

4731.3250 GENERAL LICENSE; CERTAIN ITEMS AND SELF-LUMINOUS PRODUCTS CONTAINING RADIUM-226.

Subpart 1. **General license.** A general license is hereby issued to any person to acquire, receive, possess, use, or transfer, according to the provisions of subparts 2 to 4, radium-226 contained in the following products manufactured prior to November 30, 2007.

A. Antiquities originally intended for use by the general public. For the purposes of this item, "antiquities" means products originally intended for use by the general public and distributed in the late 19th and early 20th centuries, such as radium emanator jars, revigators, radium water jars, radon generators, refrigerator cards, radium bath salts, and healing pads.

B. Intact timepieces containing greater than one microcurie (0.037 MBq), nonintact timepieces, and timepiece hands and dials no longer installed in timepieces.

C. Luminous items installed in air, marine, or land vehicles.

D. All other luminous products, provided that no more than 100 items are used or stored at the same location at any one time.

E. Small radium sources containing no more than one microcurie (0.037 MBq) of radium-226. For the purposes of this item, "small radium sources" means discrete survey instrument check sources, sources contained in radiation measuring instruments, sources used in educational demonstrations, such as cloud chambers and spinthariscopes, electron tubes, lightning rods, ionization sources, static eliminators, or as designated by the NRC.

Subp. 2. **Exempt provisions.** Persons who acquire, receive, possess, use, or transfer byproduct material under the general license issued in subpart 1 are exempt from the provisions of parts 4731.1000 to 4731.2950, 4731.3110 and 4731.3115, and Code of Federal Regulations, title 10, part 21, to the extent that the receipt, possession, use, or transfer of byproduct material is within the terms of the general license; provided, that this exemption is not deemed to apply to any person specifically licensed under this chapter.

Subp. 3. **General requirements.** Any person who acquires, receives, possesses, uses, or transfers byproduct material according to the general license in subpart 1:

A. must notify the commissioner if there is any indication that damage to the product may result in a loss of the radioactive material. A report containing a brief description of the event, and the remedial action taken, must be furnished within 30 days to the Radioactive Materials Unit, Minnesota Department of Health, 625 Robert Street N., P.O. Box 64975, St. Paul, MN 55164-0975;

B. must not abandon products containing radium-226. The product, and any radioactive material from the product, may only be disposed of according to part 4731.2460

or by transfer to a person authorized by a specific license to receive the radium-226 in the product or as otherwise approved by the NRC;

C. must not export products containing radium-226 except according to Code of Federal Regulations, title 10, part 110;

D. must dispose of products containing radium-226:

(1) at a disposal facility authorized to dispose of radioactive material according to any federal or state solid or hazardous waste law, including the Solid Waste Disposal Act, as authorized under the Energy Policy Act of 2005;

(2) by transfer to a person authorized to receive radium-226 under a specific license issued by the NRC or an agreement state; or

(3) as otherwise approved by the commissioner; and

E. must respond to written requests from the commissioner to provide information relating to the general license within 30 calendar days of the date of the request, or other time specified in the request. If the general licensee cannot provide the requested information within the allotted time, the licensee must, within that same time period, request a longer period to supply the information by providing the commissioner a written justification for the request.

Subp. 4. **Limitation.** The general license in subpart 1 does not authorize the manufacture, assembly, disassembly, repair, or import of products containing radium-226, except that timepieces may be disassembled and repaired.

Statutory Authority: *MS s 144.1201; 144.1202; 144.1203; 144.1204; 144.1205*

History: *33 SR 1440; 40 SR 145*

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