

(4) The department modifies or suspends a license.

(c) After the expiration date specified in the license, each licensee to whom this regulation applies who possesses radioactive material, including residual radioactive material, shall meet the following requirements:

(1) Limit the licensee's actions involving radioactive material to those related to decommissioning; and

(2) continue to control entry to restricted areas until the areas meet the requirements of K.A.R. 28-35-205 or K.A.R. 28-35-205a. (Authorized by and implementing K.S.A. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986; amended Dec. 30, 2005.)

28-35-186. (Authorized by K.S.A. 48-1607; effective Jan. 1, 1970; revoked, T-86-37, Dec. 11, 1985; revoked May 1, 1986.)

28-35-186a. Renewal of licenses. (a) Each application for the renewal of a specific license shall be filed in accordance with K.A.R. 28-35-179a.

(b) When a licensee, not less than 30 days prior to the expiration of the licensee's existing license, has filed an application in proper form for renewal of the existing license, the existing license shall not expire until final action on the application has been made by the secretary. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986.)

28-35-187. (Authorized by K.S.A. 48-1607; effective Jan. 1, 1970; revoked, T-86-37, Dec. 11, 1985; revoked May 1, 1986.)

28-35-187a. Amendment of licenses at request of licensee. Each application for the amendment of an existing license shall be filed in accordance with K.A.R. 28-35-179a and shall specify the respects in which the licensee desires the license to be amended and the grounds for the amendment. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986.)

28-35-188. (Authorized by K.S.A. 48-1607; effective Jan. 1, 1970; revoked, T-86-37, Dec. 11, 1985; revoked May 1, 1986.)

28-35-188a. Department action on application to renew or amend. In considering whether to grant or deny an application to renew

an existing license, the secretary shall apply the criteria which are applied to determine whether an initial license should be granted or denied. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986.)

28-35-189. (Authorized by K.S.A. 48-1607; effective Jan. 1, 1970; revoked, T-86-37, Dec. 11, 1985; revoked May 1, 1986.)

28-35-189a. Advance notification of transport of nuclear waste. (a) Prior to the transport of any nuclear waste outside the confines of the licensee's facility or any other place of use or storage, or prior to the delivery of any nuclear waste to a carrier for transport, each licensee shall provide advance notification of such 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" means any large quantity of source, by-product, or special nuclear material required to be in type B packaging 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 CFR 172.202 and 172.203(d), as in effect July 1, 1984;

(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 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 depar-

ture 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. Such 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 contracted.

(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) A list of the mailing addresses of each governor and each designee is available upon request from the director, office of state programs, U.S. nuclear regulatory commission, Washington, D.C. 20555. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986.)

28-35-190. (Authorized by K.S.A. 1975 Supp. 48-1607; effective Jan. 1, 1970; amended May 1, 1976; revoked, T-86-37, Dec. 11, 1985; revoked May 1, 1986.)

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