

KANSAS REGISTER

State of Kansas

BILL GRAVES
Secretary of State

Vol. 6, No. 51

December 17, 1987

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Because of the Christmas and New Year's holidays, the deadline for submission of items to be published in the December 31 Kansas Register will be noon Tuesday, December 22. The deadline for the January 7 issue will be 5 p.m. Wednesday, December 30.

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT
STATE EMERGENCY RESPONSE
COMMISSION**

NOTICE OF MEETING

The State Emergency Response Commission will meet at 9 a.m. Tuesday, January 5, in the State Defense Building, 2800 S. Topeka Blvd., Topeka.

STANLEY C. GRANT, Ph.D.
Secretary of Health
and Environment

Doc. No. 006048

State of Kansas

ATTORNEY GENERAL**Opinion No. 87-178**

State Boards, Commissions and Authorities—Kansas Lottery Commission—Restrictions on Who May Participate in the Lottery. Larry Montgomery, Executive Director, Kansas Lottery, Topeka, December 8, 1987.

Section 19(a)(2) of the Kansas lottery act precludes only officers and certain employees of those businesses providing supplies, services and equipment used directly in the operation of a lottery game from purchasing lottery tickets or winning prizes. Persons only tangentially connected to the Kansas lottery are not included within this prohibition. Cited herein: L. 1987, ch. 292, §§ 4, 11, 19. JLM

ROBERT T. STEPHAN
Attorney General

Doc. No. 006049

State of Kansas

UNIVERSITY OF KANSAS**NOTICE TO BIDDERS**

Sealed bids for the item listed below will be received by the University of Kansas Purchasing Office, Lawrence, until 2 p.m. C.S.T. on the date indicated and will then be publicly opened. Interested bidders may call (913) 864-3416 for additional information.

Tuesday, January 5, 1988
#88 0418

X-Ray Diffractometer System with VAX type computer and comprehensive crystallographic software

GENE PUCKETT, C.P.M.
Director of Purchasing

Doc. No. 006044

State of Kansas

KANSAS STATE UNIVERSITY**NOTICE TO BIDDERS**

Sealed bids for items listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. C.S.T. on the date indicated and will then be publicly opened. Interested bidders may call (913) 532-6214 for additional information.

Monday, January 4, 1988
#80032

Radiation Monitor System

#80033

Helium Mass Spectrometer Leak Detector

WILLIAM H. SESLER
Director of Purchasing

Doc. No. 006055

The *Kansas Register* is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The *Kansas Register* is published weekly by the Kansas Secretary of State, State Capitol, Topeka, KS 66612-1594. One-year subscriptions are \$47.50; however, effective July 1, 1987, the subscription price will increase to \$55. Single copies may be purchased, if available, for \$2 each. Second class postage paid at Topeka, KS.

ISSN No. 0744-2254.

Postmaster. Send change of address form to Kansas Register, Secretary of State, State Capitol, Topeka, KS 66612-1594.

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PUBLISHED BY
BILL GRAVES
Secretary of State
2nd Floor, State Capitol
Topeka, KS 66612-1594



Phone: (913) 296-3489

State of Kansas

KANSAS PUBLIC DISCLOSURE COMMISSION

Advisory Opinion No. 87-23

Written November 5, 1987 to Jim Kent, Data Systems Manager, Kansas Department of Commerce, Topeka.

This opinion is in response to your letter of October 28, 1987, in which you request an opinion from the Kansas Public Disclosure Commission.

We note at the outset that the commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.* to your question. Thus, whether some other common law, statutory system or rule and regulation applies to your inquiry is not covered by this opinion.

We understand you request this opinion in your capacity as Data Systems Manager for the Kansas Department of Commerce.

You advise us that the National Occupational Information Coordinating Committee has proposed the development of several computer systems which would then be installed in each State Occupational Information Coordinating Committee's office. A private company, Communications Consultants Ltd., has submitted an unsolicited proposal to design and develop these systems.

Communications Consultants Ltd. has asked you to participate as an independent contractor to do the design work on the Computer Systems. You would receive either an hourly rate, a flat fee per system, or an annual retainer fee for work performed. Both the Kansas Occupational Information Coordinating Committee and the Missouri Occupational Information Coordinating Committee have indicated support for the proposal.

It is your understanding that the contract, if awarded to Communications Consultants Ltd., could be administered by the Kansas Occupational Information Coordinating Committee. You have no relationship with Communications Consultants Ltd. other than as an independent contractor.

You state you would not use confidential information acquired during your state employment. Also, you would not participate on behalf of the state in the making of any contracts with yourself concerning the project or use state equipment during the project. You indicate you would not accept nor share any financial or monetary gain from any computer system sales within the state of Kansas concerning this project.

Based on the factual situation provided to us, it is our opinion that the proposal you have described does not violate K.S.A. 46-215 *et seq.*

Advisory Opinion No. 87-24

Written December 8, 1987 to George Moralez, Wichita.

This opinion is in response to your letter of October 11, 1987, in which you request John W. Smith, Chief Administrator, Driver Licensing and Control, to obtain an opinion on your behalf.

We understand you request this opinion in your capacity as a driver's license examiner for the state of Kansas. Please note that our jurisdiction is limited to the

application of K.S.A. 46-215 *et seq.* to your questions. Thus, whether some other law, rule or regulation or administrative policy applies to your questions is not covered by this opinion.

