Kansas Administrative Regulations

Department of Health and Environment

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

28-35-179a. Application for specific license; renewal or amendment.

(a) Any person may file a written application with the secretary for a specific license to acquire, possess, use, or transfer radioactive material. Each person shall file a written application with the secretary to renew or amend any specific license. Each application for a specific license, or a renewal or an amendment of an existing license, shall be submitted on the appropriate form furnished by the secretary. Each person filing an application shall provide all the information requested on the application form, and any additional relevant information requested by the secretary.

(b) Each application filed with the secretary shall be signed by the applicant or licensee, or by a person authorized to act for or on behalf of the applicant or licensee.

(c) Any application may incorporate, by reference, information provided in applications, reports, or other documents previously filed with the secretary. Each reference to information previously filed with the secretary shall be clear and specific.

(d) Any application for a specific license may include a request for a license authorizing activity at one or more installations or locations.

(e) Except as provided in subsections (f), (g), and (h), each application for a specific license to use radioactive material in the form of a sealed source or in a device that contains the sealed source shall include either of the following:

(1) Identification of the sealed source or device by manufacturer and model number as registered with the department, nuclear regulatory commission (NRC), or an agreement state; or

(2) sufficient information about the design, manufacture, prototype testing, quality control program, labeling, proposed uses, and leak testing to provide reasonable assurance that the radiation safety properties of the sealed source or device are adequate to protect health and minimize danger to life and property. For a device, the application shall also include sufficient information about installation, service and

maintenance, operating and safety instructions, and potential hazards, to provide reasonable assurance that the radiation safety properties of the sealed source or device are adequate to protect health and minimize danger to life and property.

(f) For any sealed source or device manufactured before October 23, 2012 that is not registered with the department, NRC, or an agreement state and for which the applicant is unable to provide the information specified in this regulation, the application shall include the following:

(1) All available information specified in K.A.R. 28-35-181e, concerning the sealed source, and, if applicable, the device; and

(2) sufficient additional information to demonstrate reasonable assurance that the radiation safety properties of the sealed source or device are adequate to protect health and minimize danger to life and property. The information shall include a description of the sealed source or device, a description of radiation safety features, the intended use and associated operating experience, and the results of the most recent leak test.

(g) For sealed sources and devices allowed to be distributed without the registration of safety information as required in this regulation, the applicant may supply only the name of the manufacturer, model number, and radionuclide quantity.

(h) If it is not feasible to identify each sealed source and device individually, the applicant may propose constraints on the number and type of sealed sources and devices to be used and the conditions under which the sealed sources and devices will be used, instead of identifying each sealed source and device.

(Authorized by and implementing K.S.A. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986; amended May 4, 2018.)

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