1	10A NCAC 15 .0302 is proposed for amendment as follows:
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3	10A NCAC 15.0302 EXEMPTIONS FOR SOURCE MATERIAL
4	(a) Any person possessing source material, or devices containing source material, in quantities not exceeding the
5	limits of 10 CFR 40.13(a) through (c)(8) shall be exempt from the requirement for a radioactive materials license and
6	shall comply with the provisions of 10 CFR 40.13.
7	(b) Notwithstanding Rule .0117 of this Chapter, the regulations cited in this Rule from 10 CFR Chapter I (2015) are
8	hereby incorporated by reference, excluding subsequent amendments and editions. Copies of these regulations are
9	available free of charge at http://www.ecfr.gov/cgi-bin/text-
10	idx?SID=2beeece594411a03e50b2468ae31f89b&pitd=20160101&tpl=/ecfrbrowse/Title10/10tab_02.tpl.
11	(a) Any person is exempt from licensure to the extent that any person receives, possesses, uses, or transfers source
12	material in any chemical mixture, compound, solution, or alloy in which the source material is by weight less than
13	0.05 percent of the mixture, compound, solution, or alloy.
14	(b) Any person is exempt from licensure to the extent that any person receives, possesses, uses, or transfers unrefined
15	and unprocessed ore containing source material; provided that, except as authorized in a specific license, no person
16	shall refine or process ore containing source material.
17	(c) Any person is exempt from licensure to the extent that any person receives, possesses, uses, or transfers:
18	(1) any quantities of thorium contained in:
19	(A) incandescent gas mantles;
20	(B) vacuum tubes;
21	(C) welding rods;
22	(D) electric lamps for illuminating purposes provided that each lamp does not contain more
23	than 50 milligrams of thorium;
24	(E) germicidal lamps, sunlamps, and lamps for outdoor or industrial lighting provided that each
25	lamp does not contain more than two grams of thorium;
26	(F) rare earth metals and compounds, mixtures, and products containing not more than 0.04
27	percent by weight thorium, uranium or any combination of these;
28	(G) personnel neutron dosimeters, provided that each dosimeter does not contain more than 50
29	milligrams of thorium;
30	(2) source material contained in the following products:
31	(A) glazed ceramic tableware, provided that the glaze contains not more than 20 percent by
32	weight source material;
33	(B) glassware containing not more than ten percent by weight source material; but not
34	including commercially manufactured glass brick, pane glass, ceramic tile, or other glass,
35	or ceramic used in construction;
36	(C) piezoelectric ceramic containing not more than two percent by weight source material;

3 by manufacturers in the United States before July 25, 1983; 4 (3) photographic film, negatives, and prints containing, ungsten or magnesium 4 5 (4) any finished product or part fabricated of, or containing, tungsten or magnesium 4 6 provided that the thorium content of the alloy does not exceed four percent by weig 7 exemption contained in this Rule shall not be deemed to authorize the chemicer 8 metallargical treatment or processing of the product or part; 9 (5) uranium contained in counterweights installed in aircraft, rockets, projectiles and mit 10 or handled in connection with installation or removal of the counterweights when: 11 (A) the counterweights are manufactured in accordance with a specific licens 12 U.S. Nuclear Regulatory Commission, authorizing distribution by the licen 13 (B) each counterweight has been impressed with the following legend clearly 1 14 (B) each counterweight is durably and legibly labeled or marked with the ident 17 any plating or other covering, which states, "DEPLETED URANIUM"; 18 (D) the exemption contained in this Subparagraph shall not be deemed to 19 chemical, physical, or metallurgical treatment or processing of any counte 20 the requirements specified in Subparagraphs (c)(5)(B) and (C) of this Rt	1		(D) glass enamel or glass enamel frit containing not more than ten percent by weight source