You indicate you are interested in pursuing private business interests outside of your state duty hours which may include the following:

1. Employment by a business which gives driving instruction with or without compensation;
2. self-employment in driving instruction with or without compensation;
3. operation of a state licensed driving school;
4. conducting of classes or clinics to improve driver awareness for compensation;
5. operation of an automobile rental agency;
6. preparation of tax returns.

With one concern, which we will address below in greater detail, it is our opinion so long as you do not participate in your capacity as a state employee in the licensure, inspection, administration or enforcement of any regulation or in the making of any contract with the businesses you are considering; do not use confidential information acquired in your official capacity; and charge fees not substantially in excess of what others charge for like services, that all of your proposals are permissible under K.S.A. 46-215 *et seq.*

In that portion of your request concerning the auto rental situation, you ask if these autos could be made available to applicants in the driver's license office. To the extent the language is intended to ask if applicants could use rental cars for drivers tests, we see no problem. To the extent the language implies that the lease agreement or advertising or other information concerning the rental opportunity were to be made available on state property, we think a serious problem arises. Unfortunately, this issue is outside our jurisdiction and if the latter meaning is your intention, we would strongly suggest you seek a further opinion from the Attorney General's office.

LOWELL ABELDT
Chairman

Doc. No. 006047

**State of Kansas
DEPARTMENT OF ADMINISTRATION
DIVISION OF PURCHASES**

NOTICE TO BIDDERS

Sealed bids for the following items will be received by the Director of Purchases, Landon State Office Building, 900 Jackson, Room 102, Topeka, until 2 p.m. C.S.T. on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

MONDAY, DECEMBER 28, 1987

#26351

Adjutant General's Department—LICENSED ARMED SECURITY GUARD SERVICE

#26869-A

University of Kansas Medical Center—ONE-INCH SLAT WINDOW BLINDS

(continued)

#27245
University of Kansas Medical Center—OSTOMY PRODUCTS AND SUPPLIES (Class 17)

#27745
Department of Human Resources—JANITORIAL SERVICE, Chanute

#72126
Department of Transportation—WOOD AND STEEL POSTS, Chanute

TUESDAY, DECEMBER 29, 1987

#A-5586(a)
Larned State Hospital—REPLACEMENT OF WINDOWS, Dillon Building (addition to painting of building exteriors)

#A-5872
Department of Transportation—REMODEL SUB-AREA SHOP BUILDING, Paola

#27475
University of Kansas Medical Center and statewide—BIOMEDICAL ENGINEERING MECHANICAL MATERIALS

#27477
Statewide—CONSUMER GRADE AA EGGS

#72149
Department of Transportation—AGGREGATE, Atchison

#72150
Kansas State Penitentiary—UNION SUITS

#72179
Department of Transportation—TRAILERS, various locations

#72182
Department of Transportation—BRUSH CHIPPERS, various locations

#72190
Department of Transportation—BREAKER DRILL AND COMPACTOR, various locations

#72196
Department of Transportation—FLASHING LIGHT TRAILERS, various locations

WEDNESDAY, DECEMBER 30, 1987

#A-5918
Wichita State University—REMODEL SUITE 201, Morrison Hall

#26379
Department of Social and Rehabilitation Services, Industries for the Blind—COTTON BATTS, Kansas City

#27516
Statewide—FEBRUARY (1988) MEAT PRODUCTS

THURSDAY, DECEMBER 31, 1987

#72197
Fort Hays State University—MAG TAPE DRIVE AND CONTROL UNIT

#72200
Kansas State Library—HARD DISK DRIVE, STORAGE TAPE SYSTEM

#72201
University of Kansas—PAPER, PRINTING AND BINDING

#72202
Larned State Hospital—X-RAY SYSTEM

#72206
Department of Transportation—INSECTICIDES AND HERBICIDES, Chanute

TUESDAY, JANUARY 5, 1988

#A-5317
Rainbow Mental Health Facility—FURNISH AND INSTALL NEW CARPET, "A" Building

#A-5798
Youth Center at Atchison—FURNISH AND INSTALL NEW SECURITY SCREENS, Sequoia Cottage

#27545
University of Kansas Medical Center—SUTURES AND SURGICAL SPECIALTY ITEMS (CLASS 12)

**REQUEST FOR PROPOSALS
MONDAY, JANUARY 11, 1988**

#72277
MANAGEMENT AND PRODUCTIVITY STUDY NEGOTIATED PROCUREMENT FOR KANSAS DEPARTMENT OF TRANSPORTATION

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 006050

**State of Kansas
SOCIAL AND REHABILITATION SERVICES**

**NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS**

The Department of Social and Rehabilitation Services will meet at 9 a.m. Tuesday, January 5, in the SRS Staff Development Training Center, 2700 W. 6th, Topeka.

The scheduled agenda includes:

- Reports from SRS commissioners.
- Public hearing concerning proposed temporary administrative regulations to become effective upon approval by the State Rules and Regulations Board. The summary and fiscal or financial impact are set forth below. The fiscal impact statements have been figured on a 15-month basis. The phrase "Federal Mandate" following an item indicates that the change is required by federal policy. Optional changes in regulations related to federal programs are subject to approval by the U.S. Department of Health and Human Services.
- Adoption of proposed temporary administrative regulations.
- Other items as necessary.

