

Kansas Register

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State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 12-1675(b)(c)(d) and K.S.A. 12-1675a(g).

Effective 3-14-22 through 3-20-22

Term	Rate
1-89 days	0.08%
3 months	0.39%
6 months	0.75%
12 months	1.20%
18 months	1.52%
2 years	1.69%

Scott Miller
Director of Investments

Doc. No. 049926

(Published in the Kansas Register March 17, 2022.)

Cimarron Valley Railroad

Request for Proposals

Interested parties are invited to submit a proposal to complete the below scope for the proposed Cimarron Valley Railroad (CVR) track rehabilitation project near Satana, Kansas.

Scope of Work

CVR track rehabilitation project from Satana, Kansas to Ulysses, Kansas. Provide all necessary labor, equipment and logistical services to provide labor cost to complete all rehab and track construction work, ties, ballast, etc. The scope is further described as follows:

- Extract and install approximately 1629, new 7x9x8.6' (industrial grade) or equivalent crossties.
- Demolition of old 90# rail (6,072 track feet); install 112# (6,072 feet) rail and needed OTM – plates, spikes, anchors, bolt/washer/nut assemblies, and comp bars.
- Install 2,723 tons of ballast. To include, tamping and regulating.
 - In accordance with AREMA standards, ballast shoulders must be dressed at the end of each workday to prevent thermal deviation in track due to disturbed roadbed.
- Build and install four new #112, #10 complete turn-outs, including Sampson switch-points and stop-rests: all OTM – anchors, bolts, and four complete switch tie packs.
- Bridge repairs to approximately 16 bridges, caps, stringers, piles, deck ties, headwalls, and culverts.
- Any pre-existing rail, ties, or OTM that is removed when installing switch components, must be removed and disposed of according to all local, state and federal regulations.
- Additional details concerning the scope of work needing to be done with each portion of the project will be addressed at the pre-bid meeting.

Minimum Requirements

MSA and Roadway Worker Protection

Contractors must complete, and have on file, a current Master Services Agreement with CVR Railroad. Prior to submitting a proposal.

1. Contractors shall comply with all parts of 49 CFR Part 214 and 219 regarding FRA Roadway Worker Safety at all times. Men and equipment shall remain clear of the track unless they have gained Roadway Worker Protection from a qualified person.
2. Contractor, contractor employees, agents and/or subcontractors must be enrolled and comply with the FRA 219 approved drug testing program.
3. Any subcontracted work will need to be approved by the CVR Railroad prior to any work starting.

Work Windows

Impact to current railroad operations must be kept to a minimum. When work must take place that causes an active track to be taken out of service for the purposes of performing work that pertains to the project, the contractor must pre-arrange a defined work window with the railroad. Contractor can anticipate a minimum work window of 8 hours with no more than one schedule of interruption in that time frame, between the hours of 07:00 and 17:00. For work windows extending more than eight hours, a minimum of 72 hours of notification is required to the railroad to arrange this window.

Work windows may be arranged 7 days a week, if desired. Current railroad operations consist of at least one train per day through the work area. This train operates in the evening hours; however, this schedule is subject to change at any time. This topic will be further discussed and clarified during the pre-proposal meeting.

Standards

All standards referenced by the project plans and specifications, as well as all applicable AREMA standards must be upheld during all phases of the project work, unless certain standards are excluded from the project with written approval by CVR. All rails shall be replaced at standard gauge of 56-1/2".

Submittals

The following documents shall be submitted by the contractor as part of the project, at the times listed:

1. Schedule of Work – Submitted with proposal
2. Certificate of Insurance – Submitted prior to construction
3. Safety Plan – Submitted prior to construction
4. Proof of Roadway Worker Training – Submitted prior to construction
5. Rail Testing (if AREMA #1 Relay Rail is used) – Submitted prior to construction
6. All contractors must recognize this is a state contract
7. Rail Weld UT Test Requirements (all rail comp welds) – Submitted with billing

Other Responsibilities

1. Permits – Contractor is responsible for all federal, state, and local permits required for the work.
2. Utilities – Contractor is responsible to locate and protect site utilities.

(continued)

3. Site Clean-up – Contractor is responsible for proper site restoration and proper disposal of materials removed in accordance with all local, state and federal laws.

Insurance

Contractor shall purchase required coverage and submit for verification a Certificate of Insurance.

Materials

All materials shall meet the requirements found in the project plans and/or specifications as well as applicable AREMA requirements. Material storage is granted on railroad right of way to the contractor. However, no materials shall be stored closer than 15’ from the centerline of any active track, at any time. Material and equipment laydown areas and reclaimed materials stockpiling locations shall be discussed and further clarified at the pre-proposal meeting. All removed materials remain property of the K&O Railroad, to be stockpiled as directed by a railroad representative.

Non-Project Areas

CVR has secured access to the project through the railroad right of way. Other access may be obtained by the contractor if he so chooses. All areas (public, private, and railroad right of way) that are used for access to the project, including parts of the railroad right of way which have no proposed work, shall be maintained and/or remediated, incidental to the project, by the contractor to the satisfaction of the property owner if any damage to these areas occurs.

Pre-Proposal Meeting

CVR shall hold a pre-proposal meeting at the project site at 1:00 a.m. (CST) March 30, 2022. The meeting shall be held at the CVR office in Satana, Kansas. Contractors are required to be present at this meeting to submit a proposal or their proposal can be rejected.

Project Completion

All work pertaining to this project shall be completed by August 15, 2022. Failure to complete work by August 15, 2022, may result in the contractor’s removal from the property or charges of \$2500/day until completed to satisfaction.

Submission of a Proposal

All proposals must be submitted no later than April 22, 2021. All submitted proposals shall be reviewed by CVR. Please ensure your proposal includes all required information. All incomplete proposals shall be rejected. Contractors who wish to submit a proposal must attend the pre-proposal meeting. The structure of your proposal must be able to be clearly understood, all proposals shall provide the following line items and provide costs as required below:

1. Provide a total sum of all line items on the proposal
2. Mobilization and demobilization – Lump sum
3. Install 6,072 track feet of #115 RE rail
4. Extract and install approximately 1,629 new, 7x9x8.6’ (IG) or equivalent crossties
5. Distribute approximately 2,723 tons ballast
6. Install four new #115, #10 turnouts with associated components

7. Tamp and regulate
8. Bridge repairs work on approximately 16 bridges scope of work will be available at pre-bid meeting

Work Reporting

Daily work reports must be filled out and submitted to Rod Bell, CVR Roadmaster, at rbell@jag-transport.com, phone 307-679-4460 and Neal Jacobs, Division Engineer, at njacobs@jag-transport.com, phone 316-215-4087. Weekly Reports should include updates to project schedules, any delays, or any change in the scope of work. A detailed summary report must be submitted at the completion of the project. Daily reporting shall consist of daily progress reports simultaneously emailed to Rod Bell and Neal Jacobs.

For further information or questions regarding the request for proposals, or submitting a proposal, needs to be simultaneously emailed to the following to Rod Bell and Neal Jacob, or contacted by phone.

Neil Jacobs
Division Engineer
Jaguar Rail Transport

Doc. No. 049909

State of Kansas

**Department of Administration
Office of Procurement and Contracts**

Notice to Bidders

Sealed bids for items listed will be received by the Office of Procurement and Contracts until 2:00 p.m. on the date indicated. For more information, call 785-296-2376.

All bids are to be submitted via email only to procurement@ks.gov. For more information, please visit https://supplier.sok.ks.gov/psc/sokfsprdsup/SUPPLIER/ERP/c/SCP_PUBLIC_MENU_FL.SCP_PUB_BID_CMP_FL.GBL.

03/24/2022	EVT0008464	Ag Permit – Dalbey Wildlife Area
03/28/2022	EVT0008477	Floating Docks and Related Equipment – KDWP
03/29/2022	EVT0008466	Medium Duty Core Drill
03/29/2022	EVT0008467	Heavy Duty Core Drill
03/29/2022	EVT0008468	Pneumatic Roller
03/29/2022	EVT0008469	Dump Truck
03/29/2022	EVT0008470	Derrick Truck
03/31/2022	EVT0008435	KBA Landscape Maintenance and Services
04/05/2022	EVT0008463	Prescribed Burn MAXR
04/05/2022	EVT0008471	20 Ton Tilt Top Trailer
04/05/2022	EVT0008472	Wheel Loaders
04/05/2022	EVT0008473	Motor Graders
04/05/2022	EVT0008474	Loader Backhoes
04/05/2022	EVT0008475	Articulated 4-Wheel Drive Wheel Loader
04/05/2022	EVT0008486	Janitorial Services – Norton
04/06/2022	EVT0008482	Spraying Permit – Maxwell
04/07/2022	EVT0008461	CFTA Mowing Service
04/12/2022	EVT0008479	Employee Assistance Program
04/13/2022	EVT0008487	Rooftop Units – Kansas State Fair
04/15/2022	EVT0008488	Asphalt Repairs – Kansas State Fair

The above referenced bid documents can be downloaded at the following website:

https://supplier.sok.ks.gov/psc/sokfsprdsup/SUPPLIER/ERP/c/SCP_PUBLIC_MENU_FL.SCP_PUB_BID_CMP_FL.GBL

Additional files may be located at the following website (please monitor this website on a regular basis for any changes/addenda):

<https://admin.ks.gov/offices/procurement-contracts/bidding--contracts/additional-bid-opportunities>

04/14/2022 A-013883(A) KSU; Chem/Biochem – Lab Retro CX Fume Hood Upgrades–Ph. 2

Information regarding prequalification, projects, and bid documents can be obtained at 785-296-8899 or <https://admin.ks.gov/offices/facilities-property-management/design-construction--compliance>.

Richard Beattie, Director
Office of Procurement and Contracts

Doc. No. 049938

State of Kansas

Board of Regents Universities

Notice to Bidders

The universities of the Kansas Board of Regents encourage interested vendors to visit the various universities’ purchasing offices’ websites for a listing of all transactions, including construction projects, for which the universities’ purchasing offices, or one of the consortia commonly utilized by the universities, are seeking information, competitive bids, or proposals. The referenced construction projects may include project delivery construction procurement act projects pursuant to K.S.A. 76-7,125 et seq.

Emporia State University – Bid postings: <https://www.emporia.edu/about-emporia-state-university/business-office/purchasing>. Additional contact information: phone: 620-341-5137, email: purchaseorders@emporia.edu. Mailing address: Emporia State University Purchasing, Campus Box 4021, 1 Kellogg Circle, Emporia, KS 66801.

Fort Hays State University – Electronic bid postings: <http://www.fhsu.edu/purchasing/bids>. Additional contact information: phone: 785- 628-4251, fax: 785-628-4046, email: purchasing@fhsu.edu. Mailing address: Fort Hays State University Purchasing Office, 601 Park St., Sheridan Hall 318, Hays, KS 67601.

Kansas State University – Bid postings: <https://dfs.ksucloud.net/rfq>. All bids must be submitted via Kansas State University’s Vendor Bid Submission Secure File Upload portal, <https://www.k-state.edu/finsvcs/purchasing/bidsubmission.html>. Additional contact information: phone: 785-532-6214, fax: 785-532-5577, email: kspurchase@k-state.edu. Mailing address: Division of Financial Services/Purchasing, 2323 Anderson Ave., Kansas State University, Manhattan, KS 66506.

Pittsburg State University – Bid postings: <https://www.pittstate.edu/office/purchasing>. Additional contact information: phone: 620-235-4169, email: sburke@pittstate.edu.

Mailing address: Pittsburg State University, Purchasing Office, 1701 S. Broadway, Pittsburg, KS 66762.

University of Kansas – Electronic bid postings: <http://www.procurement.ku.edu>. Due to Covid-19, the University of Kansas will not be accepting paper bids until further notice. Additional contact information: phone: 785-864-5800, email: purchasing@ku.edu.

University of Kansas Medical Center – Electronic bid postings: <http://www.kumc.edu/finance/purchasing/bid-opportunities.html>. Additional contact information: phone: 913-588-1117, email: hunkemoore@kumc.edu. Mailing address: University of Kansas Medical Center, Purchasing Department, Mail Stop 2034, 3901 Rainbow Blvd., Kansas City, KS 66160.

Wichita State University – Bid postings: <http://www.wichita.edu/purchasing>. Additional contact information: phone: 316-978-3080, fax: 316-978-3738, email: purchasing.office@wichita.edu. Mailing address: Wichita State University, Office of Purchasing, 1845 Fairmount Ave., Campus Box 38, Wichita, KS 67260-0038.

Kathy Herrman
Chair of Regents Purchasing Group
Purchasing Director
Fort Hays State University

Doc. No. 049784

State of Kansas

Children’s Cabinet and Trust Fund

Notice of Meeting

The Kansas Children’s Cabinet and Trust Fund board will be conducting quarterly board meetings from 9:00 a.m. to 12:00 p.m. Friday, April 1, 2022 and Friday, June 3, 2022 via Zoom. Information about the meeting a day before that date and a copy of the agenda can be found at <http://www.kschildrenscabinet.org>. Any questions can be sent to dadegbore@ksde.org.

Melissa Rooker
Executive Director

Doc. No. 049934

State of Kansas

Board of Emergency Medical Services

Notice of Meetings

The Board of Emergency Medical Services will meet at 9:00 a.m. Friday, April 1, 2022, in Room 509 of the Landon State Office Building, 900 SW Jackson, Topeka, Kansas. Board committee meetings will be held Thursday, March 31, 2022, subject to call of the chair at the same location.

All committee meeting schedules, information and items on the agenda for the board meeting can be found at <http://www.ksbems.org>.

All meetings of the board are open to the public. For more information, contact Joseph House, Room 1031, Landon State Office Building, 900 SW Jackson, Topeka, KS, 66612-1228 or 785-296-7296.

Joseph House
Executive Director

Doc. No. 049932

State of Kansas

Department of Health and Environment

Notice Concerning Proposed Kansas
Initial Air Quality Class I Operating Permit

Notice is hereby given that the Kansas Department of Health and Environment (KDHE) is soliciting comments regarding a proposed air quality operating permit. Barton County Sanitary Landfill has applied for an initial Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 et al. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards, and requirements applicable to each source; and the monitoring, record keeping, and reporting requirements applicable to each source as of the effective date of permit issuance.

Barton County Sanitary Landfill, 1400 Main St., Room 108, Great Bend, KS 67530, owns and operates a solid waste landfill located at 350 NE 30th Rd., Great Bend, Barton County, KS 67530.

A copy of the proposed permit, permit application, all supporting documentation, and all information relied upon during the permit application review process are available for public review during normal business hours of 8:00 a.m. to 5:00 p.m. at the KDHE, Bureau of Air (BOA), 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366 and at the Northwest District Office, 2301 E. 13th St., Hays, KS 67601. To obtain or review the proposed permit and supporting documentation, contact Jacob Zortman, 785-296-5231, at the central office of the KDHE or Dan Wells, 785-261-6117, at the Northwest District Office. The standard departmental cost will be assessed for any copies requested. The proposed permit, accompanied with supporting information, is available, free of charge, at the KDHE BOA Public Notice website at <https://www.kdhe.ks.gov/413/Public-Notices>.

Please direct written comments or questions regarding the proposed permit to Jacob Zortman, KDHE, BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received no later than 12:00 p.m. Monday, April 18, 2022.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Jacob Zortman, KDHE BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366, no later than 12:00 p.m. Monday, April 18, 2022 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency (EPA) has a 45-day review period, which will start concurrently with the public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA's 45-day review period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Keith Johnson, U.S. EPA, Region 7, Air Permitting and Compliance Branch, 11201 Renner Blvd., Lenexa, KS 66219, 913-551-7960, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Janet Stanek
Secretary

Doc. No. 049929

State of Kansas

Department of Health and Environment

Notice Concerning Proposed Kansas Air
Quality Class I Operating Permit Renewal

Notice is hereby given that the Kansas Department of Health and Environment (KDHE) is soliciting comments regarding a proposed air quality operating permit. Palmer Manufacturing & Tank, Inc. has applied for a Class I operating permit renewal in accordance with the provisions of K.A.R. 28-19-510 et al. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards, and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Palmer Manufacturing & Tank, Inc., 2814 W. Jones Ave., Garden City, KS 67846, owns and operates a tank manufacturing facility located at 2814 W. Jones Ave., Garden City, Finney County, KS 67846.

A copy of the proposed permit, permit application, all supporting documentation, and all information relied upon during the permit application review process are available for public review during normal business hours of 8:00 a.m. to 5:00 p.m. at the KDHE, Bureau of Air (BOA), 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366 and at the Southwest District Office, 313 Oklahoma Terr., Ulysses, KS 67880. To obtain or review the proposed permit and supporting documentation, contact Christy Thurman, 785-296-3589, at the central office of the KDHE or Ethel Evans, 620-356-1075, at the Southwest District Office. The standard departmental cost will be assessed for any copies requested. The proposed permit, accompanied with supporting information, is available, free of charge, at the KDHE BOA Public Notice website at <https://www.kdhe.ks.gov/413/Public-Notices>.

Please direct written comments or questions regarding the proposed permit to Christy Thurman, KDHE, BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received no later than 12:00 p.m. Monday, April 18, 2022.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Christy Thurman,

KDHE BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366, no later than 12:00 p.m. Monday, April 18, 2022, in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency (EPA) has a 45-day review period, which will start concurrently with the public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA's 45-day review period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Keith Johnson, U.S. EPA, Region 7, Air Permitting and Compliance Branch, 11201 Renner Blvd., Lenexa, KS 66219, 913-551-7960, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Janet Stanek
Secretary

Doc. No. 049928

State of Kansas

Department of Health and Environment

Notice Concerning Kansas/Federal Water Pollution Control Permits and Applications

In accordance with Kansas Administrative Regulations 28-16-57a through 63, 28-18-1 through 17, 28-18a-1 through 31 and 33, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, various draft water pollution control documents (permits, notices to revoke and reissue, notices to terminate) have been prepared and/or permit applications have been received for discharges to waters of the United States and the state of Kansas for the class of discharges described below.

The proposed actions concerning the draft documents are based on staff review, applying the appropriate standards, regulations, and effluent limitations of the state of Kansas and the Environmental Protection Agency. The final action will result in a Federal National Pollutant Discharge Elimination System Authorization and/or a Kansas Water Pollution Control permit being issued, subject to certain conditions, revocation, and reissuance of the designated permit or termination of the designated permit.

Public Notice No. KS-AG-22-073/078

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Meng Dairy Norman Meng 1508 210th Rd. Troy, KS 66087	SW/4 of Section 04 T03S, R21E Doniphan County	Missouri River Basin

Kansas Permit No. A-MODP-M002

The proposed action is to modify and reissue an existing state permit for an existing facility with the maximum capacity of 120 head (168 animal units) of mature dairy cattle, 25 head (12.5 animal units) of cattle weighing less than 700 pounds, and 4 head (8 animal units) of horses, for a total capacity of 188.5 animal units. This permit is being modified to incorporate additional details in the facility description and new reporting and record keeping requirements. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Barton County Feeders, Inc. 1164 SE 40 Rd. Ellinwood, KS 67526	SE/4 of Section 17 & E/2 of Section 20 & W/2 of Section 21 T20S, R11W Barton County	Upper Arkansas River Basin

Kansas Permit No. A-UABT-C007
Federal Permit No. KS0042323

The proposed action is to reissue an existing NPDES permit for an existing facility for 30,000 head (30,000 animal units) of cattle weighing more than 700 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Cattle Empire North Trista Brown Priest 2229 Road BB Satanta, KS 67870	E/2 of Section 19 T30S, R34W Haskell County	Cimarron River Basin

Kansas Permit No. A-CIHS-C006
Federal Permit No. KS0115231

The proposed action is to reissue an existing NPDES permit for an existing facility for 17,500 head (17,500 animal units) of cattle weighing more than 700 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Bohnen Cattle Company Bruce M. Bohnen 19623 Grant Rd. Dorrance, KS 67634	SW/4 of Section 10 T14S, R12W Russell County	Smoky Hill River Basin

Kansas Permit No. A-SHRS-B002

The proposed action is to reissue an existing state permit for an existing facility for 800 head (400 animal units) of cattle 700 pounds or less. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
High Choice Feeders I Douglas Claussen 553 W. Road 40 Scott City, KS 67871	W/2 of Section 12 & N/2 of Section 13 & SW/4 of Section 13 T20S, R33W Scott County	Upper Arkansas River Basin

Kansas Permit No. A-UASC-C012
Federal Permit No. KS0118541

The proposed action is to approve an update to the Nutrient Management Plan (NMP) received for this existing facility currently permitted for 30,000 head (30,000 animal units) of beef cattle weighing more than 700 pounds. The facility's NMP was updated to include application rate limitation changes. The application rate limitation for one field has become less restrictive. There are no changes to the permit or in the permitted number of animal units. Only the updated portion of the Nutrient Management Plan is subject to comment.

(continued)

Name and Address of Applicant	Legal Description	Receiving Water
Ranger Feeders II, LLC 144 S. Ogallah Rd. Dighton, KS 67839	W/2 of Section 23 & E/2 of Section 22 T18S, R28W Lane County	Upper Arkansas River Basin

Kansas Permit No. A-UALE-C002
Federal Permit No. KS0115096

The proposed action is to approve an update to the Nutrient Management Plan (NMP) received for this existing facility currently permitted for 18,000 head (18,000 animal units) of cattle weighing more than 700 pounds. The facility's NMP was updated to include application rate limitation changes. The application rate limitation for one field has become less restrictive. There are no changes to the permit or in the permitted number of animal units. Only the updated portion of the Nutrient Management Plan is subject to comment.

Public Notice No. KS-AG-R-22-004

Per Kansas Statutes Annotated 65-171d, the following registration has been received for a proposed facility:

Name and Address of Registrant	Legal Description	County
Kindred Family Farms Aaron Wickstrom PO Box 880 Hilmar, CA 95324	N/2 of SW/4 & NW/4 of Section 36 T30S, R28W	Meade

Persons wishing to comment on or object to the draft documents and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment (KDHE) if they wish to have the comments or objections considered in the decision-making process. All written comments regarding the draft documents, application or registration notices received on or before April 16, 2022, will be considered in the formulation of the final determination regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-22-073/078, KS-AG-R-22-004) and name of the applicant/permittee when preparing comments.

All comments received will be responded to at the time the Secretary of Health and Environment issues a determination regarding final agency action on each draft document/application. If response to any draft document/application indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC). A request for public hearing must be submitted in writing and shall state the nature of the issues proposed to be raised during the hearing.

Comments or objections for agricultural related draft documents, permit applications, registrations or actions should be submitted to the attention of Paige Drury, Livestock Waste Management Section at the KDHE, Bureau of Environmental Field Services (BEFS), 1000 SW Jackson, Suite 430, Topeka, KS 66612. Comments or objections for all other proposed permits or actions should be sent to Michael Beezhold at the KDHE, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS 66612.

