

3701:1-40-27 Exemptions and continued regulatory authority in agreement states and in offshore waters under section 274 of the Atomic Energy Act.

- (A) Except as provided in paragraph (B) of this rule, a person who receives, possesses, uses or transfers byproduct material, source, or special nuclear material in Ohio, in quantities not sufficient to form a critical mass is required to obtain a license from Ohio in accordance with Chapter 3748. of the Revised Code, and rule 3701:1-38-02 of the Administrative Code.
- (B) The following activities are exempt based on section 3748.21 of the Revised Code since these activities are under United States nuclear regulatory commission jurisdiction:
 - (1) Activities set forth in 10 C.F.R. 150.15, as published in the January 1, 2013, Code of Federal Regulations, and any person in offshore waters with respect to byproduct, source, and special nuclear material.
 - (2) All persons who knowingly provide to any licensee, contractor, or subcontractor, components, equipment, materials, or other goods or services that relate to a licensee's activities, and as such, may be individually subject to enforcement action by the United States nuclear regulatory commission for violation of 10 C.F.R. 30.10, 40.10, and 70.10, as published in the January 1, 2013, Code of Federal Regulations, if applicable, for radioactive material taken or used in a non-agreement state outside of the state of Ohio or within Ohio under exclusive federal jurisdiction.
 - (3) Any federal government agency as that term is defined in 10 C.F.R. 150.3, as published in the January 1, 2013, Code of Federal Regulations.

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CERTIFIED ELECTRONICALLY

Certification

06/15/2015

Date

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