A. Public Assistance Program.

1. 30-4-58. **Potential employment.** This regulation is being amended to provide that the failure of a nonexempt principal wage earner in ADC-UP to meet the potential employment requirement without good cause shall render the individual and all persons in the mandatory filing unit ineligible for the penalty period (Federal Mandate).
Fiscal Impact: Estimated cost savings of \$6,100.

B. Medicaid/Medikan Program—Client Eligibility.

1. 30-6-58. **Potential employment.** This regulation is being amended to provide that the failure of a nonexempt principal wage earner in ADC-UP to meet the potential

employment requirement without good cause shall render the individual and all persons in the mandatory filing unit ineligible for the penalty period (Federal Mandate).

Fiscal Impact: Estimated cost savings of \$81.

C. Medicaid/Medikan Program—Adult Care Homes.

1. 30-10-18. Rates of reimbursement. This regulation is being amended to:

(a) Change the term "change of ownership" to "change of provider" for purposes of clarity;

(b) provide that a retroactive settlement will be made based on the variances between the interim payment rates and the historic rates from the first cost report filed by the new provider subject to K.A.R. 30-10-18(a)(2);

(c) change subsection (h) of this regulation to read as follows:

(h) Projected survey correction budget to meet survey requirements.

(1) Intermediate care facilities for the mentally retarded (ICF-MR) required by a state or federal certification survey to incur additional operating costs in excess of \$125,000 for facilities with more than 15 beds, and \$40,000 for facilities with 15 beds or less, to meet certification requirements, shall be allowed to file a projected survey correction budget.

The projected survey correction budget shall be based on a proposed budget for the survey corrections for the provider's most immediate future 12-month period. The projection period shall end on the last day of a calendar month. Copies of the survey deficiencies shall be attached to the projected survey correction budget.

(2) The projected survey correction budget shall be reviewed for reasonableness and appropriateness by the agency before the rate or rates are established for the projection period. The projected budget items which are determined to be unreasonable or not appropriate to the survey corrections shall be excluded.

(3) A reasonable add-on to the per diem rate already in effect shall be determined from the reviewed correction budget. The increases to the per diem rate shall not be limited by K.A.R. 30-10-18(a)(2).

(4) Within three months after the end of the projection period, the provider shall submit sufficient documentation for audit of its actual expenditures for the survey corrections. The add-on adjustments shall be reduced for any amounts of the survey correction budget not spent for purposes reasonable and appropriate to the survey corrections. (Federal Mandate); and

(d) add new subsection (i) which reads as follows:

(i) Determination of rates for adult care home providers re-entering the medicaid program.

(1) The per diem rate for each provider re-entering the medicaid program shall be determined from:

(A) A projected cost report where the provider has not actively participated in the program by the submission of any current patient service billings to the program for 24 months or more or has not participated in the medicaid program for less than 24 months, and the per diem rate to be paid is not sufficient reimbursement for providing the economic and efficient care and services required by program laws and regulations; or

(B) the last historic cost report filed with the agency if the provider has not actively participated in the program

during the most recent 24 months, and if the per diem rate to be paid is sufficient reimbursement for providing the economic and efficient care and services required by program laws and regulations, the agency shall apply the appropriate historic and estimated inflation factors to the per diem rate determined in accordance with this paragraph.

(2) Where the per diem rate for a provider re-entering the program is determined in accordance with paragraph (1)(A) of this section, the agency will make a settlement in accordance with K.A.R. 30-10-18(f).

(3) Where the per diem rate for a provider re-entering the program is determined in accordance with paragraph (1)(B) of this section, the agency will make settlements only on those historic cost reports with fiscal years beginning after the date on which the provider re-entered the program.

Fiscal Impact: The re-draft of 30-10-18(h) had an original fiscal note of \$1.6 million. This was due to the fact that Winfield State Hospital is the only facility that will have a second projection. This regulation will allow the state to recover \$883,200 in federal financial participation (FFP) from the \$1.6 million expenditure made by the state. This expenditure has been budgeted in the Division of Mental Health and Retardation Services. It is not anticipated that any other ICF-MR will need to file a second projected cost report for deficiencies.

The reason SRS is recommending changing this regulation to the current draft is because the wording is not acceptable to the Health Care Financing Administration.

A copy of the proposed regulations and the complete fiscal impact statements may be obtained prior to January 5 by contacting Mary Slaybaugh, Legal Services, 6th Floor, Docking State Office Building, Topeka 66612, (913) 296-3969. Written comments may be submitted prior to such date to Winston Barton, Secretary of Social and Rehabilitation Services, at the same address.

Interested persons will be given reasonable opportunity at the hearing to present their views and arguments on the adoption of the proposed regulations. Presentations should be in writing whenever possible. Depending on the number of persons wanting to speak, the department may require that each participant limit oral presentation to three minutes.

The public is invited to this meeting. Telephone hook-ups are provided at the following locations of Social and Rehabilitation Services offices: Chanute, Emporia, Garden City, Hays, Hiawatha, Hutchinson, Junction City, Kansas City, Lawrence, Olathe, Osawatome, Parsons, Pittsburg, Pratt, Salina, Topeka (area office and Docking State Office Building), Wichita and Winfield.