All draft documents/applications and the supporting information including any comments received are on file and may be inspected at the offices of the KDHE. For agricultural related draft documents or applications an appointment can be scheduled, or copies requested by

contacting Mirina Landry at 1000 SW Jackson St., Suite 430, Topeka, KS 66612, telephone 785-296-0076 or email at kdhe.feedlots@ks.gov. For all other proposed permits or actions an appointment can be scheduled, or copies requested by contacting Christopher Zwiener, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS 66612, telephone 785-296-3056 or email at Christopher.Zwiener@ks.gov. These documents are available upon request at the copying cost assessed by KDHE. Application information and components of plans and specifications for all new and expanding swine facilities are available at <http://www.kdhe.ks.gov/livestock>. Division of Environment offices are open from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

Janet Stanek
Secretary

Doc. No. 049933

State of Kansas

Department of Transportation

Notice to Contractors

Electronic copies of the letting proposals and plans are available on the Kansas Department of Transportation (KDOT) website at <https://kdotapp.ksdot.org/Proposal/Proposal.aspx>. The website will allow the contractor to request approval from KDOT to bid as a prime contractor and be included on the "Bid Holders List," or to be included on the "Non-Bid Holders List" as a subcontractor/supplier. KDOT's approval is required to bid as a prime contractor. To bid as a prime contractor, KDOT needs to be notified of the intent to bid no later than the close of business on the Monday preceding the scheduled letting date. Failure to obtain prior approval to bid as a prime contractor on any projects listed below will be reason to reject your bid. The Secretary reserves the right to reject bids that do not comply with all requirements for preparing a bidding proposal as specified in the 2015 edition of the Kansas Department of Transportation *Standard Specifications for State Road and Bridge Construction*.

KDOT will only accept electronic internet proposals using the Bid Express website at <http://www.bidx.com> until 1:00 p.m. (CST) April 20, 2022. The KDOT bid letting will be conducted remotely by audio broadcast ONLY at 3:00 p.m. (CST) Wednesday, April 20, 2022. To join the conference call, dial 866-620-7326 and enter conference code 5895748207. KDOT has tested the process, but in the event of an unforeseen issue, KDOT will provide updates.

Each bidder shall certify that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This certification shall be in the form of a required contract provision provided by the state to each prospective bidder. Failure to complete the required contract provision and certify the completeness of the preceding statement when electronically signing the proposal will make the bid nonresponsive and not eligible for award consideration.

District One – Northeast

Atchison – 59-3 KA-5999-01 – US-59, at eight locations beginning approximately 148 feet south of 222nd Street north to approximately 58 feet north of Ottawa Road, guard fence, 9.5 miles. (Federal Funds)

Johnson – 35-46 KA-6502-01 – I-35, pavement marking, 11.3 miles. (Federal Funds)

Marshall – 77-58 KA-3924-01 – US-77, bridge #019 over Deer Creek located 8.9 miles north of the west junction of US-77/US-36, bridge replacement. (Federal Funds)

Shawnee – 75-89 KA-6469-01 – US-75, south of the NW US-75/NW 35th Street interchange (in right-of-way), conduit boring under US-75, special. (State Funds)

Wyandotte – 105 N-0710-01 – Unified Government of Wyandotte County/Kansas City Kansas: Safe Routes KCK Phase G: Northwest Middle and Bertram Caruthers Schools, pedestrian and bicycle paths, 1.6 miles. (Federal Funds)

Statewide – 106 KA-5705-01 – I-70, I-635, I-35 and I-435 in Johnson and Wyandotte counties (Kansas City Metro), intelligent transportation systems. (State Funds)

District Two – North Central

Clay – 15-14 KA-6129-01 – K-15, bridge #030 over the Republican River located 9.4 miles north of K-82, bridge overlay. (Federal Funds)

Gearly – 70-31 KA-6083-01 – I-70, bridge #026 over I-70 eastbound and westbound located 7.7 miles northeast of K-57, bridge deck. (Federal Funds)

Mitchell – 62 U-2330-03 – 8th Street from Independence Street to Campbell Street, and Independence Street from 7th Street to 8th Street in Beloit, pedestrian and bicycle paths, 0.6 mile. (Federal Funds)

District Three – Northwest

Norton – 36-69 KA-5419-01 – US-36, from 350 feet east of US-283 to the east city limits of Norton, grading and surfacing, 0.4 mile. (State Funds)

Osborne – 181-71 KA-6420-01 – K-181, beginning at the US-24/K-181 junction to the Osborne/Smith County line, milling and overlay, 4.0 miles. (State Funds)

Phillips – 36-74 KA-5433-01 – US-36, from between 5th Street and 6th Street to 8th Street in Phillipsburg, grading and surfacing, 0.2 mile. (Federal Funds)

Smith – 181-92 KA-6421-01 – K-181, beginning at the Osborne/Smith County line to the US-36/K-181 junction, milling and overlay, 15.2 miles. (Federal Funds)

Statewide – 106 KA-6528-01 – Various locations in District Three in Ellis, Thomas, Logan, Decatur, and Norton counties, milling. (State Funds)

District Four – Southeast

Franklin – 35-30 KA-6367-01 – I-35, from 8.5 miles north of the south I-35/US-59 junction northeast to the Franklin/Miami County line, overlay, 7.5 miles. (Federal Funds)

Miami – 35-61 KA-6366-01 – I-35, from the Franklin/Miami County line northeast to the Miami/Johnson County line, overlay, 2.8 miles. (Federal Funds)

District Five – South Central

Barber – 4 KA-6548-01 – Selected bridges on US-160 and K-2, mudjacking. (State Funds)

Butler – 8 N-0714-01 – N. Andover Road, from Redbud Trail to Ira Court in Andover, grading and surfacing, 0.5 mile. (Federal Funds)

Reno – 61-78 KA-6135-01 – K-61, bridge #076 over the Burlington, Northern and Santa Fe Railroad located 1.2 miles north of the east US-50/K-61 junction; and bridge #079 located 1.7 miles north of the east US-50/K-61 junction, bridge repair. (Federal Funds)

Rush – 183-83 KA-5921-01 – US-183, from 11th Street to 13th Street in LaCrosse, pavement reconstruction, 0.2 mile. (Federal Funds)

Sedgwick – 87 KA-6546-01 – Selected bridges on I-135, US-54, K-96 and K-15, mudjacking. (State Funds)

Julie Lorenz
Secretary

Doc. No. 049931

State of Kansas

Department of Transportation

Notice to Consulting Firms

The Kansas Department of Transportation (KDOT) is seeking a qualified consulting firm or team of firms to perform professional services for the project(s) described in Table 1 below. Interested consultants must email a letter of interest to KDOT.DesignContracts@ks.gov by 12:00 p.m. (CST) March 25, 2022, to be considered for selection.

Consultant Prequalification

Interested consulting firms must be prequalified by KDOT or otherwise demonstrate qualification in Category 241 Construction Inspection and Testing.

If a firm is not currently prequalified by KDOT, a proposal may still be submitted. Firms not prequalified must also provide documentation that demonstrates the firm is qualified for each specified category listed in this notice for the project. Firms must use the KDOT prequalification form to provide this documentation. KDOT 1050 Prequalification category definitions (Blue Book) can be found at <http://www.ksdot.org/descons.asp>. Consultants may create a team to meet the prequalification requirements. All firms doing business with KDOT must be registered and in good standing under the laws of the State of Kansas at the time of contracting and must comply with applicable state and federal laws, rules, and regulations.

Table 1: Background and Scope of Project

Project Number	Background and Scope of Project
KA-6290-01	Project manager and inspectors as necessary to inspect: HMA plant, HMA roadway, traffic control, CMS or AASHTOWare data entry, all project records, all project paperwork, and final paperwork, etc.
KA-6227-01	Project manager and inspectors as necessary to inspect: HMA plant, HMA roadway, traffic control, CMS or AASHTOWare data entry, all project records, all project paperwork, and final paperwork, etc.

(continued)

Table 2: Project Summary

Project Number	Route and Scope	Location
KA-6290-01	Multiple Routes—005 US-281: 2-inch hot in-place recycling, 1.5-inch overlay, rumble strips, edge wedge on shoulders.	Barton County: US-281: West junction US-281/K-4 to east junction US-281/K-4.
	K-4: 1-inch cold mill, 2-inch overlay and edge wedge	K-4 (part 1): Rush/Barton County line to west junction US-281/K-4. K-4 (part 2): East junction US-281/K-4 to the Barton/Rice County line
KA-6227-01	Multiple Routes—073 ¾-inch cold mill, 2-inch overlay and edge wedge on shoulders	Pawnee County: K-156: Hodgeman/Pawnee County line to the west city limits of Larned. K-264: State hospital to junction K-156/K-264. US-183: Junction K-156/US-183 to the Pawnee/Rush County line.

Anticipated Consultant Scope

KDOT anticipates the following to be included in the consultant’s scope: Construction Inspection/Testing.

- Note: These Projects will be managed out of the KDOT office in Great Bend, Kansas. These Projects have all been let and awarded to a single contractor.

Anticipated Schedule and Key Dates

1. Proposals are due by or before 12:00 p.m. (CST) March 25, 2022
2. Anticipated Start Dates and Estimated Working Days:
 - a. KA-6290-01:
 - i. Surface Recycle Starting June 20, 2022
 - ii. Asphalt Paving Starting July 1, 2022
 - iii. Estimated Working Days: 45 days
 - b. KA-6227-01:
 - i. Starting August 8, 2022
 - ii. Estimated Working Days: 60 days

Instructions for Proposal

1. No cost or pricing information shall be submitted with the proposal. Proposals including cost or pricing information will be considered non-responsive and withdrawn from further consideration.
2. The consultant’s proposal must not exceed 4 pages total (including any cover letter, index, etc.)
3. A PDF (2MB maximum size) of the proposal must be emailed to KDOT.DesignContracts@ks.gov by the proposal due date and time.
4. The subject line of the email and the PDF file name must read:
 - a. “KA-6290, 6227–ConstInsp Resurf in Barton-Pawnee_FIRM NAME”
5. The proposal must be accompanied by Special Attachments No. 8 (“Tax Clearance Certificate”) and No. 10 (“Policy Regarding Sexual Harassment”). If you need a Tax Clearance Certificate, you can request one at <https://www.ksrevenue.gov/taxclearance.html>. Allow 2-3 business days for processing.
6. The outline in Table 3 below describes the expected proposal organization and content sections.

7. Table 4 lists the evaluation criteria and associated weights which will be used to make a selection.

Table 3: Proposal Content

Section	Description of Intent
Cover Letter	(no more than 1 page)
Project Approach	Describe how your firm will meet the fluctuating inspection needs of the project.
Approach to Quality Control	Describe methods or procedures your firm will use to provide all services with professional quality and technical accuracy.
Qualifications and Experience	For key personnel to be assigned to the project provide names, qualifications, education, training, and expertise. Identify their area(s) of responsibility and percent of their time dedicated to the project. List work for which you do not have in-house capability and name the firm you propose to subcontract with.
Past Performance	Describe team’s past performance with respect to ability to meet project schedules; quality of work; and ability to control costs on similar transportation projects, especially those performed for KDOT. Include three references and contact information.
Familiarity with KDOT and Project Area	Describe team’s familiarity with KDOT’s inspection processes and standards. Describe familiarity with the project area and any identified special site conditions.

Table 4: Evaluation Factors

Evaluation Factor	Weight
The quality and completeness of the response	10%
Availability to respond to the work	20%
Qualifications and experience of project manager and other key project team members proposed for services	20%
Past performance history for similar projects/services for KDOT	20%
Understanding of the project area	10%
Understanding of KDOT contract administration and closeout procedures	20%

Contract Terms and Conditions

A standard KDOT agreement for engineering and technical services will be used for professional services projects. The following special attachments will need to be provided by the selected consultant and all subconsultants with the signed work order following negotiations and will become attachments to the contract.

- Special Attachment No. 8 (“Tax Clearance Certificate”)
- Special Attachment No. 10 (“Policy Regarding Sexual Harassment”)

Questions

All questions regarding this request for proposals shall be emailed to KDOT.DesignContracts@ks.gov.

Questions can be submitted until March 17, 2022; answers will be provided to all prequalified consultants on March 21, 2022.

Marcia Turner, P.E., Contracts Manager
Division of Engineering and Design

Doc. No. 049916

State of Kansas

Department of Transportation

Notice to Consulting Firms

The Kansas Department of Transportation (KDOT) is seeking a qualified consulting firm or team of firms to perform professional services for the project(s) described in Table 1 below. Interested consultants must email a proposal to KDOT.DesignContracts@ks.gov by 12:00 p.m. (CDT) April 1, 2022, to be considered for selection.

Consultant Prequalification

Interested consulting firms must be prequalified by KDOT or otherwise demonstrate qualification in Category 241 Construction Inspection and Testing.

If a firm is not currently prequalified by KDOT, a proposal may still be submitted. Firms not prequalified must also provide documentation that demonstrates the firm is qualified for each specified category listed in this notice for the project. Firms must use the KDOT prequalification form to provide this documentation. KDOT 1050 Prequalification Category Definitions (Blue Book) can be found at <http://www.ksdot.org/descons.asp>. Consultants may create a team to meet the prequalification requirements. All firms doing business with KDOT must be registered and in good standing under the laws of the State of Kansas at the time of contracting and must comply with applicable state and federal laws, rules, and regulations.

Table 1: Background and Scope of Project

Project Number	Background and Scope of Project
KA-6336-01	Project manager and inspectors as necessary to inspect: Surface recycle, chip seal, traffic control, CMS or AASHTOWare data entry, all project records, all project paperwork, and final paperwork, etc.
KA-6391-01	Project manager and inspectors as necessary to inspect: Surface recycle, chip seal, traffic control, CMS or AASHTOWare data entry, all project records, all project paperwork, and final paperwork, etc.

Table 2: Project Summary

Project Number	Route and Scope	Project Location
KA-6336-01	U036-022 1.5-inch hot in-place recycling, seal, rumble strips on center-line and shoulders	US-36 in Doniphan County beginning 1.423 miles east of junction US-36/K-136 to the north city limits of Wathena
KA-6391-01	U036-007 1.5-inch hot in-place recycling, seal, rumble strips on center-line and shoulders	US-36 in Brown County beginning at the Brown/Nemaha County line to 1.667 miles west of the west city limits of Hiawatha

Anticipated Consultant Scope

KDOT anticipates the following to be included in the consultant’s scope: Construction Inspection/Testing.

- Note 1: This effort will be managed out of the KDOT office in Horton, Kansas.
- Note 2: KDOT has or plans to let these projects to the same contractor.

Anticipated Schedule and Key Dates

1. Proposals are due by or before 12:00 p.m. (CDT) April 1, 2022
2. KA-6336-01:
 - a. Anticipated Start Date: May 26, 2022
 - b. Estimated Working Days: 20
3. KA-6391-01:
 - a. Anticipated Start Date: June 7, 2022
 - b. Estimated Working Days: 30

Instructions for Proposal

1. No cost or pricing information shall be submitted with the proposal. Proposals including cost or pricing information will be considered non-responsive and withdrawn from further consideration.
2. The consultant’s proposal must not exceed 4 pages total (including any cover letter, index, etc.)
3. A PDF (2MB maximum size) of the proposal must be emailed to KDOT.DesignContracts@ks.gov by the proposal due date and time.
4. The subject line of the email and the PDF file name must read:
 - a. “KA-6336, 6391-01–ConstInsp for PvmntResurf in Dnphn.Brn Cos_FIRM NAME”
5. The proposal must be accompanied by Special Attachments No. 8 (“Tax Clearance Certificate”) and No. 10 (“Policy Regarding Sexual Harassment”). If you need a Tax Clearance Certificate, you can request one at <https://www.ksrevenue.gov/taxclearance.html>. Allow 2-3 business days for processing.
6. The outline in Table 3 below describes the expected proposal organization and content sections.
7. Table 4 lists the evaluation criteria and associated weights which will be used to make a selection.

Table 3: Proposal Content

Section	Description of Intent
Cover Letter	(no more than 1 page)
Project Approach	Describe how your firm will meet the fluctuating inspection needs of the project.
Approach to Quality Control	Describe methods or procedures your firm will use to provide all services with professional quality and technical accuracy.
Qualifications and Experience	For key personnel to be assigned to the project provide names, qualifications, education, training, and expertise. Identify their area(s) of responsibility and percent of their time dedicated to the project. List work for which you do not have in-house capability and name the firm you propose to subcontract with.
Past Performance	Describe team’s past performance with respect to ability to meet project schedules; quality of work; and ability to control costs on similar transportation projects, especially those performed for KDOT. Include three references and contact information.
Familiarity with KDOT and Project Area	Describe team’s familiarity with KDOT’s inspection processes and standards. Describe familiarity with the project area and any identified special site conditions.

Table 4: Evaluation Factors

Evaluation Factor	Weight
The quality and completeness of the response	10%
Availability to respond to the work	20%
Qualifications and experience of project manager and other key project team members proposed for services	20%
Past performance history for similar projects/services for KDOT	20%
Understanding of the project area	10%

(continued)

Evaluation Factor	Weight
Understanding of KDOT contract administration and closeout procedures	20%

Contract Terms and Conditions

A standard KDOT agreement for engineering and technical services will be used for professional services projects. The following special attachments will need to be provided by the selected consultant and all subconsultants with the signed work order following negotiations and will become attachments to the contract.

- Special Attachment No. 8 (“Tax Clearance Certificate”)
- Special Attachment No. 10 (“Policy Regarding Sexual Harassment”)

Questions

All questions regarding this request for proposals shall be emailed to KDOT.DesignContracts@ks.gov.

Questions can be submitted until March 25, 2022; answers will be provided to all prequalified consultants on March 28, 2022.

Marcia Turner, P.E., Contracts Manager
Division of Engineering and Design

Doc. No. 049937

State of Kansas

Department of Transportation

Notice to Consulting Firms (Cancelled)

The Kansas Department of Transportation (KDOT) is seeking a qualified consulting firm or team of firms to perform professional services for the project(s) described in Table 1 below. Interested consultants must email a proposal to KDOT.DesignContracts@ks.gov by 12:00 p.m. (CST) March 25, 2022, to be considered for selection.

Consultant Prequalification

Interested consulting firms must be prequalified by KDOT or otherwise demonstrate qualification in the following categories: 222 Standard Span Bridge Design; 311 Geotechnical Engineering Services; 312 Materials Laboratory Testing Services.

If a firm is not currently prequalified by KDOT, a proposal may still be submitted. Firms not prequalified must also provide documentation that demonstrates the firm is qualified for each specified category listed in this notice for the project. Firms must use the KDOT prequalification form to provide this documentation. KDOT 1050 Prequalification Category Definitions (Blue Book) can be found at <http://www.ksdot.org/descons.asp>. Consultants may create a team to meet the prequalification requirements. All firms doing business with KDOT must be registered and in good standing under the laws of the State of Kansas at the time of contracting and must comply with applicable state and federal laws, rules, and regulations.

Table 1: Background and Scope of Project

Project Number	Background and Scope of Project
KA-6545-01	The overhead sign structures listed below need to be replaced.

Table 2: Project Summary

Project Number	Serial #	Latitude	Longitude	Route	County	State Ref #
KA-6545-01	087S0012	37.67206	-97.433	US-54	87	210.65
	087S0014	37.6719	-97.43	US-54	87	210.65
	087S0015	37.67379	-97.29	US-54	87	210.7
	087S0016	37.67292	-97.428	US-54	87	210.75
	087S0017	37.67203	-97.428	US-54	87	210.7
	087S0018	37.67116	-97.428	US-54	87	210.7
	087S0019	37.67293	-97.426	US-54	87	210.85
	087S0020	37.67194	-97.426	US-54	87	210.85
	087S0021	37.67314	-97.425	US-54	87	210.95
	087S0022	37.67275	-97.422	US-54	87	211.1
	087S0026	37.67249	-97.415	US-54	87	211.5
	087S0155	37.66812	-97.428	US-54	87	210.65
	087S0156	37.67568	-97.428	US-54	87	210.65

Anticipated Consultant Scope

KDOT anticipates the following to be included in the consultant’s scope:

- In addition to the overhead sign structure design, the following will need to be considered: geotechnical investigation for the structures, permanent signing, traffic control, and letting and construction phase services. Consultant shall also provide cost estimates bi-annually as we arrive at major project milestones.

Anticipated Schedule and Key Dates

1. Proposals are due by or before 12:00 p.m. (CST) March 25, 2022
2. The program fiscal year for this project is FY 2023 (July 2022–June 2023). KDOT anticipates letting will occur in January 2023.

Instructions for Proposal

1. No cost or pricing information shall be submitted with the proposal. Proposals including cost or pricing information will be considered non-responsive and withdrawn from further consideration.
2. The consultant’s proposal must not exceed 4 pages total (including any cover letter, index, etc.)
3. A PDF (2MB maximum size) of the proposal must be emailed to KDOT.DesignContracts@ks.gov by the proposal due date and time.
4. The subject line of the email and the PDF file name must read:
 - a. “KA-6545-01–US54.Ridge Rd OH Signs_FIRM NAME”
5. The proposal must be accompanied by Special Attachments No. 8 (“Tax Clearance Certificate”) and No. 10 (“Policy Regarding Sexual Harassment”). If you need a Tax Clearance Certificate, you can request one at <https://www.ksrevenue.gov/taxclearance.html>. Allow 2-3 business days for processing.
6. The outline in Table 3 below describes the expected proposal organization and content sections.
7. Table 4 lists the evaluation criteria and associated weights which will be used to make a selection.

Table 3: Proposal Content

Section	Description of Intent
Cover Letter	1 Page

Project Approach	Demonstrate a unique approach to accomplish the design efficiently and to a high standard. Include cost-effective and optimized solutions to address the anticipated improvements in the design. Include unique qualifications or experience related to the project approach.
Approach to Schedule	Describe the approach to accomplish the scope of services within the schedule requirements. Include anticipated key milestone dates and availability of staff.
Approach to Quality Control	Describe methods or procedures your firm will use to provide all drawings, reports and other services with professional quality and technical accuracy.
Qualifications and Experience	For key personnel to be assigned to the project provide names, office location, qualifications, education, training, and expertise. Identify their area(s) of responsibility and percent of their time dedicated to the project. List work for which you do not have in-house capability and name the firm you propose to subcontract with.
Past Performance	Describe team’s past performance with respect to ability to meet project schedules; quality of work; and ability to control costs on similar transportation projects, especially those performed for KDOT. Include three references and contact information.
Familiarity with KDOT and Project Area	Describe team’s familiarity with KDOT’s design process and standards. Describe familiarity with the project area and any identified special site conditions.

