

KANSAS REGISTER



State of Kansas

JACK H. BRIER
Secretary of State

Vol. 5, No. 7

February 13, 1986

Pages 177-224

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State of Kansas

**NORTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO. 4**

**NOTICE OF MONTHLY BOARD MEETING
AND ANNUAL MEETING**

The February board meeting of the Northwest Kansas Groundwater Management District No. 4 will be conducted at 10 a.m. Thursday, February 20, at the Elks Lodge, Hoxie. General administrative matters and other business will be discussed.

The Board of Directors will conduct its 11th annual meeting at 1 p.m. the same day, also at the Elks Lodge. Annual meeting business will include the election of four board positions, presentations on financial status, a proposed water rights buy-back program, and the proposed 1987 operating budget.

WAYNE A. BOSSERT
Manager

Doc. No. 003901

State of Kansas

**SOCIAL AND REHABILITATION SERVICES
PUBLIC ADVISORY
COMMITTEE ON ENERGY
ASSISTANCE AND CONSERVATION**

NOTICE OF MEETING

The Public Advisory Committee on Energy Assistance and Conservation will meet at 9 a.m. Tuesday, March 11, at the Staff Development Building, 4th and Oakley Streets, Topeka. The public is invited to attend and provide input into the developmental processes of the Low Income Energy Assistance Program and the Weatherization Assistance Program.

ROBERT C. HARDER
Secretary of Social
and Rehabilitation Services

Doc. No. 003908

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JACK H. BRIER
Secretary of State
2nd Floor, State Capitol
Topeka, KS 66612-1594



PHONE: 913/296-3489

State of Kansas
**SOCIAL AND REHABILITATION SERVICES
 ADULT SERVICES ADVISORY COUNCIL**

NOTICE OF MEETING

The Adult Services Advisory Council will meet from 10:30 a.m. to 12:30 p.m. Tuesday, March 4, at the SRS Staff Development Training Center, Feldman Building, 2700 W. 6th, State Complex West, Topeka.

ANITA FAVORS
 Commissioner of Adult Services

Doc. No. 003909

State of Kansas
**DEPARTMENT OF ADMINISTRATION
 STATE EMPLOYEES HEALTH
 CARE COMMISSION**

NOTICE OF MEETING

The Kansas State Employees Health Care Commission will meet at 1:30 p.m. Friday, February 21, in the 3rd floor conference room, Insurance Department, 420 S.W. 9th, Topeka.

ALDEN K. SHIELDS
 Chairman

Doc. No. 003910

State of Kansas
**DEPARTMENT OF ADMINISTRATION
 DIVISION OF ARCHITECTURAL SERVICES**

**NOTICE OF COMMENCEMENT
 OF NEGOTIATIONS
 FOR TECHNICAL SERVICES**

Notice is hereby given of the commencement of negotiations for technical services for asbestos abatement for various state agencies. Services may include the identification and location of asbestos, laboratory testing and confirmation, cost estimates of removal procedures, preparation of plans and specifications for competitive bidding of removal or encapsulization, and construction administration and observation during removal or encapsulization work.

Any questions or expressions of interest should be directed to John B. Hipp, Director of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, by February 28, 1986.

JOHN B. HIPPI, AIA
 Director, Division of
 Architectural Services

Doc. No. 003907

State of Kansas
**DEPARTMENT OF HUMAN RESOURCES
 PRIVATE INDUSTRY COUNCIL**

NOTICE OF MEETING

The Private Industry Council for Service Delivery Area II of the Job Training Partnership Act will meet at 1:30 p.m. Thursday, February 20, at the YWCA, 225 W. 12th, Topeka.

CHUCK HERNANDEZ
 SDA II PIC Manager

Doc. No. 003918

State of Kansas
**STATE BOARD OF AGRICULTURE
 DIVISION OF WATER RESOURCES**

REQUEST FOR ENGINEERING SERVICES

In accordance with K.S.A. 75-5801 *et seq.*, it is the policy of the Division of Water Resources, Kansas State Board of Agriculture, to negotiate contracts for engineering services on the basis of demonstrated competence and qualifications for the type of professional services required at fair and reasonable fees. Selection criteria will consist of the following:

1. Size and professional qualifications of the firm.
2. Experience and training of the firm's staff in the measurements of rate and quantity of water pumped or removed from wells, lakes and streams, collection of data in conjunction with the use of water for irrigation, industrial, or municipal purposes with principal emphasis on irrigation use. Experience and training in hydrology and hydraulics, water flow measurements (primarily in closed conduits), and knowledge of energy and consumption metering will be a consideration.
3. Workload of the firm.
4. The firm's performance record.
5. Compliance with Kansas statutes. All firms must comply with the requirements set forth in K.S.A. 74-7001 *et seq.*

Engineering firms engaged in lawful practice of providing engineering services and interested in providing services for collecting water use data, to determine the extent that a water right is perfected (developed), are encouraged to submit by April 1, 1986, a statement of qualification and experience to: Division of Water Resources, Kansas State Board of Agriculture, 109 S.W. 9th, Topeka 66612-1283.

DAVID L. POPE
 Chief Engineer-Director
 Division of Water Resources

Doc. No. 003917

State of Kansas

**SOCIAL AND REHABILITATION SERVICES
CLIENT ASSISTANCE PROGRAM
ADVISORY COMMITTEE**

NOTICE OF MEETING

The Client Assistance Program Advisory Committee will meet at 1 p.m. Friday, February 14, in the conference room of the Emporia Office of Social and Rehabilitation Services, 1015 Scott St., Emporia.

ROBERT C. HARDER
Secretary of Social
and Rehabilitation Services

Doc. No. 003913

State of Kansas

**DEPARTMENT OF HUMAN RESOURCES
KANSAS COUNCIL ON
EMPLOYMENT AND TRAINING**

NOTICE OF MEETING

The Kansas Council on Employment and Training (KCET) Dislocated Worker Subcommittee will meet at 7:30 p.m. Tuesday, February 18, at the Holidome, 530 Richard Drive, Manhattan.

The committee will review new dislocated worker performance standards for program year 1986 and up-to-date information for ongoing projects administered by the Department of Human Resources Dislocated Worker Unit.

The meeting is open to the public.

LARRY E. WOLGAST, Ed.D.
Secretary of Human Resources

Doc. No. 003912

State of Kansas

ATTORNEY GENERAL

Opinion No. 86-8

Counties and County Officers—Jails—Calendar. William R. Halvorsen, Marshall County Attorney, Marysville, February 3, 1986.

A person holding the office of sheriff has charge and custody of the county jail and all prisoners confined therein (K.S.A. 19-811), and is required to keep a calendar (roster) containing, *inter alia*, the names of all persons who are committed, the cause of their commitment and the authority that committed them (K.S.A. 19-1904). Where a city police officer commits a prisoner to the county jail, the sheriff may require the officer to complete a form which provides information necessary to maintain a jail calendar. Cited herein: K.S.A. 19-811, 19-1904, K.S.A. 1985 Supp. 19-1930. TRH

Opinion No. 86-9

Insurance—Miscellaneous Provisions—Apportionment of Risk; Property Damage Liability Insurance;

Governing Board and Plan. Fletcher Bell, Commissioner of Insurance, Topeka, February 3, 1986.

Pursuant to K.S.A. 40-2101 *et seq.*, the Kansas All-Industry Placement Facility is created to insure the availability of property insurance for residential, business and other properties which meet reasonable standards of insurability but for which insurance cannot be obtained through the regular insurance market. A governing board is established by K.S.A. 40-2102(e), the members of which are appointed by the commissioner of insurance to oversee operation of the facility and to review and prescribe operating rules on at least an annual basis. One such rule, K.A.R. 1984 Supp. 40-3-33, provides that payment of premiums for insurance offered by a "servicing insurer" designated by the facility is made directly to the servicing insurer, not through the facility. Accordingly, the governing board of the facility is not responsible for filing a Form 1099-MISC with the Internal Revenue Service for commissions paid to individual insurance agents by the servicing insurer. Cited herein: K.S.A. 40-2102; K.A.R. 1984 Supp. 40-3-33; 26 U.S.C. § 6041A. JSS

Opinion No. 86-10

Agriculture—Fairs in Counties over 50,000 Population—Tax Levies for Fair Purposes; 4-H and Grange Fairs. Joseph W. Zima, Assistant Shawnee County Counselor, Topeka, February 3, 1986.

A county agricultural or fair association is organized in accordance with K.S.A. 2-125 *et seq.*, and recognized by the State Board of Agriculture pursuant to K.S.A. 2-127. Since the Shawnee County 4-H Fair and the Auburn Grange Fair do not meet these requirements, these organizations do not qualify as "any county agricultural or fair association" within the provisions of K.S.A. 2-301. For these reasons, Shawnee County may not levy a tax pursuant to K.S.A. 2-301 to provide funds for the Shawnee County 4-H Fair or the Auburn Grange Fair. Cited herein: K.S.A. 2-125; 2-127; 2-301; 19-223; 19-2913. RLN

Opinion No. 86-11

Public Health—Controlled Substances—Forfeitures. Richard E. LaMunyon, Chief of Police, Wichita, February 3, 1986.

No conflict exists between Kansas and federal statutes regarding the distribution of money obtained from forfeiture of property in cases involving controlled substances. The state forfeiture statute is not applicable to cases brought in federal court; rather, the federal provisions apply. Cited herein: K.S.A. 65-4135, 21 U.S.C. § 881. BLB

ROBERT T. STEPHAN
Attorney General

Doc. No. 003914

State of Kansas

SECRETARY OF STATE

EXECUTIVE APPOINTMENTS

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office.

Complete listings of state agencies, boards and commissions are included in the Kansas Directory. County officials are listed in the Directory of County Officers. Both directories are published by the Secretary of State's office and are available free of charge.

The following appointments were filed January 16 through 31, 1986:

Appointed by the Governor

Armory Board, Kansas

Lt. Col. John W. Mitchell, Jr., 8203 E. Indianapolis, Wichita 67207. Effective January 17, 1986. Expires December 1, 1989. Succeeds Brig. Gen. John McMerty.

Col. James F. Rueger, Route 1, Beattie 66406. Effective January 17, 1986. Expires December 1, 1989. Reappointment.

Child Support, Kansas Commission on

David Litwin, 3521 S.W. Randolph, Topeka 66611. Effective January 17, 1986. New position. Serves at the pleasure of the Governor.

Richard Staab, 6041 S.W. 46th Terrace, Topeka 66610. Effective January 17, 1986. Serves at the pleasure of the Governor. New position.

Consumer Credit Commissioner

Judith K. Stringer, 1146 Forest, Topeka 66616. Effective January 20, 1986. Subject to Senate confirmation. Expires January 20, 1990. Succeeds Donald O. Phelps.

Dealer Review Board

Carol Coatney, 210 E. 5th, Minneapolis 67467. Effective January 17, 1986. Expires June 30, 1988. Succeeds Ethel White.

Glenn E. Frye, Box 45, Haddam 66944. Effective January 17, 1986. Expires June 30, 1988. Reappointment.

C. W. "Pete" Klein, Wagon Wheel Ranch, Box 137-A, Augusta 67010. Effective January 17, 1986. Expires June 30, 1988. Reappointment.

Ralph V. Lewis, 2222 N.E. 39th, Topeka 66617. Effective January 17, 1986. Expires June 30, 1988. Reappointment.

Ralph E. Ratliff, Route 2, Box 49, Winfield 67156. Effective January 17, 1986. Expires June 30, 1986. Succeeds Jerry Inman, resigned.

Employment and Training,
Kansas Council on

David H. Barclay, P.O. Box 28, Perry 66073. Effective January 17, 1986. Serves at the pleasure of the Governor. Succeeds Jackie DeLong, resigned.

John Delmont, Route 2, Box 185, Columbus 66725. Effective January 17, 1986. Serves at the pleasure of the Governor. Succeeds Kenneth Carter, resigned.

Kathleen Roper, 201 S. Cherokee, Box 276, Girard 66743. Effective January 17, 1986. Serves at the pleasure of the Governor. Succeeds Kay Groneman, resigned.

Film Services, Governor's Advisory
Committee on

Marj Dusay, Chairperson, 2 Ketch #108, Marina Del Rey, CA 90292. Effective January 28, 1986. Serves at the pleasure of the Governor. Succeeds Karen Carlin, resigned.

Health, Advisory Commission on

Norman Durmaskin, 2006 White Oak, Wichita 67207. Effective January 17, 1986. Expires December 31, 1989. Reappointment.

Betty Taliaferro, 2600 N. 52nd, Kansas City 66104. Effective January 17, 1986. Expires December 31, 1989. Reappointment.

Virginia C. Winter, 216 N. Cranmer, Conway Springs 67031. Effective January 17, 1986. Expires December 31, 1989. Reappointment.

Nursing, Board of

William E. Goss, 538 E. Stafford, Stafford 67578. Effective January 17, 1986. Expires June 30, 1987. Succeeds Mildred Odom, resigned.

Veterinary Medical Examiners,
State Board of

Earl E. Gatz, D.V.M., Route 1, Pratt 67124. Effective January 17, 1986. Expires June 30, 1989. Reappointment.

Appointed by the President of the Senate

Children and Youth Advisory Committee

Sen. Audrey Langworthy, 6324 Ash, Prairie Village 66208. Effective January 24, 1986. Expires January 9, 1989. Succeeds Sen. Jack Walker, resigned.

Appointed by the House Minority Leader

Public Disclosure Commission, Kansas

Don Paxson, 5875 S.W. 29th, Topeka 66614. Effective January 23, 1986. Expires January 31, 1988. Reappointment.

Appointed by the Adjutant General of Kansas

Military Advisory Board, Kansas

Brig. Gen. Alfred P. Bunting, Route 1, Burlingame 66413. Effective January 3, 1986. Succeeds Col. Ernest Z. Adelman.

Brig. Gen. Dan E. Karr, 601 Maple, Overbrook 66524. Effective January 3, 1986. Reappointment.

Col. Ronald D. Tincher, 16309 Chur, Olathe 66062. Effective January 3, 1986. Succeeds Col. Joseph H. Wolfenberger.

Col. John H. White, 402 N. Washington, Council Grove 66846. Effective January 3, 1986. Succeeds Brig. Gen. Alonzo D. Dougherty, Jr.

JACK H. BRIER
Secretary of State

State of Kansas

DEPARTMENT OF ADMINISTRATION
DIVISION OF PURCHASES

NOTICE TO BIDDERS

Sealed bids for items hereinafter listed will be received by the Director of Purchases, State Office Building, Topeka, until 2 p.m., CST or DST, whichever is in effect on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

MONDAY, FEBRUARY 24, 1986

#26788 (Supplement)

Statewide—GLOVES, PACKS AND TRAYS
(CLASS 06)

#27003

Kansas Fish and Game Commission, Pratt—ROAD
ROCK HAULED AND TAILED (1,500 Tons), Perry
Wildlife Area

#27004

Kansas State University, Manhattan—FERTILIZER,
Hays

#27010

University of Kansas Medical Center, Kansas
City—BLOOD CULTURE BOTTLES

#64591

University of Kansas Medical Center, Kansas
City—HOSPITAL WRAPPERS AND HUCK TOWELS

TUESDAY, FEBRUARY 25, 1986

#A-5146

Kansas Industries for the Blind, Topeka—PROVIDE
ASPHALT OVERLAY, Kansas City

#A-5271

Larned State Hospital, Larned—HANDICAP
RAMPS—JUNG AND MEYER BUILDINGS

#26917

Statewide—CANNED GOODS

#26979

Statewide—LARGE PHOTO AND STAGE STUDIO
LAMPS

#26982

Statewide—ROOM AIR CONDITIONERS

#27000

Kansas Fish and Game Commission, Pratt—
UNIFORM COAT AND HOOD

#27005

Department of Revenue, Topeka—REFLECTIVE
SHEETING FOR LICENSE PLATES

#64596

University of Kansas, Lawrence—HERBICIDES,
ETC.

#64597

Kansas State University, Manhattan—SOYBEAN
MEAL

#64598

Department of Transportation, Topeka—READY
MIX CONCRETE, Sabetha

#64599

Department of Transportation, Topeka—
AB-SPECIAL AGGREGATE, Lawrence

#64600

Department of Transportation, Topeka—HOT
PLANT MIX, BITUMINOUS MIXTURE,
COMMERCIAL GRADE "NOT DELIVERED" "FOB
VENDOR PLANT," Olathe

#64602

Department of Transportation, various
locations—PLANT MIX BITUMINOUS MIXTURE,
COMMERCIAL GRADE "FOB VENDORS PLANT"
"NOT DELIVERED"

#64603

University of Kansas Medical Center, Kansas
City—MICROSCOPE SLIDES

#64604

University of Kansas, Lawrence—25% COTTON
PAPER—UNIVERSITY SEAL WATERMARK

#64605

University of Kansas, Lawrence—SOUPS

#64606

Department of Transportation, Topeka—
CORRUGATED METAL PIPE AND METAL
COUPLING BANDS

#64607

Kansas Fish and Game Commission, Pratt—
FURNISH AND INSTALL WINDOWS AND STEEL
SIDING, Hays

#64608

Department of Transportation, various
locations—WOOD AND STEEL POST

WEDNESDAY, FEBRUARY 26, 1986

#A-5443

Kansas State School for the Visually Handicapped,
Kansas City—SWIMMING POOL
RENOVATION—BRIGHTON RECREATION
CENTER

#A-5486

Wichita State University, Wichita—PROVIDE
UPGRADING FOR TWO (2) ELEVATORS,
NUMBER 8 and 9 SOUTH TOWER—FAIRMOUNT
TOWERS FACILITY

#26986

Statewide—ACETYLENE, OXYGEN AND LIQUID
NITROGEN

#27001

University of Kansas, Lawrence—DIPLOMAS AND
CERTIFICATES

#27002

Kansas Fish and Game Commission, Pratt—HEAVY
EQUIPMENT WORK, Perry Wildlife Area

#64613

Wichita State University, Wichita—HPLC SYSTEM

#64614

University of Kansas Medical Center, Kansas
City—EMBRYO TRANSFER SYSTEM

#64615

Wichita State University, Wichita—FUNCTION
GENERATORS/PULSE GENERATOR

#64616

University of Kansas Medical Center, Kansas
City—AUTOMATIC PIPETTOR SYSTEM

#64617

University of Kansas, Lawrence—UPGRADE OF
DATA GENERAL 8000

#64618

University of Kansas Medical Center, Kansas
City—ROBES, GOWNS AND PAJAMAS

#64619

University of Kansas Medical Center, Kansas
City—REFRIGERATED CENTRIFUGE

#64625

Kansas State University, Manhattan—TRAILER,
Parsons

#64626

Kansas State University, Manhattan—CONVINCER

#64627

Department of Transportation, various locations—BITUMINOUS DISTRIBUTOR

#64628

Department of Transportation, various locations—LOADER

#64629

University of Kansas, Lawrence—OFFICE AUTOMATION SYSTEM—IBM AT COMPATIBLE

#64630

Kansas Correctional Industries, Lansing—DATA ENTRY SYSTEM—INFOREX COMPATIBLE

THURSDAY, FEBRUARY 27, 1986

#A-4788(a)

University of Kansas, Lawrence—DOMESTIC WATER SYSTEM INSTALLATION—CARRUTH-O'LEARY HALL

#26831(Supplement)

Statewide—CATHETERS (CLASS 07)

#26993

Department of Transportation, Topeka—VEHICLES TO TRANSPORT THE ELDERLY AND HANDICAPPED

#64622

University of Kansas Medical Center, Kansas City—CYTOMETER ACCESSORIES

#64624

University of Kansas Medical Center, Kansas City—LAB APPARATUS

#64632

Department of Social and Rehabilitation Services, Topeka and University of Kansas, Lawrence—HYDRAULIC DOCK LIFT, RAMP AND TRUCK

#64633

Emporia State University, Emporia—SEDAN

#64635

Wichita State University, Wichita—X-RAY CAMERA, ETC.

#64636

University of Kansas, Lawrence—HPLC APPARATUS

#64637

University of Kansas, Lawrence—SPECTROPHOTOMETER

#64638

Pittsburg State University, Pittsburg—STATION WAGON

#64639

Kansas Neurological Institute, Topeka—FROZEN JUICE

#64640

University of Kansas Medical Center, Kansas City—HPLC APPARATUS

FRIDAY, FEBRUARY 28, 1986

#A-5265(a)

Larned State Hospital, Larned—PROVIDE TEST WELL FOR WATER EXPLORATION

#26987

University of Kansas, Lawrence—APRIL (1986) MEAT PRODUCTS

#26994

University of Kansas Medical Center, Kansas City—APRIL (1986) MEAT PRODUCTS

#27006

Statewide—TERMINALS FOR ASTRA NETWORK, Kansas Law Enforcement Network

#27007

Department of Transportation, various locations—ASPHALTIC MATERIALS

#64648

Department of Transportation, Garden City—FLEXIBLE DELINEATOR POSTS AND ANCHORS

#64649

State Park and Resources Authority, Topeka—LUMBER, El Dorado State Park

#64650

University of Kansas, Lawrence—COMPUTER ROOM AIR CONDITIONING UNIT

#64651

Department of Transportation, Topeka—ATTENUATOR COMPONENTS, Kansas City

#64652

Kansas State University, Manhattan—PICKUP

#64653

Wichita State University, Wichita—PLANNER

#64655

University of Kansas, Lawrence—LAB APPARATUS

#64658

Wichita State University, Wichita—COMPUTER ROOM ENVIRONMENTAL CONTROL SYSTEM

#64659

Kansas State University, Manhattan—AUDIO VISUAL AND VIDEO EQUIPMENT

#64660

University of Kansas, Lawrence—IRRIGATION TEST WELLS, 10 miles from Great Bend

#64664

Kansas Highway Patrol, Topeka—BODY ARMOR

TUESDAY, MARCH 4, 1986

#A-5365

Kansas Soldiers' Home, Fort Dodge—CONSTRUCTION OF A SEWAGE TREATMENT FACILITY

WEDNESDAY, MARCH 5, 1986

#A-5470

Department of Social and Rehabilitation Services, Topeka State Hospital, Topeka—PROVIDE OFFICE AUTOMATION CABLE INSTALLATION

#26991

Statewide—MEDICAL CASES

MONDAY, MARCH 10, 1986

#26999

University of Kansas Medical Center, Kansas City—FIXED WING AIR INTENSIVE CARE UNIT FLIGHT SERVICE

FRIDAY, MARCH 14, 1986

#64654

University of Kansas Medical Center, Kansas City—HOSPITAL INTEGRATED MANAGEMENT INFORMATIONAL SYSTEM

TUESDAY, MARCH 18, 1986

#27008

Kansas Fish and Game Commission, Pratt—LEASE OF LAND, Cedar Bluffs Wildlife Area

#27009

Kansas Fish and Game Commission, Pratt—LEASE OF LAND, Melvern Wildlife Management Area

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 003916

State of Kansas

LEGISLATURE

LEGISLATIVE BILLS INTRODUCED

The following lists the numbers and titles of bills and resolutions recently introduced in the Kansas Legislature.

Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N State Capitol, Topeka 66612, (913) 296-4096. There is a limit of 25 copies of any one item.