WINSTON BARTON
Secretary of Social and
Rehabilitation Services

Doc. No. 006053

State of Kansas

DEPARTMENT OF HEALTH AND ENVIRONMENT

NOTICE CONCERNING KANSAS WATER POLLUTION CONTROL PERMIT

In accordance with state regulations 28-16-57 through 63 and 28-18-1 through 4, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for water pollution abatement facilities for the feedlots described below. The tentative determinations for permit content are based on preliminary staff review applying the appropriate standards and regulations of the state of Kansas and the EPA. The permit requires control of any existing or potential discharges to achieve the goal of "no discharge" whenever possible. The permit upon issuance will constitute a state water pollution control and national pollutant discharge elimination system permit.

Name and Address of Applicant	Legal Description	Receiving Water
Lane County Feeders, Inc. P.O. Box 607 Dighton, KS 67839	NE 1/4 Section 11, NW 1/4 Section 12, & SW 1/4 Section 1, Township 17S, Range 29W of Lane County, Kansas	Upper Arkansas River Basin

Kansas Permit No. A-UALE-C004 Fed. Permit No. KS-0115177

The feedlot has capacity for approximately 45,000 cattle with expansion planned for an additional 9,000 cattle and a contributing drainage area of approximately 450 acres.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent disposal upon agricultural land. Storage capabilities are provided in excess of 149.97 acre-feet.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Bruce Clark, Arrow-head Feeders HRC 2, Box 48A Meade, KS 67864	SE 1/4 Section 2, Township 31S, Range 28W, Meade County, Kansas	Cimarron River Basin

Kansas Permit No. A-CIME-C003 Fed. Permit No. KS-0080268

The feedlot has capacity for approximately 2,800 cattle and a contributing drainage area of approximately 13 acres.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent disposal upon agricultural land. Storage capabilities are provided in excess of 4.75 acre-feet.

Compliance Schedule: None, existing controls adequate.

Written comments on the proposed NPDES permit may be submitted to Bethel Spotts, Clerk, Permit Program, Kansas Department of Health and Environment, Division of Environment, Bureau of Water Protection, Permits and Compliance Section, Topeka 66620. All comments received prior to January 15 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-AG-87-32/33) and name of applicant as listed in preparing comments.

If no objections are received, the Secretary of Health and Environment will issue the final determination within 60 days of this notice. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61.

The application, proposed permit, special conditions,

fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 740, Forbes Field, Topeka, from 8 a.m. to 4:30 p.m. Monday through Friday.

The documents are available upon request at the copying cost assessed by the department. Additional copies of this public notice may also be obtained at the address above.

STANLEY C. GRANT, Ph.D.
Secretary of Health
and Environment

Doc. No. 006045

(Published in the Kansas Register, December 17, 1987.)

**NOTICE OF REDEMPTION
Industrial Revenue Bonds
(Mud-Co., Inc.)**

**Series of 1980, Dated January 1, 1980
of the
City of Dodge City, Kansas**

Notice is hereby given that pursuant to Section 4 of Ordinance No. 2420 of the city of Dodge City, Kansas, passed and approved on January 7, 1980, all of the city's outstanding industrial revenue bonds, Series of 1980, dated January 1, 1980, authorized and issued under the aforesaid ordinance, which mature January 1, 1989, have been called for redemption and payment on January 1, 1988. Said outstanding bonds are numbered and bear interest as follows:

Bond Numbers	Maturity Date	Interest Rate
32-36	January 1, 1989	9.00%

The principal amount of the above-described bonds shall become due and payable on January 1, 1988 at a redemption price (expressed as a percentage of the par value of the principal amount thereof) of 102 percent plus accrued interest thereon to said redemption date.

On January 1, 1988, all bonds will be due and payable at the principal office of the Fidelity State Bank and Trust Company, 510 2nd Ave., Dodge City, KS 67801. From and after January 1, 1988, interest on the aforesaid bonds will cease to accrue.

Tax identification form W-9 or an exemption certificate is required or tax may be withheld from payment.

Dated September 3, 1987.

THE FIDELITY STATE BANK
AND TRUST COMPANY
as Fiscal Agent
510 2nd Ave.
Dodge City, KS 67801

Doc. No. 006046

State of Kansas

DEPARTMENT OF HEALTH
AND ENVIRONMENTNOTICE CONCERNING VARIANCE REQUEST
FROM HAZARDOUS WASTE REGULATIONS

The Kansas Department of Health and Environment (KDHE) is providing public notice that on November 2, 1987 Safety-Kleen Corporation, 9317 Woodend Road, Edwardsville, submitted a request for a variance from specific hazardous waste regulations.

The variance is requested from K.A.R. 28-31-8(a), which adopts by reference 40 CFR 265.176. This regulation requires that containers holding ignitable hazardous waste must be located at least 15 meters (50 feet) from the facility's property line.