 (3) photographic film, negatives, and prints containing, ungsten or magnesium 4 (4) any finished product or part fabricated of, or containing, tungsten or magnesium 4 provided that the thorium content of the alloy does not exceed four percent by weig exemption contained in this Rule shall not be deemed to authorize the chemical metallurgical treatment or processing of the product or part; (5) uranium contained in ounterweights installed in aircordance with a specific licens (A) the counterweights are manufactured in accordance with a specific licens (A) the counterweight has been impressed with the following legend clearly 1 any plating or other covering, which states, "DEPLETED URANIUM"; (C) each counterweight is durably and legibly labeled or marked with the ident manufacturer and the statement. "UNAUTHORIZED ALTERATIONS PR (D) the exemption contained in this Subparagraph shall not be deemed to chemical, physical, or metallurgical treatment or processing of any counter (E) the requirements specified in Subparagraph shall not be deemed to the requirements specified in Subparagraph shall not be deemed to the requirements specified in Subparagraph shall not be deemed to the requirements specified in Subparagraph shall not be deemed to the requirements specified in subparagraph shall not be deemed to the requirements specified in subparagraph shall not be deemed to the requirements specified in subparagraph shall not be deemed to the requirements specified in subparagraph shall not be deemed to the requirements specified in subparagraph shall not be deemed to the the requirements specified in subparagraph shall not be deemed to the recurrenciphts are impressed with the legend, "CAUTION R (E) the requirements operime of any subparagraph shall not be deemed to the subparagraph shall not be deemed to autorize the subparagraph shall not be deemed to the subparagraph shall not be deemed to the subparagr	2		material imported or ordered for importation into the United States, or initially distributed
 (4) any finished product or part fabricated of, or containing, tungsten or magnesium 4 provided that the thorium content of the alloy does not exceed four percent by weig exemption contained in this Rule shall not be deemed to authorize the chemica metallurgical treatment or processing of the product or part; (5) uranium contained in counterweights installed in aircraft, rockets, projectiles and mit or handled in connection with installation or removal of the counterweights when: (A) the counterweights are manufactured in accordance with a specific licens U.S. Nuclear Regulatory Commission, authorizing distribution by the licen tio CFR 40; (B) each counterweight is durably and legibly labeled or marked with the ident many plating or other covering, which states, "DEPLETED URANIUM"; (C) each counterweight is durably and legibly labeled or marked with the ident manufacturer and the statements. "UNAUTHORIZED ALTERATIONS PR (D) the exemption contained in this Subparagraph shall not be deemed to chemical, physical, or metallurgical treatment or processing of any counte than repair or restoration of any plating or other covering; (E) the requirements specified in Subparagraph shall not be deemed to and the requirements specified in Subparagraph shall constituting part of any shipp provided that: (6) natural or depleted unanium metal used as shielding constituting part of any shipp provided that: (A) The shipping container is conspicuously and legibly impressed wit "CAUTION RADIOACTIVE SHIELDING - URANIUM"; and (B) The unanium metal is encased in mild steel or equally fire resistant metal weal wall thickness of one eighth inch or 3.2 mm; (7) thorium contained in finished optical lenses, provided that each lens does not contais percent by weight of thorium; and that the exemption	3		by manufacturers in the United States before July 25, 1983;
6 provided that the thorium content of the alloy does not exceed four percent by weig 7 exemption contained in this Rule shall not be deemed to authorize the chemica 8 metallurgical treatment or processing of the product or part; 9 (5) uranium contained in counterweights installed in aircraft, rockets, projectiles and mit 10 or handled in connection with installation or removal of the counterweights when: 11 (A) the counterweights are manufactured in accordance with a specific license 12 U.S. Nuclear Regulatory Commission, authorizing distribution by the licen 13 (B) each counterweight has been impressed with the following legend clearly I 14 (B) each counterweight is durably and legibly labeled or marked with the ident 17 manufacturer and the statement: "UNAUTHORIZED ALTERATIONS PR 18 (D) the exemption contained in this Subparagraph shall not be deemed to 20 the exemption contained in Subparagraphs (c)(5)(B) and (C) of this Rt 21 (E) the requirements specified in Subparagraphs (c)(5)(B) and (C) of this Rt 22 met by counterweights manufactured prior to December 31, 1969; pro 23 counterweights are impressed with the legend, "CAUTION — R: 24 MATERIAL - URANIU	4	(3)	-photographic film, negatives, and prints containing uranium or thorium;