Table 4: Evaluation Factors

Evaluation Factor	Weight
Availability to respond to the work	10%
Commitment to meet advertised schedule	10%
Approach to quality control	40%
Understanding of the project area	10%
Understanding of KDOT CAD standards and expectations for deliverables	30%

Contract Terms and Conditions

A standard KDOT agreement for engineering and technical services will be used for professional services projects. The following special attachments will need to be provided by the selected consultant and all subconsultants with the signed work order following negotiations and will become attachments to the contract.

- Special Attachment No. 8 (“Tax Clearance Certificate”)
- Special Attachment No. 10 (“Policy Regarding Sexual Harassment”)

Questions

All questions regarding this request for proposals shall be emailed to KDOT.DesignContracts@ks.gov.

Questions can be submitted until March 17, 2022; answers will be provided to all prequalified consultants on March 21, 2022.

Marcia Turner, P.E., Contracts Manager
Division of Engineering and Design

Doc. No. 049920

State of Kansas

Secretary of State

Notice of Forfeiture

In accordance with Kansas statutes, the following business entities organized under the laws of Kansas and the foreign business entities authorized to do business in Kansas were forfeited during the month of February 2022 for failure to timely file an annual report and pay the annual report fee.

Please Note: The following list represents business entities forfeited in February. Any business entity listed may have filed for reinstatement and be considered in good standing. To check the status of a business entity, go to the Kansas Business Center’s Business Entity Search Station at <https://www.kansas.gov/bess/flow/main?execution=e2s4> (select Business Entity Database) or contact the Business Services Division at 785-296-4564.

Domestic Business Entities

- A Love Seed, Inc., Oberlin, KS
- Ace Fire Extinguisher Co., Inc., Hutchinson, KS
- Aydogdu19 Corp., Park City, KS
- Berean Baptist Church of Wichita, Inc., Wichita, KS
- Bill and Nancy Cohlma Family Foundation, Wichita, KS
- Caldwell Mission, Inc., Caldwell, KS
- Collab, Inc., Shawnee, KS
- CS Brothers Corporation, Shawnee, KS
- DBR Designs, Inc., Overland Park, KS
- DKO Cars, Inc., Manhattan, KS
- Floyds Handyman and Remodel, Inc., Baxter Springs, KS
- Grizzly Pride, Inc., Beloit, KS
- Haven Grade School Parent Teacher Organization, Inc., Haven, KS
- Healthcare Innovations Consultants, Inc., Lawrence, KS
- Ideal Enterprises, LLC
- J & C Motors, Inc., Manhattan, KS
- J&S Designs and More Corporation, Olathe, KS
- Johnson Brothers Construction, Inc., Wellington, KS
- Just Like You, Inc., Mission Hills, KS
- Kansas International Chamber of Commerce, Inc., Wichita, KS
- Manhattan Student Housing, LLC, Leawood, KS
- Piston Tribune Co. Burlingame, KS
- R. Boese Consulting Ltd., Pincher Creek, AB, CN
- Remember to Remember, Inc., Topeka, KS
- Rolling Hills, Inc., Liberal, KS
- Shawnee Heights Parent Association for Speech and Debate, Tecumseh, KS
- Variety Vending Company, Cimarron, KS
- Willow Montessori, Inc., Kansas City, MO
- Winzer Franchise Company, Plano, TX
- Wrestledb Software Corp., Overland Park, KS
- 261 Fearless Club Kansas City, Inc., Kansas City, MO

Foreign Business Entities

- Chaos Home Loans LLC, Las Vegas, NV
- Clayton Masonry, Inc., Fort Worth, TX
- Grammatech, Inc., Ithaca, NY
- James M. Barb Construction, Inc., Albuquerque, NM
- Precise Systems, Inc., Lexington Park, MD
- Royal Cup, Inc., Birmingham, AL
- Securewatch24, LLC, Moonachie, NJ
- Winzer Corporation, Plano, TX

Scott Schwab
Secretary of State

Doc. No. 049927

State of Kansas

Legislative Administrative Services

Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced March 3–9 during the 2022 session of the Kansas Legislature. Full text of bills, bill tracking, and other information may be accessed at <http://www.kslegislature.org/li/>.

House Bills

HB 2725, AN ACT concerning family law; relating to temporary parenting plans; creating a presumption that joint legal custody in a temporary parenting plan is in the best interests of a child; amending K.S.A. 2021 Supp. 23-3212 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2726, AN ACT concerning taxation; relating to sales and compensating use tax; imposing sales tax on vehicles purchased for rental or lease; amending K.S.A. 2021 Supp. 79-3602 and 79-3603 and repealing the existing sections, by Committee on Taxation.

HB 2727, AN ACT concerning income taxation; relating to the determination of Kansas adjusted gross income; increasing the income limit to qualify for the subtraction modification for social security income; amending K.S.A. 2021 Supp. 79-32,117 and repealing the existing section, by Committee on Taxation.

HB 2728, AN ACT concerning income taxation; relating to credits; establishing a tax credit for contributions to a nonprofit organization for the purpose of installing qualified accessibility modification projects, by Committee on Taxation.

HB 2729, AN ACT concerning property taxation; relating to exemptions; establishing a property tax exemption for 50% of the first \$200,000 in assessed value of homesteads of individuals 65 years of age and older; establishing the property tax refund fund, by Committee on Taxation.

HB 2730, AN ACT concerning governmental action; relating to freedom of worship; prohibiting certain restrictions on such freedom by governmental entities and public officials; limiting related state of disaster emergency powers of the governor and state of local disaster emergency powers of counties and cities; related powers of the secretary of health and environment; local health officers to making recommendations; amending K.S.A. 2021 Supp. 48-925, 48-932, 65-101, 65-201 and 65-202 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2731, AN ACT concerning consumer protection; relating to online third-party marketplaces and the sale of stolen merchandise; requiring such marketplaces to verify and authenticate the identity of third parties who sell products on their platforms; providing for enforcement by the attorney general, by Committee on Federal and State Affairs.

HB 2732, AN ACT concerning economic development; enacting the Gage park improvement authority act; providing for the creation of the Gage park improvement authority; permitting a sales tax within the boundaries of Shawnee county for the purpose of benefiting Gage park, the Topeka zoo and the Kansas children's discovery center thereof; requiring approval by the electors of the county to establish the sales tax and authority, by Committee on Taxation.

HB 2733, AN ACT concerning insurance; relating to the regulation of pharmacy benefits managers; requiring licensure rather than registration of such entities; enacting the pharmacy benefits manager licensure act; amending K.S.A. 40-3821, 40-3822, 40-3823, 40-3824, 40-3826, 40-3827 and 40-3829 and repealing the existing sections, by Committee on Appropriations.

HB 2734, AN ACT concerning the behavioral sciences regulatory board; relating to licensure of health professions and practices; allowing board-approved postgraduate supervised experience to count toward graduate level supervised clinical practicum of supervised professional experience; permitting current master's and clinical level licensees to take the addiction counselor test; amending K.S.A. 2021 Supp. 65-6306 and 65-6610 and repealing the existing sections, by Committee on Appropriations.

HB 2735, AN ACT concerning economic development; enacting the right-to-start act; relating to tax incentives for new businesses; reducing the first \$100,000 of new business income included in a taxpayer's

Kansas adjusted gross income by 20% for the first three tax years the taxpayer's business is in operation; reducing the income tax on eligible new corporations to 3% for the first three years of such eligible corporation for the first \$100,000 of income; requiring the department of administration to make certain reports to the legislature; establishing the office of entrepreneurship within the department of commerce; amending K.S.A. 2021 Supp. 79-32,110, as amended by section 15 of 2022 Senate Bill No. 347, and repealing the existing section, by Committee on Taxation.

House Resolutions

HR 6023, A RESOLUTION condemning the Russian invasion of Ukraine and urging the United States federal government to provide aid and support to the Ukrainian people, by Representatives Highberger, Alcalá, Amyx, Ballard, Blex, Burroughs, Carlin, W. Carpenter, Clayton, Clifford, Curtis, Dodson, M., Ellis, Featherston, French, Gartner, Haswood, Helgerson, Henderson, Highland, Hoheisel, Hoye, Kuether, Meyer, Miller, Minnix, Neighbor, Newland, Osman, Ousley, Owens, Poskin, Probst, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Sawyer, Schmidt, Schreiber, Stogsdill, Thomas, Vaughn, Victors, Waggoner, Weigel, Winn, Wolfe Moore, Woodard and Xu.

Senate Bills

SB 544, AN ACT concerning the legislature; relating to bills; requiring legislators who request certain curriculum or school finance bills to volunteer at a public school or consult with a team of teaching professionals; prohibiting certain legislators from requesting bills that divert state moneys from public schools to private schools, by Committee on Federal and State Affairs.

SB 545, AN ACT concerning education; relating to certain nonpublic schools; requiring participation in certain assessments; requiring website publication of performance accountability and longitudinal achievement reports; amending K.S.A. 2021 Supp. 72-5178 and repealing the existing section, by Committee on Federal and State Affairs.

SB 546, AN ACT concerning motor vehicles; relating to autonomous motor vehicles; providing for the use and regulation thereof; establishing the autonomous vehicle advisory committee; amending K.S.A. 2021 Supp. 8-2106 and 8-2204 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 547, AN ACT concerning the video competition act; exempting providers of broadcast satellite services and streaming services from the provisions of such act; providing requirements relating to audits of video service providers; amending K.S.A. 2021 Supp. 12-2022 and 12-2024 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 548, AN ACT concerning water; relating to groundwater management districts; excepting matters related to water rights from the advice and assistance such districts may provide; amending K.S.A. 82a-1028 and repealing the existing section, by Committee on Federal and State Affairs.

SB 549, AN ACT concerning water; relating to groundwater management districts; allowing withdrawal from a groundwater management district in certain circumstances, by Committee on Federal and State Affairs.

SB 550, AN ACT concerning drivers' licenses; authorizing certain individuals with revoked licenses to be eligible for restricted driving privileges; amending K.S.A. 2021 Supp. 8-2110 and repealing the existing section; also repealing K.S.A. 2021 Supp. 8-2110c, by Committee on Federal and State Affairs.

SB 551, AN ACT concerning the department of agriculture; relating to animal health; establishing the pet animal facilities inspection division to be administered by a director under the supervision of the secretary; amending K.S.A. 47-1701, 47-1702, 47-1703, 47-1704, 47-1706, 47-1706a, 47-1707, 47-1708, 47-1709, 47-1710, 47-1711, 47-1712, 47-1715, 47-1718, 47-1719, 47-1720, 47-1721, 47-1723, 47-1725, 47-1726, 47-1727, 47-1731, 47-1732, 47-1733, 47-1734, 47-1735 and 47-1736 and repealing the existing sections, by Committee on Ways and Means.

SB 552, AN ACT concerning real property; relating to county foreclosures on property due to delinquent taxes; enacting the modernization of recovery through website outreach act; authorizing the state treasurer to publish information regarding such foreclosed property on the state treasurer's website, by Committee on Federal and State Affairs.

SB 553, AN ACT concerning income taxation; relating to qualified governmental retirement plans under the federal internal revenue code; state income tax treatment of certain pre-tax and Roth retirement

contributions; enacting the Kansas thrift savings plan act; establishing terms, conditions and requirements related thereto; creating mandatory, deferred compensation, employer and rollover accounts; providing for plan document, membership elections, benefits, contributions, distributions and prospective plan changes by the legislature; relating to the Kansas public employees retirement system; employer contribution rate; allowing total covered payroll to include compensation of thrift savings plan members; amending K.S.A. 2021 Supp. 74-4920 and repealing the existing section, by Committee on Assessment and Taxation.

SB 554, AN ACT concerning property taxation; relating to classification; land devoted to agricultural use; definition; agritourism activity and zoos; amending K.S.A. 79-1476 and repealing the existing section, by Committee on Assessment and Taxation.

SB 555, AN ACT concerning property taxation; relating to assessment and collection; allowing for the proration of value when certain personal property is acquired or sold prior to September 1 of any tax year; discontinuing collection of unpaid municipal utility fees using the property tax roll; amending K.S.A. 65-3410 and K.S.A. 2021 Supp. 12-808c and repealing the existing sections, by Committee on Assessment and Taxation.

SB 556, AN ACT concerning income taxation; relating to Kansas adjusted gross income; providing for a subtraction modification for the federal work opportunity tax credit and the employee retention credit disallowance; amending K.S.A. 2021 Supp. 79-32,117 and repealing the existing section, by Committee on Assessment and Taxation.

SB 557, AN ACT concerning crimes, punishment and criminal procedure; relating to criminal possession of a weapon by a convicted felon; exempting certain underlying felonies when a person has had the conviction of such crime expunged or has been pardoned for such crime; amending K.S.A. 2021 Supp. 21-6304 and repealing the existing section, by Committee on Federal and State Affairs.

Senate Resolutions

SR 1731, A RESOLUTION recognizing March 3, 2022, as National Vending Day in Kansas for the many contributions of the vending and convenience services industry, by Senator Alley.

Senate Concurrent Resolutions

SCR 1623, A CONCURRENT RESOLUTION urging the President of the United States to stop importing oil and gas from Russia and restore energy independence in the United States, by Senators Billinger, Alley, Baumgardner, Bowers, Claeys, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Gossage Hilderbrand, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, Olson, O'Shea, Peck, Petersen, Pettey, Pittman, Pyle, Ryckman, Steffen, Straub, Suellentrop, Sykes, Thompson, Tyson, Warren and Willborn.

Doc. No. 049935

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9:00 a.m. Monday, April 4, 2022, in the offices of the Kansas Development Finance Authority (K DFA), 534 S. Kansas Ave., Suite 800, Topeka, Kansas, on the proposal for the K DFA to issue its Agricultural Development Revenue Bond for the project numbered below in the respective maximum principal amount. The bond will be issued to assist the borrower named below (who will be the owner and operator of the project) to finance the cost in the amount of the bond, which is then typically purchased by a lender bank who then, through the K DFA, loans the bond proceeds to the borrower for the purposes of acquiring the project. The project shall be located as shown:

Project No. 001098 Maximum Principal Amount: \$105,000. Owner/Operator: Andrew J. and Robin L. Marston; Description: Acquisition of 80 acres of

agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes (the "Project"). The Project is being financed by the Lender for Andrew J. and Robin L. Marston (the "Beginning Farmer") and is located at the North Half of the Southwest Quarter of Section 13, Richland Township, Range 1 West, Republic County, Kansas, approximately 3.5 miles east of Cuba, Kansas on Penn Road and .25 miles south on 300 Road.

The bond, when issued, will be a limited obligation of the K DFA and will not constitute a general obligation or indebtedness of the state of Kansas or any political subdivision thereof, including the K DFA, nor will it be an indebtedness for which the faith and credit and taxing powers of the state of Kansas are pledged. The bond will be payable solely from amounts received from the respective borrower, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on the bond when it becomes due.

Interested individuals may participate in the public hearing via conference call. Please call toll free number 866-620-7326 and use conference identification number 159 722 1260 followed by # to join the conference.

All individuals who appear at the hearing will be given an opportunity to express their views concerning the proposal to issue the bond to finance the project, and all written comments previously filed with the K DFA at its offices at 534 S. Kansas Ave., Suite 800, Topeka, 66603, will be considered. Additional information regarding the project may be obtained by contacting the K DFA.

Rebecca Floyd
President

Doc. No. 049930

State of Kansas

Department of Health and Environment

Permanent Administrative Regulations

Article 35.—RADIATION

28-35-135a. Definitions. As used in these regulations, each of the following terms shall have the meaning specified in this regulation:

(a) "A₁" means the maximum activity of special form radioactive material permitted in a type A package.

(b) "A₂" means the maximum activity of radioactive material, other than special form radioactive material, permitted in a type A package. These values are listed in or may be derived as specified in 10 C.F.R. part 71, appendix A, which is adopted by reference in K.A.R. 28-35-221b.

(c) "Absorbed dose" means the energy imparted to matter by ionizing radiation per unit mass of irradiated material at the place of interest. The units of absorbed dose are the rad and the gray (Gy).

(d) "Absorbed dose rate" means the absorbed dose per unit of time or, for linear accelerators, the dose monitor unit per unit of time.

(continued)

(e) "Accelerator-produced material" means any material made radioactive by exposing it in a particle accelerator.

(f) "Accessible surface" means the surface of equipment or of an equipment part that can be easily or accidentally touched by persons without the use of a tool.

(g) "Accident" means an unintended event, including an operating error, equipment failure, and other mishap, that could result in either of the following:

(1) A dose in excess of regulatory limits on site or for the public; or

(2) consequences or potential consequences that cannot be ignored from the point of view of protection or safety, including an actual or potential substantial degradation of the level of protection or safety of the facility or the release of radioactive material in sufficient quantity to warrant consideration of protective actions.

(h) "Act" means the "nuclear energy development and radiation control act," K.S.A. 48-1601 et seq., and amendments thereto.

(i) "Activity" means the rate of disintegration, transformation, or decay of radioactive material. Activity is expressed in the SI unit of becquerel (Bq) or in the special unit of curie (Ci), or the multiples of either unit.

(j) "Added filter" means the filter added to the inherent filtration.

(k) "Address of use" means the building or buildings that are identified on the license and each location where radioactive material could be produced, prepared, received, used, or stored.

(l) "Adult" means an individual who is 18 or more years of age.

(m) "Aggregated" means accessible by the breach of a single physical barrier that could allow access to radioactive material in any form, including any devices that contain the radioactive material, when the total activity equals or exceeds a category 2 quantity of radioactive material.

(n)(1) "Agreement state" means any state with which the nuclear regulatory commission enters, or has entered, into an effective agreement pursuant to subsection 274b of the atomic energy act of 1954, 68 Stat. 919, as amended.

(2) "Non-agreement state" means any other state.

(o) "Airborne radioactive area" means the following:

(1) Any room, enclosure, or operating area in which airborne radioactive material exists in concentrations in excess of the derived air concentrations (DAC) specified in the department's "appendices to part 4: standards for protection against radiation," effective April 1994, which is hereby adopted by reference; or

(2) any room, enclosure, or operating area in which airborne radioactive material exists in concentrations such that an individual present in the area without respiratory protective equipment could exceed, during the hours an individual is present in a week, an intake of 0.6 percent of the ALI or 12 DAC-hours.

(p) "Airborne radioactive material" means any radioactive material dispersed in the air in the form of dust, fumes, mists, vapors, or gases.

(q) "Air kerma" means the kinetic energy released in air by ionizing radiation. Kerma is determined by dividing dE by dM, where dE is the sum of the initial kinetic

energies of all the charged ionizing particles liberated by uncharged ionizing particles in air of mass dM. The SI unit of air kerma is joule per kilogram, and the special name for the unit of kerma is the gray (Gy).

(r) "Alert" means a period during which one of the following could lead to a release of radioactive material that is not expected to require a response by off-site response organizations to protect persons off-site:

(1) Conditions have arisen that could cause an event.

(2) An event is in progress.

(3) An event has occurred.

(s) "Aluminum equivalent" means the thickness of type 1100 aluminum alloy that affords the same attenuation, under specified conditions, as that of the material in question. The nominal chemical composition of type 1100 aluminum alloy is a minimum of 99.00 percent aluminum and 0.12 percent copper.

(t) "Amendment" means any change to a license or registration issued under these regulations.

(u) "Analytical X-ray system" means a group of local and remote components utilizing X-rays to determine the elemental composition or to examine the microstructure of materials.

(1) Local components shall include those components that are struck by X-rays, including radiation source housings, port and shutter assemblies, collimators, sample holders, cameras, goniometers, detectors, and shielding.

(2) Remote components may include power supplies, transformers, amplifiers, readout devices, and control panels.

(v) "Annual limit on intake" and "ALI" mean the derived limit for the amount of radioactive material taken into the body of an adult worker by inhalation or ingestion in a year. ALI is the smaller value of intake of a given radionuclide in a year by the reference man that would result in a committed effective dose equivalent of 5 rem (0.05 Sv) or a committed dose equivalent of 50 rem (0.5 Sv) to any individual organ or tissue. ALI values for intake by ingestion and by inhalation of selected radionuclides are specified in appendix B, table I, published in "appendices to part 4: standards for protection against radiation," which is adopted by reference in this regulation.

(w) "Annual refresher safety training" means a review conducted or provided by the licensee or registrant for its employees on radiation safety aspects of industrial radiography. The review shall include, at a minimum, any results of internal inspections, new procedures or equipment, new or revised regulations, and accidents or errors that have been observed. The review shall also provide opportunities for employees to ask safety questions.

(x) "American national standards institute" and "ANSI" mean the organization that provides a framework for fair standards development and quality conformity assessment systems, safeguards the integrity of the standards, and publishes standards documents. The address of ANSI is provided in 10 C.F.R. 34.20(a)(1).

(y) "Applicator" means a structure that determines the extent of the treatment field at a given distance from the virtual source.

(z) "Area of use" means a portion of a physical structure that has been set aside for the purpose of producing, preparing, receiving, using, or storing radioactive material.

(aa) "As low as is reasonably achievable" and "ALARA," when used to describe exposures to radiation workers, mean that every reasonable effort has been made to maintain exposures to radiation workers as far below the dose limits specified in these regulations as is practical, consistent with the purpose for which the licensed or registered activity is undertaken, taking the following into account:

- (1) The state of technology;
- (2) the economics of improvements in relation to the state of technology;
- (3) the economics of improvements in relation to benefits to public health and safety and to other societal and socioeconomic considerations; and
- (4) the economics of improvements in relation to the utilization of nuclear energy and licensed or registered sources of radiation in the public interest.

(bb) "Assembler" means any person engaged in the business of assembling, replacing, or installing one or more components into an X-ray system or subsystem. The term shall include the owner of an X-ray system and any employee or agent of the owner who assembles components into an X-ray system that is subsequently used to provide professional or commercial services.

(cc) "Associate radiation safety officer" means an individual who meets the requirements specified in 10 C.F.R. 35.50 and 35.59, as adopted in K.A.R. 28-35-264, and is currently approved by the department for the types of use of by-product material for which the individual has been assigned duties and tasks by the radiation safety officer. Each associate radiation safety officer shall obtain one of the following:

- (1) A specific medical use license issued by the commission or an agreement state;
- (2) a medical use permit issued by the commission; or
- (3) a master materials license issued by the commission.

(dd) "Associated equipment" means equipment that is used in conjunction with a radiographic exposure device that makes radiographic exposures and that drives, guides, or comes in contact with the source.

(ee) "Attenuation block" means a block or stack, with dimensions of 20 cm by 20 cm by 3.8 cm, made of type 1100 aluminum alloy or other materials having equivalent attenuation.

