefits.** In the case of an industrial product or device whose unique benefits are questionable, the commissioner shall approve an application for a specific license under this part only if the product or device is found to combine a high degree of utility and low probability of uncontrolled disposal and dispersal of significant quantities of depleted uranium into the environment.

Subp. 3. **End uses unforeseeable.** The commissioner may deny an application for a specific license under this part if the end uses of the industrial product or device cannot be reasonably foreseen.

Subp. 4. **License conditions.** A person licensed under this part must:

A. maintain the level of quality control required by the license in the manufacture of the industrial product or device and in the installation of the depleted uranium into the product or device;

B. label or mark each unit to:

(1) identify:

(a) the manufacturer or initial transferor of the product or device;

(b) the number of the license under which the product or device was manufactured or initially transferred;

(c) the fact that the product or device contains depleted uranium; and

(d) the quantity of depleted uranium in each product or device; and

(2) state that receipt, possession, use, and transfer of the product or device are subject to a general license or the equivalent and to the regulations of the NRC or an agreement state;

C. ensure that the depleted uranium, before being installed in each product or device, has been impressed with the following legend clearly legible through any plating or other covering: "Depleted Uranium";

D. furnish a copy of:

(1) the general license issued under part 4731.0750 and a copy of NRC Form 244 to each person to whom the licensee transfers source material in a product or device for use according to the general license issued under part 4731.0750;

(2) the general license issued under an NRC or agreement state regulation equivalent to part 4731.0750 and a copy of the NRC or agreement state certificate; or

(3) the general license issued under part 4731.0750 and a copy of NRC Form 244 to each person to whom the licensee transfers source material in a product or device for use according to a general license of the NRC or an agreement state, accompanied by a note explaining that use of the product or device is regulated by the NRC or an agreement state under requirements substantially the same as those in part 4731.0750; and

E. report to the commissioner all transfers of industrial products or devices to persons for use under the general license issued under part 4731.0750. The report must be submitted within 30 days after the end of each calendar quarter in which the product or device is transferred to a generally licensed person. If no transfers have been made to a person generally licensed under part 4731.0750 during the reporting period, the report must so indicate. The report must identify:

(1) each general licensee by name and address;

(2) an individual by name or position who may constitute a point of contact between the commissioner and the general licensee;

(3) the type and model number of the device transferred; and

(4) the quantity of depleted uranium contained in the product or device.

Subp. 5. **Record keeping.** A licensee must keep records for three years from the date of transfer showing:

A. the name, address, and point of contact for each general licensee to whom the licensee transfers depleted uranium in industrial products or devices for use according to the general license issued under part 4731.0750 or equivalent regulations of the NRC or an agreement state;

- B. the date of each transfer;
- C. the quantity of depleted uranium in each product or device transferred; and
- D. compliance with the report requirements of this part.

Subp. 6. **Emergency plan.** A licensee that is required to submit an emergency plan under part 4731.0760 must follow the emergency plan approved by the commissioner. The licensee:

A. may change the plan without commissioner approval if the changes do not decrease the effectiveness of the plan;

B. must furnish the change to the commissioner within six months after the change is made; and

C. may not implement proposed changes that decrease the effectiveness of the approved emergency plan without prior application to and prior approval by the commissioner.

Statutory Authority: *MS s 144.1202; 144.1203*

History: *29 SR 755*

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