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Radiation Control Program  
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Susan Mosier, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

November 18, 2015

Pamela J. Henderson, Deputy Director  
Division MSTR  
Office of NMSS  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Dear Deputy Director Henderson:


Enclosed is a copy of the adoption by reference that will be proposed to the Kansas Radiological Health Rules known as the Kansas Department of Health and Environment Standards for Protection Against Radiation. The proposed regulation corresponds to the following equivalent amendment to NRC's regulations.

<u>RATS ID</u>	<u>Title</u>	<u>State Section</u>
2013-01	Physical Protection of Byproduct Material - 10 CFR Part 37	K.A.R. 28-35-700

We believe that adoption of these revisions satisfies the compatibility and health and safety categories established in the Office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-200.

If you have any questions, please feel free to contact this office at 785-296-1560 or e-mail at [jbarney@kdheks.gov](mailto:jbarney@kdheks.gov).

Sincerely,



Jason Barney, RRPT  
Supervisor, ~~Radioactive Materials and X-Ray Units~~  
Bureau of Community Health Systems  
Kansas Department of Health and Environment

Attachments: As described

28-35-700. **General requirements.** The provisions of 10 C.F.R. part 37, as in effect on May 20, 2013, are hereby adopted by reference, with the changes specified in this regulation.

(a) The following portions shall be deleted:

- (1) 10 C.F.R. 37.1;
- (2) 10 C.F.R. 37.3;
- (3) 10 C.F.R. 37.7;
- (4) 10 C.F.R. 37.9;
- (5) 10 C.F.R. 37.11(a) and (b);
- (6) 10 C.F.R. 37.13;
- (7) in 10 C.F.R. 37.81(g), the third sentence;
- (8) 10 C.F.R. 37.105;
- (9) 10 C.F.R. 37.107; and
- (10) C.F.R. 37.109.

(b) In 10 C.F.R. 37.5, the following terms and the definitions 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 occur within the portions of 10 C.F.R. part 37 adopted in this regulation, these terms shall be replaced with “department”:

- (1) “Commission,” except 10 C.F.R. 37.71;
- (2) “NRC,” except 10 C.F.R. 37.25(b)(2), 10 C.F.R. 37.71, and 10 C.F.R. 37.77;
- (3) “NRC operation center”; and
- (4) “NRC regional office.”

(d) The following changes shall be made wherever the following phrases occur within the portions of 10 C.F.R. part 37 adopted in this regulation:

- (1) “The NRC regional office specified in §30.6 of this chapter” shall be replaced with “department.”
- (2) “Part 73 of this chapter” shall be replaced with “10 C.F.R. 73.”
- (3) “71.97(b) of this chapter” and “71.97 of this chapter” shall be replaced with “K.A.R 28-35-504(b).”
- (4) “NRC’s Operations Center (301-816-5100)” shall be replaced with “department.”

(e) All reports required by this regulation except those in 10 C.F.R. 37.27 and 10 C.F.R. 37.77 shall be submitted to the department. (Authorized by and implementing K.S.A. 48-1607; effective P- \_\_\_\_\_.)