Kansas Administrative Regulations

Department of Health and Environment

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

28-35-181l. Specific licenses to manufacture and distribute industrial products and devices containing depleted uranium.

(a) An application to manufacture industrial products and devices containing depleted uranium for mass-volume applications and to distribute those products or devices to persons generally licensed under K.A.R. 28-35-177a(c) shall not be approved unless all of the following conditions, in addition to all of the applicable requirements specified in these regulations, are met:

(1) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control procedures, labeling or marking, proposed uses, and potential hazards of the industrial product or device to provide reasonable assurance that the possession, use, or transfer of the depleted uranium in the product or device is not likely to cause any individual to receive a radiation dose in excess of 10 percent of the limits specified in K.A.R. 28-35-212a.

(2) The applicant submits sufficient information regarding the industrial product or device and the presence of depleted uranium for a mass-volume application in the product or device to provide reasonable assurance that unique benefits will accrue to the public because of the usefulness of the product or device.

(3) The secretary finds that the product or device combines a high degree of utility with a low probability of uncontrolled disposal or dispersal of significant quantities of depleted uranium into the environment.

(4) The application states clearly the use or uses for which the product or device is intended.

(b) Each person licensed pursuant to subsection (a) of this regulation shall meet the following requirements:

(1) In the manufacture of the industrial product or device and in the installation of the depleted uranium into the product or device, maintain the level of quality control required by the license;

(2) label or mark each unit to meet the following requirements:

(A) Identify the manufacturer of the product or device and the number of the license under which the product or device was manufactured, identify the fact that the product or device contains depleted uranium, and indicate the quantity of depleted uranium in each product or device; and

(B) state that the receipt, possession, use, and transfer of the product or device are subject to a general license and the regulations issued by the secretary, the U.S. nuclear regulatory commission, or an agreement state;

(3) ensure that the depleted uranium, before being installed in each product or device, has been impressed with the following legend clearly legible through any plating or other covering: "depleted uranium";

(4)(A) Furnish a copy of K.A.R. 28-35-177a and a form specified by the department to each person to whom the applicant transfers depleted uranium in a product or device for use pursuant to the general license issued under K.A.R. 28-35-177a(c); or

(B) furnish the following to each person to whom the applicant transfers depleted uranium in a product or device for use pursuant to a general license issued by the U.S. nuclear regulatory commission or an agreement state:

(i) A copy of the regulation of the U.S. nuclear regulatory commission or an agreement state that is equivalent to K.A.R. 28-35-177a(c) and a copy of the certificate of the U.S. nuclear regulatory commission or agreement state;

(ii) a copy of K.A.R. 28-35-177a and a copy of the form specified by the department; and

(iii) a note explaining that the use of the product or device is regulated by the U.S. nuclear regulatory commission or an agreement state under requirements substantially the same as those in K.A.R. 28-35-177a;

(5) report to the department all transfers of industrial products or devices to another person for use under the general license specified in K.A.R. 28-35-177a(c). This report shall identify each general licensee by providing the following information:

(A) The name and address;

(B) the name of an individual, by name and position, if any, who shall be a point of contact between the department and the general licensee;

(C) the type and model number of the device transferred; and

(D) the quantity of depleted uranium contained in the product or device. Each licensee shall submit a report within 30 days after the end of each calendar quarter. If no transfers have been made to persons generally licensed under K.A.R. 28-35-177a(c) during the reporting period, the report shall indicate this fact;

(6)(A) Report to the U.S. nuclear regulatory commission all transfers of industrial products or devices to persons for use under a U.S. nuclear regulatory commission general license that is equivalent to the license specified in K.A.R. 28-35-177a(c);

(B) report to the appropriate state agency of each agreement state all transfers of devices manufactured and distributed pursuant to this regulation for use under a general license issued by that particular agreement state; and

(C) identify the following in each report required under paragraph (b) (6)(A) or (b) (6)(B):

(i) Each general licensee by name and address;

(ii) the name of an individual, by name and position, if any, who shall be a point of contact between the commission or state agency and the general licensee;

(iii) the type and model number of the device transferred; and

(iv) the quantity of depleted uranium contained in the product or device.

Each licensee shall submit the report within 30 days after the end of each calendar quarter. If no transfers are made to U.S. nuclear regulatory commission licensees during any reporting period, this information shall be reported to the U.S. nuclear regulatory commission. If no transfers are made to general licensees within a particular agreement state during the reporting period, this information shall be reported to the appropriate agency of the agreement state;

(7) keep and maintain, for two years, records showing the name, address, and point of contact for each general licensee to whom a transfer of depleted uranium in industrial products or devices has been made, including the date of the transfer and the quantity of depleted uranium in the product or device transferred; and

(8) keep and maintain, for two years, records showing compliance with the reporting requirements of this subsection.

(Authorized by and implementing K.S.A. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986; amended Dec. 30, 2005.)

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