



# Kansas Register

Kris W. Kobach, Secretary of State

Vol. 30, No. 9

March 3, 2011

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The Kansas Register (USPS 0662-190) is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The Kansas Register is published weekly and a cumulative index is published annually by the Kansas Secretary of State. One-year subscriptions are \$80 (Kansas residents must include applicable state and local sales tax). Single copies, if available, may be purchased for \$2. **Periodicals postage paid at Topeka, Kansas. POSTMASTER:** Send change of address form to Kansas Register, Secretary of State, 1st Floor, Memorial Hall, 120 S.W. 10th Ave., Topeka, KS 66612-1594.

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Hard copy subscription information and current and back issues of the Kansas Register (PDF format) can be found at the following link: [http://www.kssos.org/pubs/pubs\\_kansas\\_register.asp](http://www.kssos.org/pubs/pubs_kansas_register.asp)

**Published by**  
 Kris W. Kobach  
 Secretary of State  
 1st Floor, Memorial Hall  
 120 S.W. 10th Ave.  
 Topeka, KS 66612-1594  
 (785) 296-4564  
 www.sos.ks.gov



**Register Office:**  
 1st Floor, Memorial Hall  
 (785) 296-3489  
 Fax (785) 368-8024  
 kansasregister@sos.ks.gov

State of Kansas

**Commission on Veterans' Affairs**

**Notice of Meeting**

The Kansas Commission on Veterans' Affairs will meet at 10 a.m. Wednesday, March 16, in the Senate Room of the Jayhawk Tower, 700 S.W. Jackson, Topeka. The public is invited to attend. For more information, call (785) 296-3976.

Jack Fowler  
Executive Director

Doc. No. 039182

State of Kansas

**Kansas Housing Resources Corporation**

**Notice of Annual Performance Report on the Kansas Consolidated Plan**

The Kansas Housing Resources Corporation will publish a preliminary draft of the Annual Performance Report on the Kansas Consolidated Plan for community and housing development for program year 2010. The Annual Performance Report on the 2010 Kansas Consolidated Plan will be available for public review and comment until March 18. The Annual Performance Report is available online at [www.kshousingcorp.org](http://www.kshousingcorp.org). Limited hard copies of the Annual Performance Report are available through the Kansas Housing Resources Corporation, 611 S. Kansas Ave., Suite 300, Topeka, 66603, (785) 296-5865, fax (785) 296-8985, or e-mail: [info@kshousingcorp.org](mailto:info@kshousingcorp.org).

Dennis L. Mesa  
Executive Director

Doc. No. 039180

State of Kansas

**Kansas Judicial Council**

**Notice of Meetings**

The Kansas Judicial Council, its Advisory Committees and the Commission on Judicial Performance will meet according to the following schedule at the Kansas Judicial Center, 301 S.W. 10th Ave., Topeka, unless otherwise designated:

Date	Committee	Time	Location
March 11	Commission on Judicial Performance	9:30 a.m.	Suite 140-West
March 16	Supreme Court Rules	9:30 a.m.	Fatzer Courtroom
March 18	Lien Law Sub-Committee	9:30 a.m.	Suite 140-West
March 18	Pattern Instructions for Kansas-Criminal	9:30 a.m.	COA Courtroom
April 15	Lien Law Sub-Committee	9:30 a.m.	Suite 140-East
April 15	Pattern Instructions for Kansas-Criminal	9:30 a.m.	COA Courtroom
April 15	Probate Law	9:30 a.m.	Suite 140-West

Hon. Lawton R Nuss  
Chairman

Doc. No. 039164

State of Kansas

**State Fair Board**

**Notice of Meeting**

The Kansas State Fair Board will meet at 10:30 a.m. Tuesday, March 8, in Hutchinson. For more information, contact Denny Stoecklein at (620) 669-3600 or [denny@kansasstatefair.com](mailto:denny@kansasstatefair.com).

Tom R. Tunnell  
President

Doc. No. 039163

State of Kansas

**Department of Wildlife and Parks**

**Public Notice**

The Kansas Department of Wildlife and Parks has reached an agreement for the purchase of a tract of land in Shawnee County. The parcel consist of 1.75 acres and is located in the Southeast Quarter of Section 29, Township 11 South, Range 15 East of the Sixth P.M., Shawnee County, Kansas. The appraised value is \$64,000, and the purchase price is \$64,000. This tract is adjacent to and shall become part of the Kansas Department of Wildlife and Parks Region 2 Office.

Robin L Jennison  
Secretary of Wildlife and Parks

Doc. No. 039183

State of Kansas

**Kansas Insurance Department**

**Notice of Change in Pharmacy Network**

Pursuant to K.S.A. 40-2,153, the Kansas Commissioner of Insurance is publishing notice that a change has occurred in a pharmacy network in the state of Kansas. **Aetna U.S. Healthcare Pharmacy Network** has notified the Insurance Department of the following additions to its pharmacy network:

Name	City	Effective
Graves Drug	Winfield	10/12/2010
Graves Drugs	Arkansas City	10/12/2010
Richeys Rexall Drug	Erie	10/30/2010

In addition, Aetna U.S. Healthcare Pharmacy Network has notified the department of the following terminations from its pharmacy network:

Name	City	Effective
CVS Pharmacy #8561	Lenexa	12/1/2010
Graves Drug	Arkansas City	12/1/2010
Graves Drug Store #10	Winfield	12/1/2010
Kramer Pharmacy	Ottawa	12/31/2010
Maschino Drug	Pleasanton	12/1/2010
Minneola Pharmacy Inc.	Minneola	12/31/2010
Richeys Rexall Drug	Erie	12/31/2010

Any questions should be directed to the Kansas Insurance Department at (785) 296-3071.

Sandy Praeger  
Kansas Insurance Commissioner

Doc. No. 039168

## State of Kansas

## Department of Agriculture

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 10 a.m. Wednesday, May 4, in the fourth floor training room of the Kansas Department of Agriculture, 109 S.W. 9th, Topeka, to consider the adoption of proposed agricultural chemical regulations.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Secretary of Agriculture, 109 S.W. 9th, 4th Floor, Topeka, 66612, or by e-mail at [leslie.garner@kda.ks.gov](mailto:leslie.garner@kda.ks.gov). Comments also may be made through the department's Web site, <http://www.ksda.gov>, under the proposed regulation.

All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

These regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and their economic impact follows:

**K.A.R. 4-1-2** removes definitions of certain words that were not used in the regulations and adds definitions of other words as necessary.

**K.A.R. 4-1-5** is modified for clarity.

**K.A.R. 4-1-6** is revoked because it is substantively incorporated into K.A.R. 4-1-5.

**K.A.R. 4-1-8** is revoked because it is substantively incorporated into K.A.R. 4-1-5.

**K.A.R. 4-1-9** is modified for clarity.

**K.A.R. 4-1-9a** is a new regulation that addresses procedures for registration of special local need products (FIFRA Section 24(c)), as authorized in K.S.A. 2-2214(b).

**K.A.R. 4-1-9b** is a new regulation that addresses exemption from product registration for emergency situations (FIFRA Section 18), as authorized in K.S.A. 2-2214(b).

**K.A.R. 4-1-11** is revoked because it is substantively incorporated in the act and K.A.R. 4-1-2.

**K.A.R. 4-1-13** is modified for clarity.

**K.A.R. 4-1-14** is modified for clarity.

**K.A.R. 4-1-17** is modified to reflect the \$150 product registration fee in K.S.A. 2009 Supp. 2-2204.

Economic Impact Statement: The changes are expected to have a neutral economic impact on the Kansas Department of Agriculture, other governmental agencies, private businesses and individuals.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Leslie Garner at (785) 296-4623 or fax (785) 368-6668. Handicapped parking is lo-

cated at the southwest corner of 9th and Kansas Ave., and the north entrance to the building is accessible to individuals with disabilities.

Copies of the regulations and their economic impact statements may be obtained by contacting Leslie Garner at the contact information above or by accessing the department's Web site at <http://www.ksda.gov>.

Dale A. Rodman  
Secretary of Agriculture

Doc. No. 039167

## State of Kansas

## Kansas Insurance Department

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 1:30 p.m. Wednesday, May 4, in the third floor conference room, Kansas Insurance Department, 420 S.W. 9th, Topeka, to consider the adoption of a proposed rule and regulation.

The 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rule and regulation. All interested parties may submit written comments prior to the hearing to John Wine, Kansas Insurance Department, 420 S.W. 9th, Topeka, 66612-1678, via facsimile at (785) 291-3673, or via e-mail at [jwine@ksinsurance.org](mailto:jwine@ksinsurance.org). All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing.

A summary of the proposed regulation and its economic impact follows:

**K.A.R. 40-1-22. Insurance policies and certificates; change of name or merger of an insurance company; assumption of risk endorsements; requirements.** This regulation clarifies that assumption of risk endorsements must be attached to certificates of insurance as well as to insurance policies.

Because this amendment attempts to clarify rather than change any requirements, there should be no economic impact. There will be little or no economic impact on the Kansas Insurance Department, consumers, small businesses or other governmental agencies.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and the economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting John Wine at (785) 296-7847 or via e-mail at [jwine@ksinsurance.org](mailto:jwine@ksinsurance.org). Any individual desiring a copy of this regulation and/or the policy and procedure that is being adopted by reference, if applicable, may obtain a copy from the department's Web site at [www.ksinsurance.org](http://www.ksinsurance.org) (under the Legal Issues link) or by contacting John Wine. The charge for copies is 50 cents per page.

Sandy Praeger  
Kansas Insurance Commissioner

Doc. No. 039165

(Published in the Kansas Register March 3, 2011.)

## City of Overland Park, Kansas

### Notice to Bidders

Sealed bids for **I-435 Eastbound On-Ramp and Metcalf Avenue, Overland Park Project No. ST-1275, KDOT Project No. 46 N-0507-01, Federal No. HSIP-N050 (701)**, will be received by the city of Overland Park, Kansas, at the office of the city clerk, City Hall, 8500 Santa Fe Drive, Overland Park, 66212, until 2 p.m. April 5, 2011. At that time all sealed bids will be transferred to the City Council Chamber, City Hall, where they will be publicly opened and read aloud. Any bid received after the designated closing time will be returned unopened.

All bids shall be submitted in sealed envelopes addressed to the city clerk of Overland Park and marked "BID FOR: I-435 Eastbound On-Ramp and Metcalf Avenue." Copies of plans, specifications, bid documents and other contract documents are on file at the office of the city of Overland Park, Public Works Department, located at 8500 Santa Fe Drive, Overland Park, 66212, (913) 895-6040. Contractors desiring the contract documents for use in preparing bids may obtain a set of such documents from the city of Overland Park upon payment \$50, which amount is not refundable.

Neither the city nor the consultant shall be responsible for the accuracy, completeness or sufficiency of any bid documents obtained from any source other than the source indicated above. Obtaining copies of plans, specifications, bid documents and other contract documents from any other source(s) may result in obtaining incomplete and inaccurate information. Obtaining these documents from any source other than directly from the source listed herein also may result in failure to receive any addenda, corrections or other revisions to these documents that may be issued.