7 exemption contained in this Rule shall not be deemed to authorize the chemical metallurgical treatment or processing of the product or part; 9 (5) uranium contained in connerweights installation or removal of the counterweights when: 11 (A) the counterweights are manufactured in accordance with a specific licens 12 U.S. Nuclear Regulatory Commission, authorizing distribution by the licen 13 10 CFR 40; 14 (B) each counterweight has been impressed with the following legend clearly: 1 15 any plating or other covering, which states, "DEPLETED URANIUM"; 16 (C) each counterweight is durably and legibly labeled or marked with the ident manufacturer and the statement: "UNAUTHORIZED ALTERATIONS PR 17 manufacturer and the statement: "UNAUTHORIZED ALTERATIONS PR 18 (D) the evemption contained in this Subparagraph shall not be deemed to than repair or restoration of any plating or other covering; 21 (E) the requirements specified in Subparagraph (c)(5)(B) and (C) of this Rt met by counterweights manufactured prior to December 31, 1969; proconterweights are impressed with the legend, "CAUTION R 23 counterweights container is conspicuously and legibly impressed with "CAUTION RADIOACTIVE SHIELDING URANIUM"; 24 MATERIAL URANIUM"; 25 (6) natural or depl	5	(4)	any finished product or part fabricated of, or containing, tungsten or magnesium thorium alloys;
8 metallurgical treatment or processing of the product or part; 9 (5) uranium contained in connerweights installation or removal of the counterweights when: 11 (A) the counterweights are manufactured in accordance with a specific license 12 U.S. Nuclear Regulatory Commission, authorizing distribution by the licen 13 10 CFR 40; 14 (B) each counterweight has been impressed with the following legend clearly - 15 any plating or other covering, which states, "DEPLETED URANIUM"; 16 (C) each counterweight is durably and legibly labeled or marked with the ident manufacturer and the statement: "UNAUTHORIZED ALTERATIONS PR 17 manufacturer and the statement: "UNAUTHORIZED ALTERATIONS PR 18 (D) the exemption contained in this Subparagraph shall not be deemed to chemical, physical, or metallurgical treatment or processing of any counter than repair or restoration of any plating or other covering; 21 (E) the requirements specified in Subparagraphs (c)(5)(B) and (C) of this Rt met by counterweights are impressed with the legend, "CAUTION Re MATERIAL URANIUM"; 23 counterweights are impressed with the legend, "CAUTION Re MATERIAL URANIUM"; 24 MATERIAL URANIUM"; 25 (6) natural or depleted uranium metal used as shielding constituting part of any shipp provi	6		provided that the thorium content of the alloy does not exceed four percent by weight and that the
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10 or handled in connection with installation or removal of the counterweights when: 11 (A) the counterweights are manufactured in accordance with a specific license 12 U.S. Nuclear Regulatory Commission, authorizing distribution by the licen 13 10 CFR 40; 14 (B) each counterweight has been impressed with the following legend clearly 1 15 any plating or other covering, which states, "DEPLETED URANIUM"; 16 (C) each counterweight is durably and legibly labeled or marked with the ident manufacturer and the statement: "UNAUTHORIZED ALTERATIONS PR 18 (D) the exemption contained in this Subparagraph shall not be deemed to chemical, physical, or metallurgical treatment or processing of any counter than repair or restoration of any plating or other covering; 21 (E) the requirements specified in Subparagraphs (c)(5)(B) and (C) of this Rt met by counterweights are impressed with the legend, "CAUTION — R. 23 counterweights are impressed with the legend, "CAUTION — R. 24 MATERIAL - URANIUM"; 25 (6) natural or depleted uranium metal used as shielding constituting part of any shipp 26 provided that: "CAUTION RADIOACTIVE SHIELDING - URANIUM"; and 29 (B) The uranium metal is encased in mild steel or equally fire resistant metal weat	8		metallurgical treatment or processing of the product or part;
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15 any plating or other covering, which states, "DEPLETED URANIUM"; 16 (C) each counterweight is durably and legibly labeled or marked with the ident manufacturer and the statement: "UNAUTHORIZED ALTERATIONS PR 17 manufacturer and the statement: "UNAUTHORIZED ALTERATIONS PR 18 (D) the exemption contained in this Subparagraph shall not be deemed to ehemical, physical, or metallurgical treatment or processing of any counte than repair or restoration of any plating or other covering; 20 the requirements specified in Subparagraphs (c)(5)(B) and (C) of this Rt met by counterweights manufactured prior to December 31, 1969; pro- counterweights are impressed with the legend, "CAUTION R: MATERIAL URANIUM"; 23 counterweights are impressed with the legend, "CAUTION R: MATERIAL URANIUM"; 24 MATERIAL URANIUM"; 25 (6) natural or depleted uranium metal used as shielding constituting part of any shipp provided that: 27 (A) The shipping container is conspicuously and legibly impressed wit "CAUTION RADIOACTIVE SHIELDING URANIUM"; and 29 (B) The uranium metal is encased in mild steel or equally fire resistant metal w wall thickness of one eighth inch or 3.2 mm; 31 (7) thorium contained in finished optical lenses, provided that each lens does not contain percent by weight of thorium; and that the exemption contained in this Subparagra deemed to authorize either: 33 (A) the shaping, grinding, or polishing of the lens or manufacturing processes	13		10 CFR 40;
