



## Ohio Administrative Code

### Rule 3701:1-44-07 Persons using source material under certain department of energy and nuclear regulatory commission contracts.

Effective: May 23, 2022

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(A) Except to the extent that United States department of energy facilities or activities of the types subject to licensing pursuant to section 202 of the "Energy Reorganization Act of 1974" (Pub.L. 93-438, 88 Stat. 1233, 42 U.S.C. 5842) or the "Uranium Mill Tailings Radiation Control Act of 1978" (Pub.L. 95-604, 92 Stat. 3021, 42 U.S.C. 7901 st seq.) as amended are involved, any prime contractor of the United States department of energy is exempt from the requirements for a license set forth in sections 62, 63, and 64 of the "Atomic Energy Act of 1954 (68 Stat. 919)" and from the rules in this chapter to the extent that such contractor, under his prime contract with the United States department of energy, receives, possesses, uses, transfers or delivers source material for:

- (1) The performance of work for the United States department of energy at a United States government-owned or controlled site, including the transportation of source material to or from such site and the performance of contract services during temporary interruptions of such transportation;
- (2) Research in, or development, manufacture, storage, testing or transportation of, atomic weapons or components thereof; or
- (3) The use or operation of nuclear reactors or other nuclear devices in a United States government-owned vehicle or vessel.

(B) In addition to the foregoing exemptions, and subject to the requirement for licensing of United States department of energy facilities and activities pursuant to section 202 of the "Energy Reorganization Act of 1974" (Pub.L. 93-438, 88 Stat. 1233, 42 U.S.C. 5842) or the "Uranium Mill Tailings Radiation Control Act of 1978" (Pub.L. 95-604, 92 Stat. 3021, 42 U.S.C. 7901 et seq.) as amended, any prime contractor or subcontractor of the United States department of energy or the United States nuclear regulatory commission is exempt from the requirements for a license set forth in sections 62, 63, and 64 of the "Atomic Energy Act of 1954 (68 Stat. 919)" and from the rules in Chapter 3701:1-44 of the Administrative Code to the extent that such prime contractor or subcontractor receives, possesses, uses, transfers or delivers source material under his prime



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contract or subcontract when the department determines that the exemption of the prime contractor or subcontractor is authorized by law; and that, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety.