

641—37.11(136C) Specific exemptions.

37.11(1) The agency may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the rules in this chapter as it determines are authorized by law and will not result in undue hazard to public health and safety or property and are otherwise in the public interest. Application for exemption should be made in accordance with 641—Chapter 178.

37.11(2) A licensee that possesses radioactive waste that contains category 1 or category 2 quantities of radioactive material is exempt from the requirements of this chapter. Except that any radioactive waste that contains discrete sources, ion-exchange resins, or activated material that weighs less than 2,000 kg (4,409 lbs) is not exempt from the requirements of this chapter. The licensee shall implement the following requirements to secure the radioactive waste:

- a.* Use continuous physical barriers that allow access to the radioactive waste only through established access control points;
- b.* Use a locked door or gate with monitored alarm at the access control point;
- c.* Assess and respond to each actual or attempted unauthorized access to determine whether an actual or attempted theft, sabotage, or diversion occurred; and
- d.* Immediately notify the LLEA and request an armed response from the LLEA upon determination that there was an actual or attempted theft, sabotage, or diversion of the radioactive waste that contains category 1 or category 2 quantities of radioactive material.

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