Kansas Administrative Regulations

Department of Health and Environment

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

28-35-180a. General requirements for the issuance of specific licenses.

Each application for a specific license shall be approved only if the application meets the requirements of these regulations.

(a) Each applicant shall be required to be qualified by reason of training and experience to use the material in question for the purpose requested, in accordance with these regulations, and in a manner that will protect public health and safety and the environment.

(b) The proposed equipment, facilities, and procedures used by each applicant shall protect public health and safety and the environment.

(c) A specific license shall be approved only if the secretary determines that the license is protective of public health and safety and the environment.

(d) Each applicant shall meet the requirements in these regulations for the particular license sought.

(e)(1) Each application for a license for commercial waste disposal, source material milling, or any other operation that the secretary determines will affect the environment shall meet the requirement specified in this paragraph. Each application shall include information that permits the secretary to weigh the environmental, economic, technical, and other benefits against the environmental costs and alternatives to ensure the protection of public health and safety and the environment.

(2) The approval of each application specified in paragraph (e)(1) shall be based upon the following:

(A) The information specified in paragraph (e)(1) and other information as necessary; and

(B) the information required by 10 C.F.R. 51.45, as in effect on April 30, 1992.

(f) Each applicant shall be authorized to begin construction only after the issuance of the license. Commencement of construction before issuance of the license shall be

grounds for denial of the license application. "Commencement of construction," as used in this regulation, shall mean any clearing of land, excavation, or other substantial action that would adversely affect the environment of a site.

(g) Each applicant for a license, other than a renewal, shall describe in the application how the facility design and procedures for operation will minimize, to the extent practicable, contamination of the facility and the environment, facilitate eventual decommissioning, and minimize, to the extent practicable, the generation of radioactive waste.

(h) Each licensee who manufactures a nationally tracked source shall assign a unique serial number to each nationally tracked source manufactured by the licensee. Each serial number shall be composed only of alphanumeric characters.

(i) Each licensee shall conduct operations to minimize the introduction of residual radioactivity into the facility out to the site boundary, including the subsurface, in accordance with the existing radiation protection requirements and radiological criteria for license termination in these regulations.

(Authorized by and implementing K.S.A. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986; amended Sept. 20, 1993; amended Nov. 1, 1996; amended Dec. 30, 2005; amended July 27, 2007; amended May 4, 2018.)

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