Kansas Administrative Regulations

Department of Health and Environment

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

28-35-177a. General licenses; source material.

(a) A general license is hereby issued authorizing commercial and industrial firms, research, educational, and medical institutions, and federal, state, and local government agencies to receive, possess, use, and transfer uranium and thorium, in their natural isotopic concentrations and in the form of depleted uranium, for research, development, educational, commercial, or operational purposes in any of the following forms and quantities:

(1) Uranium and thorium in the following quantities and forms:

(A) Not more than 1.5 kg (3.3 lb) of uranium and thorium in dispersible forms, including gases, liquids, and powders, at any one time. All material processed by the general licensee that alters the chemical or physical form of the material containing source material shall be accounted for as a dispersible form. A person authorized to possess, use, and transfer source material under this paragraph shall not receive more than a total of 7 kg (15.4 lb) of uranium and thorium in any one calendar year; and

(B) not more than 7 kg (15.4 lb) of uranium and thorium at any one time. A person authorized to possess, use, and transfer source material under this paragraph shall not receive more than 70 kg (154 lb) of uranium and thorium in any one calendar year. A person shall not alter the chemical or physical form of the source material possessed under this paragraph unless the source material is accounted for under the limits of paragraph (a)(1);

(2) not more than 7 kg (15.4 lb) of uranium, removed during the treatment of drinking water, at any one time. A person shall not remove more than 70 kg (154 lb) of uranium from drinking water during a calendar year under this paragraph; or

(3) not more than 7 kg (15.4 lb) of uranium and thorium at laboratories for the purpose of determining the concentration of uranium and thorium contained within the material being analyzed at any one time. A person authorized to possess, use, and

transfer source material under this paragraph shall not receive more than 70 kg (154 lb) of source material in any one calendar year.

(b)(1) Each person who receives, possesses, uses, or transfers source material in accordance with the general license in subsection (a) shall be prohibited from the following:

(A) Administering source material, or the radiation from the source material, either externally or internally, to human beings except as authorized by a specific license issued by the department;

(B) abandoning the source material. Source material may be disposed of as follows:

(i) A cumulative total of 0.5 kg (1.1 lb) of source material in a solid, nondispersible form may be transferred each calendar year by a person authorized to receive, possess, use, and transfer source material under the general license to persons receiving the material for permanent disposal. The recipient of source material transferred under this paragraph shall be exempt from the requirements to obtain a license under part 3 of these regulations to the extent that the source material is permanently disposed of. This exemption shall not apply to any person who is in possession of source material under a specific license issued by the department; or

(ii) source material may be disposed in accordance with K.A.R. 28-35-190a; and

(C) exporting the source material to another country except in accordance with a license issued by the nuclear regulatory commission (NRC).

(2) Each person specified in paragraph (b)(1) shall respond to each written request from the department to provide information relating to the general license within 30 calendar days of the date of the request or other time specified in the request. If the person cannot provide the requested information within the required time, the person shall, within the same time period, request a longer period to supply the information by providing the department with a written justification for the request.

(c) Each person who receives, possesses, uses, or transfers source material in accordance with subsection (a) shall minimize contamination of the facility and the environment. When activities involving source material are permanently ceased at any site, if evidence of significant contamination is identified, the general licensee shall notify the department about the contamination and may consult with the department

regarding the appropriateness of sampling and restoration activities to ensure that any contamination or residual source material remaining at the site where source material was used under this general license is not likely to result in exposures that exceed the limits in these regulations.

(d) Each person who receives, possesses, uses, or transfers source material in accordance with the general license granted in subsection (a) shall be exempt from parts 4 and 10 of these regulations to the extent that the receipt, possession, use, and transfer are within the terms of this general license, except that the person shall meet the requirements of paragraph (b)(1)(B) and subsection (c). This exemption shall not apply to any person who also holds a specific license issued by the department.

(e) No person shall initially transfer or distribute source material to persons generally licensed under paragraph (a)(1) or (2) or equivalent regulations of an agreement state, unless authorized by a specific license issued by the NRC or equivalent provisions of an agreement state. This subsection shall not apply to analytical laboratories returning any processed sample to the client who initially provided the sample.

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

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