

4731.0725 EXEMPTION; UNIMPORTANT QUANTITIES OF SOURCE MATERIAL.

Subpart 1. **Low percentage source material.** A person is exempt from parts 4731.0700 to 4731.0840 to the extent that the 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 1/20 of one percent (0.05%) of the mixture, compound, solution, or alloy.

Subp. 2. **Ores containing source material.** A person is exempt from parts 4731.0700 to 4731.0840 to the extent that the person receives, possesses, uses, or transfers unrefined and unprocessed ore containing source material, provided that, except as authorized in a specific license, the person does not refine or process the ore.

Subp. 3. **Certain items and materials.**

A. A person is exempt from parts 4731.0700 to 4731.2950 to the extent that the 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 50 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 percent by weight thorium, uranium, or any combination of these; or
 - (g) personnel neutron dosimeters, provided that each dosimeter does not contain more than 50 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 20 percent by weight source material;
 - (b) piezoelectric ceramic containing not more than two percent by weight source material;
 - (c) glassware containing not more than two percent by weight source material or, for glassware manufactured before August 27, 2013, ten percent by weight

source material, but not including commercially manufactured glass brick, pane glass, ceramic tile, or other glass or ceramic used in construction; or

(d) glass enamel or glass enamel frit containing not more than ten percent 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 percent by weight and that the exemption in this subitem shall not be deemed to authorize the chemical, physical, or metallurgical treatment of any such product or part;

(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." This subunit does not apply to counterweights manufactured before December 31, 1969, if the counterweights were manufactured under a specific license issued by the Atomic Energy Commission and were impressed with the legend required under Code of Federal Regulations, title 10, section 40.13, paragraph (c), clause (5), subclause (i), in effect June 30, 1969;

(b) each counterweight is durably and legibly labeled or marked with the identification of the manufacturer and the statement: "Unauthorized Alterations Prohibited." This subunit does not apply to counterweights manufactured before December 31, 1969, if the counterweights were manufactured under a specific license issued by the Atomic Energy Commission and were impressed with the legend required under Code of Federal Regulations, title 10, section 40.13, paragraph (c), clause (5), subclause (i), in effect June 30, 1969; and

(c) the exemption contained in this subitem 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;

(6) natural or depleted uranium metal used as shielding constituting part of a 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 one-eighth inch (3.2 mm);

(7) thorium or uranium contained in or on finished optical lenses or mirrors, provided that each does not contain more than ten percent by weight of thorium or uranium or for lenses manufactured before August 27, 2013, 30 percent by weight of thorium. The exemption in this subitem shall not be deemed to authorize:

(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 thorium or uranium contained in contact lenses, spectacles, or eyepieces of binoculars or other optical instruments; or

(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 percent by weight.

B. The exemptions in this subpart do not authorize the manufacture of any of the products described.

C. No person may initially transfer for sale or distribution a product containing source material to persons exempt under this subpart, or equivalent regulations of the NRC or an agreement state, unless authorized by a license issued under Code of Federal Regulations, title 10, section 40.52, to initially transfer such products for sale or distribution.

(1) Persons initially distributing source material in products covered by the exemptions in this subpart before August 27, 2013, without specific authorization may continue distribution for one year beyond this date. Initial distribution may also be continued until the NRC takes final action on a pending application for license or license amendment to specifically authorize distribution submitted no later than one year beyond this date.

(2) Persons authorized to manufacture, process, or produce these materials or products containing source material by the NRC or an agreement state, and persons who import finished products or parts, for sale or distribution must be authorized by a license issued under Code of Federal Regulations, title 10, section 40.52, for distribution only and are exempt from the requirements of parts 4731.0765, items B and C, and 4731.1000 to 4731.2950.

Subp. 4. [Repealed, 40 SR 145]

Statutory Authority: *MS s 144.1201; 144.1202; 144.1203; 144.1204; 144.1205*

History: *29 SR 755; 40 SR 145*

Published Electronically: *August 27, 2015*