Kansas Administrative Regulations

Department of Health and Environment

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

28-35-190a. Transfer of material.

(a) A licensee shall not transfer radioactive material except as authorized in this regulation.

(b) Any licensee may transfer radioactive material, subject to the acceptance of the transferee:

(1) To the department;

(2) to the United States nuclear regulatory commission or its successor;

(3) to any person exempt from these regulations under K.A.R. 28-35-192a, 28-35-192b, 28-35-192c, 28-35-192d, 28-35-192e, 28-35-192f and 28-35-192g, as permitted under those regulations;

(4) to any person authorized to receive the material under an appropriate general or specific license issued by the secretary, the United States nuclear regulatory commission or an agreement state, or to any person otherwise authorized to receive the material by the federal government or any agency thereof, the secretary or an agreement state; or

(5) as otherwise authorized in writing by the secretary; or

(6) to the U.S. department of energy.

(c) Before transferring radioactive material to a specific licensee or to a general licensee who is required to register with the department, the United States nuclear regulatory commission, or an agreement state, the licensee transferring the material shall verify that the transferee's license authorizes receipt of the type, form, and quantity of radioactive material to be transferred.

(d) The following methods for the verification required by subsection (c) shall be acceptable.

(1) The transferor may obtain, and read, a current copy of the transferee's specific license or registration certificate.

(2) The transferor may obtain a written certification by the transferee that the transferee is authorized by license or registration certificate to receive the type, form, and quantity of radioactive material to be transferred, specifying the license or registration certificate number, issuing agency, and expiration date;

(3) For emergency shipments, the transferor may accept oral certification by the transferee that the transferee is authorized by license or registration certificate to receive the type, form, and quantity of radioactive material to be transferred. The oral certification shall include the license or registration certificate number, the issuing agency, and expiration date. The oral certification shall be confirmed in writing within 10 days following the oral certification.

(4) The transferor may obtain other sources of information compiled by a reporting service from official records of the department, United States nuclear regulatory commission, or an agreement state as to the identity of licensees and the scope and expiration dates of licenses and registration.

(5) When none of the methods of verification described in paragraphs (1) to (4) are readily available, or when a transferor desires to verify that information received by one of those methods is correct or up-to-date, the transferor may obtain and record confirmation, from the department, the United States nuclear regulatory commission or an agreement state, that the transferee is licensed to receive the radioactive material.

(e) The radioactive material shall be prepared for shipment and transport in accordance with K.A.R. 28-35-196a.

(Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986.)

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