Bills Introduced January 30—February 5:

- SB 512, by Committee on Financial Institutions and Insurance: An act relating to insurance; concerning the cancellation or nonrenewal of property and casualty policies.
- SB 513, by Senators Martin and Warren: An act relating to property taxation; concerning certificates of value; amending K.S.A. 58-2223b and repealing the existing section.
- SB 514, by Senator Vidricksen: An act concerning the state alcoholic beverage control board of review; amending K.S.A. 1985 Supp. 41-203 and repealing the existing section.
- SB 515, by Senator Vidricksen: An act concerning counties; relating to county election officers in certain counties.
- SB 516, by Senators Allen, Daniels, Ehrlich, Feleciano, Gordon, Harder, Montgomery, Mulich, Walker, Werts and Yost: An act relating to sales taxation; exempting sales of new mobile homes; amending K.S.A. 1985 Supp. 79-3606 and repealing the existing section.
- SB 517, by Senator Allen: An act amending the small claims procedure act; concerning the number of claims filed; amending K.S.A. 61-2704 and 61-2713 and repealing the existing sections.
- SB 518, by Committee on Agriculture: An act concerning public warehouse storage of grain; surety bonds of licensees; limitation of liability on bond; amending K.S.A. 1985 Supp. 34-229 and repealing the existing section.
- SB 519, by Senator Thiessen: An act relating to taxation; requiring notice prior to the filing of certain tax liens by the department of revenue.
- SB 520, by Committee on Transportation and Utilities: An act concerning motor vehicles; requirement for use of safety belts.
- SB 521, by Joint Committee on Special Claims Against the State: An act concerning certain claims against the state; making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing.
- SB 522, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal years ending June 30, 1986, June 30, 1987, June 30, 1988, June 30, 1989, and June 30, 1990, to initiate and complete certain capital improvement projects for Kansas state university, Pittsburg state university, university of Kansas and Wichita state university; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing disbursements and acts incidental to the foregoing; amending section 3 of chapter 27 of the 1985 Session Laws of Kansas and repealing the existing section.
- SB 523, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1987, for the state library, department of revenue — school district income tax fund, Kansas state school for the visually handicapped, Kansas state school for the deaf, department of education, council on vocational education, and Kansas public broadcasting commission; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.
- SB 524, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1987, for the commission on civil rights, attorney general, attorney general—Kansas bureau of investigation, Kansas public disclosure commission, governor's department, department of human resources, department of economic development, insurance department, Kansas arts commission, lieutenant governor, state board of tax appeals, secretary of state, Kansas soldiers' home, state treasurer and grant—veterans of world war I; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.
- SB 525, by Senators Mulich and Strick: An act concerning cities; relating to the annexation of land thereby.
- SB 526, by Committee on Federal and State Affairs: An act concerning the capitol area security patrol; relating to the powers thereof; amending K.S.A. 75-4503 and repealing the existing section.
- SB 527, by Committee on Financial Institutions and Insurance: An act relating to insurance; concerning group sickness and accident coverage; amending K.S.A. 1985 Supp. 40-2209 and repealing the existing section.
- SB 528, by Committee on Financial Institutions and Insurance: An act relating to insurance; requiring notice prior to increasing premiums for certain policies.
- SB 529, by Committee on Financial Institutions and Insurance: An act relating to insurance; concerning unfair and deceptive acts; refusing to insure blind persons; amending K.S.A. 1985 Supp. 40-2404 and repealing the existing section.
- SB 530, by Committee on Financial Institutions and Insurance: An act relating to insurance; concerning the committee on surety bonds and insurance; relating to the purchase of insurance by state agencies; amending K.S.A. 75-4101, 75-4101a and 75-4105 and K.S.A. 1985 Supp. 75-4109 and repealing the existing sections.
- SB 531, by Committee on Financial Institutions and Insurance: An act relating to insurance; concerning minimum educational requirements for agents; amending K.S.A. 1985 Supp. 40-240b and repealing the existing section.
- SB 532, by Senators Ehrlich and Steineger, Bogina, Burke, Doyen, Francisco, Langworthy, Morris, Mulich, Norvell, Reilly, Strick, Thiessen, Vidricksen, Warren, Winter and Yost: An act relating to anatomical gifts; placing certain duties upon persons in charge of hospitals or their designees to request anatomical gifts.
- SB 533, by Committee on Judiciary: An act concerning actions for divorce, annulment or separate maintenance; relating to custody of minor children; amending K.S.A. 1985 Supp. 60-1610 and repealing the existing section.
- SB 534, by Committee on Judiciary: An act concerning child support; relating to determination of the amount thereof; amending K.S.A. 1985 Supp. 38-1121, 39-755 and 60-1610 and repealing the existing sections.
- SB 535, by Committee on Judiciary: An act concerning child visitation orders; relating to procedures for enforcement; amending K.S.A. 1985 Supp. 23-601, 23-602, 23-603, 38-1121 and 60-1610 and repealing the existing sections.
- SB 536, by Committee on Ways and Means: An act increasing the state sales and compensating use tax rate; increasing the refund of such taxes paid upon food; amending K.S.A. 79-3603, 79-3607, 79-3633, 79-3635 and 79-3703 and repealing the existing sections.
- SB 537, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1987, for Fort Hays state university, Kansas state university, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, university of Kansas, Wichita state university, university of Kansas medical center, state board of regents and Kansas technical institute; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.
- SB 538, by Committee on Federal and State Affairs: An act concerning the real estate recovery revolving fund; amending K.S.A. 58-3066 through 58-3070, 58-3072, 58-3074 and 74-4206 and repealing the existing sections.
- SB 539, by Committee on Federal and State Affairs: An act amending the real estate brokers' and salespersons' license act; amending K.S.A. 58-3035, 58-3038, 58-3047, 58-3056, 58-3060, 58-3061 and 58-3062 and K.S.A. 1985 Supp. 58-3039, 58-3040, 58-3043, 58-3044, 58-3045, 58-3046a and 58-3050 and repealing the existing sections.
- SB 540, by Senators Talkington, Allen, Arasmith, Bogina, Burke, Doyen, Ehrlich, Harder, Hoferer, Gordon, D. Kerr, F. Kerr, Langworthy, Montgomery, Morris, Reilly, Salisbury, Thiessen, Vidricksen, Walker, Werts, Winter and Yost: An act relating to certain licensees; licensed or certificated by agencies of the state of Kansas; concerning misconduct or malpractice of such licensees and liability and insurance coverage therefor; amending K.S.A. 7-121b and K.S.A. 1985 Supp. 40-3003 and repealing the existing sections.
- SB 541, by Committee on Financial Institutions and Insurance: An act relating to insurance; concerning risk retention groups; formation; operation; requirements.
- SB 542, by Senators Ehrlich, Allen, Arasmith, Daniels, Doyen, Francisco, Frey, Games, Gannon, Gordon, Hayden, Karr, D. Kerr, F. Kerr, Martin, Montgomery, Thiessen, Warren and Werts: An act concerning emergency medical services; relating to the demonstration program in manual cardiac defibrillation; amending K.S.A. 65-4336 and 65-4338 and repealing the existing sections.
- SB 543, by Committee on Agriculture: An act concerning corporations; agricultural land limitations; amending K.S.A. 17-5904 and repealing the existing section.
- SB 544, by Committee on Agriculture: An act to regulate and govern business relations between manufacturers of agricultural equipment and independent retail dealers of those products.
- SB 545, by Committee on Agriculture: An act concerning pesticides; amending K.S.A. 2-2453 and repealing the existing section.
- SB 546, by Committee on Agriculture: An act concerning agriculture; establishing the farm credit review board; creating the home-quarter purchase fund; making appropriations.
- SB 547, by Committee on Agriculture: An act concerning the plant pest act; definition of plant pests; amending K.S.A. 2-2113 and repealing the existing section.
- SB 548, by Committee on Assessment and Taxation: An act relating to property taxation; concerning delinquent tax sales of real estate; amending K.S.A. 1985 Supp. 79-2801 and repealing the existing section.
- SB 549, by Senators Karr, Anderson, Daniels, Ehrlich, Gannon, Hayden, Johnston, F. Kerr, Martin, Norvell, Parrish and Winter: An act concerning communications between a patient and psychotherapist; providing that certain communications are privileged and confidential; creating exceptions.
- SB 550, by Senator Vidricksen: An act concerning bingo; relating to restrictions on the operation, management and conduct of bingo games; amending K.S.A. 79-4706 and repealing the existing section.
- SB 551, by Senator Vidricksen: An act concerning the state capitol; authorizing rental charges for use of space and facilities by certain for-profit entities; providing for the disposition of such charges; imposing duties on the secretary of administration.
- SB 552, by Committee on Ways and Means: An act concerning imprest funds of the department of corrections; amending K.S.A. 75-3058 and repealing the existing section.
- SB 553, by Senators Yost and Martin: An act relating to hazardous waste; concerning the siting of a low-level radioactive waste disposal facility.
- SB 554, by Senators Daniels, Doyen, Francisco, Hayden, Norvell, Thiessen, Vidricksen and Walker: An act concerning the transportation of hazardous materials; amending K.S.A. 49-928 and 66-1, 129 and repealing the existing sections; also repealing K.S.A. 1985 Supp. 8-1746.
- SB 555, by Committee on Financial Institutions and Insurance: An act relating to banks and banking; concerning amortization of losses over time for qualified banks; amending K.S.A. 9-1807 and repealing the existing section.
- SB 556, by Committee on Judiciary: An act concerning civil procedure; relating to orders of garnishment; amending K.S.A. 1985 Supp. 60-726 and repealing the existing section.
- SB 557, by Committee on Judiciary: An act relating to corrections; concerning the transportation of inmates conditionally released; amending K.S.A. 75-5211 and repealing the existing section.
- SB 558, by Committee on Judiciary: An act concerning corrections; relating to the transportation of inmates, parolees and persons conditionally released.
- SB 559, by Committee on Transportation and Utilities: An act concerning motor vehicles; windows, glass and glazing materials and applications thereto; amending K.S.A. 8-1741 and repealing the existing section; also repealing K.S.A. 1985 Supp. 8-1749a.
- SB 560, by Committee on Ways and Means: An act concerning the governor's residence advisory commission; amending K.S.A. 75-129 and repealing the existing section.
- SB 561, by Senator Mulich: An act concerning the board of public utilities; relating to the manager of production and distribution; amending K.S.A. 13-1224 and repealing the existing section.
- SB 562, by Committee on Federal and State Affairs: An act concerning certain educational benefits for certain dependents of deceased or disabled law enforcement officers.
- SB 563, by Senator F. Kerr, Allen, Anderson, Harder, Karr, Langworthy, Montgomery and Parrish: An act concerning school districts; providing for exemptions from competitive bidding requirements for certain purchases; amending K.S.A. 72-6760 and repealing the existing section.
- SB 564, by Senator Talkington: An act relating to crimes and punishments; concerning the unlawful discharge of a firearm.
- SB 565, by Senator Arasmith (by request): An act concerning school districts, area vocational-technical schools and school district interlocal cooperatives; procedures relating to nonrenewal and termination of contracts of certain administrators employed thereby; amending K.S.A. 72-5451, 72-5452, 72-5453 and 72-5455, and repealing the existing sections.
- SB 566, by Committee on Energy and Natural Resources: An act relating to the disposal of solid waste; concerning closure of solid waste disposal facilities; providing for fees and charges and the establishment of certain funds; providing duties and authorities for the secretary of health and environment relating thereto; amending K.S.A. 65-3407 and repealing the existing section.
- SB 567, by Senator Vidricksen (by request): An act relating to income taxation; concerning the taxation of certain retirement benefits; amending K.S.A. 74-4923 and 79-32, 117 and repealing the existing sections; also repealing K.S.A. 79-32, 111b.
- SB 568, by Committee on Judiciary: An act relating to the crime victims reparations fund; concerning payment of money from inmates and others thereto; amending K.S.A. 74-7317 and 75-5211 and repealing the existing sections.
- SB 569, by Senators Hayden, Allen, Anderson, Burke, Daniels, Ehrlich, Feleciano, Francisco, Harder, Johnston, Karr, Martin, Montgomery, Parrish, Reilly, Strick, Vidricksen, Walker, Warren, Winter and Yost: An act concerning emergency medical services; providing grants-in-aid for the establishment and development of emergency medical services and systems; creating the emergency medical services development fund; granting certain powers to and imposing certain duties upon the superintendent of the Kansas highway patrol and the emergency medical services council.
- SB 570, by Senator Talkington: An act concerning libraries; relating to the protection of library material.
- SB 571, by Senator Talkington: An act concerning libraries; relating to tax levies for support thereof; amending K.S.A. 12-1247 and repealing the existing section.
- SB 2788, by Representative Wunsch: An act relating to the certification of adult care homes for participation in the state medical assistance program as intermediate care facilities for mental health; requiring notice and hearing prior to such certification.
- HB 2789, by Committee on Ways and Means: An act establishing the state gaming revenues fund and providing for the use and expenditure of moneys credited thereto.

HB 2790, by Representatives Bryant and Francisco: An act concerning county and township roads; relating to city connecting links; amending K.S.A. 68-506e.

HB 2791, by Representative Lowther: An act authorizing the state board of regents to dedicate certain real property to the public and the city of Emporia, Kansas, for street, road or highway purposes; imposing conditions thereon.

HB 2792, by Representatives Snowbarger, Brown, Cloud, Douville, Fox, Hoy, Kline, Louis, Mayfield, Patrick, Sifers and Vancrum: An act concerning county law libraries; amending K.S.A. 1985 Supp. 19-1309 and repealing the existing section.

HB 2793, by Representatives Hayden, Barkis, Acheson, Adam, Apt, Aylward, Baker, Bideau, Blumenthal, Braden, Brady, Branson, Bryant, Buehler, Bunten, C. Campbell, K. Campbell, Charlton, Chronister, Cribbs, Crowell, Crumbaker, Dean, DeBaun, Dillon, Douville, Duncan, Eckert, Erne, Flottman, Foster, Fox, Francisco, Freeman, Friedeman, Fry, Graeber, Green, Grotewiel, Guldner, Hamm, Harder, Harper, Hensley, Holmes, Jenkins, Johnson, Justice, King, Kline, Lacey, Laird, Littlejohn, Long, Louis, Love, Lowther, Luzzati, Mainey, Mayfield, D. Miller, R.D. Miller, Mollenkamp, Moomaw, Neufeld, O'Neal, B. Ott, K. Ott, Patrick, Peterson, Polson, Pottorff, Reardon, Rezac, Roe, Roenbaugh, Rolfs, Roper, Rosenau, Runnels, Sallee, Sand, Schmidt, Shore, Shriver, Smith, Snowbarger, Solbach, Spaniol, Sprague, Sughrue, Sutter, Teagarden, Turnquist, Wagnon, Walker, Weaver, Webb, Whiteman, Wilbert, Williams, Wisdom and Wunsch: An act relating to veterans; concerning the Kansas veterans' commission and the Kansas soldiers' home; amending K.S.A. 73-1208c and 76-1904 and repealing the existing sections, and also repealing K.S.A. 1985 Supp. 75-5719 and 75-5720.

HB 2794, by Representatives Moomaw and Heinemann: An act concerning townships; relating to the limitation of tax levies; amending K.S.A. 1985 Supp. 79-1962 and repealing the existing section.

HB 2795, by Committee on Education: An act concerning children; relating to attendance at school; amending K.S.A. 72-1113 and K.S.A. 1985 Supp. 21-3612 and 38-1502, and repealing the existing sections; also repealing K.S.A. 1985 Supp. 38-1502a.

HB 2796, by Committee on Insurance (by request): An act concerning insurance; relating to health maintenance organizations; quality of care; certification; amending K.S.A. 40-3211 and repealing the existing section.

HB 2797, by Committee on Insurance (by request): An act concerning insurance; relating to prohibition on refunds of taxes and fees paid by insurance companies; amending K.S.A. 40-252a and repealing the existing section.

HB 2798, by Committee on Insurance (by request): An act concerning insurance; relating to agents' licenses; examinations; fees and penalties; amending K.S.A. 1985 Supp. 40-241 and repealing the existing section.

HB 2799, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1987, for the adjutant general, state fire marshal, Kansas parole board, department of corrections, state correctional-vocational training center, Kansas correctional institution at Lansing, state industrial reformatory, Kansas state penitentiary, state reception and diagnostic center and corrections ombudsman board; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2800, by Committee on Transportation: An act concerning motor vehicles; concerning the compliance of certain warranties under the act commonly called the lemon law.

HB 2801, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1986, for the department of administration, department on aging, department of social and rehabilitation services, adjutant general, department of corrections, Kansas correctional institution at Lansing, state industrial reformatory, Kansas state penitentiary, Kansas neurological institute, Osawatimie state hospital, Parsons state hospital and training center, Norton state hospital and state historical society; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2802, by Representatives Hayden, Braden, Chronister, Acheson, Apt, Aylward, Baker, Barr, Brown, Bryant, Buehler, Bunten, C. Campbell, Crowell, Crumbaker, Dyck, Eckert, Flottman, Foster, Fox, Freeman, Friedeman, Fuller, Graeber, Harper, Hassler, Hoy, King, Kline, Knopp, Littlejohn, Long, Lowther, D. Miller, R. D. Miller, Nichols, O'Neal, B. Ott, K. Ott, Polson, Pottorff, Ramirez, Roe, Rolfs, Sand, Sifers, Smith, Walker, and Williams: An act enacting the Kansas economic development and job creation act of 1986; exempting certain manufacturing real and personal property from ad valorem property taxation.

HB 2803, by Representative Jarchow: An act concerning state and local retailers' sales and use taxes; increasing the state sales and use tax rate; exempting sales of food for human consumption from state and certain local sales and use taxes; amending K.S.A. 12-189a, 79-3603 and 79-3703 and K.S.A. 1985 Supp. 79-3606 and repealing the existing sections; also repealing K.S.A. 79-3632 to 79-3639, inclusive.

HB 2804, by Representatives Polson and Hayden, Acheson, Braden, Bryant, Buehler, Crumbaker, DeBaun, Douville, Eckert, Freeman, Friedeman, Goossen, Guldner, Harper, Hoy, Louis, Mollenkamp, Moomaw, Neufeld, O'Neal, Ramirez, Roe, Roenbaugh, Smith, Walker and Wunsch: An act providing ad valorem property tax relief by means of refunds to family farmers purchasing agricultural land and engaging in agricultural operations thereon.

HB 2805, by Committee on Federal and State Affairs: An act enacting the hazardous chemical right to know act; requiring maintenance and disclosure of certain information regarding certain hazardous chemicals; providing for certain inspections and reports of certain incidents; prescribing penalties for violations.

HB 2806, by Representative Graeber: An act relating to property taxation; exempting certain property used for religious purposes.

HB 2807, by Committee on Transportation: An act relating to motor carriers; concerning certain penalties; amending K.S.A. 66-138 and 66-177 and repealing the existing sections.

HB 2808, by Representative Duncan: An act concerning the food service and lodging act; relating to smoking in food service establishments.

HB 2809, by Committee on Insurance (by request): An act concerning health maintenance organizations; prohibiting certain exclusions for persons involuntarily committed to state psychiatric hospitals.

HB 2810, by Committee on Insurance (by request): An act concerning insurance; relating to health maintenance organizations; continuation of coverage; amending K.S.A. 40-3209 and repealing the existing section.

HB 2811, by Committee on Insurance (by request): An act concerning insurance; relating to regulation of trade practices of nonprofit hospital and medical service corporations and health maintenance organizations; amending K.S.A. 1985 Supp. 40-2402 and repealing the existing section.

HB 2812, by Committee on Insurance (by request): An act concerning health care services; prohibiting certain exclusions and limitations in health, accident and sickness insurance policies, plans and contracts which relate to emotionally handicapped children.

HB 2813, by Committee on Federal and State Affairs: An act concerning alcoholic beverages; prohibiting certain sales practices with respect thereto and providing penalties for violations; amending K.S.A. 1985 Supp. 41-2640 and 41-2722 and repealing the existing sections.

HB 2814, by Representative Sprague: An act relating to motor vehicles; concerning the suspension of driver's license; amending K.S.A. 8-256 and repealing the existing section.

HB 2815, by Representative Sprague: An act concerning adoption proceedings; relating to assessments by court designated social workers of the advisability of adoption; amending K.S.A. 1985 Supp. 59-2278 and repealing the existing section.

HB 2816, by Representative Patterson: An act concerning civil procedure; relating to redemption of real property; amending K.S.A. 60-2414 and repealing the existing section.

HB 2817, by Representative Guldner: An act concerning district courts; relating to payment of certain expenses thereof; amending K.S.A. 20-348 and 20-349 and repealing the existing sections.

HB 2818, by Committee on Federal and State Affairs: An act relating to fireworks; concerning the prohibition of sales of bottle rockets; amending K.S.A. 31-155 and repealing the existing section.

HB 2819, by Committee on Federal and State Affairs: An act relating to selection of certain judges and justices; concerning qualifications of nominating commissions; amend-

ing K.S.A. 20-124, 20-126 and 20-2905 and K.S.A. 1985 Supp. 20-2904 and repealing the existing sections.

HB 2820, by Committee on Federal and State Affairs: An act relating to crimes, punishments and criminal procedure; concerning filing of charges for the crime of cruelty to animals; amending K.S.A. 21-4311 and repealing the existing section.

HB 2821, by Committee on Federal and State Affairs: An act concerning meetings of public bodies; relating to enforcement of open meeting requirements; amending K.S.A. 75-4320 and repealing the existing section.

HB 2822, by Committee on Federal and State Affairs: An act concerning certain alcohol related offenses; relating to diversion of criminal proceedings; amending K.S.A. 1985 Supp. 12-4415 and 22-2908 and repealing the existing sections.

HB 2823, by Representative Wagnon: An act concerning professional negotiation between boards of education and professional employees thereof; relating to the duration of agreements entered into as a result thereof; amending K.S.A. 72-5423 and repealing the existing section.

HB 2824, by Representative Brady: An act relating to income taxation; concerning the deduction for business entertainment expense; amending K.S.A. 79-32,117 and repealing the existing section.

HB 2825, by Representatives Hamm and Wunsch: An act concerning judges of the district court; amending K.S.A. 4-231 and K.S.A. 1985 Supp. 20-338 and repealing the existing sections.

HB 2826, by Representative Roper: An act concerning school boards; relating to the filling of certain vacancies thereon; amending K.S.A. 25-2022, 25-2022b and 72-7902 and repealing the existing sections.

HB 2827, by Committee on Education (by request): An act concerning schools and school districts; relating to the closing of certain schools; amending K.S.A. 72-8136e and repealing the existing section.

HB 2828, by Committee on Federal and State Affairs: An act concerning school buildings; relating to construction standards; amending K.S.A. 1985 Supp. 31-150 and repealing the existing section.

HB 2829, by Committee on Ways and Means: An act concerning the Kansas public employees retirement system and certain retirement systems thereunder; relating to employee contributions and employer contribution rates; amending K.S.A. 74-4902, 74-4910, 74-4911, 74-4913, 74-4914, 74-4914e, 74-4917, 74-4919, 74-4919c, 74-4919h, 74-4919i, 74-4920, 74-4925, 74-4929, 74-4931b, 74-4936, 74-4954, 74-4956, 74-4959, 74-4960, 74-4963, 74-4965, 74-4967, 74-4987, 74-4988, 74-4992, 74-4995 and 74-49,102 and K.S.A. 1985 Supp. 20-2601, 20-2603 and 20-2606 and repealing the existing sections.

HB 2830, by Committee on Judiciary: An act concerning civil procedure for limited actions; concerning docket fees for appeals; amending K.S.A. 61-2102 and repealing the existing section.

HB 2831, by Committee on Judiciary: An act concerning forfeiture of appearance bond in certain cases; relating to court costs; amending K.S.A. 1985 Supp. 9-2107 and 32-155b and repealing the existing sections.

HB 2832, by Committee on Judiciary: An act concerning vital statistics; relating to a change in names on a birth certificate.

HB 2833, by Committee on Local Government: An act amending the public wholesale water supply district act; concerning the governing body of such districts; amending K.S.A. 19-3550 and repealing the existing section.

HB 2834, by Committee on Insurance (by request): An act concerning insurance; relating to required participation in the insurance regulatory information system.

HB 2835, by Representative Wagnon: An act concerning water; relating to the use thereof; amending K.S.A. 82a-702 and repealing the existing section.

HB 2836, by Representatives Braden and Lowther, Aylward, Baker, Bideau, Fuller, Hassler, King, O'Neal, Roe, Rolfs, Smith and Williams: An act relating to the financing of public schools; authorizing the levy of individual income taxes by school districts; providing duties for certain state officers relating to the administration thereof.

HB 2837, by committee on Commercial and Financial Institutions: An act concerning banks and banking; relating to the change of name thereof.

HB 2838, by Committee on Commercial and Financial Institutions: An act relating to banks and banking; concerning certain examinations of banks after a receiver has been appointed; amending K.S.A. 9-1912 and 9-2007 and repealing the existing sections; also repealing K.S.A. 9-1913.

HB 2839, by Representative Dean (by request): An act concerning bonds; relating to nonlitigation certificates.

HB 2840, by Representatives Dean, Baker, Bowden, Cribbs, Duncan, Foster, Francisco, Fuller, Gjerstad, Grotewiel, Helgerson, Jarchow, Luzzati, K. Ott, Pottorff, Spaniol, Webb and Williams: An act concerning bonds; relating to the procedure for the issuance thereof; amending K.S.A. 1985 Supp. 10-108 and repealing the existing section.

HB 2841, by Committee on Local Government: An act relating to countywide law enforcement in certain counties; concerning the cost of medical care and treatment of prisoners; amending K.S.A. 19-4444 and repealing the existing section.

HB 2842, by Committee on Transportation: An act concerning motor vehicles; relating to vehicle dealer license plates; amending K.S.A. 1985 Supp. 8-2406 and repealing the existing section.

HB 2843, by Representative Littlejohn: An act concerning county hospitals; relating to terms of office of members of county hospital boards; amending K.S.A. 1985 Supp. 19-4605 and repealing the existing section.

SCR 1635, by Committee on Assessment and Taxation: A proposition to repeal section 9 of article 11 of the constitution of the state of Kansas, relating to internal improvements.

SR 1873, by Senators Thiessen and Gaines: A resolution in memory of Danny L. Rogers.

SR 1874, by Senator Steineger: A resolution in memory of Maureen Kelly Murphy.

HCR 5035, by Representatives Spaniol, Barr, Bideau, Buehler, DeBaun, Douville, Eckert, Flottman, Freeman, Friedeman, Harper, Hassler, Holmes, Hoy, Jenkins, King, Kline, Littlejohn, Long, Louis, R. D. Miller, Mollenkamp, Moomaw, Neufeld, Nichols, O'Neal, B. Ott, K. Ott, Patrick, Patterson, Pottorff, Sallee, Shore, Smith, Vancrum and Williams: A proposition to amend article 2 of the constitution of Kansas by adding a new section thereto, relating to appropriations of money in the state treasury.

HCR 5036, by Representatives Leach, Grotewiel, Rezac, Adam, Barkis, Bowden, Brady, Branson, K. Campbell, Charlton, Cribbs, Dean, Dillon, Erne, Francisco, Fry, Gjerstad, Green, Hamm, Harder, Helgerson, Jarchow, Johnson, Justice, Lacey, Love, Luzzati, Mainey, Reardon, Roper, Rosenau, Roy, Runnels, Schmidt, Shriver, Solbach, Sughrue, Sutter, Teagarden, Turnquist, Wagnon, Weaver, Webb, Whiteman and Wisdom: A concurrent resolution supporting opposition to the 1985 Farm Bill.

HR 6176, by Representative Heinemann: A resolution congratulating and commending Virgil Wiebe on being named a 1985 Rhodes Scholar.

HR 6177, by Representative Bowden: A resolution congratulating Clearwater on its centennial anniversary.

HR 6178, by Representatives Reardon, Justice and Rosenau: A resolution honoring Lamar Coursey for serving as a page for the House of Representatives.

HR 6179, by Representatives Ramirez, Dillon, Johnson, Justice, Love, Peterson, Reardon, Rosenau, Sutter and Wisdom: A resolution in memory of Maureen Kelly Murphy.

HR 6180, by Representative Barr: A resolution congratulating and commending the Kansas Belles basketball teams, Belles I and Belles II, and their coaches, Bob Benson, Dick Corle, Ron Hellwig and Paula Wandell, on their outstanding performances in the sport of basketball.

HR 6181, by Representative Shore: A resolution congratulating Morton County on its centennial anniversary.

Doc. No. 003911

State of Kansas

DEPARTMENT OF REVENUE
LIQUOR LAW REVIEW COMMISSION

NOTICE OF MEETINGS

The Liquor Law Review Commission Subcommittee on Wholesalers will meet from 2:30 to 4:30 p.m. Friday, February 21, in the secretary's conference room, Department of Revenue, 2nd Floor, State Office Building, Topeka.

The Liquor Law Review Commission will meet from 10 a.m. to 3 p.m. Monday, March 24, in Room 220-S, State Capitol, Topeka.

HERB ROHLEDER
Chairman

Doc. No. 003900

(Published in the KANSAS REGISTER, February 13, 1986.)

NOTICE OF CALL FOR REDEMPTION
TO THE HOLDERS OF
CITY OF UDALL, KANSAS
CABLE TELEVISION REVENUE BONDS
SERIES 1982
DATED MARCH 1, 1982

Notice is hereby given that pursuant to the provisions of Section 4 of Ordinance No. 395 of the city of Udall, Kansas, the above mentioned bonds numbered 3, 5 and 6 maturing in the year 1987 have been called for redemption and payment on March 1, 1986 at the offices of the Southwest National Bank of Wichita, P.O. Box 1401, 400 E. Douglas, Wichita, KS 67201.

On such redemption date there shall become due and payable on each of the above mentioned bonds a redemption price thereof equal to 100 percent of the principal amount of each bond, together with interest accrued to the redemption date (upon presentation and surrender of each such bond and all appurtenant coupons). Interest shall cease to accrue on the bonds from and after March 1, 1986 and the interest coupons maturing after March 1, 1986 shall be void.

THE SOUTHWEST NATIONAL BANK
OF WICHITA, KANSAS
AS TRUSTEE FOR THE
CITY OF UDALL, KANSAS
By Todd H. Duncan
Assistant Trust Officer

Doc. No. 003902

(Published in the KANSAS REGISTER, February 13, 1986.)