Contractors should read and be fully familiar with all contract documents before submitting a bid. In submitting a bid, the bidder warrants that it has read the contract documents and is fully familiar therewith and that it has visited the site of the work to fully inform itself as to all existing conditions and limitations, and shall include in its bid a sum to cover the cost of all items of the work.

Should a bidder find "defects" as defined in paragraph GC-3 of the General Conditions, it shall follow the procedures outlined in paragraph GC-3 to bring same to the attention of city. Changes necessitated thereby shall be in the form of addenda issued by the consulting engineer.

All bidders shall verify that they have considered all written addenda. Neither the city nor the consulting engineer shall be responsible for oral instructions.

Any written addenda issued during the time of bidding shall be covered and included in the bid. There will be no clarifications or exceptions allowed on the bid. Bids are for a total bid package, total contract price.

Bids shall be made upon the form provided in ink or typewritten. Numbers shall be stated both in writing and in figures, the signature shall be long hand, and the complete form shall be without alteration or erasure. On alternate items for which a bid is not submitted, a written indication of "no bid" on the bid form is required.

No oral, telegraphic, facsimile or telephonic bids or alterations will be considered.

The following items must be included in the sealed envelope with the bid:

- a. Bid
- b. 5% Bid security — bid bond, cashier's check or certified check (see below)
- c. Signed documents (KDOT Certifications)
  - Required Contract Provision — DBE Contract Goal
  - Certification — Noncollusion & History of Debarment
  - Declaration — Limitations on Use of Federal Funds for Lobbying
  - Tax Clearance Certificate

Each bidder shall file with its bid a bid bond, a cashier's check or a certified check drawn on any acceptable bank, made payable to the city of Overland Park, Kansas, in an amount of not less than 5 percent of the total bid, which shall be retained by the city of Overland Park until a contract for the project has been executed. Bid bonds will be returned to the unsuccessful bidders, with the exception of the second qualifying bidder, at such time as their bids are rejected. The bid deposit of the successful bidder and the second qualifying bidder will be returned when satisfactory bonds in an amount equal to 100 percent of the contract amount, required insurance certificates and other required documents shall have been furnished and the contract documents have been executed.

In the event the successful bidder is unable to execute the contract, for whatever reason, the city may exercise its legal prerogatives, including, but not limited to, enforcement of its rights as to the bid security.

The city reserves the right to accept or reject any and all bids and to waive any technicalities or irregularities therein. Bids may be modified or withdrawn by written request of the bidder received in the office of the city clerk, prior to the time and date for bid opening; provided, however, that no bidder may withdraw its bid for a period of 30 days from the date set for the opening thereof. All bidders agree that rejection shall create no liability on the part of the city because of such rejection. It is understood by all bidders that an unsuccessful bidder has no cause of action against the city for bid preparation costs. The filing of any bid in response to this invitation shall constitute an agreement of the bidder to these conditions.

A pre-bid conference will be held at 11 a.m. March 17 in the first floor conference room of the Overland Park City Hall, 8500 Santa Fe Drive, Overland Park.

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

Doc. No. 039178

## State of Kansas

## State Employees Health Care Commission

## Notice of Meeting

The Kansas State Employees Health Care Commission will meet at 1:30 p.m. Tuesday, March 15, in the KPERS boardroom, 611 S. Kansas Ave., Topeka. For more information, contact Laurie Knowlton, State Employee Health Plan, at (785) 296-6280.

Dennis Taylor, Chair  
Health Care Commission

Doc. No. 039186

## State of Kansas

## Kansas State University

## Notice of Intent to Lease Land

Public notice is hereby given, pursuant to K.S.A. 75-430a(d), that Kansas State University intends to lease land for the purpose of constructing a grain science center feed mill. Kansas State University will lease approximately 1.75 acres in the Grain Science Complex on Kimball Avenue to the KSU Foundation. The KSU Foundation will build a feed mill using private financing. Kansas State University will enter a lease-purchase agreement with the KSU Foundation. Once the principal and interest are retired, the ground lease will terminate and the feed mill will be transferred to Kansas State University. Specifications and further information are available by contacting Bruce Shubert, Vice President for Administration and Finance, Kansas State University, 105 Anderson Hall, Manhattan, 66506.

Carla Bishop  
Director of Purchasing

Doc. No. 039185

(Published in the Kansas Register March 3, 2011.)

## City of Hutchinson, Kansas

## Notice of Proposed DBE Program

The city of Hutchinson has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation, 49 CFR Part 26, for FAA funding at the Hutchinson Municipal Airport. The city anticipates receiving federal financial assistance from the Department of Transportation and, as a condition of receiving this assistance, the city will sign an assurance that it will comply with 49 CFR Part 26.

The city's overall project-specific goal for FY 2011 is 3.82 percent of the federal financial assistance.

The proposed DBE Program is available for public inspection and comment at the office of the Director of Parks and Facility Services, City Public Works, 1500 S. Plum, Hutchinson, 67501. The city will accept comments on the goals for 30 days from the date of this notice. Comments can be sent to Mike Lueck, DBE Liaison Officer.

Mike Lueck  
DBE Liaison Officer

Doc. No. 039172

## State of Kansas

## Secretary of State

## Code Mortgage Rate for March

Pursuant to the provisions of K.S.A. 16a-1-301, Section 11, the code mortgage rate during the period of March 1, 2011 through March 31, 2011, is 12 percent.

Kris W. Kobach  
Secretary of State

Doc. No. 039170

## State of Kansas

## Secretary of State

## Usury Rate for March

Pursuant to the provisions of K.S.A. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate (except where the note or contract for deed permits adjustment of the interest rate, the term of the loan or the amortization schedule) executed during the period of March 1, 2011 through March 31, 2011, is 6.16 percent.

Kris W. Kobach  
Secretary of State

Doc. No. 039169

## State of Kansas

Department of Administration  
Division of Purchases

## Notice to Bidders

Sealed bids for items listed will be received by the Director of Purchases until 2 p.m. on the date indicated. Contractors wishing to bid on the projects below must be prequalified. Information regarding prequalification, projects and bid documents can be obtained by calling (785) 296-8899 or by visiting [www.da.ks.gov/fp/](http://www.da.ks.gov/fp/).

03/22/2011 A-011196 Upgrade Electrical Panels and  
Wiring — Engineering Bldg. —  
Larned State Hospital, Larned

Subcontractor bids will be received for work shown on the plans and as specified in Divisions 27- Communications — Section 27 4100 Audio Visual Systems. Plans and specifications for the following project can be obtained by calling Tammy Shaw, Ferrell Construction, at (785) 354-4309. Bids will be received by Ferrell Construction of Topeka, 2420 N.W. Button Road, Topeka, KS 66618.

03/10/2011 A-010897 Construction — Management — Risk  
Project Audio-Visual Systems Only  
Remodel and Addition — Memorial  
Union — Emporia State University,  
Emporia

Chris Howe  
Director of Purchases

Doc. No. 039187

State of Kansas

Board of Regents Universities

Notice to Bidders

The universities of the Kansas Board of Regents encourage interested vendors to visit the various universities' purchasing offices' Web sites for a listing of all transactions, including construction projects, for which the universities' purchasing offices, or one of the consortia commonly utilized by the universities, are seeking information, competitive bids or proposals. The referenced construction projects may include project delivery construction procurement act projects pursuant to K.S.A. 76-7,125 et seq.

**Emporia State University** – Bid postings: [www.emporia.edu/busaff/purchasing/vendor-procedures.htm](http://www.emporia.edu/busaff/purchasing/vendor-procedures.htm). Additional contact info: phone: 620-341-5145, fax: 620-341-5073, e-mail: [thouse@emporia.edu](mailto:thouse@emporia.edu). Mailing address: Emporia State University, Controller's Office/Purchasing, Campus Box 4021, 1200 Commercial, Emporia, KS 66801.

**Fort Hays State University** – Bid postings: [www.fhsu.edu/bids](http://www.fhsu.edu/bids). Additional contact info: phone: 785-628-4251, fax: 785-628-4046, e-mail: [purchasing@fhsu.edu](mailto:purchasing@fhsu.edu). Mailing address: Fort Hays State Purchasing Office, 601 Park St., 318 Sheridan Hall, Hays, KS 67601.

**Kansas State University** – Bid postings: [www.k-state.edu/purchasing/rfq](http://www.k-state.edu/purchasing/rfq). Additional contact info: phone: 785-532-6214, fax: 785-532-5577, e-mail: [kspurch@k-state.edu](mailto:kspurch@k-state.edu). Mailing address: Controller's Office/Purchasing, 21 Anderson Hall, Kansas State University, Manhattan, KS 66506.

**Pittsburg State University** – Bid postings: [www.pittstate.edu/office/purchasing](http://www.pittstate.edu/office/purchasing). Additional contact info: phone: 620-235-4169, fax: 620-235-4166, e-mail: [jensch@pittstate.edu](mailto:jensch@pittstate.edu). Mailing address: Pittsburg State University, Purchasing Office, 1701 S. Broadway, Pittsburg, KS 66762-7549.

**University of Kansas** – Electronic bid postings: <http://www.purchasing.ku.edu/>. Paper bid postings and mailing address: KU Purchasing Services, 1246 W. Campus Road, Room 30, Lawrence, KS 66045. Additional contact info: phone: 785-864-5800, fax: 785-864-3454, e-mail: [purchasing@ku.edu](mailto:purchasing@ku.edu).

**University of Kansas Medical Center** – Bid postings: <http://www2.kumc.edu/finance/purchasing/bids.html>. Additional contact info: phone: 913/588-1100, fax: 913/588-1102. Mailing address: University of Kansas Medical Center; Purchasing Department, Mail Stop 2034; 3901 Rainbow Blvd., Kansas City, KS 66160

**Wichita State University** – Bid postings: [www.wichita.edu/purchasing](http://www.wichita.edu/purchasing). Additional contact info: phone: 316-978-3080, fax: 316-978-3528. Mailing address: Wichita State University, Office of Purchasing, 1845 Fairmount Ave., Campus Box 12, Wichita, KS 67260-0012.

Barry Swanson  
Chair of Regents Purchasing Group  
Chief Procurement Officer  
University of Kansas

Doc. No. 038494

(Published in the Kansas Register March 3, 2011.)

Summary Notice of Bond Sale  
City of Abilene, Kansas  
\$2,200,000  
General Obligation Bonds  
Series 2011

Details of the Sale

Subject to the terms and requirements of the Official Notice of Bond Sale dated February 14, 2011, of the city of Abilene, Kansas, bids to purchase the city's General Obligation Bonds, Series 2011, will be received at the office of the finance director at City Hall, 419 Broadway, Abilene, KS 67410, or by telefacsimile at (785) 263-2552, or electronically through PARITY, until 2 p.m. Monday, March 14, 2011. The bids will be considered by the governing body at its meeting at 4 p.m. on the sale date.