16 (C) each counterweight is durably and legibly labeled or marked with the ident manufacturer and the statement: "UNAUTHORIZED ALTERATIONS PR 18 (D) the exemption contained in this Subparagraph shall not be deemed to chemical, physical, or metallurgical treatment or processing of any counter than repair or restoration of any plating or other covering; 20 the requirements specified in Subparagraph (c)(5)(B) and (C) of this Rt met by counterweights manufactured prior to December 31, 1969; proceounterweights are impressed with the legend, "CAUTION R, MATERIAL URANIUM"; 23 counterweights are impressed with the legend, "CAUTION R, MATERIAL URANIUM"; 24 MATERIAL URANIUM"; 25 (6) natural or depleted uranium metal used as shielding constituting part of any shipp provided that: 27 (A) The shipping container is conspicuously and legibly impressed witt "CAUTION RADIOACTIVE SHIELDING - URANIUM"; and 29 (B) The uranium metal is encased in mild steel or equally fire resistant metal w wall thickness of one eighth inch or 3.2 mm; 31 (7) thorium contained in finished optical lenses, provided that each lens does not contained percent by weight of thorium; and that the exemption contained in this Subparagraphical deemed to authorize either: 33 (A) the shaping, grinding, or polishing of the lens or manufacturing processes assembly of the lens into optical systems and devices without any alteratior assembly of the lens into optical systems and devices without any alteratior assembly of the lens into optical systems and devices without any	14		(B) each counterweight has been impressed with the following legend clearly legible through
17 manufacturer and the statement: "UNAUTHORIZED ALTERATIONS PR 18 (D) the exemption contained in this Subparagraph shall not be deemed to 19 chemical, physical, or metallurgical treatment or processing of any counter 20 than repair or restoration of any plating or other covering; 21 (E) the requirements specified in Subparagraphs (e)(5)(B) and (C) of this Rt 22 met by counterweights manufactured prior to December 31, 1969; provided that: 23 counterweights are impressed with the legend, "CAUTION R. 24 MATERIAL URANIUM"; 25 (6) natural or depleted uranium metal used as shielding constituting part of any shipp 26 provided that:	15		any plating or other covering, which states, "DEPLETED URANIUM";
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20 than repair or restoration of any plating or other covering; 21 (E) the requirements specified in Subparagraphs (c)(5)(B) and (C) of this Rt 22 met by counterweights manufactured prior to December 31, 1969; provided that: 23 counterweights are impressed with the legend, "CAUTION R. 24 MATERIAL URANIUM"; 25 (6) natural or depleted uranium metal used as shielding constituting part of any shipp 26 provided that: 27 (A) The shipping container is conspicuously and legibly impressed with 28 "CAUTION RADIOACTIVE SHIELDING URANIUM"; and 29 (B) The uranium metal is encased in mild steel or equally fire resistant metal w 30 wall thickness of one eighth inch or 3.2 mm; 31 (7) thorium contained in finished optical lenses, provided that each lens does not contail 33 deemed to authorize either: 34 (A) the shaping, grinding, or polishing of the lens or manufacturing processes 35 assembly of the lens into optical systems and devices without any alteration 36 (B) the receipt, possession, use, or transfer of thorium contained in contained	18		(D) the exemption contained in this Subparagraph shall not be deemed to authorize the
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24 MATERIAL - URANIUM"; 25 (6) natural or depleted uranium metal used as shielding constituting part of any shipp 26 provided that: 27 (A) The shipping container is conspicuously and legibly impressed wit 28 "CAUTION RADIOACTIVE SHIELDING - URANIUM"; and 29 (B) The uranium metal is encased in mild steel or equally fire resistant metal w 30 wall thickness of one eighth inch or 3.2 mm; 31 (7) thorium contained in finished optical lenses, provided that each lens does not contail 32 percent by weight of thorium; and that the exemption contained in this Subparagra 33 deemed to authorize either: 34 (A) the shaping, grinding, or polishing of the lens or manufacturing processes 35 assembly of the lens into optical systems and devices without any alteratior 36 (B) the receipt, possession, use, or transfer of thorium contained in contail	22		met by counterweights manufactured prior to December 31, 1969; provided, that the
