

WAC 246-231-040 Exemptions. (1) Common and contract carriers, freight forwarders, warehouse workers, and the U.S. Postal Service are exempt from this chapter and chapters 246-232, 246-233, 246-235, 246-237, 246-240, 246-243, and 246-244 WAC to the extent that they transport or store radioactive material in the regular course of their carriage for another or storage incident thereto.

(2) Any licensee who delivers radioactive material to a carrier for transport, where such transport is subject to the regulations of the United States Postal Service, is exempt from the provisions of WAC 246-231-005.

(3) **Exemption of physicians.** Any physician as defined in WAC 246-220-010 who is licensed by the department, NRC or an agreement state, to dispense drugs in the practice of medicine, is exempt from WAC 246-220-030 with respect to transport by the physician of licensed material for use in the practice of medicine. However, any physician operating under this exemption must be licensed under chapter 246-240 WAC, 10 C.F.R. 35, or the equivalent agreement state regulations.

(4) **Exemption for low-level materials.** A licensee is exempt from all requirements of this chapter with respect to shipment or carriage of the following low-level materials:

(a) Natural material and ores containing naturally occurring radionuclides that are either in their natural state, or have only been processed for purposes other than for the extraction of the radionuclides, and which are not intended to be processed for use of these radionuclides, provided the activity concentration of the material does not exceed 10 times the applicable radionuclide activity concentration values specified in WAC 246-231-200, Table A-2 or Table A-3.

(b) Materials for which the activity concentration is not greater than the activity concentration values specified in WAC 246-231-200, Table A-2 or Table A-3, or for which the consignment activity is not greater than the limit for an exempt consignment found in WAC 246-231-200, Table A-2 or Table A-3.

(c) Nonradioactive solid objects with radioactive substances present on any surfaces in quantities not in excess of the levels cited in the definition of contamination in WAC 246-231-010.

(5) A licensee is exempt from all the requirements of this chapter, other than 10 C.F.R. 71.5 and 71.88, with respect to shipment or carriage of the following packages, provided the packages do not contain any fissile material, or the material is exempt from classification as fissile material in this subsection;

(a) A package that contains no more than a Type A quantity of radioactive material;

(b) A package transported within the United States that contains no more than 0.74 TBq (20 Ci) of special form plutonium-244; or

(c) The package contains only LSA or SCO radioactive material, provided:

(i) That the LSA or SCO material has an external radiation dose of less than or equal to 10 mSv/h (one rem/h), at a distance of three meters from the unshielded material; or

(ii) That the package contains only LSA-I or SCO-I material.

(6) **Exemption from classification as fissile material.** Fissile material meeting at least one of the requirements in (a) through (f) of this subsection is exempt from classification as fissile material and from the fissile material package standards of 10 C.F.R. 71.55 and 71.59, but are subject to all other requirements of this chapter, except as noted.

(a) Individual package containing two grams or less fissile material.

(b) Individual or bulk packaging containing 15 grams or less of fissile material provided the package has at least 200 grams of solid nonfissile material for every gram of fissile material. Lead, beryllium, graphite, and hydrogenous material enriched in deuterium may be present in the package but must not be included in determining the required mass for solid nonfissile material.

(c)(i) Low concentrations of solid fissile material commingled with solid nonfissile material, provided that:

(A) There are at least 2000 grams of solid nonfissile material for every gram of fissile material; and

(B) There are no more than 180 grams of fissile material distributed within 360 kg of contiguous nonfissile material.

(ii) Lead, beryllium, graphite, and hydrogenous material enriched in deuterium may be present in the package but must not be included in determining the required mass of solid nonfissile material.

(d) Uranium enriched in uranium-235 to a maximum of one percent by weight, and with total plutonium and uranium-233 content of up to one percent of the mass of uranium-235, provided that the mass of any beryllium, graphite, and hydrogenous material enriched in deuterium constitutes less than five percent of the uranium mass, and that the fissile material is distributed homogeneously and does not form a lattice arrangement within the package.

(e) Liquid solutions of uranyl nitrate enriched in uranium-235 to a maximum of two percent by mass, with a total plutonium and uranium-233 content not exceeding 0.002 percent of the mass of uranium, and with a minimum nitrogen to uranium atomic ratio (N/U) of two. The material must be contained in at least a DOT Type A package.

(f) Packages containing, individually, a total plutonium mass of not more than 1000 grams, of which not more than 20 percent by mass may consist of plutonium-239, plutonium-241, or any combination of these radionuclides.

[Statutory Authority: RCW 70A.388.040 and 70A.388.110. WSR 23-21-056, § 246-231-040, filed 10/11/23, effective 11/11/23. Statutory Authority: RCW 70.98.050 and 70.98.110. WSR 17-01-034, § 246-231-040, filed 12/12/16, effective 1/12/17; WSR 16-13-054, § 246-231-040, filed 6/10/16, effective 7/11/16. Statutory Authority: RCW 70.98.050. WSR 14-09-017, § 246-231-040, filed 4/7/14, effective 5/8/14; WSR 08-09-093, § 246-231-040, filed 4/18/08, effective 5/19/08; WSR 99-15-105, § 246-231-040, filed 7/21/99, effective 8/21/99.]