No oral or auction bids for the bonds shall be considered, and no bids for less than 100 percent of the total principal amount of the bonds and accrued interest to the date of delivery shall be considered.

Good Faith Deposit

Each bidder must submit a good faith deposit in the form of cash, deposited in the city's account by electronic transfer, a certified or cashier's check made payable to the order of the city, or a financial surety bond in an amount equal to 2 percent of the principal amount of the bonds. Methods of making the good faith deposit are further described in the Official Notice of Bond Sale.

Details of the Bonds

The bonds are dated April 1, 2011, and will be issued as registered bonds in the denomination of \$5,000 or any integral multiple thereof. Interest on the bonds is payable semiannually on March 1 and September 1 of each year, beginning March 1, 2012. Principal of the bonds becomes due on September 1 in the years and amounts as shown below:

Maturity Schedule

Principal Amount*	Maturity Date
\$180,000	2012
205,000	2013
210,000	2014
210,000	2015
215,000	2016
220,000	2017
230,000	2018
235,000	2019
245,000	2020
250,000	2021

Payment of Principal and Interest

The Kansas State Treasurer will serve as the bond registrar and paying agent for the bonds.

Book-Entry Bonds

The bonds will be issued and registered under a book-entry-only system administered by the Depository Trust Company, New York, New York (DTC).

(continued)

**Delivery of the Bonds**

The city will prepare the bonds at its expense and will deliver the bonds to the purchaser on or about April 1, 2011, through the facilities of DTC.

**Legal Opinion**

The bonds will be sold subject to the legal opinion of Triplett, Woolf & Garretson, LLC, Wichita, Kansas, bond counsel, whose fees will be paid by the city.

**Financial Matters**

The city's current assessed valuation for purposes of calculating statutory debt limitations is \$59,061,954. As of April 1, 2011, the city's total outstanding general obligation debt (including the bonds) is \$12,815,000.

**Additional Information**

For additional information, contact the city clerk at the address and telephone number shown below or the city's financial advisor, Dustin Avey, Piper Jaffray & Co., 11150 Overbrook Road, Suite 310, Leawood, KS 66211, (800) 829-5377.

City of Abilene, Kansas  
By Penny Soukup, City Clerk  
City Hall, 419 Broadway  
Abilene, KS 67410  
(785) 263-2550  
Fax (785) 263-2552

\*Principal amounts subject to change.

Doc. No. 039176

(Published in the Kansas Register March 3, 2011.)

**Summary Notice of Bond Sale  
Unified School District No. 265  
Sedgwick County, Kansas (Goddard)  
\$2,750,000  
General Obligation Capital Outlay Bond  
Series 2011-1  
(General obligation bonds payable from  
unlimited ad valorem taxes)**

**Bids**

Subject to the Notice of Bond Sale dated February 14, 2011, written and electronic bids will be received on behalf of the district finance officer of Unified School District No. 265, Sedgwick County, Kansas (Goddard) (the issuer), in the case of written bids, at the address set forth below, and in the case of electronic bids, through PARITY, until 1:30 p.m. March 14, 2011, for the purchase of the above-referenced bonds. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated April 1, 2011, and will become due on October 1 in the years as follows:

Year	Principal Amount
2012	\$635,000
2013	690,000
2014	705,000

2015

720,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning April 1, 2012.

**Book-Entry-Only System**

The bonds shall be registered under a book-entry-only system administered through DTC.

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States, a qualified financial surety bond or a wire transfer in Federal Reserve funds immediately available for use by the issuer in the amount of \$55,000.

**Delivery**

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about April 7, 2011, to DTC for the account of the successful bidder.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2010 is \$259,766,211. The total general obligation indebtedness of the issuer as of the dated date, including the bonds being sold, is \$128,414,700.

**Approval of Bonds**

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder when the bonds are delivered.

**Additional Information**

Additional information regarding the bonds may be obtained from the undersigned, or from the financial advisor, at the addresses set forth below.

**Written Bid and Good Faith Deposit Delivery Address:**

Doug Maxwell, District Finance Officer  
Office of the Board of Education  
201 S. Main, P.O. Box 249  
Goddard, KS 67052-0249  
(316) 794-4000  
Fax (316) 794-2222  
E-mail: dmaxwell@goddardusd.com

**Financial Advisor - Facsimile Bid and Good Faith**

**Deposit Delivery Address:**

George K. Baum & Company  
100 N. Main, Suite 810  
Wichita, KS 67202  
Attn: Charles M. Bouilly  
(316) 264-9351  
Fax (316) 264-9370  
E-mail: bouilly@gkbaum.com



Dated February 14, 2011.

Unified School District No. 265  
Sedgwick County, Kansas (Goddard)

Doc. No. 039177

## State of Kansas

### Legislature

#### Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced February 17-23 by the 2011 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 58-S, State Capitol, 300 S.W. 10th Ave., Topeka, 66612, (785) 296-4096. Full texts of bills, bill tracking and other information may be accessed at [www.kslegislature.org](http://www.kslegislature.org).

#### House Bills

**HB 2347**, AN ACT concerning income taxation; relating to the earned income tax credit; amending K.S.A. 2010 Supp. 79-32,205 and repealing the existing section, by Committee on Taxation.

**HB 2348**, AN ACT concerning income taxation; relating to information required on returns; social security numbers; amending K.S.A. 2010 Supp. 79-3221 and repealing the existing section, by Committee on Taxation.

**HB 2349**, AN ACT concerning income taxation; relating to credit for dependent care expenses; social security numbers in support thereof; amending K.S.A. 79-32,111a and repealing the existing section, by Committee on Taxation.

**HB 2350**, AN ACT concerning property taxation; imposing a payment in lieu of tax on certain qualifying crude oil pipelines; procedure, by Committee on Taxation.

**HB 2351**, AN ACT concerning fiscal notes for certain legislative bills; requiring consideration of dynamic scoring analysis in preparation thereof, by Committee on Taxation.

**HB 2352**, AN ACT concerning property taxation; relating to exemptions; public utilities; notice and opportunity to be heard for counties; amending K.S.A. 2010 Supp. 79-213 and 79-5a27 and repealing the existing sections, by Committee on Taxation.

**HB 2353**, AN ACT concerning the personal and family protection act; amending K.S.A. 2010 Supp. 75-7c10 and section 194 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 2354**, AN ACT concerning the Kansas expanded lottery act; relating to racetrack gaming facilities; amending K.S.A. 2010 Supp. 74-8702, 74-8734, 74-8741, 74-8751 and 74-8768 and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 2355**, AN ACT concerning sales taxation; relating to food sales tax refunds; information required in support of claim; amending K.S.A. 79-3637 and repealing the existing section, by Committee on Taxation.

**HB 2356**, AN ACT concerning retirement and pensions; relating to employment after retirement; amending K.S.A. 2010 Supp. 74-4914 and repealing the existing section, by Committee on Appropriations.

**HB 2357**, AN ACT creating the Arkansas river gaging fund, by Committee on Appropriations.

**HB 2358**, AN ACT concerning taxation; relating to rate of taxation; distribution of revenue, refunds of sales tax on food; income taxation, certain credits; amending K.S.A. 2010 Supp. 79-32,205, 79-3603, 79-3620, 79-3633, 79-3635, 79-3703 and 79-3710 and repealing the existing sections, by Committee on Appropriations.

**HB 2359**, AN ACT concerning criminal procedure; relating to health care payments for persons in custody; amending K.S.A. 22-4612 and repealing the existing section, by Committee on Appropriations.

**HB 2360**, AN ACT concerning school districts; enacting the Kansas uniform financial accounting and reporting act; amending K.S.A. 2010 Supp. 72-8254 and repealing the existing section, by Committee on Appropriations.

**HB 2361**, AN ACT concerning sales taxation; relating to exemptions; civil air patrol; amending K.S.A. 2010 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

**HB 2362**, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2012, June 30, 2013, and June 30, 2014, for the department of aging and the department of social and rehabilitation services; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Appropriations.

**HB 2363**, AN ACT concerning gubernatorial inauguration contributions; amending K.S.A. 25-4186 and repealing the existing section; and also repealing K.S.A. 25-4188, by Committee on Appropriations.

**HB 2364**, AN ACT concerning elections; relating to voter identification; amending K.S.A. 25-2352, 25-2411, 25-2416, 25-2423 and 25-2431 and K.S.A. 2010 Supp. 25-1122, 25-1122d, 25-2309, 25-2908, 25-3002 and 25-3104 and repealing the existing sections, by Committee on Appropriations.

#### House Concurrent Resolutions

**HCR 5017**, By Committee on Taxation, A PROPOSITION to amend section 1 of article 11 of the constitution of the state of Kansas, relating to classification and taxation of watercraft.

**HCR 5018**, By Committee on Education, A PROPOSITION to revise article 6 of the constitution of the state of Kansas; relating to education.

**HCR 5019**, By Committee on Appropriations, A CONCURRENT RESOLUTION requesting the study and recommendation of an administrative reorganization of school districts by the state board of education.

**HCR 5020**, By Representatives O'Neal, Siegfried and Vickrey, A CONCURRENT RESOLUTION endorsing Taiwan's participation as an observer in the International Civil Aviation Organization (ICAO) and United Nations Framework Convention on Climate Change (UNFCCC).

**HCR 5021**, By Representatives O'Neal and Davis, A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for periods during the 2011 regular session of the legislature.

#### House Resolutions

**HR 6010**, By Representatives Hoffman and Wetta, A RESOLUTION designating the Anthony 9/11 memorial as the official Kansas 9/11 memorial.

**HR 6011**, By Committee on Federal and State Affairs, A RESOLUTION expressing support of the Kansas House of Representatives for the state's legal challenge of Obamacare.

#### Senate Bills

**SB 212**, AN ACT concerning taxation; relating to abatement of tax liability; annual report; amending K.S.A. 2010 Supp. 79-3233b and repealing the existing section, by Committee on Federal and State Affairs.

**SB 213**, AN ACT concerning motor vehicles; relating to lightweight roadable vehicles; amending K.S.A. 2010 Supp. 8-126 and 8-1486 and repealing the existing sections, by Committee on Ways and Means.

**SB 214**, AN ACT concerning the groundwater management district act; amending K.S.A. 2010 Supp. 82a-1021 and repealing the existing section, by Committee on Ways and Means.

**SB 215**, AN ACT abolishing the liquefied petroleum gas advisory board; repealing K.S.A. 55-1811, by Committee on Ways and Means.

**SB 216**, AN ACT concerning emergency medical services; amending K.S.A. 65-6110, 65-6126, 65-6132 and 65-6133 and K.S.A. 2010 Supp. 65-6112, 65-6120, 65-6121, 65-6123, 65-6129 and 65-6144 and repealing the existing sections, by Committee on Ways and Means.

**SB 217**, AN ACT concerning the civil commitment of sexually violent predators; relating to reimbursement for costs related to habeas corpus actions; amending K.S.A. 2010 Supp. 59-29a04a and repealing the existing section, by Committee on Ways and Means.

