

3701:1-40-11 Exempt quantities.

- (A) Except as provided in paragraphs (C) to (E) of this rule, any person is exempt from requirements set forth in this chapter and from the rules in Chapters 3701:1-46, 3701:1-48, 3701:1-49, and 3701:1-52 of the Administrative Code, to the extent that such person receives, possesses, uses, transfers, owns, or acquires radioactive material in individual quantities each of which does not exceed the applicable quantity set forth in the appendix to this rule.
- (B) Any person who possesses radioactive material received or acquired before September 25, 1971, under the general license then provided in 10 C.F.R. section 31.4 or similar general license of a state, is exempt from the requirements for a license set forth in this chapter and from the rules in Chapters 3701:1-46, 3701:1-48, 3701:1-49, and 3701:1-52 of the Administrative Code, to the extent that this person possesses, uses, transfers, or owns radioactive material.
- (C) This rule does not authorize for purposes of commercial distribution the production, packaging, repackaging, or transfer of radioactive material or the incorporation of radioactive material into products intended for commercial distribution.
- (D) No person may, for purposes of commercial distribution, transfer radioactive material in the individual quantities set forth in the appendix to this rule, knowing or having reason to believe that such quantities of radioactive material will be transferred to persons exempt under this chapter or equivalent regulations of an agreement state or the United States nuclear regulatory commission, except in accordance with a license, issued by the United States nuclear regulatory commission, which states that the radioactive material may be transferred by the licensee to persons exempt under this rule or the equivalent regulations of an agreement state or the United States nuclear regulatory commission.
- (E) No person may, for purposes of producing an increased radiation level, combine quantities of radioactive material covered by this exemption so that the aggregate quantity exceeds the limits set forth in the appendix to this rule, except for radioactive material combined within a device placed in use before May 3, 1999, or as otherwise permitted by the rules in this chapter.

Five Year Review (FYR) Dates:

07/15/2016 and 04/01/2020

CERTIFIED ELECTRONICALLY

Certification

07/15/2016

Date

Promulgated Under:

119.03

Statutory Authority:

3748.04

Rule Amplifies:

3748.04, 3748.06, 3748.07

Prior Effective Dates;

7/22/2001, 8/15/05, 5/11/09, 10/4/10, 1/1/12