

4731.3045 EXEMPTION; SELF-LUMINOUS PRODUCTS CONTAINING TRITIUM, KRYPTON-85, OR PROMETHIUM-147.

Subpart 1. **Specific license exemption.** Except for persons who manufacture, process, produce, or initially transfer for sale or distribution self-luminous products containing tritium, krypton-85, or promethium-147, and except as provided in subpart 3, a person is exempt from parts 4731.2000 to 4731.2090 and 4731.3000 to 4731.7280 to the extent that the person receives, possesses, uses, transfers, owns, or acquires tritium, krypton-85, or promethium-147 in self-luminous products manufactured, processed, produced, or initially transferred according to a specific license issued under Code of Federal Regulations, title 10, section 32.22, that authorizes the initial transfer of the product for use under this part.

Subp. 2. **Specific license required.** A person who desires to manufacture, process, or produce self-luminous products containing tritium, krypton-85, or promethium-147 or to transfer such products for use under subpart 1 must apply for a license according to Code of Federal Regulations, title 10, section 32.22, that states that the product may be transferred by the licensee to persons exempt under subpart 1 or equivalent regulations of the NRC or an agreement state.

Subp. 3. **Limitation.** The exemption in subpart 1 does not apply to tritium, krypton-85, or promethium-147 used in products primarily for frivolous purposes or in toys or adornments.

Statutory Authority: *MS s 144.1202; 144.1203*

History: *29 SR 755*

Published Electronically: *March 12, 2009*