**SB 218**, AN ACT concerning motor vehicles; relating to vehicle identification number inspection fees; amending K.S.A. 2010 Supp. 8-116a and repealing the existing section, by Committee on Ways and Means.

**SB 219**, AN ACT concerning the wage payment act; pertaining to remedies for employees whose employers repeatedly fail to pay wages; amending K.S.A. 2010 Supp. 44-313 and repealing the existing section, by Committee on Federal and State Affairs.

#### Senate Resolutions

**SR 1816**, by Senators Taddiken and Morris, A RESOLUTION congratulating Jordy Nelson on his success in Super Bowl XLV.

Doc. No. 039166

State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 2010 Supp. 12-1675(b)(c)(d) and K.S.A. 2010 Supp. 12-1675a(g).

Effective 2-28-11 through 3-6-11

Term	Rate
1-89 days	0.15%
3 months	0.12%
6 months	0.17%
1 year	0.31%
18 months	0.50%
2 years	0.73%

Elizabeth B.A. Miller  
Director of Investments

Doc. No. 039162

State of Kansas

Department of Health and Environment

Notice Concerning Kansas/Federal Water Pollution Control Permits and Applications

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 15, 28-18a-1 through 32, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, various draft water pollution control documents (permits, notices to revoke and reissue, notices to terminate) have been prepared and/or permit applications have been received for discharges to waters of the United States and the state of Kansas for the class of discharges described below.

The proposed actions concerning the draft documents are based on staff review, applying the appropriate standards, regulations and effluent limitations of the state of Kansas and the Environmental Protection Agency. The final action will result in a Federal National Pollutant Discharge Elimination System Authorization and/or a Kansas Water Pollution Control permit being issued, subject to certain conditions, revocation and reissuance of the designated permit or termination of the designated permit.

Public Notice No. KS-AG-11-036/038  
Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Kent Rock 940 Lark Road Hope, KS 67451	SW/4 of Section 20, T15S, R03E, Dickinson County	Smoky Hill River Basin

Kansas Permit No. A-SHDK-B030

This is a new permit for an existing facility for 450 head (225 animal units) of beef cattle weighing less than 700 pounds. The existing pens will be abandoned and three new confinement pens will be constructed and a grass buffer will be established.

Name and Address of Applicant	Legal Description	Receiving Water
Douglas Dairy Steve Douglas 615 W. Rosehill Road Assaria, KS 67416	NE/4 of Section 35, T16S, R03W, Saline County	Smoky Hill River Basin

Kansas Permit No. A-SHSA-M006

This permit is being reissued for an existing facility with a maximum capacity of 30 head (15 animal units) of dairy calves and 150 head (210 animal units) of mature dairy cattle, for a total of 180 head (225 animal units). This represents an increase of 20 animal units from the previous permit due to a change in the animal unit calculation for mature dairy cattle.

Name and Address of Applicant	Legal Description	Receiving Water
Bevin Law 287 Frontier Road Longford, KS 67458	NW/4 of Section 25, T10S, R01E, Clay County	Smoky Hill River Basin

Kansas Permit No. A-SHCY-S005

This permit is being reissued for an existing facility with a maximum capacity of 20 head (8 animal units) of swine more than 55 pounds and 700 head (70 animal units) of swine 55 pounds or less, for a total of 78 animal units. There is no change in the permitted animal units from the previous permit cycle.

Persons wishing to comment on the draft documents and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments considered in the decision-making process. Comments should be submitted to the attention of the Livestock Waste Management Section for agricultural-related draft documents or applications, or to the Technical Services Section for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367.

All comments regarding the draft documents or application notices received on or before April 2 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-11-036/038) and name of the applicant/permittee when preparing comments.

After review of any comments received during the public notice period, the Secretary of Health and Environment will issue a determination regarding final agency action on each draft document/application. If response to any draft document/application indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC).

All draft documents/applications and the supporting information including any comments received are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water. These documents are available upon request at the copying cost assessed by KDHE. Application information and components of plans and specifications for all new and expanding swine facilities are available on the Internet at <http://www.kdheks.gov/feedlots>. Division of Environment offices are open from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays.

Robert P. Moser, M.D.  
Acting Secretary of Health and Environment

Doc. No. 039175

## State of Kansas

Department of Health  
and Environment

## Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit and Section 112(g) of the Clean Air Act Amendments of 1990, Case-by-Case Maximum Achievable Control Technology (MACT) Determination. The proposed permit serves as both a proposed Prevention of Significant Deterioration (PSD) and a proposed 112(g) Case-by-Case Permit.

Abengoa Bioenergy Biomass of Kansas, LLC (ABBK), located at 16150 Main Circle Drive, Suite 200, Chesterfield, MO 63017, has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to construct and operate a biomass-to-ethanol manufacturing and biomass-to-power cogeneration (CoGen) facility in Section 18, Township 33 South, Range 37 West, Stevens County, Kansas, near Hugoton. Emission of particulate matter (PM), PM equal to or less than 10 microns in diameter (PM<sub>10</sub>), PM equal to or less than 2.5 microns in diameter (PM<sub>2.5</sub>), volatile organic compounds (VOCs), oxides of nitrogen (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>), carbon monoxide (CO) and hazardous air pollutants (HAPs) were evaluated during the permit review process.

The proposed permit is to be issued in accordance with the provisions of K.A.R. 28-19-350, prevention of significant deterioration (PSD), which adopt the federal standards, procedures and requirements of 40 CFR 52.21 by reference. These air quality regulations apply to major stationary emission sources located in areas designated as "attainment" under the federal Clean Air Act (CAA). Attainment areas are areas where the air quality meets or exceeds the national ambient air quality standards (NAAQS).

The PSD regulations require evaluation of emission reduction techniques to identify the best available control technology (BACT) for each regulated pollutant, including greenhouse gases (GHGs), for which the emission rate exceeds the PSD significant level. The purpose of BACT is to affect the maximum degree of reduction achievable, taking into account energy, environmental and economic impacts for each regulated pollutant under review. Evaluation of the estimated emissions for the proposed ABBK project indicates that the emission rate of oxides of nitrogen, sulfur dioxide, carbon monoxide, particulate matter, volatile organic compounds and GHGs all exceed the significance levels. ABBK conducted the required BACT analyses. The department has reviewed ABBK's BACT analyses and concurs with its findings that for the four biomass bubbling fluidized bed (BFB) boilers, each rated at 450 MMBtu/hr maximum design heating input, selective catalytic reduction is BACT for NO<sub>x</sub>; the injection of sorbent (trona (sodium sesquicarbonate) or lime) in combination with a dry flue gas desulfurization (dry FGD) system is BACT for SO<sub>2</sub>; good combustion practices (GCP) is BACT for carbon monoxide (CO) and VOC emissions; fabric filters is BACT for PM, PM<sub>10</sub> and PM<sub>2.5</sub>; and

energy efficient design, incorporating cogeneration, process integration, combustion of co-products and heat recovery are BACT for GHGs.

The ABBK project will be a major source of hazardous air pollutants (HAPs). The emissions of HAPs will be above 10 tons/year for a single HAP and 25 tons/year for combined total HAPs for each of the four BFB fuel boilers. As a newly proposed major source of HAPs without a promulgated Part 63 National Emission Standard for Hazardous Air Pollutants (NESHAP), the four BFB fuel boilers are subject to a case-by-case maximum achievable control technology (MACT) determination pursuant to Section 112(g) of the Clean Air Act Amendments of 1990. ABBK conducted the required case-by-case MACT analyses. The department has reviewed ABBK's case-by-case MACT analyses and concurs with its findings. The case-by-case MACT approval is in accordance with K.A.R. 28-19-750, Hazardous Air Pollutants, Maximum Achievable Control Technology, adopting by reference 40 CFR Part 63, Subpart B — Requirements for Control Technology Determinations for Major Sources.

An ambient impact analysis was performed on the potential air emissions of NO<sub>2</sub>, SO<sub>2</sub>, PM<sub>10</sub>, PM<sub>2.5</sub> and CO from this project.

- Detailed modeling for NO<sub>2</sub> demonstrated that the emissions will not cause or contribute to any violation of the 1-hour or annual ambient air quality standard and that 12.2% of the annual Class II maximum allowable increment for NO<sub>2</sub> is expected to be consumed. EPA has not established a 1-hour Class II maximum allowable increment for NO<sub>2</sub>. Accordingly, no calculation of the potential consumption of such increment is possible.
- The SO<sub>2</sub> screening modeling demonstrated no significant impact on the 3-hour, 24-hour, or annual ambient air quality standard and 1.3% of the annual, 4.0% of the 24-hour, and 2.2% of 3-hour Class II maximum allowable increment for SO<sub>2</sub> are expected to be consumed. Detailed modeling for 1-hour SO<sub>2</sub> demonstrates that the emissions will not cause or contribute to any modeled ambient air quality violation. EPA has not established a 1-hour Class II maximum allowable increment for SO<sub>2</sub>. Accordingly, no calculation of the potential consumption of such increment is possible.
- Detailed modeling for PM<sub>10</sub> demonstrated that the emissions will not cause or contribute to any violation of the 24-hour or annual ambient air quality standard and that 85.8% of the 24-hour, and 46.8% of the annual Class II maximum allowable increments for PM<sub>10</sub> are expected to be consumed.
- Detailed modeling for PM<sub>2.5</sub> demonstrates that the emissions will not cause or contribute to any violation of the 24-hour or annual ambient air quality standard and that 70.6% of the 24-hour, and 48.9% of the annual Class II maximum allowable increments for PM<sub>2.5</sub> are expected to be consumed.
- The CO screening modeling analysis demonstrated no significant impact on the 1-hour or 8-hour ambient air quality and that the emissions would not cause or

(continued)

contribute to any violation of ambient air standards. EPA has not established any Class II maximum allowable increments for CO. Accordingly, no calculation of the potential consumption of such increment is possible.

An analysis of visibility was conducted for the Cimarron National Grasslands and the Hugoton Municipal Airport. The VISCREEN model results indicate no adverse impacts at Cimarron National Grasslands. The VISCREEN model results indicated minimal visibility impacts at Hugoton Municipal Airport. No adverse impacts on soils and vegetation in the area are expected. Any federal land manager who has reason to believe they may have a class I area adversely impacted by the emissions from the proposed project has the opportunity to present KDHE with a demonstration of the adverse impact on the air quality-related values of the federal class I area during the comment period.

A public comment period has been established until noon April 4 to allow citizens the opportunity to express any concerns they may have about this proposed permitting action. All comments should be submitted in writing to Terry T. Tavener, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366, or may be presented at the tentatively scheduled public hearing (see below).