NOTICE OF BOND SALE
\$11,555,000
CITY OF WICHITA, KANSAS
GENERAL OBLIGATION BONDS
(SERIES 705 and SERIES 706)

Sealed bids will be received in the Office of the City Clerk, City Hall, 455 N. Main, Wichita, KS 67202-1679, until 10 a.m., Central Standard Time, February 18, 1986, and will be considered by the governing body of the city of Wichita, Kansas at its regular place of meeting in the City Commission Room in the City Hall, at which time and place all proposals will be publicly opened, read aloud, and considered for the purchase of all, but not less than all of each series of two series of general obligation bonds aggregating the principal sum of \$11,555,000, Series 705 in the principal amount of \$5,895,000 (the Series 705 Bonds); and Series 706 in the principal amount of \$5,660,000 (the Series 706 Bonds). The Series 705 Bonds and Series 706 Bonds will be jointly referred to as the bonds. No oral or auction bids will be considered.

Details of the Bonds—Series 705

The Series 705 Bonds shall be issued in the form of fully registered certificated bonds without coupons, each in the denomination of \$5,000 or in integral multiples thereof, not exceeding the principal amount of bonds maturing in each year. Interest on the Series 705 Bonds will be payable semiannually, commencing March 1, 1987 and each September 1 and March 1 thereafter. The Series 705 Bonds shall be dated March 1, 1986 and shall become due serially on September 1, in each of the years and in the principal amounts, as follows:

Date of Maturity	Amount
September 1, 1987	\$245,000.00
September 1, 1988	265,000.00
September 1, 1989	285,000.00
September 1, 1990	315,000.00
September 1, 1991	335,000.00
September 1, 1992	360,000.00
September 1, 1993	380,000.00
September 1, 1994	420,000.00
September 1, 1995	450,000.00
September 1, 1996	480,000.00
September 1, 1997	520,000.00
September 1, 1998	570,000.00
September 1, 1999	610,000.00
September 1, 2000	660,000.00

Details of the Bonds—Series 706

The Series 706 Bonds shall be issued in the form of fully registered certificated bonds without coupons, each in the denomination of \$5,000 or integral multiples thereof, not exceeding the principal amount of bonds maturing in each year. Interest on the Series 706 Bonds will be payable semiannually, commencing December 1, 1986 and each June 1 and December 1 thereafter. The Series 706 Bonds shall be dated March 1, 1986, and shall become due serially on December 1 and June 1 in each of the years and in the principal amounts, as follows:

Date of Maturity	Amount
December 1, 1986	\$285,000.00
June 1, 1987	280,000.00

December 1, 1987	285,000.00
June 1, 1988	280,000.00
December 1, 1988	285,000.00
June 1, 1989	280,000.00
December 1, 1989	285,000.00
June 1, 1990	280,000.00
December 1, 1990	285,000.00
June 1, 1991	280,000.00
December 1, 1991	285,000.00
June 1, 1992	280,000.00
December 1, 1992	285,000.00
June 1, 1993	280,000.00
December 1, 1993	285,000.00
June 1, 1994	280,000.00
December 1, 1994	285,000.00
June 1, 1995	280,000.00
December 1, 1995	285,000.00
June 1, 1996	290,000.00

Place of Payment

The principal of, and premium, if any, on the bonds shall be payable in lawful money of the United States of America, at the principal trust office of the Chase Manhattan Bank, N.A., in the city and state of New York (the paying agent and bond registrar) to the registered owners thereof upon presentation of the bonds for payment and cancellation. Interest on the bonds shall be payable in lawful money of the United States of America, by check or draft of the paying agent and bond registrar to the registered owners appearing on the books maintained by the bond registrar as of the 15th day of the month next preceding the interest payment dates (the record dates). The fees of the bond registrar for registration and transfer of the bonds shall be paid by the city.

Redemption

Optional Redemption. Prior to award of the bids, the city will determine which of the two following alternatives of optional redemption of the bonds will be selected. The bidder may bid on each series of bonds designating alternative A or B as the applicable optional redemption for each series. If alternative A is approved by the governing body, the bidder with the lowest net interest cost bidding on alternative A will be awarded the bonds for each series. Likewise, if alternative B is approved by the governing body, the bidder with the lowest net interest cost bidding on alternative B will be awarded the bonds for each series.

Alternative A. The bonds maturing in the years 1996 and thereafter are subject to redemption prior to maturity at the city's option on or after the initial principal payment date in 1995, in whole at any time or in part in integral multiples of \$5,000, in inverse order of maturity and by lot within maturities, on any interest payment date at the redemption prices set forth below, plus accrued interest to the redemption date:

Redemption Dates	Redemption Prices
1995	101.00%
1996	100.75%
1997	100.50%
1998	100.25%
1999 and thereafter	100.00%

Alternative B. The bonds maturing in the years 1991 and thereafter are subject to redemption prior to maturity at the city's option on or after the initial principal payment date in 1990, in whole at any time or in

part in integral multiples of \$5,000, in inverse order of maturity and by lot within maturities, on any interest payment date at the redemption prices set forth below, plus accrued interest to the redemption date:

Redemption Dates	Redemption Prices
1990	101.00%
1991	100.75%
1992	100.50%
1993	100.25%
1994 and thereafter	100.00%

Special Mandatory Redemption. In the event the provisions of the "Bill" (as hereinafter defined) apply to the bonds, and only to the extent necessary to preserve the exemption from federal income taxation of the interest on the bonds, the bonds are subject to mandatory redemption and payment prior to maturity in whole or in part on March 1, 1989, at a redemption price equal to the principal amount thereof plus accrued interest to the date of redemption in inverse order of maturity (selection of bonds within the same maturity to be by lot by the city in such equitable manner as it may determine) from bond proceeds not expended for governmental purposes by January 1, 1989.

Notice of any call for redemption will be mailed to the registered owners of such bonds to be redeemed at the address shown on the registration books maintained by the bond registrar not less than 30 days prior to the date fixed for such redemption and payment. Interest will not be payable on the bonds to be redeemed after the redemption date if notice has been given and if sufficient monies have been deposited with the bond registrar on or prior to the redemption date to pay the principal of, applicable redemption premiums, if any, and interest on the bonds to be redeemed to the redemption date.

Interest rate

Proposals will be received on the bonds of each series bearing such rate or rates of interest not exceeding six different interest rates as may be specified by the bidder. The repetition of a rate will not constitute one of said maximum number of rates. The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be in an even multiple of 1/8 or 1/20 of 1 percent. The difference between the highest interest rate bid and the lowest rate of interest bid shall not exceed 2 percent per annum. No interest rate shall exceed the maximum interest rate allowed by Kansas law, said rate being the 20 bond index of tax exempt municipal bonds published by *Credit Markets* in New York, New York on the Monday next preceding the day on which the bonds are sold (February 17, 1986), plus 2 percent, and no bid of less than par and accrued interest will be considered. A bid for the purchase of less than all of each series of bonds or bid at a price less than par and accrued interest will not be considered.

Bid Form and Good Faith Deposit

Bids for each series shall be submitted on the official bid form furnished by the city and should be addressed to Donald C. Gisick, City Clerk, 455 N.

(continued)

Main, Wichita, KS 67202-1679, plainly marked BOND BID. All bids must state the total interest cost of the bid, the premium, if any, and the net interest cost of the bid, and the average annual net interest rate, all certified by the bidder to be correct, and the city may rely upon the certificate of correctness of the bidder. No bid will be considered if made on other than the official bid form and no bid will be considered if such form is amended or modified. Each bid must be accompanied by a certified or cashier's check in the amount of 2 percent of the total par value of each series of bonds payable to the City Treasurer, City of Wichita, on which no interest will be allowed. The checks of unsuccessful bidders will be returned promptly. The check of the successful bidder or the proceeds thereof will be held as security for the performance of the contract to purchase the bonds, but in the event that the successful bidder shall fail to comply with the terms of the bid, the check or the proceeds thereof shall then be forfeited and retained by the city as and for liquidated damages.

Award of the Bonds

Each series of bonds will be sold separately. The sealed bid for each series of bonds shall be opened publicly and only at the time and place specified in this notice, and each series of bonds will be sold to the best bidder. The city reserves the right to reject any and all of the bids, and to waive any irregularities or informalities. Unless all bids are rejected, the bonds of each series will be awarded to the bidder whose proposal results in the lowest net interest cost to the city, and the net interest cost will be determined by deducting the amount of any premium bid from the aggregate amount of interest upon all of the bonds from their date until their respective maturities. If there is a discrepancy between the lowest net interest cost and the average annual interest rate specified, the net interest cost figure shall govern and the interest rates in the bid shall be adjusted accordingly. In the event more than one bid is received at the same net interest cost, the successful bidder will be selected by lot. Prior to award of the bids for each series of bonds, the governing body will select the appropriate alternative optional redemption terms for each series of bonds (See Redemption—Optional Redemption).

Delivery and Payment

The bonds, duly printed, executed and registered, will be furnished and paid for by the city. Delivery of the bonds will be made on or before March 20, 1986, at any bank or trust company in New York, New York. Payment shall be made in immediately available federal reserve funds. The number, denomination of bonds, and the names and tax identification numbers of the initial registered owners to be initially printed on the bonds must be submitted in writing by the successful bidder to the bond registrar at least 10 business days prior to the date of delivery of the bonds. In the absence of such information, the city will deliver the bonds in the denomination of each maturity registered in the name of the successful bidder.

Pending Federal Legislation Concerning Tax Exempt Obligations

On December 17, 1985, the U.S. House of Representatives passed H.R. 3838, the Tax Reform Act of 1985. The Bill presently is pending in the Senate. The Bill in its present form imposes additional requirements which must be satisfied in order for interest on obligations issued by or on behalf of states and local governments to be exempt from federal income taxation. Such requirements generally are effective for all obligations issued after December 31, 1985, and thus, if the Bill becomes law in its present form, would be applicable to the bonds.

The city has covenanted to take all actions necessary to comply with the provisions of the Bill in order to maintain the federal tax-exempt status of the interest on the bonds. In the opinion of bond counsel, assuming continuing compliance by the city with such covenant, interest on the bonds would continue to be exempt from federal income taxation if the Bill becomes law in its present form, except that for taxable years beginning after 1987, the interest on the bonds would be included in adjusted net gain for purposes of the minimum tax imposed on property and casualty insurers under Section 1023 of the Bill.

The Bill is subject to change, and, if it becomes law, may contain requirements which differ from those contained in the Bill in its present form. Therefore, there can be no assurance that the city will be able to comply with such requirements. The failure or inability of the city to comply with the requirements of the Bill could jeopardize the tax exempt status of the bonds. Bondholders should be aware that in such event, the bonds are not callable, nor will the interest rate on the bonds be adjusted to reflect the loss of the tax exemption.

Legal Opinion

The bonds will be sold subject to the unqualified approving opinion of Gaar and Bell, Bond Counsel, Wichita, Kansas, a copy of which opinion will be printed on the reverse side of each bond. The cost of this legal opinion and the expenses of printing the bonds and legal opinion will be paid by the city. The Series 705 legal opinion will site in part substantially that the bonds will constitute general obligations of the city, payable as to both principal and interest from the collection of special assessments which have been levied on benefited property, but any portion of said special assessments not so paid will be payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the city; and that, under existing law, the interest on said bonds is exempt from present federal income taxation and the bonds are exempt from intangible personal property taxes levied by Kansas cities, counties and townships. The Series 706 legal opinion will state in part substantially that the bonds will constitute general obligations of the city, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial

limits of the city, and that, under existing law, the interest on said bonds is exempt from present federal income taxation and the bonds are exempt from intangible personal property taxes levied by Kansas cities, counties and townships. Both opinions shall also state that based on continuing compliance with the covenant of the city to comply with the provisions of the Bill, the bonds would continue to be exempt from federal income taxation if the Bill becomes law in its present form except that for taxable years beginning after 1987, the interest on the bonds would be included in adjusted net gain for purposes of the minimum tax imposed on property and casualty insurers under Section 1023 of the Bill. A manually signed original of each such opinion will be furnished without expense to the purchaser of the bonds at the delivery thereof. The purchaser will be furnished with a complete transcript of proceedings evidencing the authorization and issuance of the bonds, and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity and a certificate relating to the completeness and accuracy of the official statement and notice of bond sale.

Purpose of Issues

The bonds are being issued for the purpose of constructing certain internal improvements in the city of Wichita, Kansas, as follows:

Series 705

Paving projects in the amount of	\$3,762,715
Sewer projects in the amount of	1,307,249
Water main projects in the amount of	799,797
Sidewalk projects in the amount of	25,239

Series 706

Paving projects in the amount of	\$2,733,672
Sewer projects in the amount of	1,913,094
Traffic signalization project in the amount of	11,393
Sidewalk and bike trail projects in the amount of	157,557
Bridge projects in the amount of	275,000
Public improvement projects in the amount of	569,284

Security

The bonds constitute general obligations of the city of Wichita, Kansas, and the full faith, credit and resources of the city are pledged to the payment of the principal of and the interest on such bonds; and the city is obligated to levy ad valorem taxes without limitation as to rate or amount upon all the taxable property within the territorial limits of said city to pay the principal of and interest on the bonds.

CUSIP Identification Numbers

CUSIP identification numbers will be printed on the bonds, but neither the failure to print such numbers on any bond nor any error with respect thereto shall constitute cause for failure or refusal by the successful bidder(s) to accept delivery of, and to pay for said bonds in accordance with the terms of this notice. All expenses in relation to printing of CUSIP numbers on said bonds and the expenses of the CUSIP Service Bureau for the assignment of said numbers shall be the responsibility of and shall be paid for by the city.

Assessed Valuation

The assessed valuation of all taxable tangible property within the city of Wichita, Kansas, for the year 1985, is as follows:

Equalized assessed valuation of taxable tangible property	\$ 980,243,519
Estimated tangible valuation of motor vehicles	\$ <u>211,594,313</u>
Equalized assessed tangible valuation for computation of bonded indebtedness limitations	\$1,191,837,832

Bonded Indebtedness

The total bonded indebtedness of the city of Wichita, Kansas, as of March 1, 1986, is \$245,615,000, which amount excludes all revenue and refunding bonds but includes temporary notes in the amount of \$27,525,000 and the two series of bonds described in this notice of bond sale in the aggregate amount of \$11,555,000. Of the currently issued and outstanding temporary notes of the city, \$11,555,000 will be retired out of the proceeds of the bonds herein offered for sale.

Rating of the Bonds

The city has applied to Moody's Investors Service, Inc. and Standard & Poor's Corporation for ratings on the bonds. General obligation bonds issued by the city of Wichita since 1975 have been rated Aa by Moody's Investors Service and rated AA by Standard & Poor's Corporation.

Other Pending Bond and Temporary Note Issues

Neither the city of Wichita, nor Unified School District No. 259 (Wichita Public School System), contemplates the issuance of any additional general obligation bonds within the next 30 days. Sedgwick County, Kansas anticipates the sale of approximately \$11.5 million of general obligation bonds within the next 30 days.

Redistribution of Notice and Official Statement

Authorization is given to redistribute this notice of bond sale and the official statement, but the entire notice of bond sale and official statement, and not portions thereof, must be redistributed. The successful bidder, upon request, will be furnished with 50 copies of the notice of bond sale and official statement, without cost; additional copies will be furnished at a nominal charge.

Official Statement

This notice of bond sale and the official statement has been prepared under the authority of the governing body of the city of Wichita, Kansas. Additional copies of this notice of bond sale, copies of the official statement, or further information may be received from the office of the City Treasurer, City Hall, 455 N. Main, Wichita, KS 67202-1679, 316/268-4109.

Figures used in this notice of bond sale and in the official statement through December 31, 1985 were obtained from the city of Wichita, Kansas, financial records as of December 31, 1985, which report will be audited by an outside firm of certified public ac-

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countants appointed by the governing body of the city of Wichita, Kansas.

BY ORDER OF THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS
THIS 28TH DAY OF JANUARY, 1986

By: R. C. Brown, Mayor

Attest: Donald C. Gisick, City Clerk

Doc. No. 003903

State of Kansas

LAW ENFORCEMENT TRAINING CENTER

**PERMANENT ADMINISTRATIVE
REGULATIONS
(Effective May 1, 1986)**

**Article 1.—CERTIFICATION OF
LAW ENFORCEMENT OFFICERS
AND TRAINING SCHOOLS**

107-1-1. Definitions. Unless the context otherwise requires, the terms below shall have the following meanings. (a) "Training center" means the law enforcement training center within the division of continuing education of the University of Kansas, created by K.S.A. 1984 Supp. 74-5603 and amendments thereto.

(b) "School" means any grouping of courses, or series of courses, designed to attain a specific educational or law enforcement objective.

(c) "Course" means any grouping of classes, or series of lessons or lectures, designed to attain a specific educational or law enforcement training objective.

(d) "Class" means any single meeting or session devoted to a specific law enforcement-related subject or topic.

(e) "Mandated course" or "mandated class" means any course or class used to satisfy any of the training requirements of K.S.A. 1984 Supp. 74-5601 *et seq.*, and amendments thereto, or of these rules.

(f) "Agency head" means the hiring authority, including the chief of police, sheriff or other administrative officer, responsible for the employment and training of police or law enforcement officers.

(g) "Auxiliary personnel" means members of organized non-salaried groups which operate as an adjunct to a police or sheriff's department, including posses and search and rescue groups. (Authorized by and implementing K.S.A. 1984 Supp. 74-5603 and 74-5604a; effective, T-85-5, Feb. 21, 1984; effective, May 1, 1985; amended May 1, 1986.)

107-1-2. Certification of police or law enforcement officers. (a) Certified status necessary. All police or law enforcement officers shall satisfy the training requirements established by the associate director and approved by the commission and shall meet the minimum qualifications as set forth in K.S.A. 1984 Supp. 74-5605, and amendments thereto. Each officer who meets all of the standards concerning qualifications and training requirements shall be certified by the

associate director and shall be issued a certificate by the associate director.

(b) Law enforcement agency participation. When any person is elected or employed as a police or law enforcement officer, the agency head shall submit an acknowledgement that the officer meets the requirements of K.S.A. 1984 Supp. 74-5605, and amendments thereto, on the appropriate form provided by the associate director. All agencies shall maintain the necessary records verifying that each officer meets these requirements. The records shall be made available on request for inspection by members of the commission or staff.

(c) Extensions. Upon written application by the agency head, the associate director may extend the one year time period for completion of the minimum training requirement until the next available class when it is shown that the failure to comply with the requirements was not due to the intentional avoidance of the law.

(d) Basic school; full-time enrollment required. No officer attending a basic, mandated course shall be allowed to work as a police or law enforcement officer while enrolled in the mandated course. (Authorized by K.S.A. 1984 Supp. 74-5603 and 74-5604a; implementing K.S.A. 1984 Supp. 74-5607a, 74-5605, 74-5604a, and K.S.A. 74-5608a; effective, T-85-5, Feb. 21, 1984; effective, May 1, 1985; amended May 1, 1986.)

107-1-3. Certification of law enforcement training schools; general requirements. (a) Certificate necessary. Schools which meet all of the standards approved by the commission concerning curriculum, use of approved instructors and adequacy of facilities shall be issued a certificate by the associate director. Each law enforcement training school shall be certified by the associate director prior to offering courses required for certification of police or law enforcement officers under K.A.R. 107-1-1 and K.A.R. 107-1-2.

(b) Duration. Certified law enforcement training schools desiring to continue as such and which meet the requirements of these regulations shall apply for certification to and receive certification from the associate director annually.

(c) Inspection. Certification of training schools shall be issued and maintained on the basis of on-site inspections of the schools. On-site inspections shall be conducted by the associate director or the designee of the associate director. Inspections shall be conducted as often as the associate director deems necessary. In no event shall inspections be conducted less frequently than once each fiscal year.

(d) Certification and renewal. The associate director, with the approval of the commission, may refuse to renew the certificate of any law enforcement training school for failure to maintain minimum curriculum, instructor or facility requirements as determined by the associate director and approved by the commission.

(e) Use of instructors. All instructors used in mandated training courses shall comply with the requirements for instructors as established by the associate director and approved by the commission.

(f) Approval of school facilities. The certification of a police training school shall be deemed to include approval of that school's facilities. Each law enforcement training school desiring certification shall supply, when required by the curriculum:

- (1) A classroom with adequate heating, cooling, ventilation, lighting and space;
- (2) comfortable chairs with tables or arms for writing;
- (3) all necessary visual aid devices for proper classroom presentations;
- (4) a firing range with an adequate backstop to insure the safety of students and instructors;
- (5) an adequate driving range for instruction in emergency vehicle operation and control (or alternate provisions for that instruction);
- (6) a facility for physical fitness training; and
- (7) any other physical facilities that may be required by the curriculum. (Authorized by K.S.A. 1984 Supp. 74-5604a and 74-5603; implementing K.S.A. 1984 Supp. 74-5604a; effective, T-85-5, Feb. 21, 1984; effective, May 1, 1985; amended May 1, 1986.)

107-1-4. Certification of law enforcement training schools; procedures. The following procedures shall be followed to obtain certification for all mandated courses. However, the requirements of this section shall not apply to the 40-hour, annual in-service training specified in K.S.A. 1984 Supp. 74-5607a(b). (a) Each state or local law enforcement agency, or other organization or entity, desiring to receive certification for the purpose of conducting a mandated law enforcement training course shall submit a request for certification on forms provided by the associate director. All such applications shall be submitted at least 90 days prior to the first class date of the proposed training school.

(b) Each request for certification shall include:

- (1) A description of the classroom and other facilities to be utilized by the requesting agency;
- (2) a listing of the audiovisual equipment and other instructional devices and aids which are available; and
- (3) an estimate of the minimum and maximum number of officers expected to be trained by the agency under the requested certification.

(c) The associate director shall review the request for certification and shall notify the requesting agency within 10 days that tentative approval has been granted or that certification has been denied. If certification has been denied, the associate director shall provide in writing the reason or reasons for the denial of certification. Within 20 days of such a denial, the requesting agency may submit to the director a written appeal, together with any other information deemed by the appealing agency to be relevant. The director shall notify the appealing agency of the outcome in writing within 20 days after receipt of the appeal.

(d) If tentative approval is granted, the associate director shall send to the requesting agency a core curriculum which has been approved by the commission. Within 15 days of receipt of the core curriculum, the requesting agency shall return to the associate

director a proposed class schedule together with a list of proposed instructors who will provide the mandated courses. The list of proposed instructional personnel shall be submitted on forms provided by the associate director.

(e) Upon review of the proposed class schedule and the qualifications of the proposed instructors, the associate director may issue a course certification. However, if a certificate is not issued, the associate director shall advise the requesting agency of the deficiencies which preclude certification. If these deficiencies are corrected, the proposal may be reviewed again, upon request of the agency head, and notification shall be sent as to the disposition.

(f) Upon certification, the associate director may provide to the certified agency the aid, assistance and guidance deemed necessary to the delivery of an effective training program, including, but not limited to:

- (1) Course descriptions for each instructor. The course descriptions shall delineate the instructor's duties and responsibilities, including learning objectives for each class section;
- (2) training materials;
- (3) support by the Kansas law enforcement training center staff to acquaint instructors with the philosophy of training, and with techniques relating to effective public speaking and law enforcement instruction;
- (4) forms and other documents to enroll trainees and to document training, class attendance and examination results;
- (5) examinations and other testing materials; and
- (6) such other support as is deemed by the associate director to be necessary for the effective delivery of training.

(g) Responsibilities of certified training agency. After certification is granted, the certified training agency shall, at a minimum, be responsible for:

- (1) Assuring that the qualifications of individual trainees applying for entry into the course meet the requirements of K.S.A. 1984 Supp. 74-5605 and amendments thereto;
- (2) providing a classroom which complies with the requirements of K.A.R. 107-1-3(f)(1-3);
- (3) monitoring and certifying classroom attendance of trainees;
- (4) providing audiovisual equipment, including overhead slide and 16mm projectors and other auxiliary equipment;
- (5) administering all examinations and other tests in compliance with standards as established by the associate director and approved by the commission;
- (6) submitting to the associate director, on forms provided by the associate director and within seven working days of completing the course, the names of all persons who have completed the mandated training course satisfactorily; and
- (7) assuming all monetary costs related to payment or reimbursement of guest or other instructional personnel, excluding instructional and staff support provided by the Kansas law enforcement training center. (Authorized by K.S.A. 1984 Supp. 74-5603 and 74-5604a; implementing K.S.A. 1984 Supp. 74-5604a; ef-

(continued)

fective, T-85-5, Feb. 21, 1984; effective, May 1, 1985; amended May 1, 1986.)

107-1-5. Minimum standards for satisfactory completion of course. (a) To complete mandated training courses satisfactorily, individual trainees shall meet the following minimum standards:

(1) Trainees shall attend a minimum of 90% of the course curriculum approved by the associate director.

(2) Trainees shall attain an average score of 70% on all examinations and tests.

(3) Trainees shall complete the entire firearms portion of the curriculum, if offered.

(b) Absences for scheduled classes in excess of 10% of the total course curriculum shall be made up as required by the associate director. However, no police or law enforcement officer shall be certified without satisfactorily completing the entire firearms portion of the curriculum.

(c) The following procedures shall be followed with respect to firearms training:

(1) Persons attending a basic course for police and law enforcement officers shall complete the firearms portion of the basic course curriculum satisfactorily and shall attain a final qualifying score of not less than 70% on a course of fire approved by the associate director.

(2) Instructors responsible for the delivery of the firearms portion of the basic curriculum shall be approved by the associate director as competent to provide training. At a minimum, these instructors shall have completed satisfactorily a course for police firearms instructors provided by a recognized authority. Recognized authorities shall include, but are not limited to, the Kansas law enforcement training center, the federal bureau of investigation or the national rifle association. (Authorized by K.S.A. 1983 Supp. 74-5603 and 74-5604a; implementing K.S.A. 1983 Supp. 74-5603, 74-5607a and 74-5604a; effective, T-85-5, Feb. 21, 1984; effective, May 1, 1986.)

Article 2.—ADVANCED OFFICERS

107-2-1. Continuing education. Beginning the second year after certification, every full-time police officer or law enforcement officer shall complete, between July 1 of each calendar year and June 30 of the succeeding calendar year, 40 hours of law enforcement education or training in subjects relating directly to law enforcement. This training shall be completed in accordance with the procedures established and approved by the commission. (Authorized by and implementing K.S.A. 1984 Supp. 74-5607a; effective, T-85-5, Feb. 21, 1984; effective May 1, 1985; amended May 1, 1986.)

Article 3.—PRETRAINING EVALUATION

107-3-1. Standards for pre-training evaluation. (a) Each full-time and part-time salaried law enforcement officer who is an applicant for basic law enforcement training at the Kansas law enforcement training center, or a certified state or local law enforcement

training school, shall complete the pre-training evaluation successfully prior to admittance.

(b) To complete the pre-training evaluation successfully, each applicant shall:

(1) comply with the criteria for basic law enforcement training applicants set out in K.S.A. 1984 Supp. 74-5605; and

(2) successfully complete an intelligence test approved by the associate director under subsection (c) of this regulation.

