Kansas Administrative Regulations

Department of Health and Environment

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

28-35-192b. Exemptions; exempt concentrations of radioactive materials.

(a) Except as provided in K.A.R. 28-35-184a(e), a person shall be exempt from these regulations to the extent that the person acquires, possesses, uses, transfers, or owns products or materials containing radioactive material in concentrations not exceeding those specified in K.A.R. 28-35-198a.

(b) A person shall be exempt from these regulations to the extent that the person acquires, possesses, uses, or transfers products containing naturally occurring radionuclides of elements with an atomic number less than 82, in isotopic concentrations not in excess of those that occur naturally.

(c) This regulation shall not be deemed to authorize the import of radioactive material or products containing radioactive material.

(d) A person who manufactures, processes, or produces a product or material shall be exempt from the requirements for a license as set forth in these regulations to the extent that the transfer of the radioactive material contained in the product or material is in concentrations not in excess of the amounts specified in K.A.R. 28-35-198a and is introduced into the product or material by a licensee holding a specific license issued by the department expressly authorizing such introduction. This exemption shall not apply to the transfer of radioactive material contained in any food, beverage, cosmetic, drug, or other commodity or product designed for ingestion or inhalation by, or application to, a human being.

(e) No person shall introduce radioactive material into a product or material knowing, or having reason to believe, that the product or material will be transferred to a person exempt from these regulations under subsection (a) or under an equivalent regulation of the nuclear regulatory commission or an agreement state, except in accordance with a specific license issued under K.A.R. 28-35-181e or the general license issued in K.A.R. 28-35-194a.

(Authorized by and implementing K.S.A. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986; amended March 18, 2011.)

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