Safety-Kleen Corporation stores waste paint thinner as part of its operations as a hazardous waste storage facility. The waste paint thinner is stored on-site pending shipment to another Safety-Kleen facility for recycling in quantities never exceeding 104 containers (52 16-gallon drums and 52 5-gallon containers). Safety-Kleen Corporation is storing this waste approximately 25 feet from the south and west property lines in an area zoned for industrial use. The storage area is located in the southwest corner of the facility, removed from other waste handling activities, and 75 feet from the nearest off-site building. As the storage structure has been completed, Safety-Kleen is requesting this variance to allow them to store waste in this structure in compliance with Kansas hazardous waste regulations. KDHE has reviewed this request and visited the site. Based on these findings, KDHE has concluded that the variance is justified and has made a tentative decision to grant the variance.

In accordance with K.A.R. 28-31-13(b), public notice is being provided of this decision. Copies of the variance request are available for public review from December 18 to January 17 from 8 a.m. to 4:30 p.m. weekdays at the KDHE, Building 730, Forbes Field, Topeka; the KDHE district office, 808 W. 24th, Lawrence; and the U.S. Environmental Protection Agency office, 726 Minnesota Ave., Kansas City.

Written comments concerning this variance request may be directed to John Goetz, Hazardous Waste Section, KDHE, Topeka 66620. Comments must be submitted by January 17. Requests for additional information may be made by contacting KDHE at (913) 296-1607.

Upon the written request of any interested person, a public meeting may be held to consider comments on this tentative decision. The person requesting a meeting shall state the issues to be raised and shall explain why written comments would not suffice to communicate the person's views. If a decision is made to conduct a public meeting, a separate public notice detailing the date and place of a public meeting will be issued.

After evaluating all public comments, a final decision will be made by the Secretary of Health and Environment and a notice of the final decision will be published in the Kansas Register. If approved, any conditions or time limitations needed to comply with all applicable state and federal laws or to protect human health or safety or the environment will be specified by the secretary. A date

upon which the variance will no longer be valid will be prescribed in the final decision.

STANLEY C. GRANT, Ph.D.
Secretary of Health
and Environment

Doc. No. 006042

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 December 5 through December 11:

Secretary of Corrections

Roger V. Endell, 1104 Fleming Court, Apt. 104, Topeka 66604. Effective December 7, 1987. Subject to Senate confirmation. Succeeds Richard Mills.

Kansas Library Network Board

Winifred Lichtenwalter, 417 Spruce St., Leavenworth 66048. Effective December 15, 1987. Term expires December 14, 1990. Succeeds Neysa Eberhard.

Henry Stewart, 502 W. 15th, Emporia 66801. Effective December 3, 1987. Term expires June 30, 1989. Succeeds G. Gary Warren, resigned.

James Swan, 1409 Williams, Great Bend 67530. Effective December 3, 1987. Term expires June 30, 1988. Succeeds Bruce Bumbalough, resigned.

Keith Trost, Sr., c/o Barton County Community College, Great Bend 67530. Effective December 15, 1987. Term expires December 14, 1990. Succeeds Rosemary Henderson.

Kansas Public Employees Retirement System
Board of Trustees

Larry D. Fleming, 6 Hampton, Wichita 67206. Effective December 4, 1987. Subject to Senate confirmation. Term expires April 30, 1989. Succeeds Michael K. Russell, resigned.

Kansas Technology Enterprise Corporation

John E. Moore, 14312 Wentworth Court, Wichita 67230. Effective December 4, 1987. Subject to Senate confirmation. Term expires December 3, 1988.

BILL GRAVES
Secretary of State

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT****NOTICE CONCERNING HAZARDOUS WASTE
STORAGE FACILITY PERMIT**

The Kansas Department of Health and Environment (KDHE) is providing public notice that the hazardous waste storage permits issued to General Motors-CPC Fairfax I Plant in Kansas City, Kansas, may be modified. The modifications will allow GM-CPC Fairfax I to decrease the permitted storage capacity by 7,800 gallons, to store four additional waste codes (F002, F003, F005, and F006), to revise sections in the permit application to include the addition of an industrial wastewater treatment plant (not a hazardous waste regulated unit itself), and to revise the closure plan to meet current requirements for closure.

GM-CPC Fairfax I was originally issued two separate hazardous waste facility permits in 1984—one from KDHE and one from the U.S. Environmental Protection Agency (EPA). On October 17, 1985, KDHE received final authorization from EPA to implement the state's hazardous waste management program in lieu of the federal program. The state's final authorization included all portions of the Resource Conservation and Recovery Act (RCRA), except those covered by the Hazardous and Solid Waste Amendments of 1984 (HSWA). The permit modifications GM-CPC Fairfax I has requested are not covered by HSWA; thus, KDHE is solely authorized to modify both the original KDHE permit and the EPA permit.

Copies of the administrative record, which include the draft modified permits, the revised permit application, and all relevant correspondence are available for public review at the following addresses during normal business hours beginning December 18: KDHE Central Office, Forbes Field, Building 730, Topeka; KDHE Northeast District Office, 808 W. 24th, Lawrence; and U.S. EPA (RCRA Branch), 726 Minnesota Ave., Kansas City.

Comments or requests for additional information should be directed to John Paul Goetz, Hazardous Waste Section, at the KDHE central office in Topeka. Written comments must be submitted by February 1. Requests for additional information, including the fact sheet, may be made by telephone at (913) 296-1607.