Any member of the public may request a public hearing be conducted to receive comments on the proposed issuance of the draft air quality construction permit. Written request to hold a public hearing should be sent to the attention of Sharon Burrell at the address listed above or by fax to (785) 291-3953 and must be received by noon April 4. If a request is received, a public hearing is tentatively scheduled by KDHE from 5 to 9 p.m. April 6 at the Stevens County Memorial Hall, 200 E. 6th St., Hugoton. If no requests to hold the public hearing are received by noon April 4, the public hearing will be cancelled. A notice of the cancellation will be posted at the KDHE Web site at [http://www.kdheks.gov/bar/public\\_notice.html](http://www.kdheks.gov/bar/public_notice.html).

If a hearing is conducted, all interested parties will be given a reasonable opportunity to present their views orally or by submission of written materials during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit oral presentations to a specific time limit.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed materials in an accessible format. Requests for accommodation must be made not later than April 4 by contacting Sharon Burrell at (785) 296-0297.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process for the PSD and the 112(g) Case-by-Case MACT approval are available for public review for a period of 30 days from the date of publication during normal business hours, 8 a.m. to 5 p.m., at the KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka. A copy of the proposed permit and all supporting documentation also can be reviewed at the KDHE Southwest District Office, 302 W.

McArtor Road, Dodge City. To obtain or review the proposed permit and supporting documentation, contact Terry Tavener, (785) 296-1581, at the KDHE central office, and Allen Guernsey, District Environmental Administrator in the KDHE Southwest District Office, (620) 225-0596. The standard departmental cost will be assessed for any copies requested.

These same materials are available, free of charge, at the KDHE Bureau of Air Web site at <http://www.kdheks.gov/bar/index.html>.

Robert P. Moser, M.D.  
Acting Secretary of Health  
and Environment

Doc. No. 039174

## State of Kansas

### Kansas Development Finance Authority

#### Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, March 17, in the offices of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the KDFA to issue its Agricultural Development Revenue Bond for the project numbered below in the respective maximum principal amount. The bond will be issued to assist the borrower named below (who will be the owner and operator of the project) to finance the cost in the amount of the bond, which is then typically purchased by a lender bank who then, through the KDFA, loans the bond proceeds to the borrower for the purposes of acquiring the project. The project shall be located as shown:

**Project No. 000803 — Maximum Principal Amount: \$258,629.44.** Owner/Operator: Travis E. and Courtney D. Pfizenmaier. Description: Acquisition of 372 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is being financed by the lender for Travis E. and Courtney D. Pfizenmaier and is located at Section 23, Oakland Township, Clay County, Kansas, approximately 3 miles east of Oakhill on 9th Road.

The bond, when issued, will be a limited obligation of the KDFA and will not constitute a general obligation or indebtedness of the state of Kansas or any political subdivision thereof, including the KDFA, nor will it be an indebtedness for which the faith and credit and taxing powers of the state of Kansas are pledged. The bond will be payable solely from amounts received from the respective borrower, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on the bond when it becomes due.

All individuals who appear at the hearing will be given an opportunity to express their views concerning the proposal to issue the bond to finance the project, and all written comments previously filed with the KDFA at its offices at 555 S. Kansas Ave., Suite 202, Topeka, 66603, will be considered. Additional information regarding the project may be obtained by contacting the KDFA.

Tim Shallenburger  
President

Doc. No. 039179

## State of Kansas

## Kansas Insurance Department

Permanent Administrative  
Regulations

## Article 1.—GENERAL

**40-1-37. Audited financial reports; filing requirements.** The Kansas insurance department's "policy and procedure requiring annual audited financial reports," dated November 22, 2010, is hereby adopted by reference. (Authorized by K.S.A. 40-103 and K.S.A. 40-225; implementing K.S.A. 40-222b and K.S.A. 40-225; effective July 10, 1989; amended Jan. 4, 1993; amended Sept. 14, 2001; amended Sept. 21, 2007; amended July 6, 2009; amended March 18, 2011.)

Sandy Praeger  
Kansas Insurance Commissioner

Doc. No. 039171

## State of Kansas

## Board of Regents

Permanent Administrative  
RegulationsArticle 28.—PRIVATE AND OUT-OF-STATE  
POSTSECONDARY EDUCATION INSTITUTIONS

**88-28-1. Definitions.** The following terms, wherever used in this article, shall have the meanings specified in this regulation: (a) "Academic year" means instruction consisting of at least 24 semester credit hours over a period of two semesters or the equivalent.

(b) "Associate's degree" means a postsecondary degree consisting of at least 60 semester credit hours or the equivalent of college-level coursework. This term shall include the following types of associate's degree:

(1) "Associate in applied science degree" means a technical-oriented or occupational-oriented associate's degree that meets the following conditions:

(A) Is granted to each student who successfully completes a program that emphasizes preparation in the applied arts and sciences for careers, typically at the technical or occupational level; and

(B) requires at least 15 semester credit hours in general education and at least 30 semester credit hours or the equivalent in the technical content area.

(2) "Associate in arts degree" means an associate's degree that meets the following conditions:

(A) Is granted to each student who successfully completes a program that emphasizes the liberal arts; and

(B) requires at least 30 semester credit hours or the equivalent in general education, including English, mathematics, humanities, communications, physical sciences, and social and behavioral sciences, or any combination of these subjects.

(3) "Associate in general studies degree" means an associate's degree that meets the following conditions:

(A) Is granted to each student who successfully completes a program that emphasizes a broad range of knowledge; and

(B) requires at least 24 semester credit hours or the equivalent in general education.

(4) "Associate in science degree" means an associate's degree that meets the following conditions:

(A) Is granted to each student who successfully completes a program that emphasizes either mathematics or the biological or physical sciences, or both; and

(B) requires at least 30 semester credit hours or the equivalent in general education.

(c) "Bachelor's degree" and "baccalaureate" mean a degree that meets the following conditions:

(1) Requires the equivalent of at least four academic years of college-level coursework in the liberal arts, sciences, or professional fields meeting the following conditions:

(A) Requires at least 120 semester credit hours or the equivalent;

(B) includes at least 45 semester credit hours or the equivalent in upper-division courses; and

(C) requires at least 60 semester credit hours or the equivalent from institutions that confer a majority of degrees at or above the baccalaureate level; and

(2) requires a distinct specialization, which is known as a "major," that requires either of the following:

(A) At least one academic year, or the equivalent in part-time study, of work in the major subject and at least one academic year, or the equivalent in part-time study, in related subjects; or

(B) at least two academic years, or the equivalent in part-time study, in closely related subjects within a liberal arts interdisciplinary program.

(d) "Catalog" means a document delivered in print or on-line containing the elements specified in K.A.R. 88-28-2.

(e) "Closure of an institution" or "closure" means the practice of no longer allowing students access to the institution to receive instruction. Closure of an institution occurs on the calendar day immediately following the last day on which students are allowed access to the institution to receive instruction.

(f) "Degree program" means a course of study that meets the following conditions:

(1) Leads to an associate's degree, a bachelor's degree, a master's degree, an intermediate (specialist) degree, a first professional degree, or a doctor's degree; and

(2) consists of at least 30 semester credit hours or the equivalent of coursework in a designated academic discipline area.

(g) "Doctor's degree" means a degree that may include study for a closely related master's degree and that meets the following conditions:

(1) Is granted to each student who successfully completes an intensive, scholarly program requiring the equivalent of at least three academic years beyond the bachelor's degree;

(2) requires a demonstration of mastery of a significant body of knowledge through successful completion of either of the following:

(A) A comprehensive examination; or

(B) a professional examination, the successful completion of which may be required in order to be admitted to professional practice in Kansas; and

(continued)

(3) requires evidence, in the form of a doctoral dissertation, of competence in independent basic or applied research that involves the highest levels of knowledge and expertise.

(h) "Enrollment agreement" means a written contract between an institution and a student in which the institution agrees to provide instruction to the student for a fee. Each valid enrollment agreement shall meet the requirements of K.A.R. 88-28-7.

(i) "Enrollment period" means the period of time specified in an enrollment agreement during which instruction, including any examinations given, is to be provided to a student.

(j) "Entering an institution" means commencing class attendance by a student at an on-site institution or first submitting a lesson by a student for evaluation in a distance education program.

(k) "First professional degree" means a degree that meets the following conditions:

(1) Is granted to each student who successfully completes study beyond the fulfillment of undergraduate requirements, as approved by the state board;

(2) requires the equivalent of at least five academic years of study, including work towards a bachelor's degree; and

(3) includes a specialization in a professional field.

(l) "Honorary degree" means a special degree awarded as an honor that is bestowed upon a person without completion of the usual requirements.

(m) "Intermediate (specialist) degree" means a degree, including an educational specialist degree, granted to each student who successfully completes a program requiring the equivalent of at least one academic year beyond the master's degree in a professional field.

(n) "Master's degree" means a degree that meets the following conditions:

(1) Is granted to each student who successfully completes a program in the liberal arts and sciences or in a professional field beyond a bachelor's degree;

(2) requires the equivalent of at least one academic year in a curriculum specializing in a single discipline or single occupational or professional area; and

(3) culminates in a demonstration of mastery, which may include one or more of the following:

(A) A research thesis;

(B) a work of art; or

(C) the solution of an applied professional problem.

(o) "Program" means either of the following:

(1) A course or series of courses leading to a certificate, diploma, or degree; or

(2) training that prepares a person for a field of endeavor in a business, trade, technical, or industrial occupation.

(p) "Upper-division course" means any course with content and teaching appropriate for students in their third and fourth academic years or for other students with an adequate background in the subject. (Authorized by and implementing K.S.A. 2009 Supp. 74-32,165; effective Oct. 20, 2006; amended March 18, 2011.)

## Article 30.—STUDENT HEALTH INSURANCE PROGRAM

**88-30-1. Definitions.** The following terms whenever used in this article shall have the meanings specified in this regulation:

(a) "Degree-seeking undergraduate student" means a student who has formally indicated to the state educational institution the intent to complete a program of study that is designated by the United States department of education as a program that is eligible for federal financial aid.

(b) "Dependent" means a student's unmarried child under the age of 19 who is not self-supporting.

(c) "Employer contribution" means the amount paid by a state educational institution for the coverage of a student employee that equals 75% of the cost of student-only coverage.

(d) "State board" means the state board of regents.

(e) "State educational institution" has the meaning specified in K.S.A. 76-711, and amendments thereto, except that for purposes of this article, the university of Kansas medical center shall be considered a state educational institution separate from the university of Kansas, Lawrence, and its campuses.

(f)(1) "Student" means any individual who meets each of the following conditions:

(A) Is enrolled at a state educational institution, except as provided in paragraph (f)(1)(C)(iv);

(B) is not eligible for coverage under K.A.R. 108-1-1; and

(C) meets one of the following conditions:

(i) Is a degree-seeking undergraduate student who is enrolled in at least six hours in the fall or spring semesters or at least three hours in the summer semester or is participating in an internship approved or sponsored by the state educational institution;

(ii) is a master's degree student who is enrolled in at least three hours each semester;

(iii) is an individual with J-1 or other nonimmigrant status;

(iv) is an individual with nonimmigrant status who is engaged in optional practical training or academic training, even though the individual is not enrolled;

(v) is a doctoral student;

(vi) is a master's or doctoral student who is participating in an internship approved or sponsored by the state educational institution; or

(vii) has been appointed as a postdoctoral fellow.