(c) Each intelligence test approved by the associate director shall be validated according to the criteria set forth in the Uniform Guideline on Employee Selection Procedures, 41 CFR chapter 60, as in effect on July 1, 1984, which is herein adopted by reference. Particular attention shall be paid to the technical standards for validity studies described in 41 CFR 60-3.14.

(d) Any agency may select a substitute intelligence test, subject to the following requirements:

(1) The agency shall certify that the substitute intelligence test meets the validity requirements of 41 CFR chapter 60, as in effect on July 1, 1984.

(2) The agency shall provide evidence of validity that meets generally accepted professional research standards, as described in 41 CFR 60-3.5, as in effect on July 1, 1984, or as subsequently amended.

(e) The associate director shall perform the pre-training evaluation based on a review of the intelligence test results and compliance with said statutorily required criteria. (Authorized by K.S.A. 1984 Supp. 74-5603 and 74-5604a; implementing K.S.A. 1984 Supp. 74-5604a, K.S.A. 1984 Supp. 74-5605, and K.S.A. 1984 Supp. 74-5618; effective, May 1, 1985; amended May 1, 1986.)

LAW ENFORCEMENT TRAINING CENTER

Doc. No. 003905

State of Kansas

**EMERGENCY MEDICAL SERVICES
COUNCIL****PERMANENT ADMINISTRATIVE
REGULATIONS**

(Effective May 1, 1986)

Article 1.—DEFINITIONS

109-1-1. Definitions. As used in these regulations, the following words and phrases shall have the following meanings:

(a) "Emergency care" means the services provided after the onset of a medical condition manifesting itself by acute symptoms of sufficient severity such that the absence of immediate medical attention could reasonably be expected to:

- (1) Place the patient's health in serious jeopardy;
- (2) seriously impair bodily functions; or,
- (3) result in serious dysfunction of any bodily organ or part.

(b) "Public call" means the request for first response service to the original scene of a medical emergency or accident by an individual or agency other than the following:

- (1) A type I or type II ambulance service;
- (2) Kansas highway patrol at the scene of an accident or medical emergency; or
- (3) persons licensed to practice medicine and surgery who are at the scene of an accident or medical emergency.

(c) "Director" means the director of the bureau of emergency medical services as defined in K.S.A. 1984 Supp. 65-4314, and amendments thereto.

(d) "Aeromedical physician" means a person licensed to practice medicine and surgery who is trained and experienced in emergency, trauma or sub-specialty critical care medicine and is knowledgeable in altitude physiology. (Authorized by K.S.A. 1984 Supp. 65-4320; implementing K.S.A. 1984 Supp. 65-4320, 65-4322; effective May 1, 1985; amended May 1, 1986.)

Article 4.—AIR AMBULANCE REGULATIONS

109-4-1. Classes of air ambulance service. (a) Permits shall be issued for two classes of air ambulance service. The classes shall be known as type I-A and type IV-A. This regulation shall not prohibit a type V service from providing air ambulance service.

(b) Each type I-A service shall:

- (1) Be in compliance with all applicable F.A.R. Part 135 requirements;
- (2) provide advanced life support capability as described in K.S.A. 1984 Supp. 65-4306. A type I-A service shall not be subject to public call as defined in K.A.R. 109-1-1 (b);
- (3) have at least one licensed aircraft which meets all requirements of K.A.R. 109-4-2 (a). Each type I-A service may also operate type IV-A aircraft as described in K.A.R. 109-4-2 (b);
- (4) maintain a staff of currently certified mobile intensive care technicians and emergency medical

technicians which is adequate to meet all requirements of K.A.R. 109-4-2 (a);

(5) have all patient transports reviewed and approved by an aeromedical physician as defined in K.A.R. 109-1-1 (d) prior to transport, unless the transport is being made in conformance with 109-1-1 (b); and documented on the patient report forms submitted to the bureau of emergency medical services; and

(6) have a method of receiving and transferring calls which ensures that any emergency calls are immediately and properly relayed to the nearest emergency service and that the person making the call is so informed.

(c) Each type IV-A service shall:

(1) Be in compliance with all applicable F.A.R. Part 135 requirements;

(2) provide the level of treatment that currently certified emergency medical technicians are authorized to perform as well as non-emergency transportation for the sick and injured. A type IV-A service shall be prohibited from responding to requests for emergency care;

(3) have at least one licensed aircraft which meets all requirements of K.A.R. 109-4-2 (b). A type IV-A service shall license only type IV-A aircraft;

(4) maintain a staff of currently certified emergency medical technicians adequate to meet all requirements of K.A.R. 109-4-2 (b);

(5) have all patient transports reviewed and approved by a person licensed to practice medicine and surgery prior to transport and documented on the patient report forms submitted to the bureau of emergency medical services; and

(6) have a method of receiving and transferring calls which ensures that any emergency calls are immediately and properly relayed to the nearest emergency service and that the person making the call is so informed. (Authorized by and implementing K.S.A. 1984 Supp. 65-4320, effective May 1, 1986.)

109-4-2. Classes of ambulance aircraft. (a) Licenses shall be issued for two classes of ambulance aircraft. The classes shall be known as type I-A and type IV-A. Each ambulance aircraft operated by a service that has been issued a permit shall be in compliance with F.A.R. Part 135 requirements in its ambulance configuration prior to licensure and shall be licensed in accordance with the provisions set forth in these regulations.

(b) Each type I-A aircraft shall:

(1) Be equipped to provide advanced life support as described in K.S.A. 1984 Supp. 65-4306 and shall be in compliance with all aircraft specifications and equipment requirements set forth in K.A.R. 109-4-3 (a), (b), and (c); and

(2) be staffed with at least two attendants (not including pilot) during patient transport, including at least one currently certified mobile intensive care technician. The second attendant may be either a currently certified mobile intensive care technician or currently certified emergency medical technician. The attendants shall be in the patient compartment during patient transport.

(continued)

(c) Each type IV-A aircraft shall:

(1) Be in compliance with all aircraft specifications and equipment requirements set forth in K.A.R. 109-4-3 (a) and (c); and

(2) be staffed with at least one currently certified emergency medical technician (not including pilot) who shall be in the patient compartment during patient transport. (Authorized by K.S.A. 1984 Supp. 65-4320; implementing K.S.A. 1984 Supp. 65-4326; effective May 1, 1986.)

109-4-3. Standards for ambulance aircraft and equipment. Each licensed aircraft shall meet the aircraft and equipment standards which are applicable to that class of aircraft.

(a) Type I-A and type IV-A aircraft shall meet the following specifications:

(1) Fixed wing aircraft shall be multi-engined;

(2) the aircraft design shall not compromise patient stability in loading or unloading the patient, or during flight operations;

(3) the patient compartment shall be configured to provide the attendant adequate access to the patient;

(4) the aircraft heating and cooling systems shall be adequate to provide patient comfort;

(5) the patient litter shall be secured;

(6) all equipment shall be secured; and

(7) the normal white illumination in the patient compartment shall be at least 15-foot candle intensity as measured all along the center line of the clear floor with the door open and all ambient light obliterated. The patient compartment lighting system shall also be capable of providing at least 40-foot candle intensity when measured at any point on top of the patient litter. A reduced lighting level shall also be provided. Blue lights or lenses shall not be used.

(b) In addition, type I-A aircraft shall meet the following specifications:

(1) fixed wing aircraft shall be pressurized; and

(2) each aircraft shall be dedicated for ambulance use and shall not be used for other purposes. If a service licenses more than one type I-A aircraft, each additional aircraft need not be dedicated if it is used for fewer than 25% of the total transports the service makes.

(c) Any medical device which produces electromagnetic interference on aircraft navigation or communications equipment shall not be used. Medical equipment shall be tested prior to flight to ensure that it does not interfere with aircraft systems and works properly at all altitudes flown.

(d) Type I-A and type IV-A aircraft shall carry the following equipment:

(1) Direct, two-way radio communications capability for dispatch and for patient condition reports to a hospital. This radio system shall conform to 47 CRF part 90, in effect as of July 1, 1985, and K.A.R. 109-2-5

(a).

(2) Safety equipment, including:

(A) One 2½# Halon 1211 fire extinguisher (5BC); and

(B) one battery-operated hand lantern with a power source of at least six volts.

(3) Patient comfort equipment, including:

(A) One elevating head cot with two or more levels; incubator may replace cot for neonatal transfers;

(B) one pillow;

(C) two complete sets of linen;

(D) two blankets;

(E) one waterproof cot cover;

(F) two plastic bags, with closures;

(G) one urinal;

(H) one bedpan;

(I) one emesis basin; and

(J) potable water.

(4) Medical equipment, including:

(A) A portable oxygen unit of at least 300 liter storage capacity complete with yoke, pressure gauge, flowmeter, delivery tube and adult oxygen mask. The unit shall be readily accessible to the attendant and patient;

(B) two full 300 liter oxygen storage bottles;

(C) a portable, self-contained battery or manual suction aspirator with an airflow of at least 20 liters per minute and a vacuum of at least 300 millimeters of mercury. The unit shall be fitted with large bore, non-kinking suction tubing and semi-rigid, non-metallic, oropharyngeal suction tip;

(D) a hand-operated, adult bag-mask ventilation unit. The unit shall be capable of use with the oxygen supply;

(E) a hand-operated, pediatric bag-mask ventilation unit. The unit shall be capable of use with the oxygen supply;

(F) oxygen masks in adult, pediatric and infant sizes;

(G) nasal cannulas in adult and pediatric sizes;

(H) oropharyngeal airways in adult, pediatric and infant sizes;

(I) sterile water; and

(J) blood pressure manometer, adult and pediatric cuffs and stethoscope.

(e) In addition, type I-A aircraft shall carry the following equipment:

(1) Medical equipment, including;

(A) Adult medical anti-shock trousers;

(B) a monitor/defibrillator;

(C) a drug supply as listed in service protocols;

(D) macro-drip and micro-drip administration sets;

(E) D5W, normal saline, lactated ringers IV solutions in plastic bags or plastic bottles;

(F) assorted syringes and 14-22 gauge needles;

(G) endotracheal tubes in adult, pediatric and infant sizes; and

(H) laryngoscope with adult and pediatric blades.

(Authorized by and implementing K.S.A. 1984 Supp. 65-4320; effective May 1, 1986.)

LYLE ECKHART

Director of Emergency

Medical Services

Doc. No. 003904

State of Kansas

FISH AND GAME COMMISSION

TEMPORARY ADMINISTRATIVE
REGULATIONS

(Effective January 17, 1986. Expire May 1, 1987.)

Article 12.—TRAINING DOGS AND
FIELD TRIAL EVENTS**23-12-11. Furbearing animals and coyotes; field trials, water races and drag events.** (a) Definitions.

(1) A "sanctioned or licensed furbearer field trial" means a competitive event where dogs pursue unres-trained furbearers and is sanctioned or licensed by any national kennel or field dog organization for the express purpose of improving the quality of the breed through awarding points or credits toward specific class championships or other national recognition.

(2) A "sanctioned or licensed coyote field trial" means a competitive event involving only scent or trail hounds, which has been advertised in one of the national fox hound journals at least 30 days before the event.

(3) A "water race" is a competitive event where dogs pursue a caged furbearing animal or scent device through water. No wild animals are used. The furbearing animal(s) used are pen-raised and are not released during the event.

(4) A "drag event" is a competitive event where dogs pursue a scent trail to a caged furbearing animal. No wild animals are used. The furbearing animal(s) used are pen-raised and are not released during the event.

(b) Field trials.

(1) Any person or organization desiring to conduct a field trial event shall secure a field trial permit from the director at least 15 days prior to an event.

(a) The application for the permit shall include a copy of the sanction authorization or license and a map of each area in which an event will occur. The map and all features on the map shall be to scale and the scale shall be at least 1/4 inch to one mile, the map shall contain all township roads, stream drainages and the specific area to be used for the event.

(B) The applicant shall include as part of the application the following statement: "Applicant fully understands that a permit to sponsor or hold a furbearing animal or coyote field trial does not give the permittee or participants in the field trial event the right or privilege of entering on private property without first having obtained permission from the landowner or tenant."

(C) The application authorized by the director shall give additional information as required.

(D) The application for a field trial permit may include all sanctioned or licensed events the applicant will conduct for the calendar year. The application may also include up to three non-sanctioned or unlicensed events to occur on any area permitted for the identified sanctioned or licensed events.

(2) The director may refuse to issue a permit for a furbearer or coyote field trial if he determines that the

size of the area is insufficient or excessive, or if he determines that there is a lack of clarity in information stated, or if the applicant has been convicted of violations of the wildlife statutes or regulations.

(3) All field trial events shall comply with the following requirements:

(A) Field trial events shall be no more than seven days in duration and shall be conducted only on the area defined in the permit.

(B) A minimum of six dogs participating in an event constitutes a field trial.

(C) The permittee shall keep a register of the names and addresses of all participants in the field trial event. The register shall be subject to inspection by any state wildlife conservation officer.

(D) A field trial shall not be held on lands managed by the fish and game commission, except as permitted in accordance with K.A.R. 23-8-24 (special use permits).

(E) The director may revoke a furbearer or coyote field trial permit when he has reason to believe the participants of the field trial event have committed or are about to commit a violation of wildlife statutes and regulations.

(F) Wild or pen-raised red or gray fox, raccoon, opossum and coyotes may be used by participants in permitted field trial events, except that no wild furbearer shall be shot, captured or taken by a permittee or participants in a field trial event.

(G) No person participating in a field trial event shall possess a firearm.

(H) A furbearer field trial event shall not be held between the close of the fall running season and the opening of raccoon, fox or opossum hunting season as established by K.A.R. 23-6-1.

(I) A coyote field trial event shall not be held during the closed season for coyote hunting established by K.S.A. 32-158a, except that portion opened by K.A.R. 23-6-1.

(c) Water races and drag events.

(A) No permit is required.

(B) Water races and drag events may be held during any time of the year and shall be restricted to a single tract of land containing no more than 640 acres. The individual or organization holding the event shall notify the local wildlife conservation officer at least 10 days before the event and specify the location, time, size and type of event being conducted. Wild furbearers may be used only during the open season for that furbearer. (Authorized by and implementing K.S.A. 32-173, 32-174 and 32-175; effective Jan. 1, 1970; amended E-76-16, Mar. 27, 1975; amended May 1, 1976; amended E-79-32, Nov. 21, 1978; amended May 1, 1979; amended E-80-70, Nov. 7, 1979; amended May 1, 1980; amended May 1, 1981; amended, T-87-2, Jan. 17, 1986.)

BILL HANZLICK
Director, Fish and
Game Commission

Doc. No. 003878

State of Kansas

DEPARTMENT OF HEALTH
AND ENVIRONMENTTEMPORARY ADMINISTRATIVE
REGULATIONS

(Effective December 11, 1985. Expire May 1, 1986.)

Article 35.—RADIATION

28-35-175. (Authorized by K.S.A. 1975 Supp. 48-1607; effective Jan. 1, 1970; amended Jan. 1, 1972; amended May 1, 1976, revoked, T-86-37, Dec. 11, 1985.)

28-35-176. (Authorized by K.S.A. 1975 Supp. 48-1607; effective Jan. 1, 1970; amended May 1, 1976, revoked, T-86-37, Dec. 11, 1985.)

28-35-177. (Authorized by K.S.A. 48-1607; effective Jan. 1, 1970, revoked, T-86-37, Dec. 11, 1985.)

28-35-178. (Authorized by K.S.A. 1975 Supp. 48-1607; effective Jan. 1, 1970, amended Jan. 1, 1972, amended May 1, 1976, revoked, T-86-37, Dec. 11, 1985.)

28-35-179 and 28-35-180. (Authorized by K.S.A. 48-1607; effective Jan. 1, 1970, revoked, T-86-37, Dec. 11, 1985.)

28-35-181. (Authorized by K.S.A. 1975 Supp. 48-1607; effective Jan. 1, 1970; amended Jan. 1, 1972; amended May 1, 1976, revoked, T-86-37, Dec. 11, 1985.)

28-35-182. (Authorized by K.S.A. 48-1607; effective Jan. 1, 1970, revoked, T-86-37, Dec. 11, 1985.)

28-35-183. (Authorized by K.S.A. 1975 Supp. 48-1607; effective Jan. 1, 1970; amended May 1, 1976, revoked, T-86-37, Dec. 11, 1985.)

28-35-184. (Authorized by K.S.A. 1975 Supp. 48-1607; effective Jan. 1, 1970; amended May 1, 1970; revoked, T-86-37, Dec. 11, 1985.)

28-35-185 through 28-35-189. (Authorized by K.S.A. 48-1607; effective Jan. 1, 1970; revoked, T-86-37, Dec. 11, 1985.)

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

28-35-191. (Authorized by K.S.A. 48-1607; effective Jan. 1, 1970; revoked, T-86-37, Dec. 11, 1985.)

28-35-192. (Authorized by K.S.A. 1975 Supp. 48-1607; effective Jan. 1, 1970; amended Jan. 1, 1972; amended May 1, 1976; revoked, T-86-37, Dec. 11, 1985.)

28-35-193. (Authorized by K.S.A. 48-1607; effective Jan. 1, 1970; revoked, T-86-37, Dec. 11, 1985.)

28-35-194 and 28-35-195. (Authorized by K.S.A. 1975 Supp. 48-1607; effective Jan. 1, 1970; amended Jan. 1, 1972; amended May 1, 1976; revoked, T-86-37, Dec. 11, 1985.)

28-35-196. (Authorized by K.S.A. 1975 Supp. 48-1607; effective May 1, 1976; revoked, T-86-37, Dec. 11, 1985.)

28-35-197 and 28-35-198. (Authorized by K.S.A. 1975 Supp. 48-1607; effective Jan. 1, 1970; amended Jan. 1, 1972; amended May 1, 1976; revoked, T-86-37, Dec. 11, 1985.)

28-35-199. (Authorized by K.S.A. 1975 Supp. 48-1607; effective Jan. 1, 1970; amended Jan. 1, 1972; amended May 1, 1976; revoked, T-86-37, Dec. 11, 1985.)

28-35-200. (Authorized by K.S.A. 1975 Supp. 48-1607; effective Jan. 1, 1970; amended May 1, 1976; revoked, T-86-37, Dec. 11, 1985.)

PART 3—LICENSING OF SOURCES
OF RADIATION

28-35-175a. Persons licensed. (a) A person shall not receive, use, possess, transfer, or dispose of radioactive material except as authorized in a specific or general license issued pursuant to these regulations, or as otherwise provided in these regulations. Each manufacturer, producer or processor of any equipment, device, commodity or other product containing source or by-product material for which subsequent possession, use, transfer and disposal by any other person is exempted from these regulations shall obtain authority to transfer possession or control to such other person from the U.S. nuclear regulatory commission, Washington, D.C. 20555.

(b) In addition to the requirements of this part, all licensees are subject to the requirements of part 1, part 4 and part 10 of these regulations. Licensees engaged in industrial radiographic operations shall be subject to the requirements of part 7 and licensees using sealed sources in the healing arts shall be subject to the requirements of part 6 of these regulations. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-176a. Types of licenses. Licenses for radioactive materials shall be of two types: general and specific.

(a) General licenses provided in this part shall be effective without the filing of applications with the department or the issuance of licensing documents to particular persons. The general licensee shall be subject to all other applicable portions of these regulations and any limitations of the general license.

(b) Specific licenses shall require the submission of an application to the department and the issuance of a licensing document by the department. The licensee shall be subject to all applicable portions of these regulations as well as any limitations specified in the licensing document. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-177a. General licenses—source material. (a)(1) A general license is hereby issued authorizing the acquisition, possession, use, and transfer of not

more than 15 pounds of source material at any one time by persons in the following categories:

(A) Pharmacists using the source material solely for the compounding of medicinals;

(B) physicians using the source material for medicinal purposes;

(C) persons receiving possession of source material from pharmacists or physicians in the form of medicinals or drugs; and

(D) commercial and industrial firms, research, educational, medical institutions, and state and local governmental agencies for research, development, educational, or commercial purposes. A person shall not, pursuant to this general license, acquire or possess more than a total of 150 pounds of source material in any one calendar year.

(2) Persons who acquire, possess, use, or transfer source material pursuant to the general license issued in subsection (a) shall be exempt from the provisions of parts 4 and 10 of these regulations to the extent the acquisition, possession, use, or transfer is within the terms of the general license. However, this exemption shall not apply to any person who is also in possession of source material under a specific license issued pursuant to these regulations.

(b) A general license is hereby issued authorizing the receipt of title to source material without regard to quantity. This general license shall not authorize any person to receive, possess, use, or transfer source material.

(c) 1) Subject to the requirements of paragraphs (2), (3), and (4) of this subsection, a general license is issued to acquire, possess, use, or transfer depleted uranium contained in industrial products or devices for the purpose of providing a concentrated mass in a small volume of the product or device.

(2)(A) Any person who acquires, possesses or uses depleted uranium pursuant to the general license issued in this subsection shall file form RH-85 with the department. The form shall be filed within 30 days of the date the depleted uranium is received or acquired. Each person filing a form RH-85 shall provide all the information requested by the form.

(B) If any change in circumstances renders any information provided on form RH-85 inaccurate, the department shall be provided written notice of the change within 30 days of the date of the change.

(3) Any person who acquires, possesses or uses depleted uranium pursuant to the general license issued in this subsection shall not:

(A) Introduce depleted uranium, in any form, into a chemical, physical or metallurgical treatment or process, except a treatment or process for the repair or restoration of any plating or other covering of the depleted uranium;

(B) abandon depleted uranium; or

(C) export depleted uranium, except in accordance with a license issued by the U.S. nuclear regulatory commission.

(4) (A) Any person possessing depleted uranium pursuant to the general license issued in this subsection shall transfer (or dispose of) the depleted uranium only by transfer in accordance with K.A.R. 28-35-190a.

(B) When depleted uranium is transferred to any person in this state, the transferor shall furnish the transferee a copy of this regulation and form RH-85.

(C) When depleted uranium is transferred to any person outside this state the transferor shall furnish the transferee with a copy of this regulation form RH-85, and a written notice that possession or use of the depleted uranium is regulated by the U.S. nuclear regulatory commission or the state in which the person is located, under requirements substantially the same as those in this regulation.

(D) Any person who transfers depleted uranium pursuant to this subsection shall give written notice to the department of the name and address of the person to whom the depleted uranium was transferred. The notice shall be filed within 30 days of the date of transfer.

(d) Any person who acquires, possesses, uses or transfers depleted uranium pursuant to subsection (c) of this regulation shall be exempt from the requirements of parts 4 and 10 of these regulations with respect to the depleted uranium acquired, possessed, used or transferred by that person. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-36, Dec. 11, 1985.)

28-35-178a. General license—certain ionization devices. (a) A general license is hereby issued to acquire, possess, use and 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 U.S. nuclear regulatory commission or an agreement state. This general license shall apply to:

(1) Static elimination devices which are designed for ionization of air and which contain, as a sealed source or sources, radioactive material containing a total of not more than 500 microcuries of polonium-210 per device; and

(2) ion generating tubes which are designed for ionization of air and which 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.

(b) The general license issued in subsection (a) of this regulation shall be subject to the provisions of K.A.R. 28-35-137 to 28-35-139, inclusive, 28-35-192a(b)(1)(C), 28-35-184a, 28-35-190a, 28-35-191a, 28-35-196a, 28-35-219a(f) and all of parts 4 and 10 of these regulations. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-178b. General license—certain measuring, gauging and control devices. (a)(1) Subject to the provisions of subsection (b) and (c) of this regulation, a general license is hereby issued to acquire, possess, use and transfer radioactive material which is contained in any device designed, manufactured and used for the purpose of detecting, measuring, gauging or controlling thickness, density, level interface location,

(continued)

radiation leakage, or qualitative or quantitative chemical composition, or for the purpose of producing light or an ionized atmosphere.

(2) The general license issued in paragraph (1) of this subsection shall apply only to radioactive material contained in any device which has been manufactured and labeled by a manufacturer in accordance with the specifications of a specific license issued to that manufacturer by the secretary, the U.S. nuclear regulatory commission or an agreement state.

(b) Each person who acquires, possesses or uses radioactive material in a device pursuant to the general license issued in subsection (a) of this regulation:

(1) Shall assure that all labels which are affixed to the device at the time of receipt and which bear a statement that removal of the label is prohibited are maintained and shall comply with all instructions and precautions provided by these labels:

(2) Shall assure that the device is tested for leakage of radioactive material and proper operation of the on-off mechanism and indicator, if any, at no longer than six-month intervals or at such other intervals as are specified in any manufacturer's label affixed to the device, except:

(i) Devices containing only krypton need not be tested for leakage of radioactive material; and

(ii) devices containing only tritium or not more than 100 microcuries of other beta or gamma-emitting material or 10 microcuries of alpha-emitting material and devices held in storage in the original shipping container prior to initial installation need not be tested for any purpose;

(3) Shall assure that the tests required by paragraph (b)(2) of this subsection and other operations involving testing, installation, servicing, and removal from installation of the radioactive material, its shielding or containment, are performed:

(i) In accordance with instructions provided on labels affixed to the device; or

(ii) by a person holding a specific license to perform such activities;

(4) Shall maintain records showing compliance with the requirements of paragraphs (b)(2) and (b)(3) of this subsection. The records shall show the results of tests. The records also shall show the dates of, and the names of persons performing, the testing, installation, servicing, or removal from installation of the radioactive material, its shielding or containment.

Records of tests for leakage of radioactive material required by paragraph (b)(2) of this subsection shall be maintained for one year after the next, required leak test is performed or until the sealed source is transferred or disposed. Records of tests of the on-off mechanism and indicator, required by paragraph (b)(2) of this section, shall be maintained for one year after the next, required test of the on-off mechanism and indicator is performed or until the sealed source is transferred or disposed. Records which are required by paragraph (b)(3) of this subsection shall be maintained for a period of two years from the date of the recorded event or until the device is transferred or disposed.

(5) Upon a failure of or damage to, or any indication

of a possible failure of or damage to, the shielding of the radioactive material or the on-off mechanism or indicator, or upon the detection of 0.005 microcurie or more removable radioactive material, the licensee shall immediately suspend operation of the device until it has been repaired by the manufacturer or other person holding a specific license to repair such devices, or the device is transferred to a person authorized by a specific license to receive the radioactive material contained in the device, and shall within 30 days, furnish to the secretary a report containing a brief description of the event and the remedial action taken:

(6) Shall not abandon the device;

(7) Except as provided in paragraph (c)(8) of this subsection, shall transfer the device only to a person holding a specific license to receive the device and, within 30 days after the transfer, shall furnish to the secretary a written report containing identification of the device by manufacturer's name and model number and the name and address of the person to whom the device was transferred. However, a report shall not be required if the device is transferred to a specific licensee only for the purpose of obtaining a replacement device;

(8) Shall transfer the device to another general licensee only:

(i) When the device remains in use at a particular location. In this case, the transferor shall give the transferee a copy of this regulation and any safety documents identified in any label affixed to the device, and within 30 days of the transfer, provide a written report to the secretary containing identification of the device by manufacturer's name and model number and the name and address of the transferee, and the name and position of an individual who may be contacted by the secretary concerning the device; or

(ii) When the device is held in storage in the original shipping container at its intended location of use prior to initial use by a general licensee; and

(9) Shall comply with the provisions of K.A.R. 28-35-228a and 28-35-229a of this chapter for reporting radiation incidents, theft or loss of licensed material, but shall be exempt from the other requirements of parts 4 and 10 of these regulations.

