3701:1-40-10 Certain industrial devices.

(A) Except for persons who manufacture, process, produce, or initially transfer for sale or distribution industrial devices containing radioactive material designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing an ionized atmosphere, any person is exempt from the requirements for a license set forth in Chapters 3701:1-38, 3701:1-46, 3701:1-48, 3701:1-49, 3701:1-52, and 3701:1-58 of the Administrative Code to the extent that such a person receives, possesses, uses, transfers, owns, or acquires radioactive material, in these certain detecting, measuring, gauging, or controlling devices and certain devices for producing an ionized atmosphere, and manufactured, processed, produced, or initially transferred in accordance with a specific license issued under 10 C.F.R. 32.30, as published in the January 1, 2013, Code of Federal Regulations which license authorizes the initial transfer of the device for use under this section. This exemption does not cover sources not incorporated into a device, such as calibration and reference sources.

(B) Any person who desires to manufacture, process, produce, initially transfer for sale or distribution industrial devices containing radioactive material for use under paragraph (A) of this rule, shall apply for a specific license issued by the United States nuclear regulatory commission and for a certificate of registration in accordance with rule 3701:1-46-49 of the Administrative Code.

Effective: 06/25/2015

Five Year Review (FYR) Dates: 04/01/2020

CERTIFIED ELECTRONICALLY

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Certification

06/15/2015

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Date

Promulgated Under: 119.03
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