



Kansas Register

Chris Biggs, Secretary of State

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State of Kansas

Department of Health
and EnvironmentNotice of Hearing on Proposed
Administrative Regulations

The Kansas Department of Health and Environment, Division of Health, Bureau of Environmental Health, will conduct a public hearing at 1 p.m. Thursday, October 7, in the Prairie Room of the Curtis State Office Building, 1000 S.W. Jackson, Topeka, to consider the adoption of proposed new regulation K.A.R. 28-35-225b; amendments to regulations K.A.R. 28-35-135l, 28-35-135t, 28-35-135w, 28-35-175a, 28-35-178b, 28-35-178e, 28-35-178j, 28-35-180b, 28-35-181a, 28-35-181j, 28-35-181m, 28-35-181o, 28-35-192b, 28-35-192c, 28-35-192e, 28-35-192g, 28-35-194a, 28-35-212a, 28-35-216a, 28-35-231c, 28-35-242, 28-35-264, 28-35-334, 28-35-346 and 28-35-411; and the revocation of K.A.R. 28-35-181e and 28-35-192d, relating to radiation protection. A summary of the proposed regulations and the estimated economic impact follows:

Summary of Regulations:

28-35-135l. Amends the definition of low dose-rate remote afterloader to correct an error.

28-35-135t. Amends the definition of total effective dose equivalent (TEDE) for compatibility with Nuclear Regulatory Commission (NRC) regulations.

28-35-135w. Amends the definition of waste required for compatibility with NRC regulations.

28-35-175a. Clarifies the requirements for licensing persons who own or acquire radioactive material required for compatibility with NRC regulations.

28-35-178b. Adds requirements for the element radium and additional requirements for transfer for specific licenses required for compatibility with NRC regulations.

28-35-178e. Adds requirements for the element radium required for compatibility with NRC regulations.

28-35-178j. Replaces the word by-product with the word radioactive to be consistent with the changed NRC definition of by-product required for compatibility with NRC regulations.

28-35-180b. Corrects an error in a value in a table to correspond with the correct value amount stated in the text of the regulation.

28-35-181a. Clarifies a reference to the radiation safety committee.

28-35-181e. Revoked. Removes outdated uses of radioactive materials for compatibility with NRC regulations.

28-35-181j. Adds requirements for the element radium required for compatibility with the NRC regulations.

28-35-181m. Adds the positron emission tomography (PET) facility and updates the definition of authorized nuclear pharmacist required for compatibility with NRC regulations.

28-35-181o. Adds the word transmission required for compatibility with NRC regulations.

28-35-192b. Adds criteria for exemptions for manufacturers, processors or producers required for compatibility with NRC regulations.

28-35-192c. Removes exemptions for certain items that are no longer manufactured required for compatibility with NRC regulations.

28-35-192d. Revoked. Removes references to discontinued practices required for compatibility with NRC regulations.

28-35-192e. Adds a requirement for license to manufacture, process or produce gas and aerosol detectors containing radioactive material required for compatibility with NRC regulations.

28-35-192g. Adds a clarifying statement regarding the aggregation of radioactive material sources to exceed exempt quantities required for compatibility with NRC regulations.

28-35-194a. Requires a specific license with the department if activities are performed within the state for more than 180 days in a calendar year.

28-35-212a. Clarifies calculation methods for determining external exposure required for compatibility with the NRC regulations.

28-35-216a. Requires radioactive sources in storage to be tested for leakage at least every 10 years.

28-35-225b. Adopts by reference the NRC regulation related to disposal of certain radioactive material.

28-35-231c. Updates the dates for the adoption by reference for compatibility with NRC regulations.

28-35-242. Clarifies the description of who can order X-rays as requested by the Board of Healing Arts.

28-35-264. Updates the adoption by reference date required for compatibility with NRC regulations.

28-35-334. Adds additional requirements for providing dose information to individual workers required for compatibility with the NRC regulations.

28-35-346. Corrects minor errors in the text of the regulation.

28-35-411. Adds requirements for the element radium required for compatibility with NRC regulations.

Economic Impact:

Cost to licensees or registrants: K.A.R. 28-35-180b includes an increase in the financial assurance amount necessary to ensure adequate funding for decommissioning. Currently, no licensees utilize the financial assurance option that will be affected by this change. K.A.R. 28-35-194a limits the amount of time a licensee may be in the state under reciprocity to 180 days. This is not expected to impact licensees since, to date, none have utilized reciprocity for greater than 180 days. K.A.R. 28-35-216a limits the time a sealed source may be in storage without a leak test to 10 years. This will result in a minor cost impact at 10-year intervals.