(2) "Student" shall not include either of the following:

(A) Except as provided in paragraph (f)(3), any individual who is enrolled exclusively in any of the following:

(i) One or more semester-based internet courses;

(ii) one or more semester-based television courses;

(iii) one or more home study courses; or

(iv) one or more correspondence courses; or

(B) a concurrent enrollment pupil, as defined in K.S.A. 72-11a03, and amendments thereto.

(3) The limitations of paragraph (f)(2)(A) shall not apply to any student employee whose official workstation is on the main campus of a state educational institution.

(4) Each individual who meets the criteria for being a "student," as specified in this subsection, at the time of application for coverage under the student health insurance program shall remain eligible for coverage throughout the coverage period.

(g) "Student employee" means a student who meets one of the following conditions:

(1) Is appointed for the current semester to a graduate assistant, graduate teaching assistant, or graduate research assistant position that is at least a 50% appointment; or

(2) holds concurrent appointments to more than one graduate assistant, graduate teaching assistant, or graduate research assistant position that total at least a 50% appointment.

(h) "Student health insurance program" means the health and accident insurance coverage or health care services of a health maintenance organization for which the state board has contracted pursuant to K.S.A. 75-4101, and amendments thereto.

This regulation shall be effective on and after August 1, 2011. (Authorized by and implementing K.S.A. 2009 Supp. 75-4101; effective, T-88-6-14-07, June 14, 2007; effective Oct. 12, 2007; amended Aug. 1, 2011.)

Andy Tompkins  
President and CEO

Doc. No. 039173

#### State of Kansas

### Kansas Insurance Department Committee on Surety Bonds and Insurance

#### Permanent Administrative Regulations

#### Article 1.—DEFINITIONS

**131-1-1. Definition of purchase.** (a) "Purchase," as used in K.S.A. 75-4101 and amendments thereto, shall not include the purchase of insurance through a lease of real property that meets all of the following conditions:

(1) The state agency is the lessee.

(2) (A) The cost to insure the property is included as a part of the lease payment; or

(B) the lessee is required to reimburse the lessor for the cost of the insurance.

(3) The secretary of administration has approved the lease in accordance with K.S.A. 75-3739, and amendments thereto.

(b) "Purchase," as used in K.S.A. 75-4101 and amendments thereto, shall include the purchase of insurance through a lease of real property if all of the following conditions are met:

(1) The state agency is the lessee.

(2) The lease requires that the property be insured.

(3) The lease requires the lessee to pay the insurance premium to the insurance company. (Authorized by K.S.A. 75-4111; implementing K.S.A. 2010 Supp. 75-4101 and K.S.A. 2010 Supp. 75-4109; effective March 18, 2011.)

Sandy Praeger  
Kansas Insurance Commissioner

Doc. No. 039181

#### State of Kansas

### Department of Health and Environment

#### Permanent Administrative Regulations

#### Article 35.—RADIATION

**28-35-135L. Definitions.** As used in these regulations, each of the following terms shall have the meaning assigned in this regulation: (a) "Lead equivalent" means the thickness of lead affording the same attenuation, under specified conditions, as the material in question.

(b) "Leakage radiation" means radiation emanating from the device source assembly, except for the following:

(1) The useful beam; and

(2) radiation produced when the exposure switch or timer is not activated for diagnosis or therapy.

(c) "Leakage technique factors" means the technique factors associated with the tube housing assembly that are used in measuring leakage radiation. The leakage technique factors shall be defined as follows:

(1) For diagnostic source assemblies intended for capacitor energy storage equipment, the maximum rated number of exposures in an hour for operation at the maximum rated peak tube potential, with the quantity of charge per exposure being 10 millicoulombs or the minimum obtainable from the unit, whichever is larger;

(2) for diagnostic source assemblies intended for field emission equipment rated for pulsed operation, the maximum rated number of X-ray pulses in an hour for operation at the maximum rated peak tube potential; and

(3) for all other diagnostic or therapeutic source assemblies, the maximum rated peak tube potential and the maximum rated continuous tube current for the maximum rated peak tube potential.

(d) "License" means a document issued in accordance with these regulations specifying the conditions of use of radioactive material.

(e) "Licensed or registered material" means radioactive material received, possessed, used, transferred, or disposed of under a general or specific license or registration issued by the department.

(f) "Licensee" means any person who is licensed in accordance with these regulations.

(g) "Licensing state" means any state that has been granted final designation by the conference of radiation control program directors, inc., for the regulatory control of NARM, as defined in K.A.R. 28-35-135n.

(h) "Light field" means that area of the intersection of the light beam from the beam-limiting device and one plane in the set of planes parallel to and including the plane of the image receptor, whose perimeter is the locus of points at which the illumination is one-fourth of the maximum in the intersection.

(i) "Line-voltage regulation" means the difference between the no-load and the load line potentials, expressed as a percent of the load line potential, using the following equation:

$$\text{Percent line-voltage regulation} = 100 (V_n - V_l) / V_l$$

*(continued)*

where

$V_n$  = No-load line potential and

$V_l$  = Load line potential.

(j) "Local component" means any part of an analytical X-ray system. This term shall include components that are struck by X-rays, including radiation source housings, port and shutter assemblies, collimators, sample holders, cameras, goniometers, detectors, and shielding. This term shall not include power supplies, transformers, amplifiers, readout devices, and control panels.

(k) "Logging supervisor" means the individual who uses sources of radiation or provides personal supervision of the utilization of sources of radiation at a well site.

(l) "Logging tool" means a device used subsurface to perform well logging.

(m) "Lost or missing licensed or registered source of radiation" means a licensed or registered source of radiation whose location is unknown. This term shall include licensed or registered material that has been shipped but has not reached its planned destination and whose location cannot be readily traced in the transportation system.

(n) "Lot tolerance percent defective" means the poorest quality, expressed as the percentage of defective units, in an individual inspection lot that may be accepted.

(o) "Low dose-rate remote afterloader" means a brachytherapy device that remotely delivers a dose rate of less than or equal to two grays per hour at the point or surface where the dose is prescribed. (Authorized by K.S.A. 48-1607; implementing K.S.A. 48-1603 and 48-1607; effective Dec. 30, 2005; amended March 18, 2011.)

**28-35-1351. Definitions.** As used in these regulations, each of the following terms shall have the meaning assigned in this regulation: (a) "Target" means the part of a radiation head that by design intercepts a beam of accelerated particles, with the subsequent emission of other radiation.

(b) "Target-to-skin distance (TSD)" means the distance measured along the beam axis from the center of the front surface of the X-ray target or electron virtual source to the irradiated object or patient.

(c) "Technique factors" means the conditions of operation specified as follows:

(1) For capacitor energy storage equipment, peak tube potential in kV and quantity of charge in mAs;

(2) for field emission equipment rated for pulsed operation, peak tube potential in kV and number of X-ray pulses; and

(3) for all equipment not specified in paragraphs (c)(1) and (2), peak tube potential in kV and either the tube current in mA and the exposure time in seconds or the product of the tube current and the exposure time in mAs.

(d) "Teletherapy" means therapeutic irradiation in which the source of radiation is located at a distance from the body.

(e) "Teletherapy physicist" means an individual identified as the qualified teletherapy physicist on a department license.

(f) "Temporary job site" means a location where operations are performed and where sources of radiation may be stored, other than the location or locations of use authorized on the license or registration.

(g) "Tenth-value layer (TVL)" means the thickness of a specified material that attenuates X-radiation or gamma radiation to the extent that the air kerma rate, exposure rate, or absorbed dose rate is reduced to one-tenth of the value measured without the material at the same point.

(h) "Termination of irradiation" means the stopping of irradiation in a fashion not permitting the continuance of irradiation without the resetting of operating conditions at the control panel.

(i) "Test" means the process of verifying compliance with an applicable regulation.

(j) "Therapeutic dosage" means a dosage of unsealed by-product material that is intended to deliver a radiation dose to a patient or human research subject for palliative or curative treatment.

(k) "Therapeutic dose" means a radiation dose delivered from a source containing by-product material to a patient or human research subject for palliative or curative treatment.

(l) "Therapeutic-type tube housing" means the following:

(1) For X-ray equipment not capable of operating at 500 kVp or above, an X-ray tube housing constructed so that the leakage radiation, at a distance of one meter from the source, does not exceed one roentgen in an hour when the tube is operated at its maximum rated continuous current for the maximum rated tube potential; and

(2) for X-ray equipment capable of operating at 500 kVp or above, an X-ray tube housing constructed so that the leakage radiation, at a distance of one meter from the source, does not exceed 0.1 percent of the useful beam dose rate at one meter from the source for any of the tube's operating conditions.

Areas of reduced protection shall be acceptable if the average reading over any area of 100 cm<sup>2</sup>, at a distance of one meter from the source, does not exceed any of the values specified in this subsection.

(m) "These regulations" means article 35 in its entirety.

(n) "Tomogram" means the depiction of the X-ray attenuation properties of a section through the body.

(o) "Total effective dose equivalent" and "TEDE" mean the sum of the effective dose equivalent for external exposures and the committed effective dose equivalent for internal exposures.

(p) "Total organ dose equivalent" and "TODE" mean the sum of the deep dose equivalent and the committed dose equivalent delivered to the organ receiving the highest dose.

(q) "Traceable to a national standard" means that a quantity or a measurement has been compared to a national standard directly or indirectly through one or more intermediate steps and that all comparisons are documented.

(r) "Transport index" means the dimensionless number, rounded up to the first decimal place, placed on the label of a package to designate the degree of control to be exercised by the carrier during transportation. The transport index is the maximum radiation level in millirems per hour at one meter from the external surface of the package.



(s) "Tritium neutron-generator-target source" means a tritium source used within a neutron generator tube to produce neutrons for use in well-logging applications.

(t) "Tube" means an X-ray tube, unless otherwise specified.

(u) "Tube housing assembly" means the tube housing with a tube installed, including high-voltage transformers or filament transformers, or both, and other appropriate elements when contained within the tube housing.

(v) "Treatment site" means the anatomical description of the tissue intended to receive a radiation dose, as specified in a written directive.

(w) "Tube rating chart" means the set of curves that describes the rated limits of operation of the tube in terms of the technique factors.

(x) "Type A package" means packaging that, together with the radioactive contents limited to A<sub>1</sub> or A<sub>2</sub> as appropriate, is designed to retain the integrity of containment and shielding under normal conditions of transport as demonstrated by the tests specified in 49 CFR 173.465 or 49 CFR 173.466, as appropriate.

(y) "Type B package" and "type B transport container" mean packaging that meets the applicable requirements specified in 10 CFR 71.51. (Authorized by K.S.A. 48-1607; implementing K.S.A. 48-1603 and 48-1607; effective Dec. 30, 2005; amended March 18, 2011.)

