

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-](http://www.ecfr.gov/cgi-bin/text-idx?SID=2beece594411a03e50b2468ae31f89b&pid=20160101&tpl=/ecfrbrowse/Title10/10tab_02.tpl)
10 [idx?SID=2beece594411a03e50b2468ae31f89b&pid=20160101&tpl=/ecfrbrowse/Title10/10tab_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?SID=2beece594411a03e50b2468ae31f89b&pid=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;~~

- 1 ~~(D) — glass enamel or glass enamel frit containing not more than ten percent by weight source~~
2 ~~material imported or ordered for importation into the United States, or initially distributed~~
3 ~~by manufacturers in the United States before July 25, 1983;~~
- 4 ~~(3) — photographic film, negatives, and prints containing uranium or thorium;~~
- 5 ~~(4) — any finished product or part fabricated of, or containing, tungsten or magnesium thorium alloys;~~
6 ~~provided that the thorium content of the alloy does not exceed four percent by weight and that the~~
7 ~~exemption contained in this Rule shall not be deemed to authorize the chemical, physical, or~~
8 ~~metallurgical treatment or processing of the product or part;~~
- 9 ~~(5) — uranium contained in counterweights installed in aircraft, rockets, projectiles and missiles, or stored~~
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 issued by the~~
12 ~~U.S. Nuclear Regulatory Commission, authorizing distribution by the licensee pursuant to~~
13 ~~10 CFR 40;~~
- 14 ~~(B) — each counterweight has been impressed with the following legend clearly legible through~~
15 ~~any plating or other covering, which states, "DEPLETED URANIUM";~~
- 16 ~~(C) — each counterweight is durably and legibly labeled or marked with the identification of the~~
17 ~~manufacturer and the statement: "UNAUTHORIZED ALTERATIONS PROHIBITED";~~
- 18 ~~(D) — the exemption contained in this Subparagraph shall not be deemed to authorize the~~
19 ~~chemical, physical, or metallurgical treatment or processing of any counterweights other~~
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 Rule need not be~~
22 ~~met by counterweights manufactured prior to December 31, 1969; provided, that the~~
23 ~~counterweights are impressed with the legend, "CAUTION — RADIOACTIVE~~
24 ~~MATERIAL — URANIUM";~~
- 25 ~~(6) — natural or depleted uranium metal used as shielding constituting part of any shipping container;~~
26 ~~provided that:~~
- 27 ~~(A) — The shipping container is conspicuously and legibly impressed with the legend,~~
28 ~~"CAUTION — RADIOACTIVE SHIELDING — URANIUM"; and~~
- 29 ~~(B) — The uranium metal is encased in mild steel or equally fire resistant metal with a minimum~~
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 contain more than 30~~
32 ~~percent by weight of thorium; and that the exemption contained in this Subparagraph shall not be~~
33 ~~deemed to authorize either:~~
- 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~~
- 36 ~~(B) — the receipt, possession, use, or transfer of thorium contained in contact lenses, or in~~
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.~~

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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~~ 2015;*

12 *Amended Eff. March 1, 2017.*