Kansas Administrative Regulations

Department of Health and Environment

Article 35.—Radiation—Part 3. Licensing of Sources of Radiation.

28-35-192a. Exemptions; source material.

(a) Each person who only acquires, possesses, uses, or transfers source material in any chemical mixture, compound, solution, or alloy in which the source material, by weight, is less than 0.05 percent of the mixture, compound, solution, or alloy shall be exempt from these regulations.

(b) Each person who only acquires, possesses, uses, or transfers unrefined and unprocessed ore containing source material and does not refine or process the ore shall be exempt from these regulations.

(c) Each person who only acquires, possesses, uses, or transfers any of the following shall be exempt from the requirements for a license in part 3 of these regulations and the requirements of parts 4 and 10 of these regulations:

(1) Any quantities of thorium contained in any of the following:

(A) Incandescent gas mantles;

(B) vacuum tubes;

(C) welding rods;

(D) electric lamps for illuminating purposes, if each lamp does not contain more than 50 milligrams of thorium;

(E) germicidal lamps, sunlamps, and lamps for outdoor or industrial lighting, if 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 thorium or uranium, or both, by weight; or

(G) personnel neutron dosimeters, if each dosimeter does not contain more than 50 milligrams of thorium;

(2) source material contained in any of the following:

(A) Glazed ceramic tableware, if the glaze contains not more than 20 percent source material, by weight;

(B) glassware containing not more than two percent of source material by weight or, for glassware manufactured before August 27, 2013, 10 percent of source material by weight. This exemption shall not include commercially manufactured glass brick, pane glass, ceramic tile or other glass, or ceramic used in construction;

(C) glass enamel or glass enamel frit that contains not more than 10 percent of source material, by weight, and that was imported or ordered for importation into the United States, or initially distributed by manufacturers in the United States, before July 25, 1983; or

(D) piezoelectric ceramic containing not more than two percent of source material by weight;

(3) photographic film, negatives, and prints containing uranium or thorium;

(4) any finished product or part of a product fabricated of, or containing, tungsten or magnesium-thorium alloys if the thorium content of the alloy does not exceed four percent, by weight. The exemption contained in this paragraph shall not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of any product or part of a product;

(5) uranium used as shielding and constituting part of any shipping container. The uranium shielding shall be conspicuously and legibly impressed with the words "CAUTION—RADIOACTIVE SHIELDING—URANIUM" and shall be enclosed in steel containing no more than 0.25 percent carbon, or another equally fire-resistant metal, with a minimum wall thickness of one-eighth inch (3.2 mm);

(6) thorium or uranium contained in finished optical lenses, if each lens does not contain more than 30 percent of thorium or uranium by weight or, if manufactured after August 27, 2013, 10 percent of thorium or uranium by weight. The exemption in this paragraph shall not be deemed to authorize either of the following:

(A) The shaping, grinding, or polishing of the lens or any manufacturing processes other than the assembly of the lens into optical systems and devices without any alteration of the lens; or

(B) the receipt, possession, use, or transfer of thorium or uranium contained in contact lenses, or in eyeglasses, or in eyepieces in binoculars or other optical instruments;

(7) uranium contained in detector heads for use in fire detection units, if each detector head contains not more than 0.005 microcurie of uranium; or

(8) thorium contained in any finished aircraft engine part containing nickel-thoria alloy, if both of the following conditions are met:

(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.

(d)(1) Each person who acquires, possesses, uses, or transfers uranium contained in counterweights installed in aircraft, rockets, projectiles or missiles or stored or handled in connection with installation or removal of these counterweights, except counterweights manufactured before December 31, 1969 under a specific license issued by the atomic energy commission and impressed with the legend required by that license, shall be exempt from the requirements for a license in part 3 of these regulations and the requirements of parts 4 and 10 of these regulations if both of the following conditions are met:

(A) Each counterweight has been impressed in a manner that is clearly legible through any plating or covering with the following words: "DEPLETED URANIUM."

(B) Each counterweight is durably and legibly labeled or marked with the identification of the manufacturer and the following words: "UNAUTHORIZED ALTERATIONS PROHIBITED."

(2) The exemption specified in this subsection shall not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of any counterweights, other than repair or restoration of any plating or other covering.

(e)(1) No person shall initially transfer for sale or distribution a product containing source material to any persons exempt under subsections (c) and (d) or equivalent regulations of an agreement state, unless authorized by a license issued by the nuclear regulatory commission (NRC) to initially transfer the products for sale or distribution.

(2) Each person authorized by an agreement state to manufacture, process, or produce materials or products containing source material and each person who imports

finished products or parts for sale or distribution shall be authorized by a license issued by the NRC for distribution only.

(Authorized by and implementing K.S.A. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986; amended May 4, 2018.)

***** Authenticated Kansas Administrative Regulation *****