(ff) "Authorized user" means an individual who is approved by the department and listed on a license issued by the department for the use of radioactive material or an individual who is designated by a registered facility as a user of X-ray machines or accelerators. This term shall not apply to part 6 of these regulations.

(gg) "Automatic exposure control" means a device that automatically controls one or more technique factors in order to obtain a required quantity of radiation, at one or more preselected locations. (Authorized by K.S.A. 48-1607; implementing K.S.A. 2020 Supp. 48-1603 and K.S.A. 48-1607; effective Dec. 30, 2005; amended July 27, 2007; amended May 4, 2018; amended April 1, 2022.)

28-35-135c. Definitions. As used in these regulations, each of the following terms shall have the meaning specified in this regulation:

(a) "Cabinet radiography using radiation machines" means industrial radiography that is conducted in an

enclosed, interlocked cabinet that prevents the radiation machine from operating unless all openings are securely closed and that is sufficiently shielded so that every location on the cabinet's exterior meets the conditions for an unrestricted area as specified in K.A.R. 28-35-214a.

(b) "Cabinet X-ray system" means an X-ray system with the X-ray tube installed in an enclosure, called a "cabinet," that is independent from existing architectural structures except the floor on which the cabinet could be placed. The cabinet is intended for the following purposes:

- (1) To contain at least that portion of a material being irradiated;
- (2) to provide radiation attenuation; and
- (3) to exclude personnel from the interior of the cabinet during the generation of X-rays.

This term shall include all X-ray systems designed primarily for the inspection of carry-on baggage at airline, railroad, and bus terminals, and in similar facilities. An X-ray tube that is used within a shielded part of a building, or X-ray equipment that may temporarily or occasionally incorporate portable shielding, shall not be considered a cabinet X-ray system.

(c) "Calendar quarter" means at least 12 but not more than 14 consecutive weeks. The first calendar quarter of each year shall begin in January. Subsequent calendar quarters shall be arranged so that no day is included in more than one calendar quarter and no day in any one year is omitted from inclusion within a calendar quarter. A licensee or registrant shall not change the method of determining and observing calendar quarters for purposes of these regulations except at the beginning of a calendar year.

(d) "Calibration" means the determination of either of the following:

- (1) The response or reading of an instrument relative to a series of known radiation values over the range of the instrument; or
- (2) the strength of a source of radiation relative to a standard.

(e) "Camera" means a radiographic exposure device.

(f) "Central axis of the beam" means a line passing through the virtual source and the center of the plane figure formed by the edge of the first beam-limiting device.

(g) "Cephalometric device" means a device intended for the radiographic visualization and measurement of the dimensions of the human head.

(h) "Certifiable cabinet X-ray system" means an existing, uncertified X-ray system that has been modified to meet the certification requirements specified in 21 C.F.R. 1020.40, dated April 1, 2019, which is hereby adopted by reference.

(i) "Certificate holder" means a person that has been issued a certificate of compliance or other package approval by the commission.

(j) "Certificate of compliance" and "CoC" mean the certificate issued by the commission under subpart D of 10 C.F.R. part 71, approving the design of a package for the transportation of radioactive material.

(k) "Certificate of registration" means a document issued by the department, the commission, or an agreement state given sealed source and device registry authority

(continued)

by the commission acknowledging the registration of a sealed source or device containing a sealed source.

(l) "Certified cabinet X-ray system" means a cabinet X-ray system that has been certified as manufactured and assembled as specified in 21 C.F.R. 1020.40, which is adopted by reference in subsection (h).

(m) "Certified components" means the components of X-ray systems that are subject to regulations promulgated under public law 90-602, the radiation control for health and safety act of 1968 as amended.

(n) "Certified system" means any X-ray system that has one or more certified components.

(o) "Certifying entity" means an independent certifying organization or state regulatory program meeting the requirements in K.A.R. 28-35-293.

(p) "Changeable filter" means any filter, exclusive of inherent filtration, that can be removed from the useful beam through any electronic, mechanical, or physical process.

(q) "Chelating agent" means amine polycarboxylic acids, hydroxycarboxylic acids, gluconic acids, and polycarboxylic acids.

(r) "Class" means a classification scheme for inhaled material according to its rate of clearance from the pulmonary region of the lung. For the purposes of these regulations, "lung class" and "inhalation class" shall be considered equivalent terms. Materials are classified as D, W, or Y, which applies to the following range of clearance half-times:

- (1) For class D, fewer than 10 days;
- (2) for class W, from 10 through 100 days; and
- (3) for class Y, more than 100 days.

(s) "Coefficient of variation" and "C" mean the ratio of the standard deviation to the mean value of a population of observations. This ratio is estimated using the following equation:

$$C = \frac{s}{\bar{x}} = \frac{1}{\bar{x}} \left(\sum_{i=1}^n \frac{(x_i - \bar{x})^2}{n-1} \right)^{1/2}$$

where

s = Estimated standard deviation of the population

\bar{x} = Mean value of observations in sample

x_i = i th observation in sample

(t) "Collective dose" means the sum of the individual doses received in a given period of time by a specified population from exposure to a specified source of radiation.

(u) "Collimator" means a radiation shield that is placed at the end of a guide tube or directly onto a radiographic exposure device to restrict the size of the radiation beam when the sealed source is cranked into position to make a radiographic exposure.

(v) "Committed dose equivalent" and " $H_{T,50}$ " mean the dose equivalent to organs or tissues of reference (T) that will be received from an intake of radioactive material by an individual during the 50-year period following the intake.

(w) "Committed effective dose equivalent" and " $H_{E,50}$ " mean the sum of the products of the weighting factors applicable to each of the body organs or tissues that are

irradiated and the committed dose equivalent to each of these organs or tissues ($H_{E,50} = \sum W_T H_{T,50}$).

(x) "Computed tomography" means the production of a tomogram by the acquisition and computer processing of X-ray transmission data, including by cone beam-computed tomography.

(y) "Consortium" means an association of medical use licensees and a positron emission tomography (PET) radionuclide production facility in the same geographical area that jointly own or share the operation and maintenance cost of the PET radionuclide production facility that produces PET radionuclides for use in producing radioactive drugs within the consortium for noncommercial distributions among its associated members for medical use. The PET radionuclide production facility within the consortium shall be located at an educational institution, a federal facility, or a medical institution.

(z) "Contact therapy" means therapy in which the X-ray tube port is put in contact with, or within five centimeters of, the surface being treated.

(aa) "Contact therapy system" means a therapeutic radiation machine with a short target-to-skin distance (TSD), usually less than five centimeters.

(bb) "Contamination" means the presence of a radioactive substance on a surface in quantities of more than 0.4 Bq/cm² (1×10^{-5} μ Ci/cm²) for beta and gamma emitters and low-toxicity alpha emitters, or 0.04 Bq/cm² (1×10^{-6} μ Ci/cm²) for all other alpha emitters.

(cc) "Control cable" means the cable that is connected to the source assembly and used to drive the source to and from the exposure location.

(dd) "Control drive mechanism" means a device that enables the source assembly to be moved into and out of the exposure device.

(ee) "Controlled area" means an area outside of a restricted area but inside the site boundary, access to which can be limited by the licensee or registrant for any reason.

(ff) "Control panel" means that part of the X-ray system where the switches, knobs, push buttons, and other hardware necessary for manually setting the technique factors are mounted.

(gg) "Control tube" means a protective sheath for guiding the control cable. The control tube connects the control drive mechanism to the radiographic exposure device.

(hh) "Cooling curve" means the graphical relationship between the heat units stored and the cooling time.

(ii) "Criticality safety index" and "CSI" have the meaning specified for "criticality safety index (CSI)" in 10 C.F.R. 71.4, dated January 1, 2019. This definition is hereby adopted by reference.

(jj) "Curie" means a unit of activity. One curie (Ci) is the quantity of radioactive material that decays at the rate of 3.7×10^{10} transformations per second (tps). Commonly used submultiples of the curie are the millicurie and the microcurie. One millicurie ($_m$ Ci) = 0.001 curie = 3.7×10^7 tps. One microcurie (μ Ci) = 0.000001 curie = 3.7×10^4 tps. (Authorized by K.S.A. 48-1607; implementing K.S.A. 2020 Supp. 48-1603 and K.S.A. 48-1607; effective Dec. 30, 2005; amended May 4, 2018; amended April 1, 2022.)

28-35-135f. Definitions. As used in these regulations, each of the following terms shall have the meaning specified in this regulation:

(a) "Facility" means the specific location at which a person is licensed or registered to use radioactive material or radiation-producing devices. Separate physical locations shall be considered to be separate facilities.

(b) "Fail-safe characteristic" means a design feature that causes beam port shutters to close, or otherwise prevents emergence of the primary beam, upon the failure of a safety or warning device.

(c) "Field emission equipment" means equipment that uses an X-ray tube in which electron emission from the cathode is due solely to the action of an electric field.

(d) "Field-flattening filter" means a filter used to provide dose uniformity over the area of a useful beam of X-rays at a specified depth.

(e) "Field size" means the dimensions along the major axes of an area in a plane perpendicular to the specified direction of the beam of incident radiation at the normal treatment distance. Field size is defined by the intersection of the major axes and the 50 percent isodose line. Material shall be placed in the beam so that the maximum dose is produced at the normal treatment distance when the field size is being determined.

(f) "Field station" means a facility where radioactive sources or radiation-processing devices are stored or used and from which equipment is dispatched to temporary job sites.

(g) "Filter" means material placed in the path of the useful beam of X-rays to selectively absorb the less penetrating radiation.

(h) "Fixed contamination" means contamination that cannot be removed from a surface during normal conditions of transport.

(i) "Fluoroscopic imaging assembly" means a component that comprises a reception system in which X-ray photons produce a fluoroscopic image. This term shall include equipment housings, any electrical interlocks, the primary protective barrier, and structural material providing linkage between the image receptor and the diagnostic source assembly.

(j) "Focal spot" means the area projected on the anode of the X-ray tube by the electrons accelerated from the cathode and from which the useful beam originates.

(k) "Full-cost reimbursement" means reimbursement of the total cost of staff time and any contractual support services expended. (Authorized by K.S.A. 48-1607; implementing K.S.A. 2020 Supp. 48-1603 and K.S.A. 48-1607; effective Dec. 30, 2005; amended April 1, 2022.)

28-35-135i. Definitions. As used in these regulations, each of the following terms shall have the meaning specified in this regulation:

(a) "Image intensifier" means a device that instantaneously converts, by means of photoemissive surfaces and electronic circuitry, an X-ray pattern into a light pattern of greater intensity than would have been provided by the original X-ray pattern.

(b) "Image receptor" means any device, including a fluorescent screen and radiographic film, that transforms incident X-ray photons into a visible image or into another form that can be made into a visible image by further transformations.

(c) "Image receptor support," for mammographic systems, means that part of the system designed to support

the image receptor in a horizontal plane during a mammographic examination.

(d) "Immediate" means within not more than 15 minutes or as otherwise defined in a license condition.

(e) "Incident" means an individual event or series of related events that caused or threatened to cause any violation of these regulations or license conditions. For the purposes of part 13, "incident" shall mean any unintended event involving radioactive material for which the public dose is a fraction of regulatory limits and safety provisions are sufficient, but further degradation of safety systems could lead to an accident.

(f) "Independent certifying organization" means an independent organization that meets all of the criteria specified in K.A.R. 28-35-293.

(g) "Indian tribe" and "tribe" mean an Indian or Alaska native tribe, band, nation, pueblo, village, or community that the secretary of the United States department of the interior acknowledges to exist as an Indian tribe pursuant to the federally recognized Indian tribe list act as specified by 25 U.S.C. 513, as amended.

(h) "Indian tribal official" and "tribal official" mean the highest-ranking individual who represents tribal leadership, including the chief, president, and tribal council leader.

(i) "Individual" means any human being.

(j) "Individual monitoring" means the assessment of either of the following:

(1) A dose equivalent by the use of individual-monitoring devices or by the use of survey data; or

(2) a committed effective dose equivalent determined by bioassay or by computation of the number of DAC-hours to which an individual is exposed.

(k) "Individual-monitoring device" means any device designed to be worn by a single individual for the assessment of dose equivalent. "Individual-monitoring device" shall include any film badge, thermoluminescent dosimeter (TLD), optically stimulated dosimeter, pocket ionization chamber, and personal air-sampling device. For purposes of these regulations, "personal dosimeter" and "dosimeter" shall be considered terms equivalent to "individual-monitoring device."

(l) "Industrial radiography" means the examination of the structure of materials by nondestructive methods utilizing sources of radiation.

(m) "Inherent filtration" means the filtration permanently mounted in the useful beam, including the window of the X-ray tube and any permanent tube or source enclosure.

(n) "Injection tool" means a device used for controlled subsurface injection of radioactive tracer material.

(o) "Inspection" means an official examination or observation that may include tests, surveys, and monitoring to determine compliance with federal rules, state regulations, orders, requirements, and license and registration conditions.

(p) "Installation" means the location where one or more sources of radiation are used, operated, or stored.

(q) "Interlock" means a device for precluding access by an individual to an area of radiation hazard without warning, either by preventing admission or by automatically removing the hazards.

(continued)

(r) "Internal dose" means that portion of the dose equivalent received from radioactive material taken into the body.

(s) "Interruption of irradiation" means the stopping of irradiation with the possibility of continuing irradiation without the resetting of operating conditions at the control panel.

(t) "Ionizing radiation" means radiation capable of producing an ionization event, including gamma rays and X-rays, alpha and beta particles, high-speed electrons, neutrons, and other nuclear particles.

(u) "Irradiation" means the exposure of matter to ionizing radiation.

(v) "Irradiator" means a facility that uses radioactive sealed sources for the irradiation of objects or materials and in which radiation dose rates exceeding five grays (500 rads) per hour exist at one meter from the sealed radioactive sources in air or water, as applicable for the irradiator type. This term shall not include any irradiator in which both the sealed source and the area subject to irradiation are contained within a device and are not accessible to personnel.

(w) "Irradiator operator" means an individual who has successfully completed the required training and testing and is authorized by the terms of the license to operate an irradiator without a supervisor present.

(x) "Irretrievable well-logging source" means any sealed source containing licensed material that is pulled off or not connected to the wireline that suspends the source in the well and for which all reasonable effort at recovery has been expended.

(y) "Isocenter" means a fixed point in space that is located at the center of the smallest sphere through which the central axis of the beams passes under all conditions. (Authorized by K.S.A. 48-1607; implementing K.S.A. 2020 Supp. 48-1603 and K.S.A. 48-1607; effective Dec. 30, 2005; amended May 4, 2018; amended April 1, 2022.)

28-35-135L. Definitions. As used in these regulations, each of the following terms shall have the meaning specified in this regulation:

(a) "Lead equivalent" means the thickness of lead affording the same attenuation, under specified conditions, as the material in question.

(b) "Leakage radiation" means radiation emanating from the device source assembly, except for the following:

- (1) The useful beam; and
- (2) radiation produced when the exposure switch or timer is not activated for diagnosis or therapy.

(c) "Leakage technique factors" means the technique factors associated with the tube housing assembly that are used in measuring leakage radiation. The leakage technique factors shall be defined as follows:

(1) For diagnostic source assemblies intended for capacitor energy storage equipment, the maximum rated number of exposures in an hour for operation at the maximum rated peak tube potential, with the quantity of charge per exposure being 10 millicoulombs or the minimum obtainable from the unit, whichever is larger;

(2) for diagnostic source assemblies intended for field emission equipment rated for pulsed operation, the maximum rated number of X-ray pulses in an hour for operation at the maximum rated peak tube potential; and

(3) for all other diagnostic or therapeutic source assemblies, the maximum rated peak tube potential and the maximum rated continuous tube current for the maximum rated peak tube potential.

(d) "License" means a document issued in accordance with these regulations specifying the conditions of use of radioactive material.

(e) "Licensed or registered material" means radioactive material received, possessed, used, transferred, or disposed of under a general or specific license or registration issued by the department.

(f) "Licensee" means any person that is licensed in accordance with these regulations.

(g) "Licensing state" means any state that has been granted final designation by the conference of radiation control program directors, inc., for the regulatory control of NARM, as defined in K.A.R. 28-35-135n.

(h) "Light field" means that area of the intersection of the light beam from the beam-limiting device and one plane in the set of planes parallel to and including the plane of the image receptor in which the perimeter is the locus of points at which the illumination is one-fourth of the maximum in the intersection.

(i) "Line-voltage regulation" means the difference between the no-load and the load line potentials, expressed as a percent of the load line potential, using the following equation:

$$\text{Percent line-voltage regulation} = 100 (V_n - V_1) / V_1$$

where

V_n = No-load line potential and

V_1 = Load line potential

(j) "Local component" means any part of an analytical X-ray system. This term shall include components that are struck by X-rays, including radiation source housings, port and shutter assemblies, collimators, sample holders, cameras, goniometers, detectors, and shielding.

This term shall not include power supplies, transformers, amplifiers, readout devices, and control panels.

(k) "Logging supervisor" means the individual who uses sources of radiation or provides personal supervision of the utilization of sources of radiation at a well site.

(l) "Logging tool" means a device used subsurface to perform well logging.

(m) "Lost or missing licensed or registered source of radiation" means a licensed or registered source of radiation whose location is unknown. This term shall include licensed or registered material that has been shipped but has not reached the planned destination and whose location cannot be readily traced in the transportation system.

(n) "Lot tolerance percent defective" means the poorest quality, expressed as the percentage of defective units, in an individual inspection lot that may be accepted.

(o) "Low dose-rate remote afterloader" means a brachytherapy device that remotely delivers a dose rate of less than or equal to two grays per hour at the point or surface where the dose is prescribed.

(p) "Low specific activity material" and "LSA material" mean radioactive material with limited specific activity that is nonfissile material or is excepted under 10 C.F.R. 71.15 and that satisfies the descriptions and limits

specified in these regulations. Shielding materials surrounding the LSA material shall not be considered in determining the estimated average specific activity of the package contents. The LSA material shall be classified in one of the following three groups:

(1) Group I, which shall consist of the following:

(A) Uranium and thorium ores, concentrates of uranium and thorium ores, and other ores containing naturally occurring radionuclides that are intended to be processed for the use of these radionuclides;

(B) natural uranium, depleted uranium, or natural thorium or the compounds or mixtures of natural uranium, depleted uranium, or natural thorium, if unirradiated and in solid or liquid form;

(C) radioactive material other than fissile material, for which the A_2 value is unlimited; and

(D) other radioactive material in which the activity is distributed throughout, and the estimated average specific activity does not exceed 30 times the value for exempt material activity concentration determined in accordance with 10 C.F.R. part 71, appendix A, which is adopted by reference in K.A.R. 28-35-221b;

(2) group II, which shall consist of the following:

(A) Water with tritium concentration no more than 0.8 TBq/liter (20.0 Ci/liter); and

(B) other radioactive material in which the activity is distributed throughout and the estimated average specific activity does not exceed 10^{-4} A_2/g for solids and gases and 10^{-5} A_2/g for liquids; or

(3) group III solids, which shall include consolidated wastes and activated materials that meet the requirements of 10 C.F.R. 71.77 but shall exclude powders that meet the following conditions:

(A) The radioactive material is distributed throughout the solid or a collection of solid objects or is essentially uniformly distributed in a solid compact binding agent, including concrete, bitumen, and ceramic;

(B) the radioactive material is relatively insoluble or it is intrinsically contained in a relatively insoluble material so that even under loss of packaging, the loss of radioactive material per package by leaching when placed in water for seven days will not exceed 0.1 A_2 ; and

(C) the estimated average specific activity of the solid, excluding any shielding material, does not exceed 2×10^{-3} A_2/g . (Authorized by K.S.A. 48-1607; implementing K.S.A. 2020 Supp. 48-1603 and K.S.A. 48-1607; effective Dec. 30, 2005; amended March 18, 2011; amended April 1, 2022.)

28-35-135m. Definitions. As used in these regulations, each of the following terms shall have the meaning specified in this regulation:

(a) "mA" means milliamperes.

(b) "Major processor" means a user processing, handling, or manufacturing radioactive material exceeding type A quantities as unsealed sources or material, or exceeding four times the type B quantities as sealed sources. This term shall not include nuclear medicine programs, universities, industrial radiographers, and small industrial programs. Type A and B quantities are specified in K.A.R. 28-35-221b.

(c) "Management" means the chief executive officer or other individual having the authority to manage, direct,

or administer the licensee's activities, or that person's delegate or delegates.

(d) "Manual brachytherapy" means a type of brachytherapy in which the brachytherapy sources, including seeds and ribbons, are manually placed topically on or inserted either into the body cavities that are in close proximity to a treatment site or directly into the tissue volume.

(e) "mAs" means the product of milliamperes and seconds.

(f) "Master materials license" and "MML" mean a type of license issued by the nuclear regulatory commission that meets the following conditions:

(1) Authorizes the use of radioactive material at multiple sites;

(2) authorizes a licensee to issue permits for the possession and use of licensed or registered material; and

(3) provides for oversight and internal licensee inspection of the licensee's permittees.

(g) "Maximum line current" means the root-mean-square current in the supply line of an X-ray machine operating at its maximum rating.

(h) "Medical event" means an event that meets the criteria specified in part 6 of these regulations.

(i) "Medical institution" means an organization in which several medical disciplines are practiced.

(j) "Medical use" means the intentional internal or external administration of radioactive material, or radiation, to humans in the practice of the healing arts.

(k) "Medium dose-rate remote afterloader" means a brachytherapy device that remotely delivers a dose rate of greater than two grays, but less than 12 grays per hour at the point or surface where the dose is prescribed.

(l) "Megavolt" and "MV" mean the energy equal to that acquired by a particle with one electron charge in passing through a potential difference of one million volts in a vacuum.

(m) "Member of the public" means an individual, except when that individual is receiving an occupational dose.

(n) "Mineral logging" means logging performed for the purpose of mineral exploration other than oil or gas.

(o) "Minor" means an individual younger than 18 years of age.

(p) "Mobile nuclear medicine service" means the transportation and medical use of radioactive material.

(q) "Mobile X-ray equipment" means X-ray equipment mounted on a permanent base with wheels or casters, or both, for moving while completely assembled. This term shall include X-ray equipment mounted in a vehicle.

(r) "Monitoring" means the measurement of radiation, radioactive material concentrations, surface area activities, or quantities of radioactive material and the use of the results of these measurements to evaluate potential exposures and doses. For purposes of these regulations, "radiation monitoring" and "radiation protection monitoring" shall be considered terms equivalent to "monitoring."

(s) "Moving beam therapy" means radiation therapy with relative displacement of the useful beam and the patient during irradiation, including therapy, skip therapy, and rotational therapy. (Authorized by K.S.A. 48-1607;

(continued)

implementing K.S.A. 2020 Supp. 48-1603 and K.S.A. 48-1607; effective Dec. 30, 2005; amended April 1, 2022.)