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 (B) The uranium metal is encased in mild steel or equally fire resistant metal w wall thickness of one eighth inch or 3.2 mm; (7) thorium contained in finished optical lenses, provided that each lens does not contain percent by weight of thorium; and that the exemption contained in this Subparagra deemed to authorize either: (A) the shaping, grinding, or polishing of the lens or manufacturing processes assembly of the lens into optical systems and devices without any alteration (B) the receipt, possession, use, or transfer of thorium contained in contact 	27		(A) The shipping container is conspicuously and legibly impressed with the legend,
30wall thickness of one eighth inch or 3.2 mm;31(7)31(7)32percent by weight of thorium; and that the exemption contained in this Subparagra33deemed to authorize either:34(A)35assembly of the lens into optical systems and devices without any alteration36(B)37the receipt, possession, use, or transfer of thorium contained in contact	28		"CAUTION RADIOACTIVE SHIELDING URANIUM"; and
31(7)thorium contained in finished optical lenses, provided that each lens does not contain32percent by weight of thorium; and that the exemption contained in this Subparagra33deemed to authorize either:34(A)the shaping, grinding, or polishing of the lens or manufacturing processes35assembly of the lens into optical systems and devices without any alteration36(B)the receipt, possession, use, or transfer of thorium contained in contact	29		(B) The uranium metal is encased in mild steel or equally fire resistant metal with a minimum
32 percent by weight of thorium; and that the exemption contained in this Subparagra 33 deemed to authorize either: 34 (A) the shaping, grinding, or polishing of the lens or manufacturing processes 35 assembly of the lens into optical systems and devices without any alteration 36 (B) the receipt, possession, use, or transfer of thorium contained in contact	30		wall thickness of one eighth inch or 3.2 mm;
33deemed to authorize either:34(A) the shaping, grinding, or polishing of the lens or manufacturing processes35assembly of the lens into optical systems and devices without any alteration36(B) the receipt, possession, use, or transfer of thorium contained in contact	31	(7)	thorium contained in finished optical lenses, provided that each lens does not contain more than 30
34 (A) the shaping, grinding, or polishing of the lens or manufacturing processes 35 assembly of the lens into optical systems and devices without any alteration 36 (B) the receipt, possession, use, or transfer of thorium contained in contact	32		percent by weight of thorium; and that the exemption contained in this Subparagraph shall not be
35 assembly of the lens into optical systems and devices without any alteration 36 (B) the receipt, possession, use, or transfer of thorium contained in contact	33		deemed to authorize either:
36 (B) the receipt, possession, use, or transfer of thorium contained in contac	34		(A) the shaping, grinding, or polishing of the lens or manufacturing processes other than the
	35		assembly of the lens into optical systems and devices without any alteration of the lens; or
37 spectacles, or in eye pieces in binoculars or other optical instruments:	36		(B) the receipt, possession, use, or transfer of thorium contained in contact lenses, or in
1 / J F	37		spectacles, or in eye pieces in binoculars or other optical instruments;

1	(8)	uranium contained in detector heads for use in fire detection units, provided that each detector head
2		contains not more than 0.005 microcurie of uranium;
3	(9)	thorium contained in any finished aircraft engine part containing nickel thoria alloy, provided that:
4		(A) The thorium is dispersed in the nickel thoria alloy in the form of finely divided thoria
5		(thorium dioxide);
6		(B) The thorium content in the nickel thoria alloy does not exceed four percent by weight.
7		
8	History Note:	Authority G.S. 104E-7; 104E-10(b);
9		Eff. February 1, 1980;
10		Amended Eff. June 1, 1989; October 1, 1984; October 1, 1980;
11		Transferred and Recodified from 15A NCAC 11 .0302 Eff. February 1, 2015. <u>2015;</u>
12		Amended Eff. March 1, 2017.