



Mark Parkinson, Governor  
Roderick L. Bremby, Secretary

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DEPARTMENT OF HEALTH  
AND ENVIRONMENT

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Division of Health

DOCKETED  
USNRC

October 15, 2009

October 15, 2009 (3:20pm)

Mark Shaffer, Director  
Division of Intergovernmental Liaison and Rulemaking  
Office of Federal and State Materials and Environmental Management Programs  
U.S. Nuclear Regulatory Commission  
Two White Flint North  
11545 Rockville Pike  
Rockville, MD 20852

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Re: OPPORTUNITY TO COMMENT ON PROPOSED RULE ON "LIMITING THE  
QUANTITY OF BYPRODUCT MATERIAL IN A GENERALLY LICENSED DEVICE "  
(FSME-09-066)

Dear Mr. Shaffer:

The State of Kansas is pleased to have an opportunity to comment on the new General License (GL) requirements. As you are aware, on June 27, 2005, the Organization of Agreement States (OAS) petitioned the NRC to strengthen the regulation of radioactive materials by requiring a Specific License (SL) for higher-activity devices that are currently available under 10 CFR 31.5. In addition and more importantly, the OAS petition requested a change to the compatibility of 10 CFR 31.5 from Category "B\*" to Category "C". The State of Kansas fully supported this petition for rulemaking.

We also fully support and agree with the comments made by the Organization of Agreement States in the letter dated October 14, 2009, signed by Shawn Seeley, OAS Chair.

We appreciate your attention to these matters and thank you for the opportunity to comment on them. If you have any further questions on our comments, please contact me by either email or phone as listed below.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Conley".

Thomas A. Conley, CHP  
Chief Radiation and Asbestos Control Section

Bureau of Environmental Health  
Radiation and Asbestos Control Section  
CURTIS STATE OFFICE BUILDING, 1000 SW JACKSON ST., STE 330, TOPEKA, KS 66612-1365  
Voice 785-296-1560 Fax 785-296-0984 <http://www.kdheks.gov/radiation/index.html>

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DS 10

## Rulemaking Comments

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**From:** Sahle, Solomon  
**Sent:** Thursday, October 15, 2009 1:49 PM  
**To:** Rulemaking Comments  
**Cc:** Gallagher, Carol; Ngbea, Evangeline  
**Subject:** FW: Kansas Comments on the Proposed GL Rule  
**Attachments:** GL Rule Comments.pdf

FYI

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**From:** Shaffer, Mark  
**Sent:** Thursday, October 15, 2009 1:16 PM  
**To:** Sahle, Solomon; Hsueh, Kevin  
**Subject:** FW: Kansas Comments on the Proposed GL Rule

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**From:** Tom Conley [mailto:[tconley@kdheks.gov](mailto:tconley@kdheks.gov)]  
**Sent:** Thursday, October 15, 2009 1:13 PM  
**To:** Shaffer, Mark  
**Subject:** Kansas Comments on the Proposed GL Rule

Mr. Shaffer,

Attached please find the State of Kansas comments on the proposed GL rule. If you have any questions or need further information please contact me.

Thomas A. Conley, CHP  
Chief, Radiation and Asbestos Control Section  
Bureau of Air and Radiation  
[tconley@kdheks.gov](mailto:tconley@kdheks.gov)  
(785) 296-1565

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Received: from HQCLSTR02.nrc.gov ([148.184.44.77]) by TWMS01.nrc.gov  
([148.184.200.145]) with mapi; Thu, 15 Oct 2009 13:49:08 -0400  
Content-Type: application/ms-tnef; name="winmail.dat"  
Content-Transfer-Encoding: binary  
From: "Sahle, Solomon" <Solomon.Sahle@nrc.gov>  
To: Rulemaking Comments <Rulemaking.Comments@nrc.gov>  
CC: "Gallagher, Carol" <Carol.Gallagher@nrc.gov>, "Ngbea, Evangeline"  
<Evangeline.Ngbea@nrc.gov>  
Date: Thu, 15 Oct 2009 13:49:06 -0400  
Subject: FW: Kansas Comments on the Proposed GL Rule  
Thread-Topic: Kansas Comments on the Proposed GL Rule  
Thread-Index: AcpNurpjSt33U6CyRUGwkHx0tkqMuQAAG/ZQAAEhp8A=  
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X-MS-Exchange-Organization-SCL: -1  
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<36CF286628C20846A68047F2463233093936D094@HQCLSTR02.nrc.gov>  
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