28-35-135n. Definitions. As used in these regulations, each of the following terms shall have the meaning specified in this regulation:

(a) "NARM" means any naturally occurring or accelerator-produced radioactive material, not including by-product, source, or special nuclear material.

(b) "Nationally tracked source" means a sealed source containing any quantity of radioactive material equal to or greater than any threshold listed in the table in this subsection. For purposes of the definition of "nationally tracked source," "sealed source" shall be defined as radioactive material that is sealed in a capsule or closely bonded, that is in a solid form, and that is not exempt from regulatory control. For purposes of the definition of "nationally tracked source," "sealed source" shall not include any radioactive material encapsulated solely for disposal and any nuclear material contained in any fuel assembly, subassembly, fuel rod, or fuel pellet. Category 1 nationally tracked sources contain radioactive material in quantities equal to or greater than the category 1 threshold. Category 2 nationally tracked sources contain radioactive material in quantities equal to or greater than the category 2 threshold but less than the category 1 threshold.

Nationally tracked source thresholds

Radioactive material	Category 1 (TBq)*	Category 1 (Ci)**	Category 2 (TBq)*	Category 2 (Ci)**
Actinium-227	20	540	0.2	5.4
Americium-241	60	1,600	0.6	16
Americium-241/Be	60	1,600	0.6	16
Californium-252	20	540	0.2	5.4
Cobalt-60	30	810	0.3	8.1
Curium-244	50	1,400	0.5	14
Cesium-137	100	2,700	1	27
Gadolinium-153	1,000	27,000	10	270
Iridium-192	80	2,200	0.8	22
Plutonium-238	60	1,600	0.6	16
Plutonium-239/Be	60	1,600	0.6	16
Polonium-210	60	1,600	0.6	16
Promethium-147	40,000	1,100,000	400	11,000
Radium-226	40	1,100	0.4	11
Selenium-75	200	5,400	2	54
Strontium-90	1,000	27,000	10	270
Thorium-228	20	540	0.2	5.4
Thorium-229	20	540	0.2	5.4
Thulium-170	20,000	540,000	200	5,400
Ytterbium-169	300	8,100	3	81

* The Terabecquerel (TBq) values are the regulatory standard.

** The curie (Ci) values specified are obtained by converting from the TBq value. The curie values are provided for practical usefulness and are rounded after conversion.

(c) "Natural radioactivity" means the radioactivity of naturally occurring nuclides.

(d) "Non-fixed contamination" means contamination that can be removed from a surface during normal conditions of transport.

(e) "Nonionizing radiation" means radiation not capa-

ble of producing ionization, including sound and radio waves and visible, infrared, or ultraviolet light.

(f) "Non-stochastic effect" means a health effect, the severity of which varies with the dose and for which a threshold is believed to exist. For purposes of these regulations, "deterministic effect" shall be considered an equivalent term.

(g) "Normal operating procedures" means operating procedures for conditions suitable for routine purposes with shielding and barriers in place, including routine alignment procedures. This term shall not include maintenance procedures and routine and emergency radiation safety considerations.

(h) "Normal treatment distance" means either of the following:

(1) For electron irradiation, the distance from the virtual source to the surface along the central axis of the useful beam, as specified by the manufacturer; or

(2) for X-ray irradiation, the distance from the virtual source to the isocenter along the central axis of the useful beam. For non-isocentric equipment, this distance shall be the distance specified by the manufacturer.

(i) "Nuclear regulatory commission," "NRC," and "commission" mean the U.S. nuclear regulatory commission or its authorized representatives.

(j) "NVLAP" means the national voluntary laboratory accreditation program. (Authorized by K.S.A. 48-1607; implementing K.S.A. 2020 Supp. 48-1603 and K.S.A. 48-1607; effective Dec. 30, 2005; amended July 27, 2007; amended April 1, 2022.)

28-35-135o. Definitions. As used in these regulations, each of the following terms shall have the meaning specified in this regulation:

(a) "Occupational dose" means the dose received by an individual in the course of employment in which the individual's assigned duties involve exposure to radiation or radioactive material from licensed or unlicensed sources of radiation. The term "occupational dose" shall not include any dose received under any of the following circumstances:

- (1) As background radiation;
- (2) as a patient from medical practices;
- (3) from voluntary participation in medical research programs; or
- (4) as a member of the public.

(b) "Off-site response organization" means any non-licensee off-site organization that could be needed to respond to an emergency, including local fire, police, ambulance, and hospital emergency management services.

(c) "Open-beam configuration" means an X-ray system in which an individual could accidentally place some part of the individual's body in the primary beam path during normal operation.

(d) "Ophthalmic physicist" means an individual who meets the following requirements:

(1) The requirements specified in 10 C.F.R. 35.59 and 35.433(a)(2), which are adopted by reference in K.A.R. 28-35-264; and

(2) identification as an ophthalmic physicist after obtaining one of the following:

(A) A specific medical use license issued by the nuclear regulatory commission or an agreement state;

(B) a permit issued by the nuclear regulatory commission or an agreement state broad scope medical use licensee;

(C) a medical use permit issued by a nuclear regulatory commission master material licensee; or

(D) a permit issued by a nuclear regulatory commission master material licensee or broad scope medical use permittee.

(e) "Output" means the exposure rate or dose rate or a quantity related in a known manner to these rates from a teletherapy unit for a specified set of exposure conditions. (Authorized by K.S.A. 48-1607; implementing K.S.A. 2020 Supp. 48-1603 and K.S.A. 48-1607; effective Dec. 30, 2005; amended April 1, 2022.)

28-35-135s. Definitions. As used in these regulations, each of the following terms shall have the meaning specified in this regulation:

(a) "Sanitary sewerage" means a system of public sewers to carry off waste water and refuse. This term shall exclude sewage treatment facilities, septic tanks, and leach fields owned or operated by the licensee or registrant.

(b) "Scattered radiation" means radiation that, during its passage through matter, is deviated in direction.

(c) "Sealed source" means any radioactive material that is permanently encased in a capsule designed to prevent the leakage or escape of the radioactive material.

(d) "Secondary dose-monitoring system" means a system that terminates irradiation if the primary system fails.

(e) "Secondary protective barrier" means a barrier sufficient to attenuate stray radiation to the required degree.

(f) "Secretary" means secretary of the department of health and environment.

(g) "Seismic area" means any area where the probability of a horizontal acceleration in rock of more than 0.3 times the acceleration of gravity in 250 years is greater than 10 percent, as designated by the U.S. geological survey.

(h) "Shallow dose equivalent" and " $H_{s,}$ " which apply to the external exposure of the skin or an extremity, mean the dose equivalent at a tissue depth of 0.007 centimeter (7 mg/cm²) averaged over an area of one square centimeter.

(i) "Sheltering" means using a structure for radiation protection from an airborne plume containing radioactive material.

(j) "Shielded position" means the location within the radiographic exposure device or storage container that, by the manufacturer's design, is the proper location for storage of the sealed source.

(k) "Shielded-room radiography using radiation machines" means industrial radiography using radiation machines that meets the following conditions:

(1) Is conducted in an enclosed room, the interior of which is not occupied during radiographic operations;

(2) is shielded so that every location on the exterior meets the conditions specified in K.A.R. 28-35-214a; and

(3) is accessible only through openings that are interlocked so that the radiation machine will not operate unless all openings are securely closed.

(l) "SI" means the abbreviation for the international system of units.

(m) "Shutter" means a device attached to an X-ray tube housing assembly that can totally intercept the useful

beam and that has a lead equivalency not less than that of the tube housing assembly.

(n) "Sievert" means the SI unit of any of the quantities expressed as a dose equivalent. The dose equivalent in sieverts is equal to the absorbed dose in grays multiplied by the quality factor (1 Sv = 100 rem).

(o) "Site area emergency" means an event that could occur, is in progress, or has occurred, that could lead to a significant release of radioactive material, and that could require a response by off-site response organizations to protect persons off-site.

(p) "Site boundary" means that line beyond which the land or property is not owned, leased, or otherwise controlled by the licensee or registrant.

(q) "Source" means the focal spot of the X-ray tube.

(r) "Source assembly" means an assembly that consists of the sealed source and a connector that attaches the source to the control cable.

(s) "Source changer" means a device designed and used for replacement of sealed sources in radiographic exposure devices, including those devices also used for transporting and storing sealed sources.

(t) "Source holder" means a housing or assembly into which a radioactive source is placed for the purpose of facilitating the handling and use of the source in well-logging operations.

(u) "Source-image receptor distance" and "SID" mean the distance from the source to the center of the input surface of the image receptor.

(v) "Source material" means the following:

(1) Uranium or thorium, or any combination of these, in any physical or chemical form; or

(2) ores that contain, by weight, 0.05 percent or more of uranium, thorium, or any combination of these.

The term "source material" shall not include special nuclear material.

(w) "Source material milling" means any activity that results in the production of by-product material.

(x) "Source of radiation" means any material, device, or equipment that emits or is capable of producing radiation.

(y) "Source-to-skin distance" and "SSD" mean the distance between the source and the patient's skin.

(z) "Special form radioactive material" means radioactive material that meets the following conditions:

(1) The radioactive material is a single solid piece or is contained in a sealed capsule that can be opened only by destroying the capsule. The piece or capsule has at least one dimension not less than 5 mm (0.2 in).

(2) The piece or capsule meets the requirements of 10 C.F.R. 71.75, as in effect on August 19, 2020.

(3) The piece or capsule can be exempted from the requirements of 10 C.F.R. 71.75 and can continue to be used by meeting one of the following requirements:

(A) Was constructed before July 1, 1985 and designed in accordance with the requirements of 10 C.F.R. 71.4, as in effect on June 30, 1983;

(B) was constructed before April 1, 1998 and designed in accordance with the requirements of 10 C.F.R. 71.4, as in effect on March 31, 1996; or

(C) was successfully tested before September 10, 2015

(continued)

in accordance with the requirements of 10 C.F.R. 71.75(d), as in effect before September 10, 2015.

(aa) "Special nuclear material" means either of the following:

(1) Plutonium, uranium-223, uranium enriched in the isotope 233 or in the isotope 235, and any other material that the department declares by order to be special nuclear material after the nuclear regulatory commission, pursuant to the provisions of section 51 of the atomic energy act of 1954, has determined the material to be special nuclear material, except for source material; or

(2) any material artificially enriched as specified in paragraph (aa)(1), except for source material.

(bb) "Special nuclear material in quantities not sufficient to form a critical mass" means any of the following:

(1) Uranium enriched in the isotope U-235, in quantities not exceeding 350 grams of contained U-235;

(2) uranium enriched in the isotope uranium-233, in quantities not exceeding 200 grams of contained U-233;

(3) plutonium not exceeding 200 grams; or

(4) any combination of these special nuclear materials in accordance with the following formula:

$$\frac{\text{grams of contained U-235}}{350} + \frac{\text{grams of contained U-233}}{200} + \frac{\text{gram of Pu}}{200} \leq 1$$

The sum of the ratios for all of the kinds of special nuclear material in combination shall not exceed one.

(cc) "Spot check" means a procedure that is performed to ensure that a previous calibration continues to be valid.

(dd) "Spot film" means a radiograph that is made during a fluoroscopic examination or radiation therapy treatment to permanently record conditions that exist during the procedure.

(ee) "Spot-film device" means a device intended either to transport and position a radiographic image receptor between the radiation source and image receptor or to position a radiographic image receptor between the radiation source and image receptor. This term shall include a device intended to hold a cassette over the input end of an image intensifier for the purpose of making a radiograph.

(ff) "Stationary beam therapy" means radiation therapy without relative displacement of the useful beam and the patient during irradiation.

(gg) "Stationary X-ray equipment" means X-ray equipment that is installed in a fixed location.

(hh) "Stereotactic radiosurgery" means the use of external radiation in conjunction with a stereotactic guidance device to very precisely deliver a therapeutic dose to a tissue volume.

(ii) "Stochastic effect" means a health effect that occurs randomly and for which the probability of the occurrence of the effect, rather than the severity of the effect, is assumed to be a linear function of dose without threshold. For purposes of these regulations, "probabilistic effect" shall be considered an equivalent term.

(jj) "Storage area" means any location, facility, or vehicle that is used to store, transport, or secure a radiographic exposure device, radiation machine, storage container, or sealed source when not in use. Each storage area shall

be locked or have physical barriers to prevent accidental exposure, tampering, or unauthorized removal of the device, machine, sealed source, or container.

(kk) "Storage container" means a device in which radioactive materials are transported or stored.

(ll) "Stray radiation" means the sum of leakage radiation and scattered radiation.

(mm) "Structured educational program" means an educational program designed to impart particular knowledge and practical education through interrelated studies and supervised training.

(nn) "S-tube" means a tube through which the radioactive source travels when inside a radiographic exposure device.

(oo) "Subsurface studies" means the evaluation of parameters below the surface of the earth.

(pp) "Subsurface tracer study" means the release of a substance tagged with radioactive material for the purpose of tracing the movement or position of the tagged substance in the well bore or adjacent formation.

(qq) "Survey" means an evaluation of a radiation hazard resulting from the production, use, transfer, release, disposal, or presence of sources of radiation. This term shall include a physical survey of the location of materials or equipment, or both, and either the measurements of levels of radiation or the concentrations or quantities of radioactive materials present. (Authorized by K.S.A. 48-1607; implementing K.S.A. 2020 Supp. 48-1603 and K.S.A. 48-1607; effective Dec. 30, 2005; amended May 4, 2018; amended April 1, 2022.)

28-35-135u. Definitions. As used in these regulations, each of the following terms shall have the meaning specified in this regulation:

(a) "Underwater irradiator" means an irradiator in which the sources always remain shielded underwater and humans do not have access to the sealed sources or the space that is subject to irradiation without entering the pool.

(b) "Underwater radiography" means industrial radiography performed when the radiographic exposure device or the related equipment is beneath the surface of the water.

(c) "Unit dose" means a dosage prepared for medical use for administration to a patient or human research subject as a single dosage, without any further manipulation of the dosage after the dosage is initially prepared.

(d) "Unrefined and unprocessed ore" means ore in its natural form before any processing, including grinding, roasting, beneficiating, and refining. "Processing" shall not include sieving or the encapsulation of ore or preparation of samples for laboratory analysis.

(e) "Unrestricted area" means an area to which access is neither limited nor controlled by the licensee or registrant. For purposes of these regulations, "uncontrolled area" shall be considered an equivalent term.

(f) "Uranium" means natural uranium, depleted uranium, or enriched uranium.

(1) "Natural uranium" shall mean uranium, which may be chemically separated, with the naturally occurring distribution of uranium isotopes approximately 0.711 percent by weight uranium-235 and the remainder by weight essentially uranium-238.

(2) "Depleted uranium" shall mean uranium containing less uranium-235 than the naturally occurring distribution of uranium isotopes.

(3) "Enriched uranium" shall mean uranium containing more uranium-235 than the naturally occurring distribution of uranium isotopes.

(g) "Useful beam" means the part of the radiation that passes through a window, aperture, cone, or other collimating device. (Authorized by K.S.A. 48-1607; implementing K.S.A. 2020 Supp. 48-1603 and K.S.A. 48-1607; effective Dec. 30, 2005; amended May 4, 2018; amended April 1, 2022.)

28-35-178a. General license; certain ionization devices. (a) Each commercial and industrial firm, research, educational, and medical institution, individual in the conduct of the individual's business, and federal, state, or local government agency shall be deemed to have been issued a general license to acquire, receive, possess, use, or transfer radioactive material incorporated in any device or equipment as described in this subsection, if the device or equipment is manufactured, tested, and labeled by a manufacturer in accordance with the specifications of a specific license issued to the manufacturer by the secretary, the nuclear regulatory commission, or an agreement state. This general license shall apply to the following:

(1) Static elimination devices that contain, as a sealed source or sources, by-product material consisting of a total of not more than 18.5 MBq (500 microcuries) of polonium-210 per device;

(2) ion-generating tubes that are designed for ionization of air and that contain, as a sealed source or sources, radioactive material consisting of a total of not more than 500 microcuries of polonium-210 per device or a total of not more than 50 millicuries of hydrogen-3 (tritium) per device; and

(3) devices or equipment authorized before October 23, 2012 for use under the general license provided in 10 C.F.R. 31.3 and equivalent regulations of agreement states and the nuclear regulatory commission and manufactured, tested, and labeled by the manufacturer in accordance with the specifications contained in a specific license issued by the department.

(b) The general license specified in subsection (a) shall be subject to the following regulations:

(1) K.A.R. 28-35-137 through 28-35-139;

(2) K.A.R. 28-35-192b;

(3) K.A.R. 28-35-184a;

(4) K.A.R. 28-35-190a;

(5) K.A.R. 28-35-191a;

(6) K.A.R. 28-35-196a; and

(7) all of parts 4 and 10 of these regulations. (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 April 1, 2022.)

28-35-178i. General licenses for certain units of radium-226. (a) Subject to the limitations in subsections (b), (c), and (d), a general license is hereby issued to any person to acquire, possess, use, and transfer radium-226 contained in the following products if manufactured before the effective date of this regulation:

(1) Antiquities originally intended for use by the general public. For the purposes of this paragraph, "antiquities" shall mean products originally intended for use by the general public and distributed in the late 19th and early 20th centuries, including radium emanator jars, re-validators, radium water jars, radon generators, refrigerator cards, radium bath salts, and healing pads;

(2) intact timepieces containing more than 0.037 megabecquerel (1 microcurie), nonintact timepieces, and timepiece hands and dials no longer installed in timepieces;

(3) luminous items installed in air, marine, or land vehicles;

(4) all other luminous products not listed in this subsection, if not more than 100 items are used or stored at the same location at any one time; and

(5) small radium sources containing not more than 0.037 megabecquerel (1 microcurie) of radium-226. For the purposes of this paragraph, "small radium sources" shall mean discrete survey instrument check sources; sources contained in radiation-measuring instruments; sources used in educational demonstrations, including cloud chambers and spinthariscopes; electron tubes; lightning rods; ionization sources; static eliminators; and small radium sources designated by the commission.

(b) A person shall not acquire, possess, use, or transfer radium-226 pursuant to the general license issued in subsection (a) until the person has filed form RH-37 with the secretary and has received from the secretary a validated copy of the form, with a certification number assigned. Each person filing a form RH-37 shall provide all the information required by that form.

(c) Each person that acquires, receives, possesses, uses, or transfers by-product material in accordance with the general license issued in subsection (a) shall meet the following requirements:

(1) Notify the department of any indication of possible damage to the product that indicates a potential loss of the radioactive material. A report containing a brief description of the event and the remedial action taken shall be provided to the department within 30 days of the incident;

(2) not abandon any products containing radium-226. The product and any radioactive material from the product shall be disposed of only according to K.A.R. 28-35-165 or by transfer to a person authorized by a specific license to receive the radium-226 in the product or as otherwise approved by the department;

(3) not export any products containing radium-226 except in accordance with K.A.R. 28-35-178b;

(4) dispose of any products containing radium-226 at a disposal facility authorized to dispose of radioactive material in accordance with any federal or state solid or hazardous waste law, including the solid waste disposal act of 1965, 42 U.S.C. 6901 through 6992k as amended, as authorized under 42 U.S.C. 15801 et seq., by transfer to a person authorized to receive radium-226 by a specific license issued under K.A.R. 28-35-180a or equivalent regulations of an agreement state or the commission, or as otherwise approved by the department; and

(5) respond to any written request from the department to provide information relating to the general li-

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cense within 30 calendar days of the date of the request or other time specified in the request. If the general licensee cannot provide the requested information within the allotted time, that licensee shall, within that same time period, request a longer period to supply the information by submitting a letter to the department and shall provide written justification as to why the person cannot comply.

(d) Each general licensee under this regulation shall file with the secretary a written report of any changes in the information filed in form RH-37. The report shall be furnished within 30 days after the effective date of the change.

(e) Each person that acquires, receives, possesses, uses, or transfers by-product material under the general license issued under this regulation shall be exempt from the provisions of parts 4 and 10 of these regulations to the extent that the receipt, possession, use, or transfer of by-product material is within the terms of the general license. This exemption shall not apply to any person issued a specific license under these regulations.

(f) The general license specified in subsection (a) shall not authorize the manufacture, assembly, disassembly, repair, or import of any products containing radium-226, except that timepieces may be disassembled and repaired.

(g) Any general licensee under this regulation who is an individual member of the public may submit an application to the department for a waiver from the general license fee prescribed in K.A.R. 28-35-147a. (Authorized by and implementing K.S.A. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986; amended May 4, 2018; amended April 1, 2022.)

28-35-181d. Specific licenses for one or more groups of medical uses. (a) Any institution, person, or group of persons meeting the requirements of K.A.R. 28-35-181a or 28-35-181b may file a written application with the secretary for a specific license to use radioactive material for any group or groups of medical uses. Each application shall meet the requirements of K.A.R. 28-35-179a and shall designate the intended group or groups of uses for the radioactive material.

(b) Each application for a specific license to use radioactive material for any group or groups of medical uses shall meet all of the following requirements:

(1) The applicant, or the physician or physicians designated in the application as the individual user or users, has adequate clinical experience in performing the medical use or uses for which application is made.

(2) The applicant's proposed radiation detection instrumentation is adequate for conducting the medical procedures specified in the group or groups of uses for which application is made.

(3) The applicant's radiation safety operating procedures are adequate for the proper handling and disposal of radioactive material involved in the group or groups of uses for which application is made.

(4) The applicant, or the physician or physicians designated in the application as the individual user or users, and all other personnel who will be involved in the preparation and use of the radioactive material have adequate training and experience in the handling of ra-

dioactive material. The training and experience shall be appropriate for the conduct of the uses included in the group or groups of uses for which application is made.

(c) Each licensee who is licensed under this regulation shall be subject to the following limitations:

(1) A licensee who has been issued a license for group I, II, IV, or V uses shall not receive, possess, or use radioactive material, except those radiopharmaceuticals manufactured in the form to be administered to the patient, and labeled, packaged, and distributed in accordance with a specific license issued by the secretary, or the nuclear regulatory commission or an agreement state.

(2) A licensee who has been issued a license for group III uses shall not receive, possess, or use generators or reagent kits containing radioactive material and shall not use reagent kits that do not contain radioactive material to prepare radiopharmaceuticals containing radioactive material, except for the following:

(A) Reagent kits not containing radioactive material that are approved by the secretary, the nuclear regulatory commission, or an agreement state for use by persons licensed pursuant to this regulation for group III medical uses; or

(B) generators or reagent kits containing radioactive material that are manufactured, labeled, packaged, and distributed in accordance with a specific license issued by the secretary, the nuclear regulatory commission, or an agreement state.