**28-35-135w. Definitions.** As used in these regulations, each of the following terms shall have the meaning assigned in this regulation: (a) "Waste" means any low-level radioactive waste that is acceptable for disposal in a land disposal facility. Low-level radioactive waste shall mean radioactive waste that meets both of the following conditions:

(1) Is not classified as any of the following:

(A) High-level radioactive waste;

(B) spent nuclear fuel;

(C) "byproduct material," as defined in paragraphs (2), (3), and (4) in the definition of "byproduct material" in 10 CFR 20.1003, dated December 1, 2009;

(D) uranium or thorium tailings; and

(E) transuranic waste; and

(2) is classified as low-level radioactive waste consistent with existing law and in accordance with paragraph (a)(1) by the nuclear regulatory commission.

(b) "Waste-handling licensee" means any person licensed to receive and store radioactive wastes before disposal, any person licensed to dispose of radioactive waste, or any person licensed to both receive and dispose of radioactive waste.

(c) "Wedge filter" means an added filter effecting continuous, progressive attenuation of all or part of the useful beam.

(d) "Week" means seven consecutive days, starting on Sunday.

(e) "Weighting factor (w<sub>T</sub>) for an organ or tissue (T)" means the proportion of the risk of stochastic effects resulting from irradiation of that organ or tissue to the total risk of stochastic effects when the whole body is irradiated uniformly. For calculating the effective dose equivalent, the values of w<sub>T</sub> shall be as follows:

ORGAN OR TISSUE DOSE WEIGHTING FACTORS

Organ or Tissue (T)	w <sub>T</sub>
---------------------	----------------

Gonads	0.25
Breast	0.15
Red bone marrow	0.12
Lung	0.12
Thyroid	0.03
Bone surfaces	0.03
Remainder organs	0.30 <sup>a</sup>
<hr/>	
Whole body	1.00 <sup>b</sup>

<sup>a</sup> 0.30 results from 0.06 for each of the five remainder organs that receive the highest doses, excluding the skin and the lens of the eye.

<sup>b</sup> For the purpose of weighting the external whole body dose in determining the total effective dose equivalent, a single weighting factor, w<sub>T</sub> = 1.0, is specified. The use of other weighting factors for external exposure may be approved by the secretary if the licensee or registrant demonstrates that the effective dose to be received is within the limits specified in these regulations.

(f) "Well bore" means a drilled hole in which wireline service operations and subsurface tracer studies are performed.

(g) "Well logging" means the lowering and raising of measuring devices or tools that could contain sources of radiation into well bores or cavities for the purpose of obtaining information about the well or adjacent formations.

(h) "Wet-source-change irradiator" means an irradiator whose sources are replaced underwater.

(i) "Wet-source-storage irradiator" means an irradiator whose sources are stored underwater.

(j) "Whole body," for purposes of external exposure, means the head and trunk, including the male gonads, and shall include the arms above the elbow and the legs above the knee.

(k) "Wireline" means a cable containing one or more electrical conductors that is used to raise and lower logging tools in the well bore.

(l) "Wireline service operation" means any evaluation or mechanical service that is performed in the well bore using devices on a wireline.

(m) "Worker" means an individual, contractor, or subcontractor engaged in work that is performed under a license or registration, or both, issued by the department and that is controlled by a licensee or registrant, or both. This term shall not include a specific licensee or registrant.

(n) "Working level (WL)" means any combination of short-lived radon daughters in one liter of air that will result in the ultimate emission of 1.3E+5 MeV of potential alpha particle energy. The short-lived radon daughters are the following:

(1) For radon-222, the following:

(A) Polonium-218;

(B) lead-214;

(C) bismuth-214; and

(D) polonium-214; and

(2) for radon-220, the following:

(A) Polonium-216;

(B) lead-212;

(continued)

(C) bismuth-212; and

(D) polonium-212.

(o) "Working-level month (WLM)" means an exposure to one working level for 170 hours.

(p) "Written directive" means a written order for a specific patient that is dated and signed by an authorized user before the administration of a radiopharmaceutical or radiation and that contains any of the following sets of information:

(1) For any administration of quantities greater than 1.11 megabecquerels (30  $\mu$ Ci) of sodium iodide I-125 or I-131, the radionuclide and dosage;

(2) for a therapeutic administration of a radiopharmaceutical other than sodium iodide I-125 or I-131, the radiopharmaceutical, dosage, and route of administration;

(3) for gamma stereotactic radiosurgery, the target coordinates, collimator size, plug pattern, and total dose;

(4) for teletherapy, the total dose, dose per fraction, treatment site, and overall treatment period;

(5) for high dose-rate remote afterloading brachytherapy, the radionuclide, treatment site, and total dose; or

(6) for all other brachytherapy, the following information:

(A) Before implantation, the radionuclide, number of sources, and source strengths; and

(B) after implantation but before completion of the procedure, the radionuclide, treatment site, and either the total source strength and exposure time or the total dose. (Authorized by K.S.A. 48-1607; implementing K.S.A. 48-1603 and 48-1607; effective Dec. 30, 2005; amended March 18, 2011.)

**28-35-175a. Persons licensed.** (a) A licensed person shall not manufacture, produce, receive, use, possess, acquire, own, transfer, or dispose of radioactive material, except as authorized in a specific or general license issued pursuant to these regulations. Each manufacturer, producer, or processor of any equipment, device, commodity, or other product containing source or "byproduct material," as defined in 10 CFR 20.1003, dated December 1, 2009, for which subsequent receipt, use, possession, acquisition, ownership, transfer, and disposal by any other person is exempted from these regulations shall obtain authority to transfer possession or control to the other person from the nuclear regulatory commission.

(b) In addition to the requirements of this part, each licensee shall be subject to the requirements of part 1, part 4, and part 10 of these regulations. In addition to being subject to part 1, part 4, and part 10, specific licensees shall be subject to all of the following requirements:

(1) Licensees using radioactive material in the healing arts shall be subject to the requirements of part 6.

(2) Licensees using radioactive material in industrial radiography shall be subject to the requirements of part 7.

(3) Licensees using radioactive material in wireline and subsurface tracer studies shall be subject to the requirements of part 11 of these regulations. (Authorized by and implementing K.S.A. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986; amended Dec. 30, 2005; amended March 18, 2011.)

**28-35-178b. General license; certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere.**

(a)(1) Subject to the provisions of subsections (b) and (c), each commercial and industrial firm, research, educational, and medical institution, individual in the conduct of the individual's business, and federal, state, or local government agency shall be deemed to have been issued a general license to acquire, receive, possess, use, or transfer radioactive material that is contained in any device designed, manufactured, and used for one or more of the following purposes:

(A) Detecting, measuring, gauging, or controlling thickness, density, level interface location, radiation leakage, or qualitative or quantitative chemical composition; or

(B) producing light or an ionized atmosphere.

(2) The general license specified in paragraph (1) of this subsection shall apply only to radioactive material contained in any device that 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 nuclear regulatory commission, or an agreement state.

(3) The general license specified in paragraph (1) of this subsection shall not apply to radioactive material in any device containing at least 370 MBq (10 mCi) of cesium-137, 3.7 MBq (0.1 mCi) of strontium-90, 37 MBq (1 mCi) of cobalt-60, 3.7 MBq (0.1 mCi) of radium-226, or 37 MBq (1 mCi) of americium-241 or any other transuranic element, based on the activity indicated on the label.

(4) Each device shall have been received from one of the specific licensees described in paragraph (a)(2) or through a transfer made under paragraph (b)(9).

(b) Each person who acquires, receives, possesses, uses, or transfers radioactive material in a device pursuant to the general license specified in subsection (a) shall comply with all of the following requirements:

(1) Each person subject to this subsection shall ensure that all labels affixed to the device at the time of receipt and bearing a statement that removal of the label is prohibited are maintained and shall comply with all instructions and precautions provided by these labels.

(2) Each person subject to this subsection shall ensure 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 any other intervals specified in any manufacturer's label affixed to the device, except as follows:

(A) The person shall not be required to test devices containing only krypton for leakage of radioactive material.

(B) The person shall not be required to test, for any purpose, any device containing only tritium, not more than 100 microcuries of other beta-emitting or gamma-emitting material, or 10 microcuries of alpha-emitting material or any device held in storage in the original shipping container before initial installation.

(3) Each person subject to this subsection shall ensure that the tests required by paragraph (b)(2) and other operations involving testing, installation, servicing, and removal from installation of the radioactive material, its

shielding, or containment, are performed in compliance with one of the following:

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

(B) by a person holding a specific license issued under this part or equivalent regulations of NRC or an agreement state to perform the tests and other operations.

(4)(A) Each person subject to this subsection shall maintain records showing compliance with the requirements of paragraphs (b)(2) and (b)(3). The records shall show the results of each test. The records also shall show the dates of the testing, installation, servicing, or removal from installation of the radioactive material, its shielding, or containment and the name of each person performing one or more of these tests and other operations.

(B) Each person shall maintain records of tests for leakage of radioactive material required by paragraph (b)(2) for three years after the next required leak test is performed or until the sealed source is transferred or disposed of. Each person shall maintain records of tests of the on-off mechanism and indicator, as required by paragraph (b)(2), for three years after the next required test of the on-off mechanism and indicator is performed or until the sealed source is transferred or disposed of. Each person shall maintain the records required by paragraph (b)(3) for three years from the date of the recorded event or until the device is transferred or disposed of.

(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, each person subject to this subsection shall take the following actions:

(A) Immediately suspend operation of the device until either of the following conditions is met:

(i) The device has been repaired by the manufacturer or other person holding a specific license issued under this part or equivalent regulations of NRC or an agreement state to repair the device; or

(ii) the device is transferred to a person authorized by a specific license to receive the radioactive material contained in the device;

(B) within 30 days, furnish to the secretary a report containing a brief description of the event and the remedial action taken; and

(C) within 30 days, if contamination of the premises or the environs is likely, furnish to the secretary a plan for ensuring that the premises and environs are acceptable for unrestricted use. The criteria for unrestricted use specified in K.A.R. 28-35-205 may be applicable, as determined by the secretary.

(6) A person subject to this subsection shall not abandon the device.

(7) A person shall not export any device containing radioactive material except in accordance with 10 CFR part 110.

(8) (A) Each person shall transfer or dispose of any device containing radioactive material only by export as provided in paragraph (b)(7), by transfer to another general licensee as authorized in paragraph (b)(9), or to a person authorized to receive the device by a specific li-

cence issued under this part or equivalent regulations of NRC or an agreement state.

(B) Each person shall furnish a report to the department within 30 days after the export of the device or the transfer of the device to a specific licensee. The report shall contain the following information:

(i) The identification of the device by manufacturer's name, model number, and serial number;

(ii) the name, address, and license number of the person receiving the device; and

(iii) the date of the transfer.