(c) Nothing in this rule and regulation shall be deemed to authorize the manufacture of any device containing radioactive material.

(d) The general license issued in subsection (a) of this regulation shall be subject to the provisions of K.A.R. 28-35-184a. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-178c. General license to install devices generally licensed in K.A.R. 20-35-178b. Any person who holds a specific license issued by the U.S. nuclear regulatory commission or an agreement state authorizing the holder to manufacture, install, or service a device described in K.A.R. 28-35-178b is hereby granted a general license to install and service such a device in this state, if:

(a) The device has been manufactured, labeled, installed and serviced in accordance with the provisions of the specific licenses issued in regard to manufacturing, labeling, installing and servicing the device; and

(b) Such person assures that all labels required to be affixed to the device are in place. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-178d. Luminous safety devices for use in aircraft. (a) A general license is hereby issued to acquire, possess, and use tritium or promethium-147 contained in luminous safety devices for use in aircraft if:

(1) the device contains not more than 10 curies of tritium or 300 millicuries of promethium-147; and

(2) the device has been manufactured, assembled or imported in accordance with a specific license, issued under the provisions of section 32.53 of the regulations of the United States nuclear regulatory commission or manufactured or assembled in accordance with a specific license issued by an agreement state, which authorizes manufacture or assembly of the device for distribution to persons generally licensed by the agreement state.

(b) Persons who acquire, possess or use luminous safety devices pursuant to the general license issued in subsection (a) of this regulation shall be exempt from the requirements of parts 4 and 10 of these regulations, except that they shall comply with the provisions of K.A.R. 28-35-228a and 28-35-229a.

(c) The general license issued in this regulation shall not authorize the manufacture, assembly or repair, or the importation or exportation, of luminous safety devices containing tritium or promethium-147.

(d) The general license issued in this regulation shall not authorize the acquisition, possession or use of promethium-147 contained in instrument dials. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-178e. Americium-241 in the form of calibration or reference sources. (a) A general license to acquire, possess, use and transfer, in accordance with the provisions of subsection (b) and (c) of this section, americium-241 in the form of calibration or reference sources is hereby issued to any person who holds a specific license issued by the U.S. nuclear regulatory commission which authorizes the agency to acquire, possess, use and transfer by-product material, source material, or special nuclear material.

(b) The general license issued in subsection (a) of this section applies only to calibration or reference sources which have been manufactured or initially transferred in accordance with the specifications contained in a specific license issued by the secretary, the U.S. nuclear regulatory commission or an agreement state.

(c) The general license issued in subsection (a) of this section is subject to the provisions of K.A.R. 28-35-184a, and to all of the provisions of parts 4 and 10 of these regulations. In addition, persons who acquire, possess, use, and transfer one or more calibration or

reference sources pursuant to this general license:

(1) Shall not possess, at any one time, at any one location of storage or use, more than 5 microcuries of americium-241 in such sources;

(2) shall not receive, possess, use or transfer such a source unless the source, or the storage container, bears a label which includes the following statement or a substantially similar statement which contains the information called for in the following 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. DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

(Name of manufacturer or initial transferor):

(3) shall not transfer, abandon, or dispose of such source except by transfer to a person authorized by a license issued by the secretary, the U.S. nuclear regulatory commission or by an agreement state to receive the source;

(4) shall store such source, except when the source is being used, in a closed container designed and constructed to contain americium-241 which might otherwise escape during storage; and

(5) shall not use the source for any purpose other than the calibration of radiation detectors or the standardization of other sources.

(d) The general license issued in this regulation shall not authorize the manufacture, or the importation or exportation, of calibration or reference sources containing americium-241. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-178f. General license to own radioactive material. A general license is hereby issued to own radioactive material without regard to quantity. However, a general licensee under this regulation is not authorized to manufacture, produce, transfer, receive, possess, use, import or export radioactive material, except as authorized in a specific license. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-178g. General license for strontium-90 in ice detection devices. (a) A general license is hereby issued to own, acquire, possess, use and transfer strontium-90 contained in ice detection devices if each device contains not more than 50 microcuries of strontium-90 and if each device is manufactured or initially transferred in accordance with the specifications contained in a license issued to the manufacturer by the secretary, the U.S. nuclear regulatory commission or an agreement state.

(b) Persons who own, acquire, possess, use, or transfer strontium-90 contained in ice detection devices pursuant to the general license issued in subsection (a) of this section:

(1) Shall, if visually observable damage to the de-

(continued)

vice occurs, including a bend or crack or discoloration from overheating, discontinue use of the device until it has been inspected, tested for leakage and repaired by a person holding a specific license issued by the secretary, the U.S. nuclear regulatory commission or an agreement state to manufacture or service the device, or shall dispose of the device pursuant to the provisions of K.A.R. 28-35-223a;

(2) Shall assure that all labels affixed to the device at the time of receipt, and which bear a statement that prohibits removal of the labels, are maintained thereon;

(3) Shall be exempt from the requirements of parts 4 and 10 of these regulations, except that such persons shall comply with the provisions of K.A.R. 28-35-223a, 28-35-228a and 28-35-229a.

(c) This general license shall not authorize the manufacture, assembly, disassembly or repair, or the importation or exportation, of strontium-90 in ice detection devices. (Authorized by and implementing K.A.R. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-178h. General license for use of by-product material for certain in vitro clinical or laboratory testing. (a) A general license is hereby issued to any physician, veterinarian in the practice of veterinary medicine, clinical laboratory or hospital to acquire, possess, use and transfer in accordance with the provisions of subsections (b), (c), (d), (e), and (f) of this section, the following radioactive materials in pre-packaged units for use in any of the following stated tests:

(1) Iodine-125, in units not exceeding 10 microcuries each, for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(2) Iodine-131, in units not exceeding 10 microcuries each, for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(3) Carbon-14, in units not exceeding 10 microcuries each, for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(4) Hydrogen-3 (tritium), in units not exceeding 50 microcuries each, for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(5) Iron-59, in units not exceeding 20 microcuries each, for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(6) Selenium-75, in units not exceeding 10 microcuries each, for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(7) Mock Iodine-125 reference or calibration sources, in units not exceeding 0.05 microcuries of Iodine-129 and 0.005 microcurie of americium-241 each, for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(8) Cobalt-57, in units not exceeding 10 microcuries each, for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(b)(1) A person shall not acquire, possess, use or transfer radioactive material pursuant to the general license issued in subsection (a) of this section until the person has filed form RH-31, "Registration Certificate—In Vitro Testing with Radioactive Material Under General License," with the secretary and has received from the secretary a validated copy of the form, with a registration number assigned, or until the person has been authorized pursuant to K.A.R. 28-35-181d(d) to use radioactive material under the general license issued in subsection (a) of this regulation.

(2) Each person who files a form RH-31 shall provide all the information requested by that form.

(c) Each person who acquires, possesses, or uses radioactive material pursuant to the general license issued in subsection (a) of this section:

(1) Shall not possess, at any one time, at any one location of storage or use, a total amount of iodine-125, iodine-131, selenium-75, cobalt-57 or iron-59 in excess of 200 microcuries;

(2) shall store the radioactive material, until used, in the original shipping container or in a container providing equivalent radiation protection;

(3) shall use the radioactive material only for the uses authorized in subsection (a) of this section;

(4) shall not transfer the radioactive material except by transfer to a person authorized to receive it under a license issued by the secretary, the U.S. nuclear regulatory commission or an agreement state, and shall not transfer the radioactive material in any manner other than in the unopened, labeled shipping container as received from a supplier; and

(5) shall dispose of mock iodine-125 reference or calibration sources in accordance with the requirements of K.A.R. 28-35-223a.

(d) Each general licensee shall not receive, acquire, possess, or use radioactive material pursuant to subsection (a) of this section:

(1) Except as prepackaged units which are labeled in accordance with the provisions of a specific license issued by the secretary, the U.S. nuclear regulatory commission, or an agreement state; and

(2) Unless the following statement, or a substantially similar statement which contains the information called for in the following statement, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure which accompanies the package:

"This radioactive material may be received, acquired, possessed, and used only by physicians, veterinarians in the practice of veterinary medicine, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external admin-

istration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use, and transfer are subject to the regulations and a general license of the U.S. nuclear regulatory commission or of a state with which the commission has entered into an agreement for the exercise of regulatory authority.

(Name of Manufacturer)

(e) Each person possessing or using radioactive materials under the general license issued in subsection (a) of this section shall file a written report with the secretary of any change in the information furnished on form RH-31. The report shall be filed within 30 days after the effective date of any change.

(f) Any person using radioactive material pursuant to the general license issued in paragraph (1) of subsection (a) shall be exempt from the requirements of parts 4 and 10 of these regulations with respect to radioactive materials covered by that general license, except that any person using Mock Iodine-125 shall comply with the provisions of K.A.R. 28-35-223a, 28-35-228a and 28-35-229a. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-178i. General licenses for certain units of radium-226. (a) Subject to the limitations prescribed in subsection (b), (c) and (d) of this regulation, a general license is hereby issued to commercial and industrial firms, and to research, educational, medical and governmental institutions, to acquire, possess, use, and transfer radium-226 in units not exceeding 0.1 microcurie each.

(b) A person shall not acquire, possess, use or transfer radium-226 pursuant to the general license issued in subsection (a) of this regulation 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 general licensee under this regulation:

(1) Shall not possess, at any one time, and at any one location of storage or use, a total amount of radium-226 in excess of five microcuries;

(2) shall store the radium-226, until used, in the original shipping container or in a container providing equivalent radiation protection;

(3) shall transfer the radioactive material only to a person who is authorized to receive it pursuant to a license issued by the secretary, the United States nuclear regulatory commission or an agreement state; and

(4) shall not transfer the radioactive material in any manner other than in the unopened, labeled shipping container as received from the shipper.

(d) Each general licensee under this regulation shall file a written report with the secretary 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 general licensee under this regulation shall be exempt from the requirements of parts 4 and 10 of these regulations with respect to the radioactive material covered by the general license.

(f) The general license issued in this regulation

shall not authorize the manufacture, commercial distribution or human use of radium-226. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-179a. Application for specific license; renewal or amendment. (a) Any person may file a written application with the secretary for a specific license to acquire, possess, use or transfer radioactive material, and shall file a written application with the secretary to renew or amend any specific license. Each application for a specific license, or a renewal or an amendment of an existing license, shall be made on the appropriate form prescribed and furnished by the secretary. Each person filing an application shall provide all the information requested on the application form, and any additional information requested by the secretary.

(b) Each application filed with the secretary shall be signed by the applicant or licensee, or by a person authorized to act for or on behalf of the applicant or licensee.

(c) Any application may incorporate, by reference, information provided in applications, reports or other documents previously filed with the secretary. Any reference to information previously filed with the secretary shall be clear and specific.

(d) An application for a specific license may include a request for a license authorizing activity at one or more installations or locations. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-180a. Grant or denial of specific licenses. An application for a specific license shall be approved only if the secretary determines that:

(a) The applicant is qualified by training and experience to use the material in question for the purpose requested, in accordance with these regulations, and in a manner that will protect the public health and minimize danger to life and property;

(b) the applicant's proposed equipment, facilities, and procedures are adequate to protect the public health and minimize danger to life and property;

(c) the issuance of the license will not be inimical to public health and safety; and

(d) the applicant has met the requirements prescribed in these regulations for the issuance of the particular license sought. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-181a. Specific licenses for materials, human use of radioactive material in medical institutions. An application for a specific license for human use of radioactive material in institutions shall not be approved unless:

(a) The applicant has appointed a radiation safety committee of at least three members to oversee the licensed radioactive material throughout the institution and to review the institution's radiation safety program. Membership of the committee shall include at least the following: an authorized user for each type

(continued)

of use permitted by the license, a representative of the nursing staff, a representative of the institution's management, and a radiation safety officer;

(b) the applicant possesses adequate facilities for the clinical care of patients;

(c) the physician or physicians designated on the application as the user or users have substantial experience in handling and administering radioactive materials, and where applicable, clinical management of radioactive patients; and

(d) if the application is for a license to use unspecified quantities or multiple types of radioactive material, the applicant or applicant's staff has substantial experience in the use of a variety of radioactive materials for a variety of human uses. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-181b. Specific licenses to individual physicians for human use of radioactive material. (a) A specific license for the human use of radioactive materials outside of a medical institution shall not be issued to an individual physician unless:

(1) The applicant has access to a hospital and adequate facilities are available for the hospitalization and monitoring of the applicant's radioactive patients when such action is advisable; and

(2) the applicant has extensive experience in the proposed use, handling and administration of radioactive material, and where applicable, clinical management of radioactive patients. The physician shall furnish evidence of this experience with the application for the specific license.

(b) The secretary shall not approve an application by an individual physician or group of physicians for a specific license to receive, possess, or use radioactive material on the premises of a medical institution unless:

(1) The use of radioactive material is limited to:

(A) The administration of radiopharmaceuticals for diagnostic or therapeutic purposes;

(B) the performance of diagnostic studies on patients to whom a radiopharmaceutical has been administered;

(C) the performance of in vitro diagnostic studies; and

(D) calibration and quality control checks of radioactive assay instrumentation, radiation safety instrumentation and diagnostic instrumentation;

(2) the physician brings the radioactive material to the institution for each use and removes the radioactive material from the institution after each use; and

(3) the medical institution or institutions at which the radioactive materials are to be used by the physician or physicians do not hold a specific license under K.A.R. 28-35-181a. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-181c. Specific license for human use of radioactive material in sealed sources. (a) A specific license for human use of radioactive materials in sealed sources shall not be issued unless the appli-

cant, or if the application is made by an institution, each individual user of the radioactive material:

(1) Has specialized training in the diagnostic or therapeutic use of the sealed source device or extensive experience in the use of the device; and

(2) is a physician.

(b) The applicant shall furnish evidence of the training or experience required by subsection (a) at the time of filing the application for the specific license. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-181d. Specific licenses for a group or groups of medical uses. (a) Any institution, person or group of persons who meet 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 specified in K.A.R. 28-35-199a. Each such 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) An application for a specific license to use radioactive material for any group or groups of medical uses specified in K.A.R. 28-35-199a schedule shall not be approved unless:

(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; and

(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 radioactive material. Such 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) Each 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 United States nuclear regulatory commission or an agreement state.

(2) Each licensee who has been issued a license for group III uses shall not receive, possess, or use generators or reagent kits containing radioactive material, nor shall any licensee use reagent kits that do not contain radioactive material to prepare radiopharmaceuticals containing radioactive material, except:

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

(ii) 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 United States 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 United States 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 who has been issued a license for groups 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:

- (i) Chemical and physical form;
- (ii) route of administration; and
- (iii) dosage range.

(5) Each 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 United States 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) Any licensee who is licensed under this regulation shall be authorized, subject to the provisions of subsection (f) and (g) of this regulation, to receive, possess, and use for calibration and reference standards:

(1) Any radioactive material listed in groups I, II, or III of K.A.R. 28-35-199a 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 of K.A.R. 28-35-199a that has a half-life greater 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 United States nuclear regulatory commission or an agreement state.

(f)(1) Any licensee who possesses sealed sources as calibration or reference sources pursuant to subsection

(e) of this regulation shall cause each sealed source containing radioactive material, other than hydrogen 3, that has a half-life greater 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 prior to the transfer of a particular sealed source, that sealed source shall not be used until tested, unless:

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

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

(2) Each leak test required under paragraph (1) of this subsection 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) of this regulation shall:

(1) Follow radiation safety and handling instructions that are approved by the secretary, the United States nuclear regulatory commission or an agreement state and furnished by the manufacturer on the label attached to the source, or permanent container thereof, or in the leaflet or brochure that accompanies the source;

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

(3) conduct a quarterly physical inventory to account for all sources received and possessed. Records of the inventories 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. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-181e. Special licenses for certain items containing radioactive material other than source, by-product or special nuclear material. (a) Applications for any of the following types of specific licenses shall not be approved unless the applicant submits the information required by 10 CFR, section 32.14 and 32.15, as in effect on May 1, 1983:

(continued)

(1) a specific license to apply radioactive material other than source, by-product or special nuclear material to products specified in K.A.R. 28-35-192c(a);

(2) a specific license to incorporate radioactive material, other than source, by-product or special nuclear material into products specified in K.A.R. 28-35-192c(a); and

(3) a specific license to import products that are specified in K.A.R. 28-35-192e(a), and that contain radioactive material other than source, by-product or special nuclear material for use pursuant to K.A.R. 28-35-192c(a).

(b)(1) Each person licensed under subsection (a) of this regulation shall file an annual report with the secretary regarding items transferred to other persons for use under K.A.R. 28-35-192c(a). That report shall include:

(A) A description or identification of the type of each product transferred;

(B) for each radionuclide in each type of product, the total quantity of the radionuclide transferred; and

(c) the number of units of each type of product transferred during the reporting period.

(2) If no transfers of by-product material have been made pursuant to K.A.R. 28-35-192c(a) during a reporting period, the report shall indicate this fact.

(3) Each report shall cover the 12-month period commencing on July 1 and ending on June 30, and shall be filed by July 31 of each year. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-181f. Special licenses for the introduction of radioactive material into products in exempt concentrations. (a) An application for a specific license to introduce radioactive material into a product or material and to transfer the product or material to any person who is exempt from regulation under K.A.R. 28-35-192b(a) shall not be approved unless the applicant submits with the application for the specific license:

(1) A description of the product or material into which the radioactive material is to be introduced;

(2) an explanation of the intended use of the radioactive material;

(3) the method by which the radioactive material is to be introduced;

(4) the concentration of the radioactive material to be introduced;

(5) the control method or methods to be employed to assure that no more than the specified concentration is introduced;

(6) the estimated time interval between introduction of radioactive material into the product or material and the transfer of the product or material;

(7) the estimated concentration of radioactive material that will be present in the product or material at the time of transfer; and

(8) reasonable assurances that:

(A) the concentrations of radioactive material at the time of transfer will not exceed the limitations prescribed in K.A.R. 28-35-198a, Schedule C;

(B) reconcentration of the radioactive material con-

centrations exceeding the limitations prescribed in K.A.R. 28-35-198a, Schedule C is not likely to occur;

(C) use of lower concentrations of radioactive material is not practical or feasible; and

(D) the product or material is not likely to be incorporated in any food, beverage, cosmetic, drug or other commodity or product designed for ingestion or inhalation by, or application to, a human being.

(b)(1) Each person licensed under subsection (a) of this regulation shall file an annual report with the secretary describing the type and quantity of each product or material into which radioactive material has been introduced during the reporting period; the name and address of the person to whom possession of the product of material into which radioactive material has been introduced was transferred; the type and quantity of radioactive material which was introduced into each product or material; and the initial concentration of radioactive material in the product or material at time of transfer of the radioactive material by the licensee.

(2) If no transfers of radioactive materials have been made during a reporting period, the report shall indicate this fact.

(3) Each report shall cover the 12-month period commencing on July 1 of each year. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-181g. Special licenses for use of sealed sources in industrial radiography. (a) An application for a specific license to use sealed sources in industrial radiography shall not be approved unless the applicant:

(1) Has a program for training radiographers and radiographer's assistants which meets the requirements of K.A.R. 28-35-282;

(2) has established, and submits to the department, written operating and emergency procedures meeting the requirements of K.A.R. 28-35-283;

(3) has an internal inspection system to assure that the regulations, license conditions, and the applicant's operating and emergency procedures are followed by radiographers and radiographers' assistants;

(4) submits to the department a description of the overall organizational structure pertaining to the radiographic program, including specific delegations of authority and responsibility for operation of the program;

(5) if the applicant desires to conduct leak tests, has established adequate procedures to be followed in leak-testing sealed sources for possible leakage and contamination, and submits to the department a description of these procedures including:

(A) Instrumentation to be used;

(B) method of performing tests, including points on equipment to be smeared and the method of taking smears; and

(C) pertinent experience of the person who will perform the test; and

(6) has established a program for inspection and maintenance of radiographic exposure devices and storage containers to assure proper functioning.

(b) Inspections required by paragraph (a)(3) of this regulation shall be performed at intervals not exceeding three months. The records of each such inspection shall be retained for inspection by the department for a period of two years from the date the inspection is performed. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-181h. Specific licenses to manufacture and distribute the devices specified in K.A.R. 28-35-178b. An application for a specific license to manufacture and distribute one or more of the devices described in K.A.R. 28-35-178b shall not be approved unless the applicant meets the requirements of subsection (a) and (b) of this regulation. (a) The applicant shall submit sufficient information relating to the design, manufacture, prototype testing, quality control, labels, proposed uses, installation, servicing, leak testing, operating and safety instructions, and potential hazards of the device to provide reasonable assurance that:

(1) The device can be safely operated by persons not having training in radiological protection;

(2) under ordinary conditions of handling, storage, and use of the device, the radioactive material contained in the device will not be released or inadvertently removed from the device, and it is unlikely that any person will receive in any period of one calendar quarter a dose in excess of 10 percent of the limits specified in K.A.R. 28-35-212a; and

(3) under accident conditions, such as fire or explosion, associated with handling, storage, and use of the device, it is unlikely that any person would receive an external radiation dose or dose commitment in excess of the following organ doses:

- | | |
|---|----------|
| (A) Whole body; head and trunk; active blood-forming organs; gonads; or lens of eye | 15 rems |
| (B) Hands and forearms; feet and ankles; localized areas of skin averaged over areas no larger than 1 square centimeter | 200 rems |
| (C) Other organs | 50 rems. |

(b) Each device shall bear a durable, legible, clearly visible label or labels approved by the department, which contain, in clearly identified and separate statements, the following information:

(1) Instructions and precautions necessary to assure safe installation, operation, and servicing of the device (operating and service manuals may be identified in the label and used to provide this information);

(2) whether or not leak testing or testing of any on-off mechanism and indicator is required. The statements shall include the maximum allowable time intervals between tests and shall identify the radioactive material by isotope, quantity of radioactivity, and date that the quantity was determined; and

(3) the information called for in one of the following statements, as appropriate, in the same or a substantially similar form;

(A) "The receipt, possession, use, and transfer of this device, model _____, serial no. _____, are subject to a general license or the equivalent and the regulations of the U.S. nuclear regulatory commission or a state with which the U.S. nuclear regulatory com-

mission has entered into an agreement for the exercise of regulatory authority. This label shall be maintained on the device in a legible condition. Removal of this label is prohibited.)

CAUTION—RADIOACTIVE MATERIAL

(Name of manufacturer or distributor)

(B) "The receipt, possession, use, and transfer of this device, model _____, serial no. _____, are subject to a general license or the equivalent, and the regulations of a licensing state. This label shall be maintained on the device in a legible condition. Removal of this label is prohibited.

CAUTION—RADIOACTIVE MATERIAL

(Name of manufacturer or distributor)

The model, serial number, and name of the manufacturer or distributor may be omitted from this label if the information is elsewhere specified in labeling affixed to the device. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-181i. Special license to manufacture, distribute, assemble or repair luminous safety devices for use in aircraft. An application for a specific license to manufacture, assemble, or repair luminous safety devices containing tritium or promethium-147, for use in aircraft, and to distribute such devices to persons generally licensed under K.A.R. 28-35-178c shall not be approved unless the applicant meets the requirements of sections 32.53, 32.54, 32.55, 32.56 and 32.101 of 10 CFR Part 32, as in effect on May 31, 1984. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-181j. Special licenses to manufacture and distribute calibration sources containing americium-241 or plutonium. An application for a specific license to manufacture calibration sources containing americium-241 or plutonium and to distribute those sources to persons generally licensed under K.A.R. 28-35-178e shall not be approved unless the applicant meets the requirements of sections 32.57, 32.58, 32.59 and 32.102 of 10 CFR Part 32, as in effect on May 31, 1984, and the requirements of section 70.39 of 10 CFR Part 70, as in effect on May 31, 1984. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-181k. Specific licenses to manufacture and distribute ice detection devices. An application for a specific license to manufacture ice detection devices and to distribute those devices to persons generally licensed under K.A.R. 28-35-178g shall not be approved unless the applicant meets the requirements of sections 32.61, 32.62, and 32.103 of 10 CFR Part 32, as in effect on May 31, 1984. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-181l. Specific licenses to manufacture and distribute industrial products and devices containing depleted uranium. (a) An application to manufacture industrial products and devices containing depleted uranium for mass-volume applications and to distrib-

(continued)

ute those products or devices to persons generally licensed under K.A.R. 28-35-177a(c) shall not be approved unless:

(1) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control procedures, labeling or marking, proposed uses, and potential hazards of the industrial product or device to provide reasonable assurance that possession, use, or transfer of the depleted uranium in the product or device is not likely to cause any individual to receive, in any one calendar quarter, a radiation dose in excess of 10 percent of the limits specified in K.A.R. 28-35-212a;

(2) the applicant submits sufficient information regarding the industrial product or device and the presence of depleted uranium for a mass-volume application in the product or device to provide reasonable assurance that unique benefits will accrue to the public because of the usefulness of the product or device;

(3) the secretary finds the product or device combines a high degree of utility with a low probability of uncontrolled disposal or dispersal of significant quantities of depleted uranium into the environment; and

(4) the application states clearly the use or uses for which the product or device is to be intended.