(3) Each licensee who has been issued a license for group III uses and who uses generators or reagent kits shall elute the generator or process radioactive material with the reagent kit in accordance with instructions that are approved by the secretary, the nuclear regulatory commission, or an agreement state and furnished by the manufacturer on the label attached to, or in the leaflet or brochure that accompanies, the generator or reagent kit.

(4) Each licensee preparing technetium-99m radiopharmaceuticals from molybdenum-99 or technetium-99m generators or rubidium-82 from strontium-82 or rubidium-82 generators shall test the generator eluates for molybdenum-99 breakthrough or for strontium-82 and strontium-85 contamination, respectively, in accordance with part 3 of these regulations. Each licensee shall record the results of each test and shall retain each record for three years after the record is made. Each licensee shall report to the department the results of each test that exceeds the permissible concentration in accordance with part 3 of these regulations at the time of generator elution.

(5) Each licensee who has been issued a license for group I, II, or III uses and who uses the radioactive material for clinical procedures other than those specified in the product labeling or package insert shall comply with the product labeling regarding the following:

(A) Chemical and physical form;

(B) route of administration; and

(C) dosage range.

(6) A licensee who has been issued a license for group IV uses shall not receive, possess, or use radioactive material unless contained in a source or device that has been manufactured, labeled, packaged, and distributed in accordance with a specific license issued by the secretary, the nuclear regulatory commission, or an agreement state.

(d) Each licensee who is licensed under this regulation shall be authorized to use radioactive material under the general license issued in K.A.R. 28-35-178h for the specified in vitro uses, without filing form RH-31 as otherwise required by that regulation. However, the licensee shall be subject to the other requirements of K.A.R. 28-35-178h.

(e) Each licensee who is licensed under this regulation shall be authorized, subject to the provisions of subsections (f) and (g), to receive, possess, and use the following for calibration and reference standards:

(1) Any radioactive material listed in group I, II, or III that has a half-life of 100 days or less, in amounts not exceeding 15 millicuries;

(2) any radioactive material listed in group I, II, or III that has a half-life of more than 100 days, in amounts not exceeding 200 microcuries;

(3) technetium-99m, in amounts not exceeding 30 millicuries; and

(4) any radioactive material, in amounts not exceeding three millicuries per source, contained in calibration or reference sources that have been manufactured, labeled, packaged, and distributed in accordance with a specific license issued by the secretary, the nuclear regulatory commission, or an agreement state.

(f)(1) Each licensee who possesses sealed sources as calibration or reference sources pursuant to subsection (e) shall cause each sealed source containing radioactive material, other than hydrogen-3, that has a half-life of more than 30 days and that is in any form other than gas to be tested for leakage, contamination, or both at intervals not exceeding six months. In the absence of a certificate from a transferor indicating that a leak test has been made within six months before the transfer of a particular sealed source, that sealed source shall not be used until tested, unless one of the following conditions is met:

(A) The source contains 100 microcuries or less of beta-emitting, gamma-emitting, or beta-emitting and gamma-emitting material, or 10 microcuries or less of alpha-emitting material.

(B) The sealed source is stored and is not being used.

(2) Each leak test required by paragraph (f)(1) shall be capable of detecting the presence of 0.005 microcurie of radioactive material on the test sample. The test sample shall be taken from sealed source or from the surfaces of the device in which the sealed source is permanently mounted or stored and on which contamination might be expected to accumulate. Records of leak test results shall be kept in units of microcuries and shall be maintained for inspection by the department.

(3) If the leak test reveals the presence of 0.005 microcurie or more of removable contamination, the licensee shall immediately withdraw the sealed source from use and shall cause it to be decontaminated and repaired, or to be disposed of in accordance with parts 3 and 4 of these regulations. A report shall be filed with the secretary within five days of the test, describing the equipment involved, the test results, and the corrective action taken.

(g) Each licensee who possesses and uses calibration and reference sources pursuant to subsection (e) shall perform the following:

(1) Follow radiation safety and handling instructions that are approved by the secretary, the nuclear regulatory

commission, or an agreement state and furnished by the manufacturer on the label attached to the source, or permanent container, or in the leaflet or brochure that accompanies the source;

(2) maintain the instructions referenced in paragraph (g)(1) in a legible and conveniently available form; and

(3) conduct a quarterly physical inventory to account for all sources received and possessed. A record of each inventory shall be maintained for inspection by the department and shall include the quantities and kinds of radioactive material, location of sources, and the date of the inventory. (Authorized by and implementing K.S.A. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986; amended July 27, 2007; amended April 1, 2022.)

28-35-181j. Specific licenses to manufacture and distribute calibration sources containing americium-241 or radium-226. (a) An application for a specific license to manufacture or initially transfer calibration or reference sources containing americium-241 or radium-226 for distribution to persons generally licensed under K.A.R. 28-35-178e shall not be approved unless the following requirements are met:

(1) The applicant shall satisfy the general requirements of part 3 of these regulations.

(2) The applicant shall submit sufficient information regarding each type of calibration or reference source pertinent to evaluation of the potential radiation exposure, including the following:

(A) Chemical and physical form and maximum quantity of americium-241 or radium-226 in the source;

(B) details of construction and design;

(C) details of the method of incorporation and binding of the americium-241 or radium-226 in the source;

(D) procedures for and results of prototype testing of sources that are designed to contain more than 0.005 microcurie of americium-241 or radium-226, to demonstrate that the americium-241 or radium-226 contained in each source will not be released or be removed from the source under normal conditions of use;

(E) details of quality control procedures to be followed in manufacture of the source;

(F) description of labeling to be affixed to the source or the storage container for the source; and

(G) any additional information, including experimental studies and tests, required by the department to facilitate a determination of the safety of the source.

(3) Each source shall contain no more than 5 microcuries of americium-241 or radium-226. With respect to any type of source containing more than 0.005 microcurie of americium-241 or radium-226, it shall be determined by the secretary that the method of incorporation and binding of more than 0.005 microcuries of the americium-241 or radium-226 in the source prevents the release or removal of americium-241 or radium-226 from the source under normal conditions of use and handling of the source.

(4) The applicant shall subject at least five prototypes of each source that is designed to contain more than 0.185 kilobecquerel (0.005 microcurie) of americium-241 or radium-226 to the following tests:

(A) Initial measurement. The quantity of radioactive

(continued)

material deposited on the source shall be measured by direct counting of the source.

(B) Weathering test. Each source shall be subjected to tests that adequately take into account the individual, aggregate, and cumulative effects of environmental conditions, including physical handling, moisture, and water immersion, expected in service that could adversely affect the effective containment or binding of americium-241 or radium-226. Each source shall be inspected for evidence of physical damage and for loss of americium-241 or radium-226 after each stage of testing, using methods of inspection adequate for determining compliance with the criteria specified in subsection (b).

(C) Wet wipe test. The entire radioactive surface of the source shall be wiped with filter paper moistened with water, with the application of moderate finger pressure. Removal of radioactive material from the source shall be determined by measuring the radioactivity on the filter paper after the paper has dried or by direct measurement of the radioactivity on the source following the wet wipe.

(D) Water soak test. The source shall be immersed in water at room temperature for 24 consecutive hours. The source shall then be removed from the water. Removal of radioactive material from the source shall be determined by direct measurement of the radioactivity on the source after the source has dried or by measuring the radioactivity in the residue obtained by evaporation of the water in which the source was immersed.

(E) Dry wipe test. A dry wipe test shall be performed on each source containing more than 3.7 kilobecquerels (0.1 microcurie) of americium-241 or radium-226 before transferring the source to a general licensee under K.A.R. 28-35-178e or under equivalent regulations of an agreement state. The dry wipe test shall be performed by wiping the entire radioactive surface of the source with a filter paper with the application of moderate finger pressure. The radioactivity on the filter paper shall be measured using a method capable of detecting 0.185 kilobecquerel (0.005 microcurie) of americium-241 or radium-226. If a source has been shown to be leaking or losing more than 0.185 kilobecquerel (0.005 microcurie) of americium-241 or radium-226 by any of the methods described in this subsection, the source shall be rejected and shall not be transferred to a general licensee under K.A.R. 28-35-178e or equivalent regulations of an agreement state.

(F) Observations. Removal of more than 0.005 microcurie of radioactivity in any test prescribed by paragraph (a)(4) shall be cause for rejection of the source design. Results of prototype tests submitted to the nuclear regulatory commission shall be given in terms of radioactivity in microcuries and percent of removal from the total amount of radioactive material deposited on the source.

(6) Each source or storage container for the source shall have a label affixed that contains sufficient information about safe use and storage of the source and includes the following or an equivalent statement:

“The receipt, possession, use and transfer of this source, Model _____, Serial No. _____, are subject to a general license and the regulations of the United States Nuclear Regulatory Commission or of a State with which the commission has entered into an agreement for the exercise of regulatory authority. Do not remove this label.

CAUTION—RADIOACTIVE MATERIAL—THIS SOURCE CONTAINS AMERICIUM-241 (or RADIUM-226). DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

(Name of manufacturer or initial transferor).”

(b) Each person licensed under this regulation shall perform a dry wipe test upon each source containing more than 3.7 kilobecquerels (0.1 microcurie) of americium-241 or radium-226 before transferring the source to a general licensee in accordance with K.A.R. 28-35-178e or equivalent regulations of an agreement state or the nuclear regulatory commission. This test shall be performed by wiping the entire radioactive surface of the source with a filter paper with the application of moderate finger pressure.

The radioactivity on the paper shall be measured by using radiation detection instrumentation capable of detecting 0.185 kilobecquerel (0.005 microcurie) of americium-241 or radium-226. If this test discloses more than 0.185 kilobecquerel (0.005 microcurie) of radioactive material or if there is evidence of any physical damage, the source shall be deemed to be leaking or losing americium-241 or radium-226 and shall not be transferred to a general licensee in accordance with K.A.R. 28-35-178e or equivalent regulations of an agreement state or the nuclear regulatory commission. (Authorized by and implementing K.S.A. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986; amended March 18, 2011; amended April 1, 2022.)

28-35-181m. Specific licenses to manufacture, prepare, or distribute radiopharmaceuticals containing radioactive material for medical use. An application for a specific license to manufacture, prepare, or distribute radiopharmaceuticals containing radioactive material and used by persons as specified in part 6 of these regulations shall not be approved unless the applicant meets the requirements of this regulation and all other applicable requirements of these regulations.

(a) Each applicant shall meet the requirements in K.A.R. 28-35-180a.

(b) Each applicant shall submit evidence of either of the following:

(1) The radiopharmaceutical containing radioactive material is subject to the federal food, drug and cosmetic act or the public health service act and will be manufactured, labeled, and packaged in accordance with a new drug application (NDA) approved by the U.S. food and drug administration (FDA), a biologic product license issued by the FDA, or a “notice of claimed investigational exemption for a new drug” (IND) accepted by the FDA.

(2) The manufacture and distribution of the radiopharmaceutical containing radioactive material is not subject to the federal food, drug, and cosmetic act or the public health service act.

(c) Each applicant shall submit evidence of at least one of the following:

(1) The applicant is registered or licensed with the FDA as a drug manufacturer.

(2) The applicant is registered or licensed with a state agency as a drug manufacturer.

(3) The applicant is licensed as a pharmacy by the state board of pharmacy.

(4) The applicant is operating as a nuclear pharmacy within a federal medical institution.

(5) The applicant is operating a positron emission tomography (PET) drug production facility.

(d) Each applicant shall submit the following information on the radionuclide:

(1) The chemical and physical form of the material;

(2) the packaging in which the radionuclide is shipped, including the maximum activity per package; and

(3) evidence that the shielding provided by the packaging of the radioactive material is appropriate for the safe handling and storage of radiopharmaceuticals by group licensees.

(e)(1) Each applicant shall comply with the following labeling requirements:

(A) A label that shall be affixed to each transport radiation shield, whether the shield is constructed of lead, glass, plastic, or other material, of a radioactive drug to be transferred for commercial distribution. The label shall include the following:

(i) The radiation symbol and the words "CAUTION – RADIOACTIVE MATERIAL" or "DANGER – RADIOACTIVE MATERIAL";

(ii) the name of the radioactive drug and the abbreviation; and

(iii) the quantity of radioactivity at a specified date and time. For radioactive drugs with a half-life greater than 100 days, the time may be omitted; and

(B) a label that shall be affixed to each syringe, vial, or other container used to hold a radioactive drug to be transferred for commercial distribution. The label shall include the radiation symbol and the words "CAUTION – RADIOACTIVE MATERIAL" or "DANGER – RADIOACTIVE MATERIAL" and an identifier that ensures that the syringe, vial, or other container can be correlated with the information on the transport radiation shield label.

(2) The labels, leaflets, or brochures required by this regulation shall be made in addition to the labeling required by the FDA. The labels, leaflets, or brochures may be separate from the FDA labeling, or with the approval of the FDA, the labeling may be combined with the labeling required by the FDA.

(f) All of the following shall apply to each licensee described in paragraph (c)(3) or (c)(4), or both:

(1) The licensee may prepare radioactive drugs for medical use, if each radioactive drug is prepared by either an authorized nuclear pharmacist, as specified in paragraphs (2) and (4) of this subsection, or an individual under the supervision of an authorized nuclear pharmacist.

(2) The licensee may allow a pharmacist to work as an authorized nuclear pharmacist if at least one of the following conditions is met:

(A) The pharmacist meets the requirements in 10 C.F.R. 35.55(b) and 35.59 as adopted by reference in K.A.R. 28-35-264, and the licensee has received an approved license amendment identifying this individual as an authorized nuclear pharmacist.

(B) The pharmacist is designated as an authorized nuclear pharmacist in accordance with paragraph (4) of this subsection.

(C) The pharmacist qualifies as an authorized nuclear pharmacist as defined in 10 C.F.R. 35.2, as adopted by reference in K.A.R. 28-35-264.

(3) The actions authorized in paragraphs (1) and (2) of this subsection shall be permitted in spite of more restrictive language in license conditions.

(4) The licensee may designate a pharmacist as an authorized nuclear pharmacist if at least one of the following conditions is met:

(A) The individual was a nuclear pharmacist preparing only radioactive drugs containing accelerator-produced radioactive material.

(B) The individual practiced at a government agency or federally recognized Indian tribe pharmacy before November 30, 2007 or at any other pharmacy before August 8, 2009.

(5) Each licensee shall provide a copy of the state pharmacy license or registration, not later than 30 days after the date that the licensee allows an individual to work as an authorized nuclear pharmacist under paragraph (2) of this subsection, and one of the following documents to the department:

(A) The individual's certification by a specialty board whose certification process has been recognized as specified in 10 C.F.R. 35.55(a), as adopted by reference in K.A.R. 28-35-264;

(B) a department, NRC, or agreement state license listing the individual as an authorized nuclear pharmacist;

(C) an NRC master materials licensee permit listing the individual as an authorized nuclear pharmacist;

(D) a permit issued by a licensee of broad scope or an NRC master materials permittee or the authorization from a commercial nuclear pharmacy that is authorized to list its own authorized nuclear pharmacist; or

(E) documentation that only accelerator-produced radioactive materials were used in the practice of nuclear pharmacy at a government agency or federally recognized Indian tribe before November 30, 2007 or at all other locations of use before August 8, 2009, or an earlier date noticed by the NRC as permitted by 10 C.F.R. 35.13(b)(5).

(g) Each application from a medical facility, an educational institution, or a federal facility to produce positron emission tomography (PET) radioactive drugs for non-commercial transfer to licensees within the applicant's consortium authorized for medical use under part 6 of these regulations or equivalent agreement state requirements shall include the following:

(1) A request for authorization for the production of PET radionuclides or evidence of an existing license issued under these regulations or equivalent NRC or agreement state requirements for a PET radionuclide production facility within the applicant's consortium from which the applicant receives PET radionuclides;

(2) evidence that the applicant is qualified to produce radioactive drugs for medical use by meeting the requirements of subsection (c);

(3) the name of each individual authorized to prepare PET radioactive drugs if the applicant is a pharmacy and documentation that each individual meets the requirements of an authorized nuclear pharmacist as specified in paragraphs (f)(2) and (f)(4); and

(continued)

(4) the name of each PET radioactive drug for production and noncommercial distribution to the applicant's consortium, including the chemical and physical form of each drug.

(h) Each licensee licensed under subsection (g) for the production of positron emission tomography (PET) radioactive drugs for noncommercial transfer to licensees within the applicant's consortium authorized for medical use under part 6 of these regulations or equivalent agreement state requirements shall meet the following requirements:

(1) Comply with the labeling requirements specified in subsection (e);

(2) possess and use instrumentation to measure the radioactivity of PET radioactive drugs intended for noncommercial distribution to members of the licensee's consortium and have procedures for using the instrumentation;

(3) measure, by direct measurement or by a combination of measurements and calculations, the amount of radioactivity in dosages of alpha-, beta-, or photon-emitting radioactive drugs before transfer for commercial distribution;

(4) perform tests before initial use, periodically, and following repair on each instrument for accuracy, linearity, and geometry dependence, as appropriate for the use of the instrument, and make adjustments if necessary; and

(5) check each instrument for constancy and proper operation at the beginning of each day of use.

(i) Nothing in these regulations shall exempt the licensee from the requirement to comply with applicable FDA requirements and other federal and state requirements governing radioactive drugs. (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 March 18, 2011; amended May 4, 2018; amended April 1, 2022.)

28-35-181r. Special licenses to manufacture, process, import, distribute, or transfer certain radioactive material to persons exempt from regulation pursuant to K.A.R. 28-35-192a. (a) An application for a specific license to manufacture, process, produce, import, package, repack, or transfer quantities of radioactive material other than source, by-product, or special nuclear material for commercial distribution to persons exempt from these regulations pursuant to K.A.R. 28-35-192a or an equivalent regulation of the nuclear regulatory commission or an agreement state shall not be approved unless the applicant submits the information required in 10 C.F.R. 32.18 and 32.19, dated January 1, 2019, which are hereby adopted by reference.

(b) Each device shall be registered in the sealed source and device registry as defined in 10 C.F.R. 32.2 and maintained by the NRC.

(c) Each person licensed under subsection (a) shall maintain records identifying, by name and address, each person to whom the licensee transfers radioactive material and stating the kinds and quantities of radioactive material transferred. An annual summary report stating the total quantity of each isotope transferred shall be filed with the department. Each report shall cover the 12-month period beginning on July 1 and ending June 30

and shall be filed on or before July 31 of each year. If no transfers of radioactive material have been made during a reporting period, the report shall indicate this fact. (Authorized by and implementing K.S.A. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986; amended April 1, 2022.)

28-35-181u. Registration of sealed source information. (a) Each manufacturer or initial distributor of a sealed source or device containing a sealed source shall submit a request for a certificate of registration and shall complete an evaluation of radiation safety information about each manufacturer's or initial distributor's sealed source or device containing a sealed source.

(b) Each request for a certificate of registration of a sealed source or device containing a sealed source shall be submitted to the department and shall include information about the design, manufacture, prototype testing, quality control program, labeling, proposed uses, and leak testing.

Each request for a certificate of registration of a device containing a sealed source shall also include information about installation, service and maintenance, operating and safety instructions, potential health hazards, and minimization of danger to life and property.

(c) Each sealed source or device containing a sealed source shall be designed according to accepted industry standards or otherwise designed according to standards and criteria proposed by the manufacturer or distributor and accepted by the department.

(d) Each person submitting a request for review of safety information about the sealed source or device containing a sealed source shall manufacture and distribute the sealed source or device containing a sealed source in accordance with the following:

(1) The statements and representations, including quality control program, contained in the request for review; and

(2) the provisions of the certificate of registration.

(e) The authority to manufacture or initially distribute a sealed source or device containing a sealed source to specific licensees may be provided in the license without the issuance of a certificate of registration under either of the following conditions:

(1) The sources being manufactured or initially distributed are calibration and reference sources containing no more than either of the following:

(A) 37 MBq (1 mCi), for beta- or gamma-emitting radionuclides; or

(B) 0.37 MBq (10 μ Ci), for alpha-emitting radionuclides.

(2) Each intended recipient of the sealed source or device containing a sealed source meets all of the following conditions:

(A) For unregistered sources, the intended recipient is qualified by training and experience and has sufficient facilities and equipment to safely use and handle the requested quantity of radioactive material in any form.

(B) For registered sealed sources contained in unregistered devices, the intended recipient is qualified by training and experience and has sufficient facilities and equipment to safely use and handle the requested quantity of radioactive material in unshielded form, as specified in the intended recipient's license.

(C) At least one of the following conditions is met:

(i) Each intended recipient is licensed pursuant to K.A.R. 28-35-182a through 28-35-182d or comparable provisions of the NRC or agreement state.

(ii) Each intended recipient is authorized for research and development.

(iii) The sealed sources and devices containing sealed sources are to be built to the unique specifications of the particular recipient and contain no more than 740 GBq (20 Ci) of tritium or 7.4 GBq (200 mCi) of any other radionuclide.

(f) Each holder of a certificate of registration shall provide the secretary or the secretary's designee with the opportunity to conduct additional reviews in accordance with this regulation as the secretary deems necessary to ensure compliance with these regulations. Any additional clarifying information necessary to conduct a review may be requested by the secretary. Each holder of a certificate of registration shall provide this information within 30 days of service of written notification from the secretary. (Authorized by and implementing K.S.A. 48-1607; effective April 1, 2022.)

28-35-181v. Inactivation of certificates of registration for sealed sources and devices. (a)(1) Each holder of a certificate of registration that no longer manufactures or initially transfers any sealed source or device covered by a certificate of registration issued by the department shall request inactivation of the certificate of registration. Each request shall be submitted to the department not later than two years after initial transfer of the sealed source or sealed sources or the device or devices covered by the certificate of registration.

(2) If a person issued a certificate of registration determines that the last initial transfer was made more than two years ago, that person shall request inactivation of the certificate of registration within 90 days of this determination and shall briefly describe the circumstances of the delay in the request to the department.

(b) If a license to distribute issued as specified in K.A.R. 28-35-181h through 28-35-181r is to be terminated in accordance with K.A.R. 28-35-191a or 28-35-205, the licensee shall request inactivation of the certificate of registration associated with the license to distribute before the department terminates the license. Each request for inactivation of a certificate of registration shall indicate that the license to distribute is being terminated and shall include the associated specific license number.

(c) A specific license to manufacture or initially transfer a sealed source or device containing a sealed source covered only by an inactivated certificate of registration shall no longer authorize a licensee to initially transfer the sealed source or device containing a sealed source for use.

(d) The servicing of a device containing a sealed source shall be performed in accordance with any conditions in the certificate of registration, including inactive certificates. (Authorized by and implementing K.S.A. 48-1607; effective April 1, 2022.)