If sufficient public interest is displayed, a public hearing will be scheduled. Requests for a public hearing must be in writing and must state the nature of issues proposed to be raised in the hearing. Such requests must be submitted by February 1. The public notice and public hearing procedures may be found in 40 CFR, Sections 124.11 to 124.13.

After consideration of all written comments, of all verbal comments given at the public hearing if held, and of the requirements of RCRA and appropriate state statutes and regulations, the Secretary of Health and Environment will make a final decision whether to modify GM-CPC Fairfax I's present hazardous waste facility permits. If the decision is made to issue a permit substantially unchanged from the draft permit modifications made available for public review and comment, the secretary will notify all persons, in writing, who submitted comments or requested notice

of the final decision. If the draft permit modifications are substantially changed, the secretary will issue a public notice of the changes.

STANLEY C. GRANT, Ph.D.
Secretary of Health
and Environment

Doc. No. 006043

State of Kansas

DEPARTMENT OF TRANSPORTATION**NOTICE TO CITIES AND COUNTIES**

Residents of the state of Kansas and other interested persons are notified of the continuation of the Kansas Department of Transportation local partnership program with cities and counties. The program consists of three separate sections—KLINK (City Connecting Links Resurfacing Program), geometric improvements on city connecting links, and economic development projects for fiscal year 1990 (July 1, 1989 to June 30, 1990).

The KLINK program of resurfacing-type projects is intended to improve surfacing of city connecting links on the state highway system that are maintained by cities. All city connecting links on the system are eligible except those on the interstate system and fully controlled access sections on the freeway system. Projects are limited to resurfacing and maximum K.D.O.T. participation will be 50 percent of the cost of construction and construction engineering up to \$100,000 of state funds.

The geometric improvements of city connecting links is a program of highway construction intended to improve geometric deficiencies. Projects may include intersection improvements, curb and gutter and traffic signals. Projects do not include betterments such as sidewalks, street lighting or extra parking. Funding is based on the size of the city and includes criteria for city and state participation up to a maximum of \$300,000 for each city per year.

Economic development projects include a program of highway and bridge construction intended to enhance the economic development of the state. Projects should be on routes that are on the state highway system or the federal-aid system, which includes the secondary or urban system. Projects should have an economic significance to the community by creating or saving jobs, providing economic opportunity and increasing the tax base. Communities are required to fund at least 25 percent of the cost of the project.

Proposals for fiscal year 1990 funds for the three programs must be submitted to K.D.O.T. by January 25, 1988. Selected projects will be announced by the Secretary of Transportation in July 1988 and projects will be let in fiscal year 1990.

HORACE B. EDWARDS
Secretary of Transportation

Doc. No. 006030

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT****NOTICE CONCERNING HAZARDOUS WASTE
STORAGE FACILITY PERMIT**

The Kansas Department of Health and Environment (KDHE) is providing public notice that it may modify the hazardous waste storage permit issued to Olin Water Services—Olin Corporation, 3155 Fiberglass Road, Kansas City, Kansas. The modifications would allow Olin Water Services to store drums by a linear height limitation rather than a number of stacked pallets limitation and to conduct some inspections less frequently.

Olin Water Services was originally issued a hazardous waste facility permit in 1985. On October 17, 1985, KDHE received final authorization from EPA to implement the state's hazardous waste management program in lieu of the federal program. The state's final authorization included all portions of the Resource Conservation and Recovery Act (RCRA), except those covered by the Hazardous and Solid Waste Amendments of 1984 (HSWA). The permit modifications Olin Water Services has requested are not covered by HSWA; thus, KDHE is solely authorized to modify the original KDHE permit.

Copies of the administrative record, which include the draft modified permit, the modified permit application, and all information submitted by Olin Water Services, are available for public review beginning December 18 at the EPA Region VII Headquarters, 726 Minnesota Ave., Kansas City, from 7:30 a.m. to 4:30 p.m. weekdays; and at the KDHE, Building 730, Forbes Field, Topeka, and the KDHE district office, 808 W. 24th, Lawrence, from 8 a.m. to 4:30 p.m. weekdays.

Written comments on the proposed permit modifications may be directed to John Goetz, Hazardous Waste Section, KDHE, Forbes Field, Topeka 66620. Comments must be submitted prior to February 1. Requests for additional information, including the fact sheet, may be made by contacting KDHE at (913) 296-1607.

A public hearing has not been scheduled; however, if requests are received which indicate a significant degree of public interest in this draft permit, a public hearing will be scheduled. Requests for a public hearing must be in writing to the address listed for submittal of comments and must state the nature of issues proposed to be raised at the hearing. Such requests must be submitted prior to January 19.

After consideration of all comments received and of the requirements of RCRA and state statutes, KDHE will make a final permit decision. If the decision is made to issue the modified permit that is substantially unchanged from the draft made available for public comments as announced by this notice, the Secretary of Health and Environment will notify all persons submitting comments or requesting notice of final decision. If the draft modified permit is substantially changed, the secretary will jointly issue a public notice indicating the revised decisions.

STANLEY C. GRANT, Ph.D.
Secretary of Health
and Environment

Doc. No. 006041

State of Kansas

STATE CORPORATION COMMISSION**PUBLIC NOTICE**

Kyle Railroad has requested permission to remove the gates and replace them with stop signs at the Missouri Pacific crossing near Clifton, Kansas (Kyle milepost 196.7 and Union Pacific milepost 466.0). Protests should be filed on or before January 29.

