Kansas Administrative Regulations

Department of Health and Environment

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

28-35-189a. Advance notification of transport of nuclear waste.

(a) Before the transport of any nuclear waste outside the confines of the licensee's facility or any other place of use or storage, or before the delivery of any nuclear waste to a carrier for transport, each licensee shall provide advance notification of the transport to the governor or the governor's designee of each state through which the waste will be transported. For the purpose of this regulation, "nuclear waste" shall mean any large quantity of source material, by-product material, or special nuclear material required to be in a type B package while transported to, through, or across state boundaries to a disposal site, or to a collection point for transport to a disposal site.

(b) Each advance notification required by this regulation shall contain the following information:

(1) The name, address, and telephone number of the shipper, carrier, and receiver of the shipment;

(2) a description of the nuclear waste contained in the shipment as required by regulation of the U.S. department of transportation 49 C.F.R. 172.202 and 172.203(d), as in effect on January 26, 2023, which are hereby adopted by reference;

(3) the point of origin of the shipment and the seven-day period during which departure of the shipment is estimated to occur;

(4) the seven-day period during which arrival of the shipment at state boundaries is estimated to occur;

(5) the destination of the shipment and the seven-day period during which arrival of the shipment is estimated to occur; and

(6) a point of contact specified by the licensee with a telephone number for current shipment information.

(c) The notification required by this regulation shall be made in writing to the office of each appropriate governor or the governor's designee and to the Kansas department of

health and environment. A notification delivered by mail shall be postmarked at least seven days before the beginning of the seven-day period during which departure of the shipment is estimated to occur. A notification delivered by messenger shall reach the office of each governor or the governor's designee at least four days before the beginning of the seven-day period during which departure of the shipment is estimated to occur. A copy of the notification shall be retained by the licensee for one year.

(d) The licensee shall notify each appropriate governor or the governor's designee and the Kansas department of health and environment of any changes to the schedule information provided pursuant to this regulation. The notification shall be by telephone to a responsible individual in the office of each appropriate governor or to the governor's designee. The licensee shall maintain for one year a record of the name of the individual contacted.

(e) Each licensee who cancels a nuclear waste shipment for which advance notification has been sent shall send a cancellation notice to the governor or the governor's designee of each appropriate state and to the Kansas department of health and environment. A copy of the notice shall be retained by the licensee for one year.

(f) When making advanced notifications, each licensee shall use the current name and mailing address of each governor or governor's designee and each Indian tribal official or tribal official's designee that is available on a list provided by request from the director, division of materials safety, security, state, and tribal programs as specified in 10 C.F.R. 73.37(b)(2), as in effect on December 14, 2022, the title and address of which are hereby adopted by reference.

(Authorized by and implementing K.S.A. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986; amended Dec. 26, 2025.)

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