28-35-192e. Exemptions; gas and aerosol detectors containing radioactive material. (a) Except for persons that manufacture, process, or produce gas and aerosol detectors containing radioactive material or initially

transfer these products for sale or distribution, each person that acquires, receives, owns, possesses, uses, or transfers radioactive material in gas and aerosol detectors designated to protect life or property from fires and airborne hazards shall be exempt from the requirements for a license issued under K.A.R. 28-35-175a, except for the requirements of K.A.R. 28-35-700. Each detector shall have been manufactured, processed, produced, or initially transferred in accordance with a specific license issued by the secretary pursuant to K.A.R. 28-35-181q or a license issued by the nuclear regulatory commission or by an agreement state pursuant to an equivalent regulation of the nuclear regulatory commission or the agreement state.

(b) Gas and aerosol detectors previously manufactured and distributed before November 30, 2007 to general licensees in accordance with a specific license issued by an agreement state shall be exempt from the requirements of subsection (a).

(c) Each person that wants to manufacture, process, or produce gas and aerosol detectors containing radioactive material, or to initially transfer these products for use pursuant to this regulation, shall apply for a license pursuant to K.A.R. 28-35-181q and a certificate of registration required by K.A.R. 28-35-181u. (Authorized by and implementing K.S.A. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986; amended March 18, 2011; amended April 1, 2022.)

28-35-192f. Exemptions; self-luminous products containing tritium, krypton-85 or promethium-147. (a) Each person that wants to manufacture, process, produce, or initially transfer for sale or distribution self-luminous products containing tritium, krypton-85, or promethium-147 for use as specified in this subsection shall apply for the license required by K.A.R. 28-35-175a and the registration required by K.A.R. 28-35-181u.

(b) Each person not subject to subsection (a) that acquires, possesses, uses, or transfers tritium, krypton-85, or promethium-147 in self-luminous products manufactured, processed, produced, imported, or transferred in accordance with a specific license issued by the nuclear regulatory commission pursuant to 10 C.F.R. 32.22 shall be exempt from the requirements of this regulation.

(c) The exemption in subsection (b) shall not apply to tritium, krypton-85, or promethium-147 in toys, adornments, or similar items. (Authorized by and implementing K.S.A. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986; amended April 1, 2022.)

28-35-192h. Certain industrial devices. (a) Except as specified in subsections (b) and (c), each person that receives, possesses, uses, transfers, owns, or acquires any industrial device containing by-product material designed and manufactured for either of the following purposes shall be exempt from these regulations, except for the requirements of K.A.R. 28-35-700:

(1) Detecting, measuring, gauging, or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition; or

(2) producing an ionized atmosphere if the industrial device is manufactured, processed, produced, or initially

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transferred in accordance with a specific license issued pursuant to 10 C.F.R. 32.30 by the nuclear regulatory commission.

(b) Each person that manufactures, processes, produces, or initially transfers for sale or distribution any industrial device containing by-product material designed and manufactured for either of the following purposes shall be excluded from the exemption in subsection (a):

(1) Detecting, measuring, gauging, or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition; or

(2) producing an ionized atmosphere.

(c) The exemption in subsection (a) shall exclude any source not incorporated into an industrial device, including calibration and reference sources.

(d) Each person that manufactures, processes, produces, or initially transfers for sale or distribution any industrial device containing by-product material for use under subsection (a) shall apply for a license and a certificate of registration from the NRC. (Authorized by and implementing K.S.A. 48-1607; effective May 4, 2018; amended April 1, 2022.)

28-35-195a. Intrastate transportation of radioactive materials. (a) Each common or contract carrier shall be deemed to have been issued a general license to transport and store radioactive material in the regular course of its carriage for another, if the transportation and storage are performed in accordance with the regulations of the U.S. department of transportation and incorporated sections of 10 C.F.R. part 71 relating to the loading and storage of packages, shipping papers, placarding of a transporting vehicle, and incident reporting. Each person that transports and stores radioactive material pursuant to the general license specified in this subsection shall be exempt from the requirements of parts 4 and 10 of these regulations.

(b) Each private carrier shall be deemed to have been issued a general license to transport radioactive material, if the transportation is performed in accordance with the regulations of the U.S. department of transportation and incorporated sections of 10 C.F.R. part 71 relating to the loading and storage of packages, shipping papers, placarding of a transporting vehicle, and incident reporting. Each person that transports radioactive material under the general license issued in this subsection shall be exempt from the requirements of parts 4 and 10 of these regulations.

(c) Each physician shall be exempt from the requirements of subsection (b) to the extent that the physician transports radioactive material for use in the practice of medicine.

(d) Each person deemed to have been issued a general license required by this regulation shall comply with part 15 of these regulations. (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 April 1, 2022.)

28-35-196a. Preparation of radioactive material for transport. (a) A licensee shall not deliver any radioactive material to a carrier for transport or transport radioactive material as a private carrier, unless all of the following conditions are met:

(1) The licensee has complied with the applicable requirements of the regulations of the U.S. department of transportation and incorporated sections of 10 C.F.R. part 71 that are applicable to the mode of transport and that are related to the packing of radioactive material and to the monitoring, marking, and labeling of packages containing radioactive material, including the exemptions specified in 10 C.F.R. part 71 subpart B.

(2) The licensee has established procedures for opening and closing packages in which radioactive material is transported to provide safety and to ensure that, before the delivery to a carrier for transport, each package is properly closed for transport.

(3) The licensee has ensured that any special instructions needed to safely open a package are sent to, or are available to, the consignee before delivery of the package to a carrier for transport.

(4) The licensee has ascertained, before the first use of any packaging for the shipment of licensed radioactive material, that the determinations specified in 10 C.F.R. 71.85(a) through (c) have been made.

(b) The requirements in subsection (a) shall not apply to the transportation of licensed material or to the delivery of licensed material to a carrier for transport if the transportation is subject to regulations of the U.S. postal service. (Authorized by and implementing K.S.A. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986; amended April 1, 2022.)

28-35-227c. Records of radiation protection programs. (a) Each licensee or registrant shall maintain records of the radiation protection program, including the following:

(1) The provisions of the program; and

(2) audits and other reviews of program content and implementation.

(b) The licensee or registrant shall retain the records required by paragraph (a)(1) until the department terminates each pertinent license or registration requiring the record. (Authorized by and implementing K.S.A. 48-1607; effective Oct. 17, 1994; amended April 1, 2022.)

28-35-231c. Transfer for disposal; manifests. The provisions of 10 C.F.R. 20.2006, including appendix G to 10 C.F.R. part 20 dated January 1, 2019, are hereby adopted by reference. (Authorized by and implementing K.S.A. 48-1607; effective Dec. 30, 2005; amended March 18, 2011; amended April 1, 2022.)

28-35-264. General requirements. The provisions of 10 C.F.R. part 35, dated January 1, 2019, are hereby adopted by reference, with the changes specified in this regulation.

(a) For the purposes of part 6 of these regulations, "by-product material" shall mean all radioactive material regulated by the department.

(b) All reports required by this regulation shall be submitted to the department.

(c) The following sections shall be deleted:

(1) 35.1, "purpose and scope";

(2) 35.2, "definitions," except that the definitions of the following terms shall be retained:

(A) "Authorized medical physicist";

(B) "authorized nuclear pharmacist";

- (C) "authorized user";
- (D) "medical event";
- (E) "prescribed dose"; and
- (F) "radiation safety officer";
- (3) 35.8, "information collection requirements: OMB approval";
- (4) 35.18, "license issuance";
- (5) 35.19, "specific exemptions";
- (6) 35.26(a)(1), "radiation protection program changes";
- (7) 35.57(a)(4), "training for experienced radiation safety officer, teletherapy or medical physicist, authorized medical physicist, authorized user, nuclear pharmacist, and authorized nuclear pharmacist";
- (8) 35.4001, "violations"; and
- (9) 35.4002, "criminal penalties."
- (d) Wherever the following C.F.R. references occur within 10 C.F.R. part 35, these references shall be replaced with the specified references to regulations and parts in this article of the department's regulations:
- (1) "10 CFR 19.12" shall be replaced with "K.A.R. 28-35-333, 'instructions to workers.'"
- (2) "10 CFR part 20" shall be replaced with "part 4, 'standards for protection against radiation.'"
- (3) "10 CFR 20.1101" shall be replaced with "K.A.R. 28-35-211d, 'radiation protection programs.'"
- (4) "10 CFR 20.1301(a)(1) and 20.1301(c)" shall be replaced with "K.A.R. 28-35-214a."
- (5) "10 CFR 20.1501" shall be replaced with "K.A.R. 28-35-217b."
- (6) "10 CFR part 30" shall be replaced with "part 3, 'licensing of sources of radiation.'"
- (7) "10 CFR 32.72" shall be replaced with "K.A.R. 28-35-181m, 'specific licenses to manufacture, prepare, or distribute radiopharmaceuticals containing radioactive material for medical use,' and K.A.R. 28-35-181n, 'specific licenses to manufacture and distribute generators or reagent kits for preparation of radiopharmaceuticals containing radioactive material.'"
- (8) "10 CFR 32.74" shall be replaced with "K.A.R. 28-35-181o, 'specific licenses to manufacture and distribute sources and devices for use as a calibration, transmission, or reference source or for certain medical uses.'"
- (9) "10 CFR 33.13" shall be replaced with "K.A.R. 28-35-182b, 'qualifications for a type A specific license of broad scope.'"
- (e) Wherever the following terms occur within 10 C.F.R. part 35, these terms shall be replaced with "department":
- (1) "Commission," with the exception of the phrase "Commission or Agreement State";
- (2) "NRC operations center";
- (3) "NRC regional office"; and
- (4) "NRC."
- (f) The following changes shall be made to the sections specified:
- (1) 35.6(b)(1) and (c)(1) shall be replaced with the following text:
- "Obtain review and approval of the research as specified in 45 CFR 46.111, 'criteria for IRB approval of research'; and"
- (2) 35.6(b)(2) and (c)(2) shall be replaced with the following text:

"Obtain informed consent from the human research subject as specified in 45 CFR 46.116, 'general requirements for informed consent.'"

(3) 35.10(a) shall be deleted.

(4) In 35.10(d), the date "October 24, 2002" shall be replaced with "the effective date of these regulations."

(5) 35.12(b)(1) shall be replaced with the following text: "submitting a form specified by the department that includes the facility diagram, equipment, and training and experience qualifications of the radiation safety officer, authorized users, authorized physicists, and authorized pharmacists."

(6) 35.12(c)(1)(i) shall be replaced with the following text: "a form specified by the department that includes the facility diagram, equipment, and training and experience qualifications of the radiation safety officer, authorized users, authorized physicists, and authorized pharmacists."

(7) 35.12(c)(1)(ii) shall be replaced with the following text: "a letter containing all information required by the form in (i); and".

(8) In 35.57(a)(1) and (b)(1), the date "January 14, 2019" shall be replaced with "the effective date of these regulations."

(9) In 35.57(a)(2), (a)(3), and (b)(2), the date "October 24, 2005" shall be replaced with "the effective date of these regulations."

(10) In 35.432(a), the date "October 24, 2002" shall be replaced with "the effective date of these regulations."

(11) In 35.3045, the footnote shall be deleted, and in subsection (a) the words "or any radiation-producing device" shall be added before the words "results in."

(12) 35.3047(d) shall be replaced with the following text: "The licensee shall submit a written report to the department within 15 days after discovery of a dose to the embryo or fetus, or nursing child that requires a report in paragraphs (a) or (b) in this section."

(13) In 35.3067, the phrase "with the department" shall be inserted after the word "report" in the first sentence, and the second sentence shall be deleted. (Authorized by and implementing K.S.A. 48-1607; effective Dec. 30, 2005; amended March 18, 2011; amended May 4, 2018; amended April 1, 2022.)

28-35-282a. Inspection and maintenance of radiation machines, radiographic exposure devices, transport and storage containers, associated equipment, source changers, and survey instruments. (a) Each licensee or registrant shall perform visual and operability checks on the survey meters, radiation machines, radiographic exposure devices, each transport and storage container, and any associated equipment and source changers before each day's use, or each work shift, to ensure that all of the following conditions are met:

(1) The equipment is in good working condition.

(2) The sources are shielded.

(3) The required labeling is present.

(b) Survey instrument operability shall be performed by using dedicated check sources or other appropriate means.

(c) If equipment problems are found, the equipment shall be removed from service until repaired.

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(d) Each licensee or registrant shall have written procedures for and shall perform inspections and routine maintenance on the radiation machines, radiographic exposure devices, source changers, associated equipment, transport and storage containers, and survey instruments. The inspections and maintenance shall occur at least every three months or before the next use to ensure proper functioning of components important to safety. Each replacement component shall meet the design specifications of the manufacturer. If equipment problems are found, the equipment shall be removed from service until repaired.

(e) Each licensee's inspection and maintenance program shall include procedures to ensure that type B packages are shipped and maintained in accordance with the certificate of compliance or other type of approval.

(f) Each licensee or registrant shall maintain records of inspection, equipment problems, and any maintenance performed under this regulation for three years. These records shall specify the following:

- (1) The date of the check or inspection;
- (2) the name of the inspector;
- (3) the equipment modified;
- (4) any problems found; and
- (5) any repairs needed and any maintenance and equipment problems found. (Authorized by and implementing K.S.A. 48-1607; effective Dec. 30, 2005; amended April 1, 2022.)

28-35-291. Performance requirements for radiographic equipment. (a) Each radiographic exposure device and all associated equipment shall have been certified by the NRC as compliant with the requirements specified in "radiological safety for design and construction of apparatus for gamma radiography," published by the American national standards institute as NBS handbook 136, issued January 1981, ANSI N432-1980 standards. As an alternative, any licensee or applicant may submit an engineering analysis demonstrating that testing previously performed on similar individual radiography components is adequate to support a finding that the previous testing is an acceptable substitute for that described in the N432-1980 standards.

(b) In addition to the requirements specified in subsection (a), each licensee shall ensure that each radiographic exposure device and all associated equipment meet the following requirements:

(1) Each user of a radiographic exposure device shall attach to the device a durable, legible, clearly visible label bearing the following information:

- (A) The chemical symbol and mass number of the radionuclide in the device;
- (B) the radioactive activity level and the date on which this activity was last measured;
- (C) the model number and serial number of the sealed source;
- (D) the manufacturer of the sealed source; and
- (E) the licensee's name, address, and telephone number.

(2) Each radiographic exposure device intended for use as a type B transport container shall have been certified by the NRC as compliant with the applicable requirements of 10 C.F.R. 71.51.

(3) The licensee shall not modify any radiographic exposure device or associated equipment in a manner that compromises the design safety features of the system.

(c) In addition to the requirements specified in subsections (a) and (b), the licensee shall ensure that each radiographic exposure device and the associated equipment that allows the source to be moved out of the device for routine operation meet the following requirements:

(1) The coupling between the source assembly and the control cable shall be designed so that the source assembly cannot become disconnected if cranked outside the guide tube. The coupling shall be designed to prevent an unintentional disconnection under normal conditions and reasonably foreseeable abnormal conditions.

(2) The radiographic exposure device shall automatically secure the source assembly when the source assembly is cranked back into the fully shielded position in the radiographic exposure device. A deliberate operation on the radiographic exposure device shall be required to release the source assembly.

(3) The outlet fitting, lock box, and drive cable fittings on each radiographic exposure device shall be equipped with safety plugs or covers, which shall be installed during storage and transportation to protect the source assembly from water, mud, sand, and other foreign matter.

(4) Each sealed source or source assembly shall have attached to it or engraved on it a durable, legible, visible label with these words: "DANGER RADIOACTIVE." The label shall not interfere with the safe operation of the radiographic exposure device or the associated equipment.

(5) Each sealed source that is not fastened to, or contained in, a radiographic exposure device shall have a durable tag permanently attached to the sealed source. The tag shall measure at least one square inch and shall bear the radiation symbol described in K.A.R. 28-35-219a and, at a minimum, the following instructions: "Danger—Radioactive Material—Do Not Handle—Notify Civil Authorities If Found."

(6) The guide tube shall have passed the crushing tests for the control tube as specified in ANSI N432-1980 standards and a kinking resistance test that closely approximates the kinking forces likely to be encountered during use.

(7) Guide tubes shall be used when moving the source out of the radiographic exposure device.

(8) An exposure head or similar device shall be used to prevent the source assembly from passing out of the end of the guide tube during radiographic operations.

(9) The guide tube exposure head connection shall be able to withstand the tensile test for control units specified in ANSI N432-1980 standards.

(10) Each source changer shall provide a system for ensuring that the source cannot accidentally be withdrawn from the changer when connecting or disconnecting the drive cable to or from a source assembly.

(d) Each licensee shall ensure that all newly manufactured radiographic exposure devices and the associated equipment acquired after January 10, 1995 meet the requirements of this regulation.

(e) Each licensee shall ensure that all radiographic exposure devices and the associated equipment used by

the licensee after January 10, 1995 meet the requirements of this regulation.

(f) Any licensee may use equipment in industrial radiographic operations that does not comply with section 8.9.2(c) of the endurance test in ANSI N432-1980 standards, if prototype equipment has been tested using a torque that an individual using the radiography equipment can realistically exert on the lever or crankshaft of the drive mechanism. (Authorized by and implementing K.S.A. 48-1607; effective Nov. 1, 1996; amended Dec. 30, 2005; amended April 1, 2022.)

28-35-450. General requirements. The provisions of “part X: therapeutic radiation machines” in volume 1 of the “suggested state regulations for control of radiation,” including appendix A, published by the conference of radiation control program directors, inc. and dated March 2009, are hereby adopted by reference, with the changes specified in this regulation.

(a) Sec. X.2, “definitions,” shall be deleted.

(b) Wherever the following phrases and references occur in part X, these phrases and references shall be replaced with the specified phrases and references to regulations and parts in this article of the department’s regulations:

(1) “Agency” shall be replaced with “department.”

(2) “[INSERT EFFECTIVE DATE OF THESE REGULATIONS]” shall be replaced with “the effective date of these regulations.”

(c) The following phrases in part X shall be replaced with the phrase “part 4”:

(1) In sec. X.3(i), “Parts D.1201, D.1502, and D.1204”;

(2) in sec. X.4(a)(i)(1), “Part D.1201a.”;

(3) in sec. X.4(a)(i)(2), “Parts D.1301a. and D.1301b”;

(4) in sec. X.4(b), (b)(i), and (b)(iv), “Parts D.1301a. and D.1301b.”;

(5) in sec. X.4(b)(iv), “Part D.1301c.”;

(6) in sec. X.6(r)(vi), “Part D.1201”;

(7) in sec. X.7(q)(vii), “Parts D.1301a. and D.1301b.”;

(8) in sec. X.9(a), “Parts D.1201 and D.1301”;

(9) in sec. X.11(i)(iv), “D.1201”; and

(10) in appendix A, sec. II(C), “Part D.1201.”

(d) In sec. X.3(e), paragraph (i) shall be replaced with the following text: “Individuals operating a therapeutic radiation machine for healing arts purposes shall meet the requirements specified in the radiologic technologists practice act and shall have satisfactorily completed an education program in radiation therapy that meets the criteria specified in K.A.R. 100-73-3.” (Authorized by and implementing K.S.A. 48-1607; effective Dec. 30, 2005; amended July 27, 2007; amended April 1, 2022.)

28-35-500. General license: NRC-approved packages. (a) A general license shall be deemed to have been issued to any licensee to transport, or to deliver to a carrier for transport, any licensed or registered material in a package for which a license, certificate of compliance, or other approval has been issued by the NRC.

(b) Each general license specified in subsection (a) shall apply only to a licensee who has a quality assurance program approved by the department.

(c) Each general license specified in subsection (a) shall apply only to a licensee who meets the following requirements:

(1) Possesses a copy of the specific license, certificate of compliance, or other approval by the NRC for the package and has the drawings and any other documents referenced in the approval relating to the use and maintenance of the package and to the actions to be taken before shipment;

(2) complies with the terms and conditions of the license, certificate of compliance, or other approval, as applicable, and with the applicable requirements of part 15 of these regulations; and

(3) registers with the NRC before the licensee’s first use of the package according to the methods described in 10 C.F.R. 71.17(c)(3), dated January 1, 2020, which is hereby adopted by reference.

(d) Each general license specified in subsection (a) shall apply only if the package approval authorizes the use of the package under this general license.

(e) Each general licensee specified in subsection (a) shall meet the requirements of K.A.R. 28-35-501 when using any type B or fissile material package approved by the NRC before April 1, 1996. (Authorized by and implementing K.S.A. 48-1607; effective Dec. 30, 2005; amended April 1, 2022.)

28-35-500a. General license: use of foreign-approved package. (a)(1) A general license shall be deemed to have been issued to any licensee to transport, or to deliver to a carrier for transport, any licensed or registered material in a package with a design approved as documented by a foreign national competent authority certificate that has been revalidated by the U.S. department of transportation as meeting the applicable requirements of 49 C.F.R. 171.23.

(2) Except as otherwise provided in part 15 of these regulations, the general license shall be valid only for a licensee who has a quality assurance program approved by the NRC or the department as meeting the applicable provisions of K.A.R. 28-35-505.

(b) Each general license issued under subsection (a) shall apply only to shipments made to or from locations outside the United States.

(c) Each licensee issued a general license under subsection (a) shall meet the following requirements:

(1) Have a copy of the specific license, certificate of compliance, or other approval by the NRC for the package and have the drawings and any other documents referenced in the approval relating to the use and maintenance of the package and to the actions required before shipment; and

(2) comply with the terms and conditions of the license, certificate of compliance, or other approval, as applicable, and with the applicable requirements of part 15 of these regulations. (Authorized by and implementing K.S.A. 48-1607; effective April 1, 2022.)

28-35-504. Advance notification of shipment of certain types of licensed or registered material. (a)(1) As specified in subsections (b), (c), and (d), each licensee shall provide advance notification to the governor or the governor’s designee of each state of each shipment of licensed or registered material through or across the boundary of that state. The licensee shall provide this ad-

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vance notification before transporting, or delivering to a carrier for transport, any licensed or registered material outside the confines of the licensee's plant or other place of use or storage.

(2) As specified in subsections (b), (c), and (d), each licensee shall provide advance notification to the Indian tribal official of participating tribes referenced in subsection (c), or the official's designee, of the shipment of licensed material within or across the boundary of the tribe's reservation before the transport or delivery to a carrier for transport of licensed material outside the confines of the licensee's plant or other place of use or storage.

(b)(1) The advance notification specified in subsection (a) shall be required for each shipment of irradiated reactor fuel containing 100 grams or less in net weight of irradiated fuel, exclusive of cladding and any other structural or packaging material, that has a total external radiation dose rate in excess of 100 rems per hour at a distance of three feet from any accessible surface without intervening shielding.