Cost to the agency: There is no increase in costs to the agency.

Cost to other governmental agencies or units: There is no known additional cost.

The time period between publication of this notice and the scheduled hearing serves as the required public comment period of at least 60 days for the purpose of receiving written public comments on the proposed regulations. At any time during the public comment period any interested parties may submit written comments to Thomas Conley, Kansas Department of Health and Environment, Bureau of Environmental Health, 1000 S.W. Jackson, Suite 330, Topeka, 66612-1365, or by e-mail to

(continued)

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tconley@kdheks.gov. All interested parties intending to provide oral comments will be given a reasonable opportunity to present their view of the proposed regulations during the hearing. In order to give each individual or entity an opportunity to present their view, it may be necessary for the hearing officer to request that each presenter limit any of their presentation to an appropriate time frame.

Complete copies of the proposed regulations and the corresponding regulatory impact statement may be obtained on the Radiation Control Program Web site at <http://www.kdheks.gov/radiation/radpubnotice.html> or by contacting Thomas Conley at the address above, (785) 296-1565 or fax (785) 296-0984.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and regulatory impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Thomas Conley.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 038553

State of Kansas

Department of Transportation

Request for Comments

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 10-13 by adding the following projects:

Project K-7890-02, Permanent Signing Associated with Project K-7890-01 on US-69 from .7 mile north of RS-1203, north to Linn-Miami county line, Linn County

Project K-7891-04, Permanent Signing Associated with Project K-7891-01 on US-69 from .3 mile south of RS-1204 interchange north .7 mile north of RS-1203, Linn County

The amendment of the STIP requires a public comment period of 30 days. To receive more information on any of these projects or to make comments on the STIP amendment, contact the Kansas Department of Transportation, Bureau of Program and Project Management, 2nd Floor Tower, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754, (785) 296-3526, fax (785) 368-6664. Additional information about these projects and other pending STIP amendments may be viewed online at www.ksdot.org/publications.asp.

This information is available in alternative accessible formats. To obtain an alternative format, contact the KDOT Bureau of Transportation Information, (785) 296-3585 (Voice/Hearing Impaired-711).

The comment period regarding the STIP amendment for these projects will conclude August 23.

Deb Miller
Secretary of Transportation

Doc. No. 038540

City of Overland Park, Kansas

Notice of Public Information Meeting

The city of Overland Park will be conducting a public meeting regarding the roadway improvement plan for 159th Street — Antioch Road to Metcalf Avenue. This meeting has been scheduled to review the concept plans and the preliminary schedule for this project.

The public meeting will be held at 6 p.m. Tuesday, July 27, at the Blue Valley Public Works Maintenance Facility, 6869 W. 153rd St., Overland Park.

The city of Overland Park wants to ensure that the public is aware of this meeting. The city considers the Johnson County and Overland Park communities' thoughts and ideas about this project to be valuable and encourages attendance at the meeting.

For more information, contact Larry Blankenship, Assistant City Engineer, city of Overland Park, at (913) 895-6007.

Nancy Sappington
Contract Specialist
Public Works Department
City of Overland Park, Kansas

Doc. No. 038561

State of Kansas

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the Bureau of Construction and Maintenance, KDOT, Topeka, or at the Eisenhower State Office Building, 700 S.W. Harrison, fourth floor west wing, Topeka, until 1 p.m. August 18 and then publicly opened:

District One — Northeast

Brown—36-7 KA-0714-01 — U.S. 36 bridges over Spring Creek and Walnut Creek, 2.2 miles and 5 miles east of Fairview, bridge replacement. (Federal Funds)

Johnson—435-46 KA-1860-01 — I-435 bridges 1.8 miles west of the Kansas-Missouri state line, bridge repair. (State Funds)

Riley—18-81 K-6796-06 — K-18 from the Geary-Riley county line northeast to south of Walnut Street in Ogden, seeding and sodding. (Federal Funds)

Wyandotte—70-105 KA-0064-01 — I-70 in Wyandotte County from the junction of K-7 to 118th Street, milling and overlay, 1.3 miles. (State Funds)

Wyandotte—105 N-0286-01 — 110th Street from Riverview north to I-70, grading and surfacing, 0.2 mile. (Federal Funds)

Wyandotte—105 N-0458-01 — 78th Street between I-70 and State Avenue, grading, bridge and surfacing, 0.9 mile. (Federal Funds)

District Three — Northwest

Rawlins—77 C-4587-01 — County road 3.5 miles south and 4 miles west of Atwood, grading, bridge and surfacing, 0.2 mile. (Federal Funds)