(b) Each person licensed pursuant to subsection (a) of this regulation shall:

(1) In the manufacture of the industrial product or device, and in the installation of the depleted uranium into the product or device, maintain the level of quality control required by the license;

(2) label or mark each unit to:

(A) Identify the manufacturer of the product or device and the number of the license under which the product or device was manufactured, identify the fact that the product or device contains depleted uranium, and indicate the quantity of depleted uranium in each product or device; and

(B) state that the receipt, possession, use, and transfer of the product or device are subject to a general license and the regulations issued by the secretary, the U.S. nuclear regulatory commission or an agreement state;

(3) assure that the depleted uranium, before being installed in each product or device, has been impressed with the following legend clearly legible through any plating or other covering: "depleted uranium";

(4)(A) furnish a copy of K.A.R. 28-35-177a and a form RH-85 to each person to whom the applicant transfers depleted uranium in a product or device for use pursuant to the general license issued in K.A.R. 28-35-177a(c); or

(B) furnish to each person to whom the applicant transfers depleted uranium in a product or device for use pursuant to a general license issued by the U.S. nuclear regulatory commission or an agreement state:

(i) a copy of the regulation of the U.S. nuclear regulatory commission or an agreement state which is equivalent to K.A.R. 28-35-177a(c) and a copy of the certificate of the U.S. nuclear regulatory commission or agreement state;

(ii) a copy of K.A.R. 28-35-177a and a copy of form RH-85; and

(iii) a note explaining that use of the product or device is regulated by the U.S. nuclear regulatory commission or an agreement state under requirements substantially the same as those in K.A.R. 28-35-177a;

(5) report to the department all transfers of industrial products or devices to another person for use under the general license issued in K.A.R. 28-35-177a(c). This report shall identify each general licensee by name and address; an individual, by name and position, if any, who may constitute a point of contact between the department and the general licensee; the type and model number of device transferred; and the quantity of depleted uranium contained in the product or device. A report shall be submitted within 30 days after the end of each calendar quarter. If no transfers have been made to persons generally licensed under K.A.R. 28-35-177a(c) during the reporting period, the report shall indicate this fact;

(6)(A) report to the U.S. nuclear regulatory commission all transfers of industrial products or devices to persons for use under a U.S. nuclear regulatory commission general license which is equivalent to K.A.R. 28-35-177a(c);

(B) report to the appropriate state agency of each agreement state all transfers of devices manufactured and distributed pursuant to this regulation for use under a general license issued by that particular agreement state; and

(C) identify in each report required under paragraph (6)(A) or (6)(B) of this subsection each general licensee by name and address; an individual, by name and position, if any, who may constitute a point of contact between the commission or state agency and the general licensee; the type and model number of the device transferred; and the quantity of depleted uranium contained in the product or device. The report shall be submitted within 30 days after the end of each calendar quarter. If no transfers are made to U.S. nuclear regulatory commission licensees during any reporting period, this information shall be reported to the U.S. nuclear regulatory commission. If no transfers are made to general licensees within a particular agreement state during the reporting period, this information shall be reported to the appropriate agency of the agreement state;

(7) keep and maintain, for a period of two years, records showing the name, address, and point of contact for each general licensee to whom a transfer of depleted uranium in industrial products or devices has been made, including the date of the transfer and the quantity of depleted uranium in the product or device transferred; and

(8) keep and maintain for a period of two years, records showing compliance with the reporting requirements of this subsection. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-181m. Specific licenses to manufacture and distribute radiopharmaceuticals containing radioactive material for medical use under group licenses. An

application for a specific license to manufacture and distribute radiopharmaceuticals containing radioactive material, for uses listed in Group I, II, III, IV or V of 28-35-199a Schedule D and to be used by persons licensed under K.A.R. 28-35-181d(u) of this chapter, shall be approved if the applicant meets the requirements of subsection (a), (b), (c) and (d) of this regulation.

(a) The applicant shall satisfy the general requirements specified in 28-35-180a.

(b) The applicant shall submit evidence that:

(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 food and drug administration (FDA), a biologic product license issued by FDA, or a "notice of claimed investigational exemption for a new drug" (IND) accepted by FDA; or

(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) The applicant shall submit information on the radionuclide, the chemical and physical form of the material; packaging, including maximum activity per package; and evidence that the shielding provided by the packaging of the radioactive material is appropriate for safe handling and storage of radiopharmaceuticals by group licensees.

(d) The label affixed to each package of the radiopharmaceutical shall contain information on the radionuclide, quantity, and date of assay. The label affixed to each package, or the leaflet or brochure which accompanies each package, shall contain a statement that the radiopharmaceutical is licensed by the department for distribution to persons licensed pursuant to K.A.R. 28-35-181d for K.A.R. 28-35-199a, schedule D, Group I, Group II, Group IV, or Group V uses as appropriate, or under equivalent licenses of other agreement states or the United States nuclear regulatory commission. The labels, leaflets or brochures required by this regulation shall be in addition to the labeling required by the FDA. Such 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. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-181n. Specific licenses to manufacture and distribute generators or reagent kits for preparation of radiopharmaceuticals containing radioactive material. An application for a specific license to manufacture and distribute generators or reagent kits containing radioactive material for preparation of radiopharmaceuticals by persons licensed pursuant to K.A.R. 28-35-181d for the uses listed in Group III of K.A.R. 28-35-199a, Schedule D, shall be approved if the applicant meets the requirements of subsections (a), (b), (c) and (d) of this regulation.

(a) The applicant shall satisfy the general requirements specified in K.A.R. 28-35-180a.

(b) The applicant shall submit evidence that:

(1) The generator or reagent kit 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 food and drug administration (FDA), a biologic product license issued by FDA, or a "notice of claimed investigational exemption for a new drug" (IND) accepted by FDA; or

(2) the manufacture and distribution of the generator or reagent kit is not subject to the federal food, drug, and cosmetic act and the public health service act.

(c) The applicant shall submit information on the radionuclide, the chemical and physical form of the material; packaging, including maximum activity per package; and shielding provided by the packaging of the radioactive material contained in the generator or reagent kit.

(d) The label affixed to the generator or reagent kit shall contain information on the radionuclide, quantity, and date of assay.

(e) The label affixed to the generator or reagent kit, or the leaflet or brochure which accompanies the generator or reagent kit, shall contain:

(1) Adequate information, from a radiation safety standpoint, on the procedures to be followed and the equipment and shielding to be used in eluting the generator or processing radioactive material with the reagent kit; and

(2) a statement that "this generator or reagent kit (as appropriate) is approved for use by persons licensed by the department pursuant to K.A.R. 28-35-181d for Group III uses under K.A.R. 28-35-199a, Schedule D, Group III of Part 3, or under equivalent licenses of the United States nuclear regulatory commission or another agreement state." The labels, leaflets or brochures required by this paragraph shall be in addition to the labeling required by the FDA. Such labels, leaflets or brochures may be separate from FDA labeling, or with the approval of FDA, the labeling may be combined with the labeling required by the FDA. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-181o. Specific licenses to manufacture and distribute sources and devices for use as a calibration or reference source, or for certain medical uses. (a) An application for a specific license to manufacture and distribute sources and devices containing radioactive material to persons licensed under K.A.R. 28-35-181d for use as a calibration or reference source or for one or more of the uses listed in Group VI of K.A.R. 28-35-199a shall not be approved unless the applicant submits the following information regarding each type of source or device:

(1) The radioactive material contained, its chemical and physical form, and amount;

(2) details of design and construction of the source or device;

(continued)

(3) procedures for, and results of, prototype tests to demonstrate that the source or device will maintain its integrity under stresses likely to be encountered in normal use and in accidents;

(4) for devices containing radioactive material, the radiation profile for a prototype device;

(5) details of quality control procedures to assure that production sources and devices meet the standards of the design and prototype tests;

(6) procedures and standards for calibrating sources and devices;

(7) legend and methods for labeling sources and devices as to their radioactive content;

(8) radiation safety instructions for handling and storing the source or device. These instructions shall be included on a durable label attached to the source or device. However, instructions which are too lengthy for the label may be summarized on the label and printed in detail on a brochure which is referenced on the label; and

(9) the label which is to be affixed to the source or device, or to the permanent storage container for the source or device. The label shall contain information on the radionuclide, quantity, and date of assay, and a statement that the source or device is licensed by the department for distribution to persons licensed under K.A.R. 28-35-181d or under an equivalent license of the U.S. nuclear regulatory commission or an agreement state. Labeling for sources which do not require long term storage may be on a leaflet or brochure which is to accompany the source.

(b) (1) If the applicant desires that the source or device is required to be tested for leakage of radioactive material at intervals longer than six months, the applicant shall include in the application sufficient information to demonstrate that the longer interval is justified by performance characteristics of the source or device, or similar sources or devices, and by design features that have a significant bearing on the probability or consequences of leakage of radioactive material from the source.

(2) In determining the acceptable interval between tests for leakage of radioactive material, the secretary shall consider information that includes:

(A) the nature of the primary containment (source capsule);

(B) the method for protection of the primary containment;

(C) the method of sealing the containment;

(D) containment construction materials;

(E) the form of the contained radioactive material;

(F) the maximum temperature withstood during prototype tests;

(G) the maximum pressure withstood during prototype tests;

(H) the maximum quantity of contained radioactive material;

(I) the radiotoxicity of contained radioactive material; and

(J) the applicant's operating experience with identical sources or devices or similarly designed and constructed sources or devices. (Authorized by and

implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-181p. Specific license to manufacture or distribute radioactive material for use by persons generally licensed under K.A.R. 28-35-178h. An application for a specific license to manufacture or distribute, or to manufacture and distribute radioactive material for use by persons generally licensed under K.A.R. 28-35-178h, shall not be approved unless the applicant meets the requirements of subsections (a), (b), (c) and (d) of this regulation.

(a) The radioactive material shall be prepared for distribution in prepackaged units of:

(1) iodine-125 in units not exceeding 10 microcuries each;

(2) iodine-131 in units not exceeding 10 microcuries each;

(3) carbon-14 in units not exceeding 10 microcuries each;

(4) hydrogen-3 (tritium) in units not exceeding 50 microcuries each;

(5) iron-59 in units not exceeding 20 microcuries each;

(6) selenium-75 in units not exceeding 10 microcuries each;

(7) mock iodine-125 in units not exceeding 0.05 microcuries of iodine-129 and 0.005 microcuries of americium-241; or

(8) cobalt-57 in units not exceeding 10 microcuries each.

(b) Each prepackaged unit shall bear a durable clearly visible label:

(1) identifying the radioactive contents as to chemical form and radionuclide, and indicating that the amount of radioactivity does not exceed:

(A) 10 microcuries of iodine-125, iodine-131, carbon-14, cobalt-57, or selenium-75;

(B) 50 microcuries of hydrogen-3 (tritium);

(C) 20 microcuries of iron-59; or

(D) 0.05 microcurie of iodine-129 and 0.005 microcurie of americium-241 each; and

(2) Displaying the radiation caution symbol described in K.A.R. 28-35-219a and the words, "CAUTION—RADIOACTIVE MATERIAL," and "not for internal or external use in humans or animals."

(c) The following statement, or a substantially similar statement, shall appear on a label affixed to each prepackaged unit, or in a leaflet or brochure to accompany the package:

"The radioactive material may be received, acquired, possessed, and used only by physicians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use, and transfer are subject to the regulations and a general license 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.

Name of Manufacturer

(d) The label to be affixed to the unit, or a leaflet or brochure which is to accompany the package, shall

contain information concerning the precautions to be observed in handling and storing the radioactive material and regarding the waste disposal requirements of K.A.R. 28-35-223a. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-181g. Special licenses concerning gas and aerosol detectors containing radioactive material other than by-product, source or special nuclear material. (a) An application for a specific license to manufacture, process, produce or transfer gas and aerosol detectors which contain radioactive material other than source, by-product, or special nuclear material, and which are designed to protect life or property from fires and airborne hazards, shall not be approved unless the applicant submits the information required by the United States nuclear regulatory commission under 10 CFR sections 32.26 and 32.27, as in effect on March 31, 1983, for similar devices containing by-product material.

(b) Each person issued a license under subsection (a) of this regulation shall:

(1) develop and carry out adequate control procedures in the manufacture of the product to assure that each population lot meets quality control standards approved by the department;

(2) agree to label or mark each unit so that the manufacturer of the product and the radioactive material in the product can be identified and provide other information with each unit that may be required by the department, including disposal instruction when appropriate; and

(3) agree to file an annual report with the department, which shall include the following information on products imported for sale or distribution or transferred to other persons for use under K.A.R. 28-35-192a or an equivalent regulation of the United States nuclear regulatory commission or an agreement state:

(A) A description or identification of the type of each product imported or transferred;

(B) for each radionuclide in each type of product, the total quantity of the radionuclide imported or transferred; and

(C) the number of units of each type of product imported or transferred during the reporting period. If no imports or transfers of radioactive material have been made during a reporting period, the report shall so indicate.

(c) The report required by paragraph (3) of subsection (b) of this regulation shall cover the 12-month period commencing on July 1, and ending on June 30, and shall be filed by July 31 of each year. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

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, byproduct, 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 United States nuclear regulatory commission or an agreement state shall not be approved unless the applicant submits the information required in 10 CFR sections 32.18 and 32.19, as in effect on March 31, 1983.

(b) Each person licensed under subsection (a) of this regulation 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 commencing on July 1 and ending June 30 and shall be filed by 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. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-182a. Specific licenses of broad scope; types of specific licenses. (a) A "type A specific license of broad scope" is a specific license which is issued to a person who meets the requirements of K.A.R. 28-35-182b and which authorizes that person to acquire, own, possess, use and transfer radioactive material in a quantity not exceeding the quantity specified in the license.

(b) (1) A "type B specific license of broad scope" is a specific license issued to a person who meets the requirements of K.A.R. 28-35-182c and which authorizes that person to acquire, own, possess, use and transfer a specified amount of one or more of the radionuclides listed in K.A.R. 28-35-200a.

(2) If only one radionuclide is acquired, owned, possessed, used and transferred, the quantity allowed under a type B specific license of broad scope shall be the quantity specified in column I of K.A.R. 28-35-200a.

(3) If two or more radionuclides are acquired, owned, possessed, used and transferred, the quantity of all the radionuclides allowed shall be determined as follows:

(A) Determine the ratio of the quantity of each radionuclide to the quantity of that radionuclide specified in column I of K.A.R. 28-35-200a.

(B) Add the ratios.

(C) The sum of those ratios shall not exceed unity.

(c) (1) A "type C specific license of broad scope" is a specific license which is issued to a person who meets the requirements of K.A.R. 28-35-182d and which authorizes that person to acquire, own, possess, use and transfer a specified amount of one or more of the radionuclides listed in K.A.R. 28-35-200a.

(2) If only one radionuclide is acquired, owned, possessed, used and transferred, the quantity allowed under a type C specific license of broad scope shall be the quantity specified in column II of K.A.R. 28-35-200a.

(3) If two or more radionuclides are acquired, owned, possessed, used and transferred, the quantity

(continued)

of all radionuclides allowed shall be determined as follows:

(A) Determine the ratio of the quantity of each radionuclide to the quantity of that radionuclide specified in column II of K.A.R. 28-35-200a.

(B) Add the ratios.

(C) The sum of the ratios shall not exceed unity. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-182b. Qualifications for a type A specific license of broad scope. A type A specific license of broad scope shall be issued only to an applicant who:

(a) has previously engaged in activities involving the use of radioactive materials. The applicant shall submit a summary of the previous activities that involved the use of radioactive materials; and

(b) has established administrative controls and provisions relating to organization and management, procedures, record-keeping, material control and accounting, and management review to assure safe operations. These controls shall include:

(1) The establishment of a radiation safety committee composed of a radiation safety officer, a representative of management, and persons trained and experienced in the safe use of radioactive material;

(2) the appointment of a radiation safety officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiation safety matters; and

(3) the establishment of appropriate administrative procedures. These procedures shall assure that:

(A) the procurement and use of radioactive material is controlled;

(B) safety evaluations of proposed uses of radioactive material are completed. These evaluations shall take into consideration the adequacy of facilities and equipment, training and experience of the user, and proper operating or handling procedures; and

(C) prior to the use of the radioactive material, the safety evaluation of proposed uses, prepared in accordance with paragraph (3)(B) of this subsection, is reviewed, approved and recorded by the radiation safety committee. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-182c. Qualifications for a type B specific license of broad scope. A type B specific license of broad scope shall be issued only to an applicant who has established controls and provisions relating to organization and management, procedures, record-keeping, material control and accounting, and management review that are sufficient to assure safe operation. These controls and provisions shall include:

(a) The appointment of a radiation safety officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiation safety matters; and

(b) the establishment of appropriate administrative procedures. These procedures shall assure that:

(1) the procurement and use of radioactive material is controlled;

(2) safety evaluations of proposed uses of radioactive material are completed. Such evaluations shall take into consideration the adequacy of facilities and equipment, training and experience of the user, and proper operating or handling procedures; and

(3) prior to use of the radioactive material, the safety evaluation of proposed uses, prepared in accordance with paragraph (b)(2) of this regulation, is reviewed, approved, and recorded by the radiation safety committee. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-182d. Qualifications for a type C specific license of broad scope. A type C specific license of broad scope shall be issued only to an applicant who:

(a) submits a statement that radioactive material will only be used by, or under the direct supervision of, an individual or individuals who have:

(1) at least a bachelor's degree or equivalent training and experience in a physical or biological science or in engineering; and

(2) at least 40 hours of training and experience in the safe handling of radioactive materials, and in the characteristics of ionizing radiation, units of radiation dose and quantities, radiation detection instrumentation, and biological hazards of exposure to radiation. Such training and experience shall be appropriate to the type and forms of radioactive material to be used; and

(b) has established administrative controls and provisions relating to procurement of radioactive materials, procedures, record-keeping, material control and accounting, and management review to assure safe operations. These control provisions shall include appropriate administrative procedures which assure that:

(1) procurement and use of radioactive material is controlled; and

(2) safety evaluations of proposed uses of radioactive material are completed. Such evaluations shall take into consideration the adequacy of facilities and equipment and proper operating or handling procedures. (Authorized by and implementing K.S.A. 1984 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-182e. Restrictions on specific licenses of broad scope. (a) Any person who has been issued any type of specific license of broad scope shall not:

(1) Conduct tracer studies in the environment involving direct release of radioactive material;

(2) receive, acquire, own, possess, use, or transfer devices containing 100,000 curies or more of radioactive material as sealed sources used for irradiation of materials;

(3) conduct activities for which a particular specific license is required; or

(4) add, or cause the addition of, radioactive material to any food, beverage, cosmetic, drug, or other product designed for ingestion or inhalation by, or application to, a human being.

(b) Any radionuclide or radionuclides possessed under a type A specific license of broad scope shall be only used by, or under the direct supervision of, a

person or persons approved by a licensee's radiation safety committee.

(c) Any radionuclide or radionuclides possessed under a type B specific license of broad scope shall be only used by, or under the direct supervision of, a person or persons approved by a licensee's radiological safety officer.

(d) Any radionuclide or radionuclides possessed under a type C specific license of broad scope shall be used only by, or under the direct supervision of, a person or persons who meet the requirements of K.A.R. 28-35-182d(a). (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-183a. Conditions imposed upon any specific license. (a) Upon determining that an application meets the requirements of the act and these regulations, the secretary shall issue a specific license authorizing the activity proposed by the applicant and may impose any limitations or conditions to the specific license as the secretary deems appropriate or necessary.

(b) The secretary may incorporate in any license, at the time of its issuance or thereafter, any requirements and conditions with respect to the licensee's receipt, possession, use, or transfer of radioactive material as the secretary deems appropriate or necessary in order to:

(1) Protect health or to minimize danger to life and property;

(2) assure the proper reporting, record-keeping and inspection of activities by the licensee; and

(3) prevent loss or theft of material subject to these regulations. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-184a. Specific conditions on all licenses. (a) No license nor any right under any license shall be assigned or otherwise transferred except as authorized under the act or these regulations.

(b) Each person licensed under these regulations shall confine the use and possession of the material licensed to the locations and purposes authorized in the license.

(c) No person shall introduce radioactive material into any product or material knowing or having reason to believe that the product or material will be transferred to a person exempt from these regulations under K.A.R. 28-35-192a, 28-35-192b, 28-35-192c, 28-35-192d, 28-35-192e, 28-35-192f or 28-35-192g or equivalent regulations of the United States nuclear regulatory commission or an agreement state, except in accordance with a specific license issued under K.A.R. 28-35-181f or the general license issued in K.A.R. 28-35-194a.

(d) Each licensee shall file written notice with the secretary 30 days prior to vacating any facility when the licensee decides to permanently discontinue all activities involving licensed materials authorized in that facility under the license.

(e) Each licensee authorized under K.A.R. 28-35-181h to distribute devices to generally licensed persons shall:

(1) Report to the department all sales or transfers of those devices to persons generally licensed under K.A.R. 28-35-178b. The report shall identify each general licensee by name and address, the type of device transferred, and the quantity and type of radioactive material contained in the device. A report shall be submitted within 90 days of sale or transfer; and

(2) furnish, to each general licensee to whom the licensee transfers any such device, a copy of the general license issued in K.A.R. 28-35-178. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-185a. Expiration of licenses. Except as provided in K.A.R. 28-35-186a(b), each specific license shall expire at end of the day, in the month and year stated on the license. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

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

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

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

28-35-188a. Department action on application to renew or amend. In considering whether to grant or deny an application to renew an existing license, the secretary shall apply the criteria which are applied to determine whether an initial license should be granted or denied. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-189a. Advance notification of transport of nuclear waste. (a) Prior to the transport of any nuclear waste outside the confines of the licensee's facility or any other place of use or storage, or prior to the delivery of any nuclear waste to a carrier for transport, each licensee shall provide advance notification of such transport to the governor, or the governor's designee, of each state through which the waste will be transported. For the purpose of this regulation, "nuclear waste" means any large quantity of source, by-product, or special nuclear material required to be in type B packaging while transported to, through, or across state boundaries to a disposal site, or to a collection point for transport to a disposal site.

(continued)

(b) Each advance notification required by this regulation shall contain the following information:

(1) the name, address, and telephone number of the shipper, carrier and receiver of the shipment;

(2) a description of the nuclear waste contained in the shipment as required by regulation of the U.S. department of transportation 49 CFR 172.202 and 172.203(d), as in effect July 1, 1984;

(3) the point of origin of the shipment and the seven day period during which departure of the shipment is estimated to occur;

(4) the seven day period during which arrival of the shipment at state boundaries is estimated to occur;

(5) the destination of the shipment, and the seven day period during which arrival of the shipment is estimated to occur; and

(6) a point of contact with a telephone number for current shipment information.

(c) The notification required by this regulation shall be made in writing to the office of each appropriate governor or the governor's designee and to the Kansas department of health and environment. A notification delivered by mail shall be postmarked at least seven days before the beginning of the seven day period during which departure of the shipment is estimated to occur. A notification delivered by messenger shall reach the office of each governor, or the governor's designee, at least four days before the beginning of the seven day period during which departure of the shipment is estimated to occur. A copy of the notification shall be retained by the licensee for one year.

(d) The licensee shall notify each appropriate governor, or the governor's designee, and the Kansas department of health and environment of any changes to the schedule information provided pursuant to this regulation. Such notification shall be by telephone to a responsible individual in the office of each appropriate governor, or to the governor's designee. The licensee shall maintain for one year a record of the name of the individual contracted.

(e) Each licensee who cancels a nuclear waste shipment for which advance notification has been sent shall send a cancellation notice to the governor, or the governor's designee, of each appropriate state and to the Kansas department of health and environment. A copy of the notice shall be retained by the licensee for one year.

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

28-35-190a. Transfer of material. (a) A licensee shall not transfer radioactive material except as authorized in this regulation.

(b) Any licensee may transfer radioactive material, subject to the acceptance of the transferee:

(1) To the department;

(2) to the United States nuclear regulatory commission or its successor;

(3) to any person exempt from these regulations

under K.A.R. 28-35-192a, 28-35-192b, 28-35-192c, 28-35-192d, 28-35-192e, 28-35-192f and 28-35-192g, as permitted under those regulations;

(4) to any person authorized to receive the material under an appropriate general or specific license issued by the secretary, the United States nuclear regulatory commission or an agreement state, or to any person otherwise authorized to receive the material by the federal government or any agency thereof, the secretary or an agreement state; or

(5) as otherwise authorized in writing by the secretary; or

(6) to the U.S. department of energy.

(c) Before transferring radioactive material to a specific licensee or to a general licensee who is required to register with the department, the United States nuclear regulatory commission, or an agreement state, the licensee transferring the material shall verify that the transferee's license authorizes receipt of the type, form, and quantity of radioactive material to be transferred.

(d) The following methods for the verification required by subsection (c) shall be acceptable.

(1) The transferor may obtain, and read, a current copy of the transferee's specific license or registration certificate.

(2) The transferor may obtain a written certification by the transferee that the transferee is authorized by license or registration certificate to receive the type, form, and quantity of radioactive material to be transferred, specifying the license or registration certificate number, issuing agency, and expiration date;

(3) For emergency shipments, the transferor may accept oral certification by the transferee that the transferee is authorized by license or registration certificate to receive the type, form, and quantity of radioactive material to be transferred. The oral certification shall include the license or registration certificate number, the issuing agency, and expiration date. The oral certification shall be confirmed in writing within 10 days following the oral certification.

(4) The transferor may obtain other sources of information compiled by a reporting service from official records of the department, United States nuclear regulatory commission, or an agreement state as to the identity of licensees and the scope and expiration dates of licenses and registration.

(5) When none of the methods of verification described in paragraphs (1) to (4) are readily available, or when a transferor desires to verify that information received by one of those methods is correct or up-to-date, the transferor may obtain and record confirmation, from the department, the United States nuclear regulatory commission or an agreement state, that the transferee is licensed to receive the radioactive material.

(e) The radioactive material shall be prepared for shipment and transport in accordance with K.A.R. 28-35-196a. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-191a. Modification, revocation, and termination of licenses. (a) Any license may be suspended

or revoked by reason of amendment to the act or these regulations or by an order of the secretary.

(b) Any license may be revoked, suspended, or modified, in whole or in part:

(1) For any material false statement in the application or any statement of fact required under provision of the act or these regulations;

(2) because of any condition, revealed by the application, or any statement of fact, or any report, record, or inspection or other means, which would warrant the denial of an original application; or

(3) for violation of, or failure to observe, any of the terms and conditions of the license, or any requirement of the act, or any rule and regulation or order of the secretary.

(c) Except in cases in which the public health, interest, or safety requires otherwise, no license shall be modified, suspended, or revoked unless, prior to the institution of such proceedings:

(1) those facts or conduct which appear to warrant such action have been called to the attention of the licensee in writing; and

(2) the licensee has been accorded an opportunity to demonstrate or achieve compliance with all lawful requirements.

(d) The secretary may revoke a specific license upon written request of a licensee. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-192a. Exemptions; source material. (a) Any person shall be exempt from these regulations to the extent the person acquires, possesses, uses or transfers source material in any chemical mixture, compound, solution, or alloy in which the source material, by weight, is less than 0.05 percent of the mixture, compound, solution, or alloy.

(b) Any person shall be exempt from these regulations to the extent the person acquires, possesses, uses or transfers unrefined and unprocessed ore containing source material and does not refine or process the ore.