(2) The advance notification specified in subsection (a) shall also be required for each shipment of licensed or registered material, other than irradiated fuel, meeting all of the following conditions:

(A) The licensed or registered material is required to be shipped in a type B package for transportation as specified in part 15 of these regulations.

(B) The licensed or registered material is being transported to or across a state boundary en route to a disposal facility or to a collection point for transport to a disposal facility.

(C) The quantity of licensed or registered material in a single package exceeds the smaller of the following:

(i) 3,000 times the A_1 value of the radionuclides as specified in 10 C.F.R. part 71, appendix A, which is adopted by reference in K.A.R. 28-35-221b, for special form radioactive material or 3,000 times the A_2 value of the radionuclides as specified in K.A.R. 28-35-221b for normal form radioactive material; and

(ii) 1,000 TBq (27,000 Ci).

(c) The notification specified in subsection (b) shall meet the following requirements:

(1) The notification shall be submitted, in writing, to the office of each appropriate governor or governor's designee and each appropriate Indian tribal official or tribal official's designee and to the director of the office of nuclear security and incident response.

(2) Each notification delivered by mail shall be post-marked at least seven days before the beginning of the seven-day period during which departure of the shipment is estimated by the licensee to occur.

(3) Each notification delivered by any means other than mail shall reach the office of each governor or governor's designee and each appropriate Indian tribal official or tribal official's designee at least four days before the beginning of the seven-day period during which departure of the shipment is estimated by the licensee to occur.

(4) Each licensee shall retain a copy of the notification as a record for three years.

(d) Each advance notification of any shipment of irradiated reactor fuel or nuclear waste shall contain the following information:

(1) The name, address, and telephone number of the shipper, carrier, and receiver of the irradiated reactor fuel or nuclear waste shipment;

(2) a description of the irradiated reactor fuel or nuclear waste contained in the shipment, as specified in the regulations of the U.S. department of transportation in 49 C.F.R. 172.202 and 172.203(d), dated October 1, 2019, which are hereby adopted by reference;

(3) a shipment schedule, which shall include the following information:

(A) The point of origin of the shipment and a specification of the seven-day period during which departure of the shipment is estimated by the licensee to occur;

(B) a specification of the seven-day period during which arrival of the shipment at the state boundaries or tribal reservation boundaries is estimated by the licensee to occur; and

(C) the destination of the shipment and a specification of the seven-day period during which arrival of the shipment at the destination is estimated by the licensee to occur; and

(4) the name of a contact person, including a telephone number, for current shipment information.

(e) If any licensee finds out that the shipment schedule previously furnished to any governor, governor's designee, Indian tribal official, or tribal official's designee in accordance with this regulation will not be met, that licensee shall perform the following:

(1) Telephone a responsible individual in the office of the governor or governor's designee or the Indian tribal official or the tribal official's designee as soon as practical after the licensee has found out that the shipment schedule will not be met and inform that individual of the revised schedule; and

(2) maintain a record of the name of the responsible individual contacted and the date of this contact for three years.

(f) Each licensee who cancels an irradiated reactor fuel or nuclear waste shipment for which advance notification has been sent shall send a cancellation notice to the governor of each state or the governor's designee or to the Indian tribal official or to the tribal official's designee who was previously notified and to the director of the office of nuclear security and incident response. The licensee shall state in the notice that the notice is a cancellation and shall identify the advance notification that is being canceled. The licensee shall retain a copy of the notice as a record for three years. (Authorized by and implementing K.S.A. 48-1607; effective Dec. 30, 2005; amended May 4, 2018; amended April 1, 2022.)

28-35-504a. Records. (a) Each licensee shall maintain a record of each shipment of licensed material not exempt under 10 C.F.R. 71.14 for three years after shipment. Each record shall meet the following requirements:

(1) Identify the package by model number and serial number;

(2) verify that there are no defects in the packaging impacting the integrity, functionality, or safety of the package as shipped;

(3) specify the volume and identification of coolant;

(4) specify the type and quantity of licensed material in each package;

(5) specify the total quantity of each shipment;
 (6) for each item of irradiated fissile material, meet the following requirements:

(A) Identify the package by model number and serial number;

(B) document the irradiation and decay history to the extent appropriate to demonstrate that the nuclear and thermal characteristics of the irradiated fissile material complies with license conditions; and

(C) document any abnormal or unusual condition relevant to radiation safety;

(7) document the date of the shipment;

(8) for fissile packages and for type B packages, document any special controls exercised;

(9) specify the name and address of the transferee;

(10) specify the address to which the shipment was made; and

(11) document the results of the determinations required by 10 C.F.R. 71.87 and by the conditions of the package approval.

(b) Each licensee, certificate holder, and applicant for a certificate of compliance shall make all records required by part 15 of these regulations available to the department for inspection upon reasonable notice. Each record shall be valid only if stamped, initialed, or signed, if dated by authorized personnel, or if otherwise authenticated.

(c) Each licensee, certificate holder, and applicant for a certificate of compliance shall maintain written records as evidence of the quality of packaging. The records shall include the following:

(1) Results of the determinations required by 10 C.F.R. 71.85;

(2) design, fabrication, and assembly records;

(3) results of reviews, inspections, tests, audits, monitoring work performance, and materials analyses; and

(4) results of maintenance, modification, and repair activities.

(d) The inspection, test, and audit records maintained by the licensee, certificate holder, and applicant for a certificate of compliance shall include the following:

(1) Identification of the inspector or data recorder;

(2) the type of observation;

(3) the results;

(4) the acceptability; and

(5) the action taken in connection with any deficiencies noted.

(e) The records required by subsections (c) and (d) shall be retained for three years after the life of the packaging to which the records apply. (Authorized by and implementing K.S.A. 48-1607; effective April 1, 2022.)

28-35-505. Quality assurance requirements. The provisions of 10 C.F.R. part 71, subpart H, dated January 1, 2019, are hereby adopted by reference, with the changes specified in this regulation.

(a) The following sections shall be deleted:

(1) 71.101(c)(2), (d), and (e);

(2) 71.107;

(3) 71.109;

(4) 71.111;

(5) 71.113;

(6) 71.115;

(7) 71.117;

(8) 71.119;

(9) 71.121;

(10) 71.123; and

(11) 71.125.

(b) The changes specified in this subsection shall be made wherever the following text occurs within the portions of 10 C.F.R. part 71 adopted in this regulation:

(1) "ATTN: Document Control Desk, Director, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards" shall be replaced with "the department."

(2) "NRC Form 3" shall be replaced with "department form RH-3."

(3) "Subpart H of this part" and "§§71.010 through 71.137" shall be replaced with "K.A.R. 28-35-505."

(4) "This chapter" shall be replaced with "10 C.F.R."

(c) Wherever the following terms occur within the portions of 10 C.F.R. part 71 adopted in this regulation, these terms shall be replaced with "department":

(1) "Administrator of the appropriate Regional Office";

(2) "commission";

(3) "NRC";

(4) "Nuclear Regulatory Commission"; and

(5) "United States Nuclear Regulatory Commission."

(d) The following changes shall be made to the sections specified:

(1) In 10 C.F.R. 71.101(a), the following sentence shall be deleted: "Each certificate holder and applicant for a package approval is responsible for satisfying the quality assurance requirements that apply to design, fabrication, testing, and modification of packaging subject to this subpart."

(2) In 10 C.F.R. 71.101(f), the sentence "The licensee, certificate holder, and applicant for a CoC shall identify the program by date of submittal to the Commission, Docket Number, and date of Commission approval" and the phrase "in accordance with §71.1" shall be deleted.

(3) 10 C.F.R. 71.101(g) shall be replaced by the following text:

"Each program for transport container inspection and maintenance that is limited to radiographic exposure devices, source changers, or any package transporting these devices or changers and that meets the requirements of K.A.R. 28-35-282a or equivalent NRC or agreement state requirements shall be deemed to meet the requirement specified in K.A.R. 28-35-500(b)."

(e) The terms "certificate of compliance," "certificate holder," and "applicant" shall apply to the NRC as the sole authority for issuing a package certificate of compliance.

(f) Each submittal required by this regulation shall be submitted to the department, with the exception of a certificate of compliance. (Authorized by and implementing K.S.A. 48-1607; effective Dec. 30, 2005; amended April 1, 2022.)

28-35-700. General requirements. The provisions of 10 C.F.R. part 37, dated January 1, 2019, are hereby adopted by reference, with the changes specified in this regulation.

(a) The following sections or portions of sections in 10 C.F.R. part 37 shall be deleted:

(continued)

- (1) 37.1;
- (2) 37.3;
- (3) 37.7;
- (4) 37.9;
- (5) 37.11(a) and (b);
- (6) 37.13;
- (7) in 37.81(g), the third sentence;
- (8) 37.105;
- (9) 37.107; and
- (10) 37.109.

(b) In 10 C.F.R. 37.5, the following terms and the definition of each of these terms shall be deleted:

- (1) "Act";
- (2) "agreement state";
- (3) "becquerel";
- (4) "byproduct material";
- (5) "commission";
- (6) "curie";
- (7) "government agency";
- (8) "license";
- (9) "lost or missing licensed material";
- (10) "person";
- (11) "state"; and
- (12) "United States."

(c) Wherever the following terms and phrases occur within the portions of 10 C.F.R. part 37 adopted in this

regulation, these terms and phrases shall be replaced with "department":

- (1) "Appropriate NRC regional office listed in §30.6(a)(2) of this chapter";
- (2) "commission," except secs. 37.5, 37.27(a) and (c), 37.29(a), and 37.71;
- (3) "NRC," except secs. 37.25(c), 37.27(c), 37.29(a), and 37.71;
- (4) "NRC regional office specified in §30.6 of this chapter";
- (5) "NRC's Operations Center"; and
- (6) "NRC's Operations Center (301-816-5100)."

(d) The following changes shall be made wherever the following text occurs within the portions of 10 C.F.R. part 37 adopted in this regulation:

- (1) "Part 73 of this chapter" shall be replaced with "10 C.F.R. Part 73."
- (2) "71.97(b) of this chapter" and "71.97 of this chapter" shall be replaced with "K.A.R. 28-35-504(b)."
- (3) "Governor's designee" shall be replaced with "division of emergency management of the office of the adjutant general." (Authorized by and implementing K.S.A. 48-1607; effective May 4, 2018; amended April 1, 2022.)

Janet Stanek
Secretary

Doc. No. 049936

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended, and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2009 Volumes of the *Kansas Administrative Regulations* and the 2021 Supplement of the *Kansas Administrative Regulations*. Regulations can also be found at http://www.sos.ks.gov/pubs/pubs_kar.aspx.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-18-1a	Amended	V. 40, p. 1490
1-18-2	Revoked	V. 40, p. 1490

AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-8-13	Amended	V. 40, p. 320
4-8-14a	Amended	V. 40, p. 320
4-8-27	Amended	V. 40, p. 320
4-8-28	Amended	V. 40, p. 320
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4-8-30	Amended	V. 40, p. 320
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4-8-35	Amended	V. 40, p. 321
4-8-36	Amended	V. 40, p. 321
4-8-37	Amended	V. 40, p. 321

4-8-38	Amended	V. 40, p. 321
4-8-39	Amended	V. 40, p. 321
4-8-40	Amended	V. 40, p. 321
4-8-41	Revoked	V. 40, p. 321
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4-8-44	New	V. 40, p. 321
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4-8-46	New	V. 40, p. 322
4-8-47	New	V. 40, p. 322
4-8-48	New	V. 40, p. 322
4-34-1	Amended	V. 40, p. 191
4-34-24	Amended (T)	V. 40, p. 1322
4-34-24	Amended	V. 40, p. 1663
4-34-25	Amended (T)	V. 40, p. 1323
4-34-25	Amended	V. 40, p. 1664
4-34-29	Amended (T)	V. 40, p. 1324
4-34-29	Amended	V. 40, p. 1665

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

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5-19-1	New	V. 40, p. 1680
5-19-2	New	V. 40, p. 1681
5-19-3	New	V. 40, p. 1681
5-19-4	New	V. 40, p. 1682
5-19-5	New	V. 40, p. 1682

AGENCY 7: SECRETARY OF STATE

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7-48-1	New	V. 40, p. 263

AGENCY 10: BUREAU OF INVESTIGATION

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10-22-1	Amended	V. 41, p. 152

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Reg. No.	Action	Register
11-9-5	Amended	V. 40, p. 427

AGENCY 17: OFFICE OF THE STATE BANK COMMISSIONER

Reg. No.	Action	Register
17-24-2	Amended	V. 41, p. 185

AGENCY 21: HUMAN RIGHTS COMMISSION

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21-40-10	Revoked	V. 40, p. 265
21-41-1	Revoked	V. 40, p. 265
21-41-2	Amended	V. 40, p. 265
21-41-3	Amended	V. 40, p. 265
21-41-4	Revoked	V. 40, p. 265
21-41-6	Amended	V. 40, p. 265
21-41-8	Amended	V. 40, p. 265
21-41-10	Amended	V. 40, p. 265
21-41-11	Revoked	V. 40, p. 265

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22-26-1	New (T)	V. 40, p. 1034
22-26-1	New	V. 40, p. 1444
22-26-2	New (T)	V. 40, p. 1035
22-26-2	New	V. 40, p. 1445
22-26-3	New (T)	V. 40, p. 1035
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22-26-4	New (T)	V. 40, p. 1036
22-26-5	New (T)	V. 40, p. 1037
22-26-5	New	V. 40, p. 1446
22-26-6	New (T)	V. 40, p. 1037
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22-26-7	New	V. 40, p. 1446
22-26-8	New (T)	V. 40, p. 1037
22-26-8	New	V. 40, p. 1447
22-26-9	New (T)	V. 40, p. 1038
22-26-9	New	V. 40, p. 1447
22-26-10	New (T)	V. 40, p. 1038

22-26-10	New	V. 40, p. 1447
22-26-11	New (T)	V. 40, p. 1038
22-26-11	New	V. 40, p. 1447
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22-26-13	New	V. 40, p. 1448
22-26-14	New (T)	V. 40, p. 1039
22-26-14	New	V. 40, p. 1448
22-26-15	New (T)	V. 40, p. 1040
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28-1-42	Amended	V. 40, p. 1797
28-1-43	Amended	V. 40, p. 1797
28-1-44	Amended	V. 40, p. 1798
28-16-28b	Amended	V. 41, p. 409
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28-18-4	Amended	V. 40, p. 1186
28-18-14	Amended	V. 40, p. 1550
28-18-16	Amended	V. 40, p. 1551
28-18-17	Amended	V. 40, p. 1551
28-18a-4	Amended	V. 40, p. 1187
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40-1-52	New	V. 40, p. 191

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60-1-102	Amended	V. 40, p. 1707
60-1-104	Amended	V. 40, p. 1708
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61-4-3	New	V. 40, p. 161

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

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66-7-1	Amended	V. 41, p. 40
66-12-1	Amended	V. 40, p. 670

AGENCY 69: BOARD OF COSMETOLOGY

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69-1-4	Amended	V. 40, p. 1522
69-6-2	Amended	V. 40, p. 1522

69-15-31	Amended	V. 40, p. 1522
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82-4-30a	Amended (T)	V. 39, p. 1383
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82-11-3	Amended	V. 40, p. 1636
82-11-4	Amended	V. 40, p. 1638
82-11-6	Amended	V. 40, p. 1643
82-11-7	Amended	V. 40, p. 1645
82-11-10	Amended	V. 40, p. 1645

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86-3-10	Amended	V. 40, p. 497
86-3-18	Amended	V. 40, 497
86-3-21	Revoked	V. 40, p. 498
86-3-22	Amended	V. 40, p. 498

AGENCY 88: BOARD OF REGENTS

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88-29-14	Revoked	V. 41, p. 83
88-29-15	Revoked	V. 41, p. 83
88-29-16	Revoked	V. 41, p. 83
88-29-17	Revoked	V. 41, p. 83
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88-29a-5	Revoked	V. 41, p. 83
88-29a-6	Revoked	V. 41, p. 83
88-29a-7	Revoked	V. 41, p. 83
88-29a-7a	Amended	V. 41, p. 83
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88-29a-8c	Revoked	V. 41, p. 84
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88-29a-10	Revoked	V. 41, p. 84
88-29a-11	Revoked	V. 41, p. 84
88-29a-18	Revoked	V. 41, p. 84
88-29a-19	Revoked	V. 41, p. 84
88-29b-1	Revoked	V. 41, p. 84
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88-29b-8	Revoked	V. 41, p. 85
88-29b-8c	Revoked	V. 41, p. 85
88-29b-9	Revoked	V. 41, p. 85
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88-29d-1	Amended	V. 41, p. 89
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88-29d-6	Amended	V. 41, p. 91
88-29d-7	Amended	V. 41, p. 91
88-29d-8	Amended	V. 41, p. 92
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88-29d-10	Amended	V. 41, p. 93

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91-31-32	Amended	V. 40, p. 1401
91-31-33	Amended	V. 40, p. 1401
91-31-34	Amended	V. 40, p. 1401

91-31-35	Amended	V. 40, p. 1402
91-31-36	Amended	V. 40, p. 1402
91-31-37	Amended	V. 40, p. 1403
91-31-38	Amended	V. 40, p. 1403
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91-31-40	Amended	V. 40, p. 1403
91-31-41	Amended	V. 40, p. 1404
91-31-42	Amended	V. 40, p. 1404
91-31-43	New	V. 40, p. 1404

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-19-47	Revoked	V. 40, p. 290
92-19-67	Revoked	V. 40, p. 290
92-51-34a	Amended	V. 40, p. 1225

AGENCY 100: BOARD OF HEALING ARTS

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100-6-2	Amended	V. 40, p. 571
100-6-2a	New	V. 40, p. 290
100-6-7	New (T)	V. 40, p. 1321
100-6-7	New	V. 40, p. 1490
100-8-3	New	V. 40, p. 572
100-15-4	Amended	V. 40, p. 572
100-15-5	Amended	V. 40, p. 573
100-28a-5	Amended	V. 40, p. 1096
100-28a-16	Amended	V. 40, p. 1097

AGENCY 108: STATE EMPLOYEE HEALTH CARE COMMISSION

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108-1-1	Amended	V. 40, p. 1714
108-1-3	Amended	V. 40, p. 1716
108-1-4	Amended	V. 40, p. 1718

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109-2-1	Amended	V. 40, p. 1723
109-3-1	Revoked	V. 40, p. 1723
109-3-3	Amended	V. 40, p. 1522
109-3-5	Amended	V. 40, p. 1524
109-5-1	Amended	V. 40, p. 1723
109-5-3	Amended	V. 40, p. 1724
109-5-6	Amended	V. 40, p. 1724
109-6-2	Amended	V. 40, p. 1724
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109-7-1	Amended	V. 40, p. 1725
109-10-3	Revoked	V. 40, p. 1725
109-10-6	Revoked	V. 40, p. 1725
109-10-7	Revoked	V. 40, p. 1725
109-11-1a	Amended	V. 40, p. 1725
109-11-3a	Amended	V. 40, p. 1726
109-11-4a	Amended	V. 40, p. 1726
109-11-6a	Amended	V. 40, p. 1726
109-11-7	Amended	V. 40, p. 1727
109-11-8	Amended	V. 40, p. 1727
109-11-9	Revoked	V. 40, p. 1727
109-15-1	Amended	V. 40, p. 1727
109-15-2	Amended	V. 40, p. 1728
109-15-3	New	V. 40, p. 1728
109-17-1	New	V. 40, p. 1729
109-17-2	New	V. 40, p. 1730
109-17-3	New	V. 40, p. 1730
109-17-4	New	V. 40, p. 1731

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 *Kansas Register*. A list of regulations filed from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 *Kansas*

Register. A list of regulations filed from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 *Kansas Register*. A list of regulations filed from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 *Kansas Register*. A list of regulations filed from 2008 through November 2009 can be found in the Vol. 28, No. 53, December 31, 2009 *Kansas Register*. A list of regulations filed from December 1, 2009, through December 21, 2011, can be found in the Vol. 30, No. 52, December 29, 2011 *Kansas Register*. A list of regulations filed from December 22, 2011, through November 6, 2013, can be found in the Vol. 32, No. 52, December 26, 2013 *Kansas Register*. A list of regulations filed from November 7, 2013, through December 31, 2015, can be found in the Vol. 34, No. 53, December 31, 2015 *Kansas Register*. A list of regulations filed from 2016 through 2017, can be found in the Vol. 36, No. 52, December 28, 2017 *Kansas Register*. A list of regulations filed from 2018 through 2019, can be found in the Vol. 38, No. 52, December 26, 2019 *Kansas Register*. A list of regulations filed from 2020 through 2021, can be found in the Vol. 40, No. 52, December 30,

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111-4-3681	Amended	V. 41, p. 225
111-4-3695	New	V. 41, p. 225
111-4-3696	New	V. 41, p. 227
111-4-3697	New	V. 41, p. 228
111-4-3698	New	V. 41, p. 229
111-4-3690	New	V. 41, p. 230
111-4-3700	New	V. 41, p. 231
111-4-3701	New	V. 41, p. 233
111-4-3702	New	V. 41, p. 234
111-4-3703	New	V. 41, p. 362
111-4-3704	New	V. 41, p. 363
111-4-3705	New	V. 41, p. 364
111-4-3706	New	V. 41, p. 365
111-4-3707	New	V. 41, p. 366
111-19-2a	New	V. 41, p. 236
111-19-121	New	V. 41, p. 368
111-19-122	New	V. 41, p. 368

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-1-1	Amended	V. 40, p. 498
115-3-1	Amended	V. 40, p. 1131
115-3-2	Amended	V. 40, p. 721

115-4-4	Amended	V. 40, p. 1132
115-4-4a	Amended	V. 40, p. 1683
115-4-6	Amended	V. 40, p. 500
115-8-1	Amended	V. 40, p. 1133
115-9-6	Amended	V. 40, p. 721
115-17-2	Amended	V. 40, p. 1683
115-18-13	Revoked	V. 40, p. 721
115-30-3	Amended	V. 40, p. 1684

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-8-3	Amended	V. 40, p. 920

AGENCY 132: 911 COORDINATING COUNCIL

Reg. No.	Action	Register
132-1-1	Revoked	V. 40, p. 1422
132-1-2	New	V. 40, p. 1422
132-2-1	Amended	V. 40, p. 1422
132-3-1	Amended	V. 40, p. 1422
132-4-1	Amended	V. 40, p. 1422
132-4-2	New	V. 40, p. 1423
132-4-3	New	V. 40, p. 1423
132-5-1	New	V. 40, p. 1423
132-6-1	New	V. 40, p. 1423

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