

**3701:1-44-09 Unimportant quantities of source material.**

- (A) Any person is exempt from the requirements in Chapter 3701:1-44 of the Administrative Code and from the requirements for a license set forth in Chapter 3748. of the Revised Code and the rules adopted thereunder to the extent that such person receives, possesses, uses, transfers or delivers source material in any chemical mixture, compound, solution, or alloy in which the source material is by weight less than one-twentieth of one per cent (0.05 per cent) of the mixture, compound, solution or alloy. The exemption contained in this paragraph does not include byproduct material as defined in Chapter 3701:1-44 of the Administrative Code.
- (B) Any person is exempt from the requirements in Chapter 3701:1-44 of the Administrative Code and from the requirements for a license set forth in Chapter 3748. of the Revised Code and the rules adopted thereunder to the extent that such person receives, possesses, uses, or transfers unrefined and unprocessed ore containing source material; provided, that, except as authorized in a specific license, such person shall not refine or process such ore.
- (C) Any person is exempt from the requirements in Chapter 3701:1-38 and Chapter 3701:1-44 of the Administrative Code and from the requirements for a license set forth in Chapter 3748. of the Revised Code and the rules adopted thereunder to the extent that such person receives, possesses, uses, or transfers:
  - (1) Any quantities of thorium contained in:
    - (a) Incandescent gas mantles;
    - (b) Vacuum tubes;
    - (c) Welding rods;
    - (d) Electric lamps for illuminating purposes, provided that each lamp does not contain more than fifty milligrams of thorium;
    - (e) Germicidal lamps, sunlamps, and lamps for outdoor or industrial lighting, provided that each lamp does not contain more than two grams of thorium;
    - (f) Rare earth metals and compounds, mixtures, and products containing not more than 0.25 per cent by weight thorium, uranium, or any combination of these; or
    - (g) Personnel neutron dosimeters, provided that each dosimeter does not contain more than fifty milligrams of thorium.
  - (2) Source material contained in the following products:
    - (a) Glazed ceramic tableware manufactured before August 27, 2013, provided that the glaze contains not more than twenty per cent by weight source material;
    - (b) Piezoelectric ceramic containing not more than two per cent by weight source material;

- (c) Glassware containing not more than two per cent by weight source material or, for glass ware manufactured before August 27, 2013, ten per cent by weight source material; but not including commercially manufactured glass brick, pane glass, ceramic tile, or other glass or ceramic used in construction;
  - (d) Glass enamel or glass enamel frit containing not more than ten per cent by weight source material imported or ordered for importation into the United States, or initially distributed by manufacturers in the United States, before July 25, 1983.
- (3) Photographic film, negatives, and prints containing uranium or thorium;
- (4) Any finished product or part fabricated of, or containing tungsten or magnesium-thorium alloys, provided that the thorium content of the alloy does not exceed four per cent by weight and that the exemption contained in this subparagraph shall not be deemed to authorize the chemical, physical or metallurgical treatment or processing of any such product or part; and
- (5) Uranium contained in counterweights installed in aircraft, rockets, projectiles, and missiles, or stored or handled in connection with installation or removal of such counterweights, provided that:
- (a) Each counterweight has been impressed with the following legend clearly legible through any plating or other covering: "Depleted Uranium";
  - (b) Each counterweight is durably and legibly labeled or marked with the identification of the manufacturer, and the statement: "Unauthorized Alterations Prohibited"; and
  - (c) The exemption contained in this paragraph shall not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of any such counterweights other than repair or restoration of any plating or other covering.
  - (d) The requirements specified in paragraphs (C)(5)(a) and (C)(5)(b) of this rule need not be met by counterweights manufactured prior to Dec. 31, 1969, provided that such counterweights were manufactured under a specific license issued by the atomic energy commission and were impressed with the legend required by 10 C.F.R. 40.13(c)(5)(ii) in effect on June 30, 1969.
- (6) Natural or depleted uranium metal used as shielding constituting part of any shipping container, provided that:
- (a) The shipping container is conspicuously and legibly impressed with the legend "CAUTION--RADIOACTIVE SHIELDING--URANIUM"; and
  - (b) The uranium metal is encased in mild steel or equally fire resistant metal of minimum wall thickness of 3.2 millimeter (0.125 inch).
- (7) Thorium or uranium contained in or on finished optical lenses and mirrors, provided that each lens or mirror does not contain more than ten per cent by weight thorium or uranium or, for lenses manufactured before August 27, 2013, thirty per cent by weight of thorium; and that the exemption contained in this

paragraph does not authorize either:

- (a) The shaping, grinding or polishing of such lens or mirror or manufacturing processes other than the assembly of such lens or mirror into optical systems and devices without any alteration of the lens or mirror; or
  - (b) The receipt, possession, use, or transfer, of uranium or thorium contained in contact lenses, or in spectacles, or in eyepieces in binoculars or other optical instruments.
- (8) Thorium contained in any finished aircraft engine part containing nickel-thoria alloy, provided that:
- (a) The thorium is dispersed in the nickel-thoria alloy in the form of finely divided thoria (thorium dioxide); and
  - (b) The thorium content in the nickel-thoria alloy does not exceed four per cent by weight.
- (9) The exemptions in paragraph (C) of this rule do not authorize the manufacture of any of the products described.
- (10) No person may initially transfer for sale or distribution a product containing source material to persons exempt under this paragraph, or equivalent regulations of an "Agreement State," unless authorized by a license issued by the United States nuclear regulatory commission to initially transfer such products for sale or distribution. Persons authorized by a license issued by the director, the United States nuclear regulatory commission, or an agreement state to manufacture, process, or produce these materials or products containing source material by the director or an agreement state, and persons who import finished products or parts, for sale or distribution must be authorized by a license issued by the United States nuclear regulatory commission for distribution only and are exempt from the requirements of Chapter 3701:1-38 and paragraphs (A)(2) and (A)(3) of rule 3701:1-44-15 of the Administrative Code.

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Certification

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Date

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