(c) Any person shall be exempt from these regulations to the extent the person acquires, possesses, uses, or transfers:

(1) Any quantities of thorium contained in:

(A) Incandescent gas mantles;

(B) vacuum tubes;

(C) welding rods;

(D) electric lamps for illuminating purposes, if each lamp does not contain more than 50 milligrams of thorium;

(E) germicidal lamps, sunlamps, and lamps for outdoor or industrial lighting, if each lamp does not contain more than two grams of thorium;

(F) rare earth metals and compounds, mixtures, and products containing not more than 0.25 percent thorium or uranium, or both, by weight; or

(G) personnel neutron dosimeters, if each dosimeter does not contain more than 50 milligrams of thorium;

(2) Source material contained in:

(A) Glazed ceramic tableware, if the glaze contains not more than 20 percent source material, by weight;

(B) glassware, containing not more than 10 percent source material by weight. This exemption shall not include commercially manufactured glass brick, pane glass, ceramic tile or other glass, or ceramic used in construction; and

(C) glass enamel or glass enamel frit that contains not more than 10 percent source material, by weight, and that was imported or ordered for importation into the United States, or initially distributed by manufacturers in the United States, before July 25, 1983; or

(D) piezoelectric ceramic containing not more than two percent source material by weight;

(3) photographic film, negatives, and prints containing uranium or thorium;

(4) any finished product or part of a product fabricated of, or containing, tungsten or magnesium-thorium alloys if the thorium content of the alloy does not exceed four percent, by weight. The exemption contained in this paragraph shall not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of any product or part of a product;

(5) uranium contained in counterweights installed in aircraft, rockets, projectiles or missiles or stored or handled in connection with installation or removal of these counterweights when:

(A) the counterweights are manufactured in accordance with the specifications contained in a specific license issued by the secretary, the United States nuclear regulatory commission or an agreement state, and when distribution by the licensee is authorized pursuant to this paragraph or an equivalent provision of the regulations of the United States nuclear regulatory commission or an agreement state;

(B) each counterweight has been impressed in a manner that is clearly legible through any plating or covering with the following legend: "DEPLETED URANIUM"; and

(C) each counterweight is durably and legibly labeled or marked with the identification of the manufacturer, and the statement: "UNAUTHORIZED ALTERATIONS PROHIBITED." The exemption contained in this paragraph shall not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of any counterweights, other than repair or restoration of any plating or other covering;

(6) uranium used as shielding and constituting part of any shipping container. The uranium shielding shall be conspicuously and legible impressed with the legend "CAUTION—RADIOACTIVE SHIELDING—URANIUM" and shall be enclosed in mild steel, or another equally fire resistant metal, with a minimum wall thickness of one-eighth inch (3.2 mm);

(7) thorium contained in finished optical lenses, if each lens does not contain more than 30 percent of thorium by weight. The exemption contained in this paragraph shall not be deemed to authorize either:

(A) The shaping, grinding, or polishing of the lens or any manufacturing processes other than the assembly of the lens into optical systems and devices without any alteration of the lens; or

(B) the receipt, possession, use or transfer of

(continued)

thorium contained in contact lenses, or in spectacles, or in eyepieces in binoculars or other optical instruments;

(8) uranium contained in detector heads for use in fire detection units, if each detector head contains not more than 0.005 microcurie of uranium; and

(9) thorium contained in any finished aircraft engine part containing nickel-thoria alloy, if:

(A) The thorium is dispersed in the nickel-thoria alloy in the form of finely divided thoria (thorium dioxide); and

(B) the thorium content in the nickel-thoria alloy does not exceed four percent by weight.

(d) The exemptions provided in this regulation shall not authorize the manufacture, processing or production of any of the products described in this regulation. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-192b. Exemptions; exempt concentrations of radioactive materials. (a) Except as provided in K.A.R. 28-35-184a(e), any person shall be exempt from these regulations to the extent the person acquires, possesses, uses, or transfer products or materials containing radioactive material in concentrations not exceeding those specified in K.A.R. 28-35-198a.

(b) Any person shall be exempt from these regulations to the extent the person acquires, possesses, uses, or transfers products containing naturally occurring radionuclides of elements with an atomic number less than 82, in isotopic concentrations not in excess of those which occur naturally.

(c) No person shall introduce radioactive material into a product or material knowing, or having reason to believe, that it will be transferred to a person exempt from these regulations under subsection (a) or under an equivalent regulation of the U.S. nuclear regulatory commission or an agreement state, except in accordance with a specific license issued under K.A.R. 28-35-181e or the general license issued in K.A.R. 28-35-194a. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-192c. Exceptions; other radioactive material. Except for persons who apply tritium, promethium-147 or radium to, or persons who incorporate tritium, promethium-147 or radium into, the products listed in this regulation, any person shall be exempt from these regulations to the extent the person acquires, possesses, uses, or transfers the products listed in this subsection:

(a) Timepieces or hands or dials containing radium, or timepieces, hands or dials containing not more than the following specified quantities of other radioactive materials:

- (1) 25 millicuries of tritium per timepiece;
- (2) 5 millicuries of tritium per hand;
- (3) 15 millicuries of tritium per dial. Bezels, when used, shall be considered as part of the dial;
- (4) 100 microcuries of promethium-147 per watch or 200 microcuries of promethium-147 per any other timepiece;
- (5) 20 microcuries of promethium-147 per watch

hand or 40 microcuries of promethium-147 per hand on other timepieces; and

(6) 60 microcuries of promethium-147 per watch dial or 120 microcuries of promethium-147 per dial on other time pieces. Bezels, when used, shall be considered as part of the dial. The levels of radiation from hands and dials containing promethium-147 shall not exceed, when measured through 50 milligrams per square centimeter of absorber:

(A) For wrist watches, 0.1 millirad per hour at 10 centimeters from any surface;

(B) for pocket watches, 0.1 millirad per hour at one centimeter from any surface; and

(C) for any other timepiece, 0.2 millirad per hour at 10 centimeters from any surface;

(b) lock illuminators containing not more than 15 millicuries of tritium or not more than two millicuries of promethium-147 installed in automobile locks. The level of radiation from each lock illuminator containing promethium-147 shall not exceed one millirad per hour at one centimeter from any surface when measured through 50 milligrams per square centimeter of absorber;

(c) balances of precision containing not more than one millicurie of tritium per balance or not more than 0.5 millicurie of tritium per balance part;

(d) automobile shift quadrants containing not more than 25 millicuries of tritium.

(e) marine compasses containing not more than 750 millicuries of tritium gas and other marine navigational instruments containing not more than 250 millicuries of tritium gas;

(f) thermostat dials and pointers containing not more than 25 millicuries of tritium per thermostat;

(g) electron tubes, if each tube does not contain more than one of the following specified quantities of radioactive material:

(1) 150 millicuries of tritium per microwave receiver protector tube or 10 millicuries of tritium per any other electron tube;

(2) 1 microcurie cobalt-60;

(3) 5 microcurie nickel-63;

(4) 30 microcurie krypton-85;

(5) 5 microcurie cesium-137; or

(6) 30 microcuries promethium-147. The levels of radiation from each electron tube containing radioactive material shall not exceed one millirad per hour at one centimeter from any surface when measured through seven milligrams per square centimeter of absorber. For purposes of this paragraph, "electron tubes" include spark gap tubes, power tubes, gas tubes, gas tubes including glow lamps, receiving tubes, microwave tubes, indicator tubes, pickup tubes, radiation detection tubes and any other completely sealed tube that is designed to conduct or control electrical currents.

(h) ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, sources of radioactive material. No source shall exceed the applicable quantity set forth in K.A.R. 28-35-197a. No single instrument shall contain more than 10 sources. For the purposes of this paragraph,

0.05 μ Ci of Am-241 shall be considered an exempt quantity; and

(i) spark gap irradiators containing not more than 1 microcurie of cobalt-60 per spark gap irradiator for use in electrically ignited fuel oil burners having a firing rate of at least three gallon (11.4 liters) per hour. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-192d. Exceptions; resins containing scandium-46 and designed for sand consolidation in oil wells. Any person shall be exempt from these regulations to the extent the person acquires, possesses, uses, or transfers synthetic plastic resin containing scandium-46 which are designed for sand consolidation in oil wells. These resins shall have been manufactured or imported in accordance with a specific license issued by the secretary, the United States nuclear regulatory commission, or an agreement state. This exemption shall not authorize the manufacture of any resins containing scandium-46. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-192e. Exemptions; gas and aerosol detectors containing radioactive material. (a) Except for persons who manufacture, process, or produce gas and aerosol detectors containing radioactive material or who import these products, any person shall be exempt from these regulations to the extent the person acquires, possesses, uses or transfers radioactive material in gas and aerosol detectors designed to protect life or property from fires and airborne hazards. Each detector shall have been manufactured, processed, produced, imported, or 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 United States nuclear regulatory commission, or an agreement state pursuant to an equivalent regulation of the U.S. nuclear regulatory commission or an agreement state.

(b) Gas and aerosol detectors previously manufactured and distributed to general licensees in accordance with a specific license issued by an agreement state shall be exempt under subsection (a) if the device is labeled in accordance with the specific license authorizing distribution of the general licensed device, and if the detectors meet the requirements of K.A.R. 28-35-181(r). (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-192f. Exemptions; self-luminous products containing tritium, krypton-85 or promethium-147. (a) Except for persons who manufacture, process, or produce self-luminous products containing tritium, krypton-85, or promethium-147 and except as provided in subsection (b), any person shall be exempt from these regulations to the extent that person 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 United States nuclear regulatory commission pursuant

to Section 32.22 of Title 10 CFR 31, which authorizes the transfer of the product to persons who are exempt from regulatory requirements.

(b) The exemption in subsection (a) shall not apply to tritium, krypton-85, or promethium-147 used in toys, adornments, or similar items. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-192g. Exemptions; exempt quantities. (a) Except as provided in subsections (c) and (d), any person shall be exempt from these regulations to the extent the person acquires, possesses, uses, or transfers radioactive material in individual quantities which do not exceed the applicable quantity specified in K.A.R. 28-35-197a.

(b) Any person who possesses radioactive material received or acquired prior to January 1, 1972 under the general license then provided in K.A.R. 28-35-178(A) shall be exempt from these regulations to the extent the person possesses, uses, or transfers that radioactive material. This exemption does not apply to radium-226.

(c) This regulation shall not authorize the production, packaging or repackaging of radioactive material for purposes of commercial distribution, or the incorporation of radioactive material into products intended for commercial distribution.

(d) No person shall, for purposes of commercial distribution, transfer radioactive material in the individual quantities specified in K.A.R. 28-35-197a knowing, or having reason to believe, that those quantities of radioactive material will be transferred to a person exempt from these regulations under this regulation or an equivalent regulation of the U.S. nuclear regulatory commission, or an agreement state, except in accordance with a specific license issued by the secretary under K.A.R. 28-35-181r, an equivalent regulation of the United States nuclear regulatory commission, or an agreement state. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-193a. Pre-licensing inspections. The department may request verification of information provided in any application or request additional information that is necessary to make a determination as to whether a license should be granted or denied and whether any special conditions should be attached to the license. This information may be obtained by visiting the facility or location where radioactive materials would be possessed or used, and by discussing details of proposed possession or use of the radioactive material with the applicant or the applicant's designated representatives. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-194a. Reciprocal recognition of licenses. (a)(1) Subject to other provisions in this regulation, any person who possesses a specific license issued by the United States nuclear regulatory commission or an agreement state, other than this state, is issued a general license to conduct the activities authorized in

(continued)

the specific license within this state without obtaining a specific license from the secretary, if:

(A) The specific license does not limit the activity authorized to a specified installation or location; and

(B) the person notifies the department in writing at least five days prior to engaging in the activity. The notification shall indicate the location, period, and type of proposed possession and use within the state, and shall be accompanied by a copy of the specific license. If, for a specific case, the five day period would impose an undue hardship, the person may, upon application to the department, obtain permission by letter or telegram to proceed;

(C) the person complies with all applicable regulations of the secretary and with all the terms and conditions of the specific license, except any term or condition of the license which is inconsistent with these regulations;

(D) the person supplies any information requested by the department; and

(E) the person does not transfer or dispose of radioactive material possessed or used under the general license provided in this regulation except by transfer to a person;

(i) specifically licensed by the department or the United States nuclear regulatory commission to receive the material; or

(ii) who is exempt from the requirements for a license for that material under K.A.R. 28-35-192a, 28-35-192b, 28-35-192c, 28-35-192d, 28-35-192e, 28-35-192f or 28-35-192g.

(b) Any person who holds a specific license issued by the U.S. nuclear regulatory commission, or an agreement state which authorizes the person to manufacture, transfer, install, or service a device described in K.A.R. 28-35-178b within areas subject to the jurisdiction of the licensing body is issued a general license to manufacture, install, transfer, or service those devices in this state subject to the following conditions.

(1) The person shall satisfy the requirements of K.A.R. 28-35-184a(e)(1) and (2).

(2) The device shall be manufactured, labeled, installed, and serviced in accordance with the provisions of the specific license issued to the person by the United States nuclear regulatory commission or the agreement state.

(3) The person shall assure that any labels required to be affixed to the device, under regulations of the authority which licensed the manufacture of the device, and which bear the statement "Removal of this label is prohibited," are affixed to the device.

(4) The person shall furnish to each general licensee to whom the person transfers the device, or on whose premises the person installs the device, a copy of the general license issued in K.A.R. 28-35-178b.

(c) The secretary may withdraw, limit, or qualify acceptance of any specific license recognized under this regulation, or any product distributed pursuant to such a license, upon determining that the action is necessary in order to protect health or minimize danger to life or property. (Authorized by and imple-

menting K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-195a. Intrastate transportation of radioactive materials. (a) A general license is issued to any common or contract carrier to transport and store radioactive material in the regular course of its carriage for another, if the transportation and storage is performed in accordance with the regulations of the U.S. department of transportation. Persons who transport and store radioactive material pursuant to the general license issued in this subsection shall be exempt from the requirements of parts 4 and 10 of these regulations.

(b) A general license is hereby issued to any private carrier to transport radioactive material, if the transportation is performed in accordance with the regulations of the U.S. department of transportation. Any person who 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) Physicians, as defined in K.A.R. 28-35-135a, shall be exempt from the requirements of subsection (b) of this regulation to the extent that they transport radioactive material for use in the practice of medicine. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

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:

(1) The licensee complies with the applicable requirements of the regulations of the U.S. department of transportation that are appropriate to the mode of transport and that are related to the packing of radioactive material, and to the monitoring, marking, and labeling of those packages;

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

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

(b) The requirements in subsection (a) of this regulation shall not apply to the transportation of licensed material, or to the delivery of licensed material to a carrier for transport, when the transportation is subject to regulations of the U.S. postal service. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-196b. Transportation of radioactive material. (a) No person shall deliver radioactive material to a carrier for transport or transport radioactive material except as authorized in a general or specific license issued by the department unless:

(1) That person's activities are exempted from licensure by K.A.R. 28-35-140(b) of these regulations;

(2) each of the packages delivered to a carrier for

transport or transported contains radioactive materials bearing a specific activity which is less than, or equal to, 0.002 microcurie (74 Bq) per gram, or

(3) the packages delivered to a carrier for transport are subject to the regulations of the U.S. Postal Service. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607, effective, T-86-37, Dec. 11, 1985.)

28-35-197a. Schedule B; EXEMPT QUANTITIES OF RADIOACTIVE MATERIAL.

Radioactive Material	Micro-curies	Radioactive Material	Micro-curies
Antimony 122 (Sb 122)	100	Osmium 191 (Os 191)	100
Antimony 124 (Sb 124)	10	Osmium 193 (Os 193)	100
Antimony 125 (Sb 125)	10	Palladium 103 (Pd 103)	100
Arsenic 73 (As 73)	100	Palladium 109 (Pd 109)	100
Arsenic 74 (As 74)	10	Phosphorus 32 (P 32)	10
Arsenic 76 (As 76)	10	Platinum 191 (Pt 191)	100
Arsenic 77 (As 77)	100	Platinum 193m (Pt 193m)	100
Barium 131 (Ba 131)	10	Platinum 193 (Pt 193)	100
Barium 133 (Ba 133)	10	Platinum 197m (Pt 197m)	100
Barium 140 (Ba 140)	10	Platinum 197 (Pt 197)	100
Bismuth 210 (Bi 210)	1	Polonium 210 (Po 210)	0.1
Bromine 82 (Br 82)	10	Potassium 42 (K 42)	10
Cadmium 109 (Cd 109)	10	Potassium 43 (K 43)	10
Cadmium 115m (Cd 115m)	10	Praseodymium 142 (Pr 142)	100
Cadmium 115 (Cd 115)	100	Praseodymium 143 (Pr 143)	100
Calcium 45 (Ca 45)	10	Promethium 147 (Pm 147)	10
Calcium 47 (Ca 47)	10	Promethium 149 (Pm 149)	10
Carbon 14 (C 14)	100	Rhenium 186 (Re 186)	100
Cerium (Ce 141)	100	Rhenium 188 (Re 188)	100
Cerium 143 (Ce 143)	100	Rhodium 103m (Rh 103m)	100
Cerium 144 (Ce 144)	1	Rhodium 105 (Rh 105)	100
Cesium 129 (Cs 129)	100	Rubidium 81 (Rb 81)	10
Cesium 131 (Cs 131)	1,000	Rubidium 86 (Rb 86)	10
Cesium 134m (Cs 134m)	100	Rubidium 87 (Rb 87)	10
Cesium 134 (Cs 134)	1	Ruthenium 97 (Ru 97)	100
Cesium 135 (Cs 135)	10	Ruthenium 103 (Ru 103)	10
Cesium 136 (Cs 136)	10	Ruthenium 105 (Ru 105)	10
Cesium 137 (Cs 137)	10	Ruthenium 106 (Ru 106)	1
Chlorine 36 (Cl 36)	10	Samarium 151 (Sm 151)	10
Chlorine 38 (Cl 38)	10	Samarium 153 (Sm 153)	100
Chromium 51 (Cr 51)	1,000	Scandium 46 (Sc 46)	10
Cobalt 57 (Co 57)	100	Scandium 47 (Sc 47)	100
Cobalt 58m (Co 58m)	10	Scandium 48 (Sc 48)	10
Cobalt 58 (Co 58)	10	Selenium 75 (Se 75)	10
Cobalt 60 (Co 60)	1	Silicon 31 (Si 31)	100
Copper 64 (Cu 64)	100	Silver 105 (Ag 105)	10
Dysprosium 165 (Dy 165)	10	Silver 110m (Ag 110m)	1
Dysprosium 166 (Dy 166)	100	Silver 111 (Ag 111)	100
Erbium 169 (Er 169)	100	Sodium 22 (Na 22)	10
Erbium 171 (Er 171)	100	Sodium 24 (Na 24)	10
Europium 152 9.2 h (Eu 152 9.2 h)	100	Strontium 85 (Sr 85)	10
Europium 152 13 yr (Eu 152 13 yr)	1	Strontium 89 (Sr 89)	1
Europium 154 (Eu 154)	1	Strontium 90 (Sr 90)	0.1
Europium 155 (Eu 155)	10	Strontium 91 (Sr 91)	10
Fluorine 18 (F 18)	1,000	Strontium 92 (Sr 92)	10
Gadolinium 153 (Gd 153)	10	Sulphur 35 (S 35)	100
Gadolinium 159 (Gd 159)	100	Tantalum 182 (Ta 182)	10
Gallium 67 (Ga 67)	100	Technetium 96 (Tc 96)	10
Gallium 72 (Ga 72)	10	Technetium 97m (Tc 97m)	100
Germanium 71 (Ge 71)	100	Technetium 97 (Tc 97)	100
Gold 198 (Au 198)	100	Technetium 99m (Tc 99m)	100
Gold 199 (Au 199)	100	Technetium 99 (Tc 99)	10
Hafnium 181 (Hf 181)	10	Tellurium 125m (Te 125m)	10
Holmium 166 (Ho 166)	100		
Hydrogen 3 (H 3)	1,000		

Indium 111 (In 111)	100	(Te 125m)	
Indium 113m (In 113m)	100	Tellurium 127m (Te 127m)	10
Indium 114m (In 114m)	10	Tellurium 127 (Te 127)	100
Indium 115m (In 115m)	100	Tellurium 129m (Te 129m)	10
Indium 115 (In 115)	10	Tellurium 129 (Te 129)	100
Iodine 123 (I 123)	100	Tellurium 131m (Te 131m)	10
Iodine 125 (I 125)	1	Tellurium 132 (Te 132)	10
Iodine 126 (I 126)	1	Terbium 160 (Tb 160)	10
Iodine 129 (I 129)	0.1	Thallium 200 (Tl 200)	100
Iodine 131 (I 131)	1	Thallium 201 (Tl 201)	100
Iodine 132 (I 132)	10	Thallium 202 (Tl 202)	100
Iodine 133 (I 133)	1	Thallium 204 (Tl 204)	10
Iodine 134 (I 134)	10	Thulium 170 (Tm 170)	10
Iodine 135 (I 135)	10	Thulium 171 (Tm 171)	10
Iridium 192 (Ir 192)	10	Tin 113 (Sn 113)	10
Iridium 194 (Ir 194)	100	Tin 125 (Sn 125)	10
Iron 52 (Fe 52)	10	Tungsten 181 (W 181)	10
Iron 55 (Fe 55)	100	Tungsten 185 (W 185)	10
Iron 59 (Fe 59)	10	Tungsten 187 (W 187)	100
Krypton 85 (Kr 85)	100	Vanadium 48 (V 48)	10
Krypton 87 (Kr 87)	10	Xenon 131m (Xe 131m)	1,000
Lanthanum 140 (La 140)	10	Xenon 133 (Xe 133)	100
Lueteium 177 (Lu 177)	100	Xenon 135 (Xe 135)	100
Manganese 52 (Mn 52)	10	Ytterbium 175 (Yb 175)	100
Manganese 54 (Mn 54)	10	Yttrium 87 (Y 87)	10
Manganese 56 (Mn 56)	10	Yttrium 90 (Y 90)	10
Mercury 197m (Hg 197m)	100	Yttrium 91 (Y 91)	10
Mercury 197 (Hg 197)	100	Yttrium 92 (Y 92)	100
Mercury 203 (Hg 203)	10	Yttrium 93 (Y 93)	100
Molybdenum 99 (Mo 99)	100	Zinc 65 (Zn 65)	10
Neodymium 147 (Nd 147)	100	Zinc 69m (Zn 69m)	100
Neodymium 149 (Nd 149)	100	Zinc 69 (Zn 69)	1,000
Nickel 59 (Ni 59)	100	Zirconium 93 (Zr 93)	10
Nickel 63 (Ni 63)	10	Zirconium 95 (Zr 95)	10
Nickel 65 (Ni 65)	100	Zirconium 97 (Zr 97)	10
Niobium 93m (Nb 93m)	10	Any radioactive material not listed above other than alpha-emitting radioactive material . . .	0.1
Niobium 95 (Nb 95)	10		
Niobium 97 (Nb 97)	10		
Osmium 185 (Os 185)	10		
Osmium 191m (Os 191m)	100		

(Authorized by and implementing K.S.A. 1984 Supp. 48-1607, effective, T-86-37, Dec. 11, 1985.)

28-35-198a. Schedule C; Exempt concentrations

Element (atomic number)	Isotope	Column I	Column II
		Gas Concentration uCi/ml ¹	Liquid and solid concentration uCi/ml ²
Antimony (51)	Sb 122		3x10 ⁻⁴
	Sb 124		2x10 ⁻⁴
	Sb 125		1x10 ⁻³
Argon (18)	Ar 37	1x10 ⁻³	
	Ar 41	4x10 ⁻⁷	
Arsenic (33)	As 73		5x10 ⁻³
	As 74		5x10 ⁻⁴
	As 76		2x10 ⁻⁴
	As 77		8x10 ⁻⁴
Barium (56)	Ba 131		2x10 ⁻³
	Ba 140		3x10 ⁻⁴
Beryllium (4)	Be 7		2x10 ⁻²
Bismuth (83)	Bi 206		4x10 ⁻⁴
Bromine (35)	Br 82	4x10 ⁻⁷	3x10 ⁻³
Cadmium (48)	Cd 109		2x10 ⁻³
	Cd 115m		3x10 ⁻⁴
	Cd 115		3x10 ⁻⁴
Calcium (20)	Ca 45		9x10 ⁻⁵
	Ca 47		5x10 ⁻⁴

(continued)

Carbon (6)	C 14	1×10^{-6}	8×10^{-3}	Radium (88)	Ra 226	1×10^{-7}
Cerium (58)	Ce 141		9×10^{-4}		Ra 228	3×10^{-7}
	Ce 143		4×10^{-4}	Rhenium (75)	Re 183	6×10^{-3}
	Ce 144		1×10^{-4}		Re 186	9×10^{-4}
Cesium (55)	Cs 131		2×10^{-2}		Re 188	6×10^{-4}
	Cs 134m		6×10^{-2}	Rhodium (45)	Rh 103m	1×10^{-1}
	Cs 134		9×10^{-5}		Rh 105	1×10^{-3}
Chlorine (17)	Cl 38	9×10^{-7}	4×10^{-3}	Rubidium (37)	Rb 86	7×10^{-4}
Chromium (24)	Cr 51		2×10^{-2}	Ruthenium (44)	Ru 97	4×10^{-3}
Cobalt (27)	Co 57		5×10^{-3}		Ru 103	8×10^{-4}
	Co 58		1×10^{-3}		Ru 105	1×10^{-3}
	Co 60		5×10^{-4}	Samarium (62)	Ru 106	1×10^{-4}
Copper (29)	Cu 64		3×10^{-3}	Scandium (21)	Sm 153	8×10^{-4}
Dysprosium (66)	Dy 165		4×10^{-3}		Sc 46	4×10^{-4}
	Dy 166		4×10^{-4}		Sc 47	9×10^{-4}
Erbium (68)	Er 169		9×10^{-4}		Sc 48	3×10^{-4}
	Er 171		1×10^{-3}	Selenium (34)	Se 75	3×10^{-3}
Europium (63)	Eu 152		6×10^{-4}	Silicon (14)	Si 31	9×10^{-3}
	(T/2=9.2 Hrs)			Silver (47)	Ag 105	1×10^{-3}
	Eu 155		2×10^{-3}		Ag 110m	3×10^{-4}
Fluorine (9)	F 18	2×10^{-6}	8×10^{-3}		Ag 111	4×10^{-4}
Gadolinium (64)	Gd 153		2×10^{-3}	Sodium (11)	Na 24	2×10^{-3}
	Gd 159		8×10^{-4}	Strontium (38)	Sr 89	1×10^{-4}
	Ga 72	4×10^{-4}			Sr 85	1×10^{-3}
Gallium (31)	Ge 71	2×10^{-2}			Sr 91	7×10^{-4}
Germanium (32)	Au 196	2×10^{-3}			Sr 92	7×10^{-4}
Gold (79)	Au 198	5×10^{-4}		Sulfur (16)	S 35	9×10^{-8}
	Au 199	2×10^{-3}		Tantalum (73)	Ta 182	4×10^{-4}
	Hf 181		7×10^{-4}	Technetium (43)	Tc 96m	1×10^{-1}
Hafnium (72)	H 3	5×10^{-6}	3×10^{-2}		Tc 96	1×10^{-3}
Hydrogen (1)	In 113m		1×10^{-2}	Tellurium (52)	Te 125m	2×10^{-3}
Indium (49)	In 114m		2×10^{-4}		Te 127m	6×10^{-4}
	I 126	3×10^{-9}	2×10^{-5}		Te 127	3×10^{-3}
Iodine (53)	I 131	3×10^{-9}	2×10^{-5}		Te 129m	3×10^{-4}
	I 132	8×10^{-8}	6×10^{-4}		Te 131m	6×10^{-4}
	I 133	1×10^{-8}	7×10^{-5}		Te 132	3×10^{-4}
	I 134	2×10^{-7}	1×10^{-3}		Tb 160	4×10^{-4}
	Ir 190		2×10^{-3}	Terbium (65)	Tl 200	4×10^{-3}
Iridium (77)	Ir 192	4×10^{-4}		Thallium (81)	Tl 201	3×10^{-3}
	Ir 194	3×10^{-4}			Tl 202	1×10^{-3}
	Fe 55	8×10^{-3}			Tl 204	1×10^{-3}
	Fe 59		6×10^{-4}	Thulium (69)	Tm 170	5×10^{-4}
Iron (26)	Kr 85m	1×10^{-6}			Tm 171	5×10^{-3}
	Kr 85	3×10^{-6}		Tin (50)	Sn 113	9×10^{-4}
	La 140		2×10^{-4}		Sn 125	2×10^{-4}
Lanthanum (57)	Pb 203	4×10^{-3}		Tungsten (Wolf ram) (74)	W 181	4×10^{-3}
Lead (82)	Lu 177	1×10^{-3}		Vanadium (23)	W 187	7×10^{-4}
Lutetium (71)	Mn 52	3×10^{-4}		Xenon (54)	V 48	3×10^{-4}
Manganese (25)	Mn 54	1×10^{-3}			Xe 131m	4×10^{-6}
	Mn 56	1×10^{-3}			Xe 133	3×10^{-6}
	Hg 197m	2×10^{-3}			Xe 135	1×10^{-6}
Mercury (80)	Hg 197	3×10^{-3}		Ytterbium (70)	Yb 175	1×10^{-3}
	Hg 203	2×10^{-4}		Yttrium (39)	Y 90	2×10^{-4}
Molybdenum (42)	Mo 99	2×10^{-3}			Y 91m	3×10^{-2}
Neodymium (60)	Nd 147	6×10^{-4}			Y 91	3×10^{-4}
	Nd 149	2×10^{-3}			Y 92	6×10^{-4}
	Ni 65	1×10^{-3}			Y 93	3×10^{-4}
Nickel (28)	Nb 95	1×10^{-3}		Zinc (30)	Zn 65	1×10^{-3}
Niobium (Colum- bium) (41)	Nb 97	9×10^{-3}			Zn 69m	7×10^{-4}
Osmium (76)	Os 185	7×10^{-4}		Zirconium (40)	Zn 69	2×10^{-2}
	Os 191m	3×10^{-2}			Zr 95	6×10^{-4}
	Os 191	2×10^{-3}			Zr 97	2×10^{-4}
	Os 193	6×10^{-4}		Beta or gamma or both emitting radioactive material not listed above with half-life less than 3 years.		1×10^{-6}
Palladium (46)	Pd 103	3×10^{-3}				1×10^{-10}
	Pd 109	9×10^{-4}				
Phosphorus (15)	P 32		2×10^{-4}			
Platinum (78)	Pt 191	1×10^{-3}				
	Pt 193m	1×10^{-2}				
	Pt 197m	1×10^{-2}				
	Pt 197	1×10^{-3}				
Polonium (84)	Po 210		7×10^{-6}			
Potassium (19)	K 42		3×10^{-3}			
Praseodymium (59)	Pr 142		3×10^{-4}			
	Pr 143		5×10^{-4}			
Promethium (61)	Pm 147		2×10^{-3}			
	Pm 149		4×10^{-4}			

NOTE 1: Many radioisotopes disintegrate into isotopes which are also radioactive. In expressing the concentrations in 28-35-198a, Schedule C, the activity state is that of the parent isotope and takes into account the daughters.