JACK TIERCE
Utility Compliance Administrator

Doc. No. 006057

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT****NOTICE OF PUBLIC HEARING AND MEETING**

The Kansas Department of Health and Environment has scheduled the last two meetings of the technical committee which is reviewing the marriage and family therapist credentialing application.

A public hearing will be held at 9 a.m. Thursday, January 14, in Room 108, Landon State Office Building, 900 S.W. Jackson, Topeka. A meeting concerning final recommendations will be held at 9 a.m. Thursday, February 4, in Room 106 of the Landon Building.

For more information, contact Cathy Rooney at (913) 296-1281.

STANLEY C. GRANT, Ph.D.
Secretary of Health
and Environment

Doc. No. 006054

State of Kansas

STATE CORPORATION COMMISSION**NOTICE OF
MOTOR CARRIER HEARINGS**

Applications set for hearing are to be heard at 9:30 a.m. before the State Corporation Commission, Docking State Office Building, fourth floor, Topeka, unless otherwise noticed.

This list does not include cases previously assigned hearing dates for which parties of record have received notice.

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 4th Floor, Docking State Office Building, Topeka 66612, (913) 296-3808 or 296-2110.

Your attention is invited to Kansas Administrative Regulations (K.A.R.) 82-1-228, "Rules of Practice and Procedure Before the Commission."

(continued)

Applications set for December 29, 1987

Application for Certificate of Convenience and Necessity:

R.C. & R.J. Russell, dba) Docket No. 158,360 M
Russell Trucks)
Route 2, Box 95)
Goodland, KS 67735)

Applicant's Attorney: None

Grain,

Between all points and places in Cheyenne, Sherman, Wallace, Greeley, Hamilton, Stanton, Morton, Grant, Kearny, Wichita, Logan, Thomas and Rawlins counties, Kansas.

Also,

Between the above described area, on the one hand, and on the other, all points and places in Kansas.

Application for Certificate of Convenience and Necessity:

Wes Rezac) Docket No. 158,358 M
305 Alma)
St. Marys, KS 66536)

Applicant's Attorney: Clyde Christey, Southwest Plaza Bldg., Suite 202, 3601 W. 29th, Topeka, KS 66614

Livestock, hay, grain, dry feed, dry feed ingredients, salt, seeds, construction and building materials, fencing materials, machinery and dry fertilizer,

Between points and places in Cheyenne, Rawlins, Decatur, Norton, Smith, Phillips, Jewell, Sherman, Thomas, Sheridan, Graham, Rooks, Osborne, Mitchell, Lincoln, Russell, Ellis, Trego, Gove, Logan, Wallace, Greeley, Wichita, Scott, Lane, Ness, Rush, Barton, Ellsworth, Rice, Stafford, Pawnee, Hodgeman, Finney, Kearny, Hamilton, Stanton, Grant, Haskell, Gray, Ford, Edwards, Kiowa, Pratt, Reno, Kingman, Harper, Barber, Comanche, Clark, Meade, Seward, Stevens and Morton counties, Kansas.

Also,

Between the above named counties, on the one hand, and points and places in the state of Kansas, on the other hand.

Application for Certificate of Convenience and Necessity:

KWD Limited) Docket No. 157,359 M
433 N. Pinecrest)
Wichita, KS 67208)

Applicant's Attorney: Clyde Christey, Southwest Plaza Bldg., Suite 202, 3601 W. 29th, Topeka, KS 66614

Flour and food and related products,

Between points and places in the state of Kansas.

Application for Extension of Certificate of Convenience and Necessity:

United Parcel Service, Inc.) Docket No. 106,068 M
2600 Warrenville Road,)
Room 210)
Downers Grove, IL 60515) MC ID No. 107100

Applicant's Attorney: John J. Jurcyk, Jr., 819 Walnut St., Suite 304, Kansas City, MO 64106

General commodities (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading),

Between all points in Kansas.

Restricted: No service shall be rendered in the transportation of any package or article weighing more than 70 pounds or exceeding 130 inches in length and girth combined or exceeding 108 inches in length, and each package or article shall be considered as a separate and distinct shipment.

Application for Certificate of Convenience and Necessity:

Maynard O. and Rodney L.) Docket No. 158,361 M
Ross, dba)
Ross Farms)
Route 1)
Almena, KS 67622)

Applicant's Attorney: Larry Gregg, 3401 S.W. Harrison, Topeka, KS 66611

Grain, seed, feed, dry fertilizer, livestock, machinery and farm commodities,

Between points and places in Kansas.

Application for Certificate of Convenience and Necessity:

George W. Hays) Docket No. 158,362 M
& Son, Inc.)
U.S. 81)
Belleville, KS 66935)

Applicant's Attorney: John Rosacker, 1400 S. Topeka Blvd., Topeka, KS 66612

General commodities (except liquid commodities in bulk, classes A and B explosives, household goods and commodities requiring special equipment for handling),

Between all points and places in the counties of Republic, Washington, Clay, Cloud, Jewell, Smith, Osborne, Mitchell, Marshall, Pottawatomie, Riley, Geary, Dickinson, Saline, Ottawa, Ellsworth, Lincoln and Russell.

