

Kansas Administrative Regulations

Department of Health and Environment

Article 35.—Radiation

28-35-192h. Certain industrial devices.

(a) Except as specified in subsections (b) and (c), each person that receives, possesses, uses, transfers, owns, or acquires any industrial device containing by-product material designed and manufactured for either of the following purposes shall be exempt from these regulations, except for the requirements of K.A.R. 28-35-700:

(1) Detecting, measuring, gauging, or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition; or

(2) producing an ionized atmosphere if the industrial device is manufactured, processed, produced, or initially transferred in accordance with a specific license issued pursuant to 10 C.F.R. 32.30 by the nuclear regulatory commission.

(b) Each person that manufactures, processes, produces, or initially transfers for sale or distribution any industrial device containing by-product material designed and manufactured for either of the following purposes shall be excluded from the exemption in subsection (a):

(1) Detecting, measuring, gauging, or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition; or

(2) producing an ionized atmosphere.

(c) The exemption in subsection (a) shall exclude any source not incorporated into an industrial device, including calibration and reference sources.

(d) Each person that manufactures, processes, produces, or initially transfers for sale or distribution any industrial device containing by-product material for use under subsection (a) shall apply for a license and a certificate of registration from the NRC.

(Authorized by and implementing K.S.A. 48-1607; effective May 4, 2018; amended April 1, 2022.)