NOTE 2: For purposes of 28-35-192b, when a combination of isotopes is involved, the limit for the combi-

nation shall be derived as follows: Determine for each isotope in the product the ratio between the concentration present in the product and the exempt concentration established in 28-35-198a, Schedule C, for the specific isotope when not in combination. The sum of those ratios may not exceed "1" (i.e., unity).

¹ Values are given only for those materials normally used as gases.

² uCi/gm for solids. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-199a. Schedule D; Groups of medical uses of radioactive material. (a) Group I. Prepared radiopharmaceuticals which may be used for certain diagnostic studies involving measurements of uptake, dilution and excretion are listed below. This group shall not include uses involving imaging and tumor localizations but shall include other diagnostic uses of:

- (1) Iodine-131 as sodium iodide (NaI¹³¹);
- (2) Iodine-125 as sodium iodide (NaI¹²⁵);
- (3) Iodine-123 as sodium iodide (NaI¹²³);
- (4) Iodine-131 as iodinated human serum albumin (IHSA);
- (5) Iodine-125 as iodinated human serum albumin (IHSA);
- (6) Iodine-131 as labeled rose bengal;
- (7) Iodine-125 as labeled rose bengal;
- (8) Iodine-131 as labeled fats or fatty acids;
- (9) Iodine-125 as labeled fats or fatty acids;
- (10) Iodine-131 as labeled iodopyracet, sodium iodohippurate, sodium diatrizoate, diatrizoate methylglucamine, sodium diprotrizoate, sodium acetrizoate, or sodium iothalamate;
- (11) Iodine-125 as labeled iodopyracet, sodium iodohippurate, sodium diatrizoate, diatrizoate methylglucamine, sodium diprotrizoate, sodium acetrizoate, or sodium iothalamate;
- (12) Cobalt-57 as labeled cyanocobalamin;
- (13) Cobalt-58 as labeled cyanocobalamin;
- (14) Cobalt-60 as labeled cyanocobalamin;
- (15) Chromium-51 as sodium chromate;
- (16) Chromium-51 as labeled human serum albumin;
- (17) Iron-59 as chloride, citrate, or sulfate;
- (18) Potassium-42 as chloride;
- (19) Sodium-24 as chloride;
- (20) Technetium-99m as pertechnetate;
- (21) Mercury as chlormerodrin;
- (22) Any radioactive material in a radiopharmaceutical and for a diagnostic use involving measurements of uptake, dilution, or excretion for which a "notice of claimed investigational exemption for a new drug" (IND) has been accepted by the food and drug administration (FDA).

(b) Group II. Prepared radiopharmaceuticals which may be used for diagnostic studies involving imaging and tumor localizations are listed below:

- (1) Iodine-131 as sodium iodide;
- (2) Iodine-125 as sodium iodide;
- (3) Iodine-123 as sodium iodide (NaI);
- (4) Iodine-131 as iodinated human serum albumin (IHSA);

- (5) Iodine-131 as macroaggregated iodinated human serum albumin;
 - (6) Iodine-131 as colloidal (microaggregated) iodinated human serum albumin;
 - (7) Iodine-131 as labeled rose bengal;
 - (8) Iodine-131 as iodopyracet, sodium iodohippurate, sodium diatrizoate, diatrizoate methylglucamine, sodium diprotrizoate, or sodium acetrizoate;
 - (9) Iodine-131 as sodium iodipamide;
 - (10) Iodine-131 as iodinated human serum albumin (IHSA);
 - (11) Iodine-125 as fibrinogen;
 - (12) Chromium-51 as sodium chromate;
 - (13) Chromium-51 as labeled human serum albumin;
 - (14) Gold-198 in colloidal form;
 - (15) Mercury-197 as labeled chlormerodrin;
 - (16) Mercury-203 as labeled chlormerodrin;
 - (17) Selenium-75 as labeled selenomethionine;
 - (18) Strontium-85 as nitrate or chloride;
 - (19) Technetium-99m as pertechnetate;
 - (20) Technetium-99m as labeled sulfur colloid;
 - (21) Technetium-99m as labeled macroaggregated human serum albumin;
 - (22) Fluorine-18 in solution;
 - (23) Strontium-87m;
 - (24) Gallium-67 as citrate;
 - (25) Ytterbium-169 as labeled diethylenetriamine-pentaacetic acid (DTPA);
 - (26) Indium-113m as chloride;
 - (27) Indium-111 as DTPA;
 - (28) Iodine-123 as iodohippurate
 - (29) Any radioactive material in a radiopharmaceutical and for a diagnostic use involving imaging for which a "notice of claimed investigational exemption for a new drug" (IND) has been accepted by the food and drug administration (FDA); and
 - (30) Any radioactive material in a radiopharmaceutical prepared from a reagent kit listed in paragraph (3) of Group III.
- (c) Group III. This group shall include the following generators and reagent kits which may be used for the preparation and use of radiopharmaceuticals containing radioactive material for certain diagnostic uses:
- (1) Molybdenum-99/technetium-99m generators for the elution of technetium-99m as pertechnetate;
 - (2) Yttrium-87/strontium-87m generators for the elution of strontium-87m;
 - (3) Technetium-99m as pertechnetate for use with reagent kits for preparation and use of radiopharmaceuticals containing technetium-99m as provided in paragraphs (4) and (6) of this subsection;
 - (4) Reagent kits for preparation of technetium-99m labeled:
 - (A) Sulfur colloid;
 - (B) Iron-ascorbate-diethylenetriamine pentaacetic acid complex;
 - (C) Diethylenetriamine pentaacetic acid (Sn);
 - (D) Human serum albumin microspheres;
 - (E) Polyphosphates;
 - (F) Macroaggregated human serum albumin;

(continued)

- (G) Disodium etidronate;
- (H) Stannous pyrophosphate;
- (I) Distannous etidronate complex;
- (J) Human serum albumin;
- (K) Medronate sodium;
- (L) Gluceptate sodium;
- (M) Oxidronate sodium;
- (N) Disofenin;
- (O) Succimer; or
- (P) Albumin colloid;
- (5) Tin-113/indium-113m generators for the elution of indium-113m as chloride; and

(6) Any generator or reagent kit for preparation and diagnostic use of a radiopharmaceutical containing radioactive material for which a "notice of claimed investigational exemption for a new drug" (IND) has been accepted by the food and drug administration (FDA).

(d) Group IV. Prepared radiopharmaceuticals which may be used for certain therapeutic uses that do not normally require hospitalization for purposes of radiation safety including:

- (1) Iodine-131 as iodide for treatment of hyperthyroidism and cardiac dysfunction;
- (2) Phosphorus-32 as soluble phosphate for treatment of polycythemia vera, leukemia and bone metastases;

(3) Phosphorus-32 as colloidal chromic phosphate for intracavitary treatment of malignant effusions; and

(4) Any radioactive material in a radiopharmaceutical and for a therapeutic use not normally requiring hospitalization for purposes of radiation safety for which a "notice of claimed investigational exemption for a new drug" (IND) has been accepted by the food and drug administration (FDA).

(e) Group V. Prepared radiopharmaceuticals which may be used for certain therapeutic uses that normally require hospitalization for purposes of radiation safety including:

(1) Gold-198 as colloid for intracavitary treatment of malignant effusions;

(2) Iodine-131 as iodide for treatment of thyroid carcinoma; and

(3) Any radioactive material in a radiopharmaceutical and for a therapeutic use normally requiring hospitalization for radiation safety reasons for which a "notice of claimed investigational exemption for a new drug" (IND) has been accepted by the food and drug administration (FDA).

(f) Group VI. Sources and devices containing radioactive material which may be used for the following:

(1) Americium-241 as a sealed source in a device for bone mineral analysis;

(2) Cesium-137 encased in needles and applicator cells for topical, interstitial, and intracavitary treatment of cancer;

(3) Cobalt-60 encased in needles and applicator cells for topical, interstitial, and intracavitary treatment of cancer;

(4) Gold-198 as seeds for interstitial treatment of cancer;

(5) Iodine-125 as a sealed source in a device for bone mineral analysis;

(6) Iridium-192 as seeds encased in nylon ribbon for interstitial treatment of cancer;

(7) Strontium-90 sealed in an applicator for treatment of superficial eye conditions;

(8) Radon-222 as seeds for topical, interstitial, and intracavitary treatment of cancer;

(9) Radium-226 as a sealed source for topical, interstitial, and intracavitary treatment of cancer; and

(10) Iodine-125 as seeds for interstitial treatment of cancer.

(11) Iodine-125 as a sealed source in a portable device for bone imaging and foreign body detection. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-200a. Schedule E; Possession limits authorized under types b & c specific licenses of broad scope.

<u>RADIOACTIVE MATERIAL</u>	<u>Column I CURIES</u>	<u>Column II CURIES</u>
Antimony 122	1	0.01
Antimony 124	1	0.01
Antimony 125	1	0.01
Arsenic 73	10	0.1
Arsenic 74	1	0.01
Arsenic 76	1	0.01
Arsenic 77	10	0.1
Barium 131	10	0.1
Barium 140	1	0.01
Beryllium 7	10	0.1
Bismuth 210	0.1	0.001
Bromine 82	10	0.1
Cadmium 109	1	0.01
Cadmium 115m	1	0.01
Cadmium 115	10	0.1
Calcium 45	1	0.01
Calcium 47	10	0.1
Carbon 14	100	1.
Cerium 141	10	0.1
Cerium 143	10	0.1
Cerium 144	0.1	0.001
Cesium 131	100	1.
Cesium 134m	100	1.
Cesium 134	0.1	0.001
Cesium 135	1	0.01
Cesium 136	10	0.1
Cesium 137	0.1	0.001
Chlorine 36	1	0.01
Chlorine 38	100	1.
Chromium 51	100	1.
Cobalt 57	10	0.1
Cobalt 58m	100	1.
Cobalt 58	1	0.01
Cobalt 60	0.1	0.001
Copper 64	10	0.1
Dysprosium 165	100	1.
Dysprosium 166	10	0.1
Erbium 169	10	0.1
Erbium 171	10	0.1
Europium 152 9.2 h	10	0.1
Europium 152 13 y	0.1	0.001
Europium 154	0.1	0.001
Europium 155	1	0.01
Fluorine 18	100	1.
Gadolinium 153	1	0.01
Gadolinium 159	10	0.1
Gallium 72	10	0.1
Germanium 71	100	1.
Gold 198	10	0.1
Gold 199	10	0.1

Hafnium 181	1	0.01	Sodium 22	0.1	0.001
Holmium 166	10	0.1	Sodium 24	1	0.01
Hydrogen 3	100	1.	Strontium 85m	1,000	10.
Indium 113m	100	1.	Strontium 85	1	0.01
Indium 114m	1	0.01	Strontium 89	1	0.01
Indium 115m	100	1.	Strontium 90	0.01	0.0001
Indium 115	1	0.01	Strontium 91	10	0.1
Iodine 125	0.1	0.001	Strontium 92	10	0.1
Iodine 126	0.1	0.001	Sulphur 35	10	0.1
Iodine 129	0.1	0.001	Tantalum 182	1	0.01
Iodine 131	0.1	0.001	Technetium 96	10	0.1
Iodine 132	10	0.1	Technetium 97m	10	0.1
Iodine 133	1	0.01	Technetium 97	10	0.1
Iodine 134	10	0.1	Technetium 99m	100	1.
Iodine 135	1	0.01	Technetium 99	1	0.01
Iridium 192	1	0.01	Tellurium 125m	1	0.01
Iridium 194	10	0.1	Tellurium 127m	1	0.01
Iron 55	10	0.1	Tellurium 127	10	0.1
Iron 59	1	0.01	Tellurium 129m	1	0.01
Krypton 85	100	1.	Tellurium 129	100	1.
Krypton 87	10	0.1	Tellurium 131m	10	0.1
Lanthanum 140	1	0.01	Tellurium 132	1	0.01
Lutetium 177	10	0.1	Terbium 160	1	0.01
Manganese 52	1	0.01	Thallium 200	10	0.1
Manganese 54	1	0.01	Thallium 201	10	0.1
Manganese 56	10	0.1	Thallium 202	10	0.1
Mercury 197m	10	0.1	Thallium 204	1	0.01
Mercury 197	10	0.1	Thulium 170	1	0.01
Mercury 203	1	0.01	Thulium 171	1	0.01
Molybdenum 99	10	0.1	Tin 113	1	0.01
Neodymium 147	10	0.1	Tin 125	1	0.01
Neodymium 149	10	0.1	Tungsten 181	1	0.01
Nickel 59	10	0.1	Tungsten 185	1	0.01
Nickel 63	1	0.01	Tungsten 187	10	0.1
Nickel 65	10	0.1	Vanadium 48	1	0.01
Niobium 93m	1	0.01	Xenon 131m	1,000	10.
Niobium 95	1	0.01	Xenon 133	100	1.
Niobium 97	100	1.	Xenon 135	100	1.
Osmium 185	1	0.01	Ytterbium 175	10	0.1
Osmium 191m	100	1.	Yttrium 90	1	0.01
Osmium 191	10	0.1	Yttrium 91	1	0.01
Osmium 193	10	0.1	Yttrium 92	10	0.1
Palladium 103	10	0.1	Yttrium 93	1	0.01
Palladium 109	10	0.1	Zinc 65	1	0.01
Phosphorus 32	1	0.01	Zinc 69m	10	0.1
Platinum 191	10	0.1	Zinc 69	100	1.
Platinum 193m	100	1.	Zirconium 93	1	0.01
Platinum 193	10	0.1	Zirconium 95	1	0.01
Platinum 197m	100	1.	Zirconium 97	1	0.01
Platinum 197	10	0.1	Any radioactive material other than alpha emitting radioactive material not listed above.	0.1	0.001
Polonium 210	0.01	0.0001			
Potassium 42	1	0.01			
Praseodymium 142	10	0.1			
Praseodymium 143	10	0.1			
Promethium 147	1	0.01			
Promethium 149	10	0.1			
Radium 226	0.01	0.0001			
Rhenium 186	10	0.1			
Rhenium 188	10	0.1			
Rhodium 103m	1,000	10.			
Rhodium 105	10	0.1			
Rubidium 86	1	0.01			
Rubidium 87	1	0.01			
Ruthenium 97	100	1.			
Ruthenium 103	1	0.01			
Ruthenium 105	10	0.1			
Ruthenium 106	0.1	0.001			
Samarium 151	1	0.01			
Samarium 153	10	0.1			
Scandium 46	1	0.01			
Scandium 47	10	0.1			
Scandium 48	1	0.01			
Selenium 75	1	0.01			
Silicon 31	10	0.1			
Silver 105	1	0.01			
Silver 110m	0.1	0.001			
Silver 111	10	0.1			

(Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-223b. Waste classification. (a) Classification of waste for near surface disposal. In classifying radiation waste, consideration shall be given to the concentration of long-lived radionuclides (and their shorter-lived precursors) whose potential hazard will persist long after such precautions as institutional controls, improved waste form, and deeper disposal have ceased to be effective. Consideration shall also be given to the concentration of short-lived radionuclides for which requirements on institutional controls, waste form, and disposal methods are efficient.

(b) Classes of waste.

(1) "Class A waste" is waste that is segregated from other waste classes at the disposal site. The physical form and characteristics of class A waste shall meet the minimum requirements set forth in K.A.R. 28-35-

(continued)

223c(a). If class A waste also meets the stability requirements set forth in K.A.R. 28-35-223c(b), the requirement that such wastes be separated shall be waived.

(2) "Class B waste" is waste that must meet more rigorous requirements as to waste form to insure stability after disposal. The physical form and characteristics of class B waste shall meet both the minimum and stability requirements set forth in K.A.R. 28-35-223c.

(3) "Class C waste" is waste that must meet more rigorous requirements as to waste form to insure stability and that also requires additional measures at the disposal facility to protect against inadvertent intrusion. The physical form and characteristics of class C waste shall meet both the minimum and stability requirements set forth in K.S.A. 28-35-223c.

(4) "Waste that is not generally acceptable for near-surface disposal" is waste for which waste form and disposal methods must be different, and in general more stringent, than those specified for class C wastes. In the absence of specific requirements in this part, proposals for disposal of this waste may be submitted to the department for approval.

(c) Classification determined by long-lived radionuclides. If radioactive waste contains only radionuclides listed in Table 1, classification shall be determined as follows:

(1) If the concentration does not exceed 0.1 times the value in Table 1, the waste shall be assigned to Class A.

(2) If the concentration exceeds 0.1 times the value in Table 1, the waste shall be assigned to Class C.

(3) If the concentration exceeds the value in Table 1, the waste shall not be generally acceptable for near-surface disposal.

(4) For wastes containing mixtures of radionuclides listed in Table 1, the total concentration shall be determined by the sum of fractions rule described in subsection (g) of this regulation.

(d) Classification determined by short-lived radionuclides.

(1) If the radionuclides are not listed in Table 1, classification shall be determined based on the concentrations shown in Table 2. If a radionuclide is not listed in Table 2, it shall not be considered in determining waste classification.

(2) If the concentration does not exceed the value in Column 1 of table 2, the waste shall be assigned to Class A.

(3) If the concentration exceeds the value in Column 1, Table 2, but does not exceed the value in Column 2, Table 2, the waste shall be assigned to Class B.

Table 1

Radionuclide	Concentration Curies/CubicMeter
C-14	8
C-14 in activated metal	80
Ni-59 in activated metal	220

Nb-94 in activated metal	0.2
Tc-99	3
Alpha emitting transuranic nuclides with half-life greater than 5 years	100*
Pu-241	3,500*
Cm-242	20,000

* Units are nanocuries per gram

Table 2

Radionuclide	Concentration, Curies/Cubic Meter		
	Column 1	Column 2	Column 3
Total of all nuclides with less than 5 year half-life	700	**	**
H-3	40	**	**
Co-60	700	**	**
Ni-63	3.5	70	700
Ni-63 inactivated metal	35	700	7000
Sr-90	0.04	150	7000
Cs-137	1	44	4600

** There are no limits established for these radionuclides in Class B or Class C wastes. Practical considerations such as the effects of external radiation and internal heat generation on transportation, handling, and disposal will limit the concentrations for these wastes. These wastes shall be Class B unless the concentration of other nuclides in Table 2 independently determine the waste to be Class C.

(4) If the concentration exceeds the value in Column 2, Table 2, but does not exceed the value in Column 3, Table 2, the waste shall be assigned to Class C.

(5) If the concentration exceeds the value in Column 3, the waste is not generally acceptable for near-surface disposal.

(6) For wastes containing mixtures of the nuclides listed in Table 2, the total concentration shall be determined by the sum of fractions rule described in subsection (g) of this regulation.

(e) Classification determined by both long- and short-lived radionuclides. If radioactive wastes contains a mixture of radionuclides, some of which are listed in Table 1, and some of which are listed in Table 2, classification shall be determined as follows:

(1) If the concentration of a nuclide listed in Table 1 is less than 0.1 times the value listed in Table 1, the class shall be that determined by the concentration of nuclides listed in Table 2.

(2) If the concentration of a nuclide listed in Table 1 exceeds 0.1 times the value listed in Table 1, the waste shall be Class C, if the concentration of nuclides listed in Table 2 does not exceed the value shown in Column B of Table 2.

(f) Classification of wastes with radionuclides other than those listed in Tables 1 and 2. If radioactive waste does not contain any nuclides listed in either Table 1 or 2, it shall be assigned to Class A.

(g) The sum of the fractions rule for mixtures of radionuclides. For determining the classification of waste that contains a mixture of radionuclides, it is necessary to determine the sum of fractions by dividing each nuclide's concentration by the appropriate

limit and adding the resulting values. The appropriate limits shall all be taken from the same column of the same table. The sum of the fractions for the column shall be less than 1.0 if the waste class is to be determined by that column.

(h) Determination of concentrations in wastes. The concentration of a radionuclide may be determined by indirect methods. Such methods may include use of scaling factors which relate the inferred concentration of one radionuclide to another that is measured, or radionuclide material accountability, if there is reasonable assurance that the indirect methods can be correlated with actual measurements. The concentration of a radionuclide may be averaged over the volume of the waste, or weight of the waste if the units are expressed as nanocuries per gram. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-223c. Waste characteristics. (a) The following requirements shall be the minimum requirements for all classes of waste:

(1) Radioactive wastes shall be packaged in conformance with the conditions of the license issued to the site operator to which the waste will be shipped. If the conditions of the site license are more restrictive than the provisions of these regulations, the site license conditions shall govern.

(2) Wastes shall not be packaged for disposal in cardboard or fiberboard boxes.

(3) Liquid waste shall be packaged in sufficient absorbent material to absorb twice the volume of the liquid.

(4) Solid wastes containing liquid shall contain as little free standing and non-corrosive liquid as is reasonably achievable, but in no case shall the liquid exceed 1% of the volume.

(5) Waste shall not be readily capable of detonation or of explosive decomposition or reaction at normal temperatures and pressures, or of explosive reaction with water.

(6) Waste shall not contain, or be capable of generating, quantities of toxic gases, vapors, or fumes harmful to persons transporting, handling, or disposing of the waste. This requirement shall not apply to radioactive gaseous waste packaged in accordance with paragraph (8) of this subsection.

(7) Waste shall not be pyrophoric. Pyrophoric materials contained in wastes shall be treated, prepared, and packaged to be nonflammable.

(8) Wastes in a gaseous form shall be packaged at a pressure that does not exceed 1.5 atmospheres at 20°C. Total activity shall not exceed 100 curies per container.

(9) Wastes containing hazardous, biological, pathogenic, or infectious material shall be treated to reduce, to the maximum extent practicable, the potential hazard from the non-radiological materials.

(b) The requirements in this section are intended to provide stability of the waste:

(1) Waste shall have structural stability. A structurally stable waste form shall maintain its physical dimensions and its form, under the expected disposal conditions. Such proposed conditions may include

weight of overburden and compaction equipment, the presence of moisture, and microbial activity, and internal factors, including radiation effects and chemical changes. Structural stability may be provided by the waste form itself, by processing the waste to a stable form, or by placing the waste in a disposal container or structure that provides stability after disposal.

(2) Notwithstanding the provisions of K.A.R. 28-35-223c(a)(2) and (3), liquid wastes, or wastes containing liquid, shall be converted into a form that contains as little free-standing and noncorrosive liquid as reasonably achievable. In no case shall the liquid exceed 1% of the volume of the waste when the waste is in a disposal container designed to ensure stability, or 0.5% of the volume of the waste for waste processed to a stable form.

(3) Void spaces within the waste and between the waste and its package shall be reduced to the extent practicable. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-223d. Labeling. Each package of waste shall be clearly labeled to identify whether it is Class A waste, Class B waste, or Class C waste, in accordance with K.A.R. 28-35-223b. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

28-35-231b. Transfer for disposal and manifests. 10 CFR section 20.311, as in effect on July 1, 1984, is adopted by reference. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985.)

BARBARA J. SABOL
Secretary of Health
and Environment

Doc. No. 003830

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