Also,

Between those counties listed above, on the one hand, and all points and places in the state of Kansas, on the other hand.

Application for a Name Change of Certificate of Convenience and Necessity:

Ken's Conoco, Inc.) Docket No. 151,517 M
 3202 S. Seneca)
 Wichita, KS 67217) MC ID No. 120759
 TO:

Ken & L, Inc.
 3023 S. Edwards
 Wichita, KS 67217

Applicant's Attorney: None

Wrecked, disabled, repossessed and replacement motor vehicles and trailers,

Between points and places in Sedgwick, Harvey, McPherson, Reno, Kingman, Harper, Cowley, Butler and Sumner counties, Kansas.

Also,

Between the above described territory, on the one hand, and points and places in the state of Kansas, on the other hand.

Note: This application was filed pursuant to K.A.R. 82-4-27(c). If no protest is timely filed, the application will be considered by the commission without a hearing, pursuant to K.S.A. 66-1,115(a).

Applications set for December 31, 1987

Application for Name Change of Certificate of Convenience and Necessity:

United Van Lines, Inc.) Docket No. 19,182 M
 One United Drive)
 Fenton, MO 63200) MC ID No. 106950
 TO:

Unigroup, Inc.
 One United Drive
 Fenton, MO 63200

Applicant's Attorney: W. Robert Alderson, 1610 S.W. Topeka Blvd., P.O. Box 237, Topeka, KS 66612

Household goods,

From, to and between all points in the state of Kansas.

Application for Transfer of Certificate of Convenience and Necessity:

Unigroup, Inc.) Docket No. 19,182 M
 One United Drive)
 Fenton, MO 63200) MC ID No. 106950
 TO:

United Van Lines, Inc.
 One United Drive
 Fenton, MO 63200

Applicant's Attorney: W. Robert Alderson, 1610 S.W. Topeka Blvd., P.O. Box 237, Topeka, KS 66612

Household goods,

From, to and between all points in the state of Kansas.

Applications set for January 5, 1988

Application for Certificate of Convenience and Necessity:

Warren E. Hollis, dba) Docket No. 158,363 M
 Hollis Truck Line)
 Route 1, Box 186)
 Valley Falls, KS 66088)

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

Livestock,

Between points and places on and east of U.S. 81. Also,

Between the above described area, on the one hand, and points and places in the state of Kansas, on the other hand.

Grain, hay, dry feed, dry feed ingredients, salt, seeds, dry fertilizer, construction and building materials, fencing materials, iron and steel articles and machinery,

Between points and places on and east of U.S. 281. Also,

Between the above described area, on the one hand, and points and places in the state of Kansas, on the other hand.

Application for Transfer of Certificate of Convenience and Necessity:

Rick Lindsey & Louis) Docket No. 152,481 M
 Lindsey, dba)
 L & L Trucking)
 Route 2)
 Kingman, KS 67068) MC ID No. 125969
 TO:

L & L Trucking, Inc.
 Route 2
 Kingman, KS 67068

Applicant's Attorney: None

Grain and dry fertilizer,

Between all points and places in Pratt, Reno, Barber, Kingman, Harper, Sedgwick, Sumner and Cowley counties, Kansas, on the one hand, and all points and places in the state of Kansas, on the other hand.

Application for Certificate of Convenience and Necessity:

Jeff T. Bethell, dba) Docket No. 158,364 M
 Bethell Trucking)
 Route 1)
 Williamsburg, KS 66095)

Applicant's Attorney: None

Grain, seed, feed and feed ingredients, dry fertilizer, building materials and agricultural implements and parts,

(continued)

Between all points and places within the state of Kansas.

Application for Transfer of Certificate of Convenience and Necessity:

Bill Jackson Rig Co., Inc.) Docket No. 138,211 M
1813 S.E. 25th)
Oklahoma City, OK 73143) MC ID No. 106841
TO:

Ace Transportation, Inc.
P.O. Box 91714
Lafayette, LA 70509

Applicant's Attorney: W. Robert Alderson, 1610 S.W.
Topeka Blvd., P.O. Box 237, Topeka, KS 66612

Oil field equipment and supplies,

To, from and between all points and places in Hamilton, Kearny, Finney, Hodgeman, Pawnee, Edwards, Ford, Gray, Haskell, Grant, Stanton, Morton, Stevens, Seward, Meade, Clark and Comanche counties.

Application for Contract Carrier Permit:

Famous Brands) Docket No. 158,365 M
Distributors, Inc.)
820 Quincy, Suite 220)
Topeka, KS 66611)

Applicant's Attorney: Erle Francis, 714 Capitol
Federal Building, Topeka, KS 66603

Alcoholic beverages, except in bulk, but including beer in kegs, and advertising materials relating to alcoholic beverages,

Between all points and places in Kansas. Under contract with A-B Sales, Wichita, Kansas; The Lux-Witwer Co., Inc., dba Sunflower Sales Co. of Topeka, Topeka, Kansas; Standard Liquor Corp., Wichita, Kansas; and Premier Wine and Spirits, Inc., Overland Park, Kansas.

ALFONZO A. MAXWELL
Administrator
Transportation Division

Doc. No. 006052



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