

3701:1-40-06 Department of energy contractors.

- (A) Except to the extent that United States department of energy facilities or activities of the types subject to licensing pursuant to section 202 of the "Energy Reorganization Act of 1974" are involved, any prime contractor of the United States department of energy is exempt from the license requirements set forth in sections 81 and 82 of the "Atomic Energy Act" and from the regulations in this chapter to the extent that such contractor, under his prime contract with the United States department of energy, manufactures, produces, transfers, receives, acquires, owns, possesses, or uses byproduct material for:
 - (1) The performance of work for the United States department of energy at a United States government-owned or controlled site, including the transportation of byproduct material to or from such site and the performance of contract services during temporary interruptions of such transportation;
 - (2) Research in, or development, manufacture, storage, testing or transportation of, atomic weapons or components thereof; or
 - (3) The use or operation of nuclear reactors or other nuclear devices in a United States government-owned vehicle or vessel.

- (B) In addition to the exemptions specified in paragraph (A) of this rule and subject to the requirement for licensing of the United States department of energy facilities and activities pursuant to section 202 of the "Energy Reorganization Act of 1974", any prime contractor or subcontractor of the United States department of energy or the United States nuclear regulatory commission is exempt from the requirements for a license set forth in sections 81 and 82 of the "Atomic Energy Act" and from the regulations in this chapter to the extent that such prime contractor or subcontractor manufactures, produces, transfers, receives, acquires, owns, possesses, or uses byproduct material under his prime contract or subcontract when the United States nuclear regulatory commission determines that the exemption of the prime contractor or subcontractor is authorized by law; and that, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety.

Five Year Review (FYR) Dates: 04/08/2015 and 04/01/2020

CERTIFIED ELECTRONICALLY

Certification

04/08/2015

Date

Promulgated Under: 119.03
Statutory Authority: 3748.02, 3748.04
Rule Amplifies: 3748.04
Prior Effective Dates: 7/22/2001, 8/15/05, 10/4/10