(C) Each person shall obtain written department approval before transferring the device to any other specific licensee not specifically identified in paragraph (b)(8)(A). The holder of a specific license may transfer a device for possession and use under its own specific license without approval, if the holder performs the following:

(i) Either verifies that the specific license authorizes the possession and use or applies for and obtains an amendment to the license authorizing the possession and use;

(ii) ensures that the device is labeled in compliance with these regulations. The label shall retain the name of the manufacturer, the model number, and the serial number;

(iii) obtains the manufacturer's or initial transferor's information concerning maintenance, including leak testing procedures that are applicable under the specific license; and

(iv) reports the transfer as required by paragraph (b)(8)(B).

(9) Any person subject to this subsection may transfer the device to another general licensee only if either of the following conditions is met:

(A) 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, model number, and serial number; the name and address of the transferee; and the name, telephone number, and position of an individual who can be contacted by the secretary concerning the device.

(B) The device is held in storage in the original shipping container at its intended location of use before initial use by a general licensee.

(10) Each person subject to this subsection shall comply with the provisions of K.A.R. 28-35-228a and K.A.R. 28-35-229a relating to reports of radiation incidents, theft, or loss of licensed material, but shall be exempt from the other requirements of parts 4 and 10 of these regulations.

(11) Each person shall respond to all written requests from the department to provide information relating to the general license within 30 calendar days of the date of the request or on or before any other deadline specified in the request. If the person cannot provide the requested information within the allotted time, the person, within that same time period, shall request a longer period to supply the information by submitting a letter to the department and shall provide written justification as to why the person cannot comply.

*(continued)*

(12) Each general licensee shall appoint an individual responsible for having knowledge of the appropriate regulations and requirements and the authority for taking required actions to comply with appropriate regulations and requirements. The general licensee, through this individual, shall ensure day-to-day compliance with the appropriate regulations and requirements. This appointment shall not relieve the general licensee of any of the licensee's responsibility in this regard.

(13)(A) Each person shall register, in accordance with paragraph (b)(13)(B), each device generally licensed as required by this regulation. Each address for a location of use, as described in paragraph (b)(13)(B)(iv), shall represent a separate general licensee and shall require a separate registration and fee.

(B) In registering each device, the general licensee shall furnish the following information and any other information specifically requested by the department:

(i) The name and mailing address of the general licensee;

(ii) information about each device as indicated on the label, including the manufacturer's name, the model number, the serial number, and the radioisotope and activity;

(iii) the name, title, and telephone number of the responsible person appointed as a representative of the general licensee under paragraph (b)(12);

(iv) the address or location at which each device is used or stored, or both. For each portable device, the general licensee shall provide the address of the primary place of storage;

(v) certification by the responsible representative of the general licensee that the information concerning each device has been verified through a physical inventory and a check of the label information; and

(vi) certification by the responsible representative of the general licensee that the person is aware of the requirements of the general license.

(14) Each person shall report any change in the mailing address for the location of use, including any change in the name of the general licensee, to the department within 30 days of the effective date of the change. For a portable device, a report of address change shall be required only for a change in the primary place of storage of the device.

(15) No person may store a device that is not in use for longer than two years. If any device with shutters is not being used, the shutters shall be locked in the closed position. The testing required by paragraph (b)(2) shall not be required to be performed during the period of storage only. If the device is put back into service or transferred to another person and was not tested at the required test interval, the device shall be tested for leakage before use or transfer, and all shutters shall be tested before use. Each device kept in storage for future use shall be excluded from the two-year time limit if the general licensee performs quarterly physical inventories of the device while the device is in storage.

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

(d) The general license specified in subsection (a) shall be subject to the provisions of K.A.R. 28-35-184a and

K.A.R. 28-35-184b. (Authorized by and implementing K.S.A. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986; amended Nov. 1, 1996; amended March 24, 2006; amended July 27, 2007; amended March 18, 2011.)

**28-35-178e. Americium-241 or radium-226 in the form of calibration or reference sources.** (a) A general license to acquire, possess, use and transfer, in accordance with the provisions of subsections (b) and (c), americium-241 or radium-226 in the form of calibration or reference sources is hereby issued to any person who holds a specific license issued by the nuclear regulatory commission that 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) shall apply only to calibration or reference sources that have been manufactured or initially transferred in accordance with the specifications contained in a specific license issued by the secretary, the nuclear regulatory commission, or an agreement state.

(c) The general license issued in subsection (a) shall be 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 shall meet the following requirements:

(1) Not possess, at any one time, at any one location of storage or use, more than 5 microcuries of either americium-241 or radium-226 in such sources;

(2) not receive, possess, use, or transfer such a source unless the source, or the storage container, bears a label that includes the following statement or a substantially similar statement that 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 (or RADIUM-226). DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

(Name of manufacturer or initial transferor)";

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

(4) store such source, except when the source is being used, in a closed container designed and constructed to contain either americium-241 or radium-226 that might otherwise escape during storage; and

(5) 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 either americium-241 or radium-226. (Authorized by and

implementing K.S.A. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986; amended March 18, 2011.)

**28-35-178j. General license for use of radioactive material for certain in vivo clinical or laboratory testing.**

(a) Except as provided in subsections (b) and (c), each person shall be exempt from the license requirements in part 3 and part 6 of these regulations if the person receives, possesses, uses, transfers, owns, or acquires any capsules containing 37 kBq (1  $\mu$ Ci) of carbon-14 urea, allowing for nominal variation that may occur during the manufacturing process for in vivo diagnostic use for humans.

(b) Before using the capsules specified in subsection (a) for research involving human subjects, each person shall apply and shall be considered for approval for a specific license. Each person shall be required to have a specific license before engaging in the research specified in this subsection.

(c) Before manufacturing, preparing, processing, producing, packaging, repackaging, or transferring the capsules specified in subsection (a) for commercial distribution, each person shall apply and shall be considered for approval for a specific license. Each person shall be required to have a specific license before performing any of the actions specified in this subsection.

(d) Nothing in this regulation shall exempt any person from applicable FDA requirements, other federal requirements, and state requirements governing receipt, administration, and use of drugs. (Authorized by and implementing K.S.A. 48-1607; effective Dec. 30, 2005; amended March 18, 2011.)

**28-35-180b. Financial assurance for decommissioning.**

(a) Each applicant for a specific license authorizing the possession and use of unsealed radioactive material with a half-life greater than 120 days and in quantities exceeding  $10^5$  times the applicable quantities specified in K.A.R. 28-35-201 shall submit a decommissioning funding plan as described in K.A.R. 28-35-180b(e). Each applicant shall also submit the decommissioning funding plan if a combination of isotopes is involved and if R divided by  $10^5$  is greater than one, where R is defined here as the sum of the ratios of the quantity of each isotope to the applicable value specified in K.A.R. 28-35-201.

(b) Each applicant for a specific license authorizing the possession and use of radioactive material with a half-life greater than 120 days and in quantities specified in table I shall submit either of the following:

(1) A decommissioning funding plan as described in subsection (e); or

(2) a certification that financial assurance for decommissioning has been provided in the amount prescribed by table I, using one of the methods described in subsection (f). The certification may state that the appropriate assurance is to be obtained after the application has been approved and the license has been issued, but before the receipt of licensed material. If the applicant defers execution of the financial instrument required under subsection (f) until after the license has been issued, a signed original of the financial instrument shall be submitted to the department before the applicant receives the licensed

material. If the applicant does not defer execution of the financial instrument required under subsection (f), the applicant shall submit to the department, as part of the certification, a signed original of the financial instrument.

(c) Each holder of a specific license that is a type specified in subsection (a) or (b) shall provide financial assurance for decommissioning in accordance with the following requirements:

(1) Each holder of a specific license that is a type specified in subsection (a) shall submit a decommissioning funding plan as specified in subsection (e) or a certification of financial assurance for decommissioning in an amount equal to at least \$1,125,000.00. Each licensee shall submit the plan or certification to the department in accordance with the criteria specified in this regulation. If the licensee submits a certification of financial assurance rather than a decommissioning funding plan, the licensee shall include a decommissioning funding plan in any application for license renewal.

(2) Each holder of a specific license that is a type specified in subsection (b) shall submit a decommissioning funding plan as specified in subsection (e) or a certification of financial assurance for decommissioning. Each licensee shall submit the plan or certification to the department, in accordance with the requirements specified in this regulation.

(d) The amounts of financial assurance required for decommissioning, by quantity of material, shall be those specified in table I.

**Table I**  
**Financial assurance for decommissioning by quantity of material**

If the possession limit is greater than $10^4$ but less than or equal to $10^5$ times the applicable quantities specified in K.A.R. 28-35-201, in unsealed form .....	\$1,125,000.00
For a combination of isotopes, in unsealed form, if R, as defined in subsection (a), divided by $10^4$ is greater than one, but R divided by $10^5$ is equal to or less than one .....	\$1,125,000.00
If the possession limit is greater than $10^3$ but less than or equal to $10^4$ times the applicable quantities specified in K.A.R. 28-35-201, in unsealed form .....	\$225,000.00
For a combination of isotopes, in unsealed form, if R, as defined in subsection (a), divided by $10^3$ is greater than one, but R divided by $10^4$ is less than or equal to one .....	\$225,000.00
If the possession limit is greater than $10^{10}$ times the applicable quantities specified in K.A.R. 28-35-201, in sealed sources or foils .....	\$113,000.00
For a combination of isotopes, in sealed sources or foils, if R, as defined in subsection (a), divided by $10^{10}$ is greater than one .....	\$113,000.00

(e) Each decommissioning funding plan shall contain the following:

(1) A cost estimate for decommissioning;

(2) a description of the method of ensuring funds for decommissioning, selected from the methods specified in subsection (f);

(3) a description of the means for periodically adjusting cost estimates and associated funding levels over the life of the facility;

(4) a certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate for decommissioning; and

*(continued)*

(5) a signed original of the financial instrument obtained to satisfy the requirements specified in subsection (f).

(f) Each licensee shall provide financial assurance for decommissioning by one or more of the following methods.

(1) Prepayment. "Prepayment" shall mean cash or liquid assets that meet the following criteria:

(A) Before the start of operation, are deposited into an account that is segregated from the licensee's assets and outside of the licensee's administrative control; and

(B) consist of an amount that is sufficient to pay decommissioning costs.

The prepayment may be in the form of a trust, escrow account, government fund, certificate of deposit, or deposit of government securities.

(2) A surety instrument, insurance policy, or other guarantee method. The licensee may use a surety instrument, insurance policy, or other similar means to guarantee that decommissioning costs will be paid. A surety instrument may be in the form of a surety bond, letter of credit, or line of credit. A parent company's guarantee of funds for decommissioning costs based on a financial test may be used if the guarantee and test meet the requirements of K.A.R. 28-35-203. A parent company's guarantee shall not be used in combination with other financial methods to meet the requirements in this regulation. A guarantee of funds by the applicant or licensee for decommissioning costs based on a financial test may be used if the guarantee and test meet the requirements of K.A.R. 28-35-203. A guarantee by the applicant or licensee shall not be used in combination with any other financial methods to meet the requirements in this regulation or in any situation in which a parent company of the applicant or licensee holds majority control of the voting stock of the company. Each surety instrument or insurance policy used to provide financial assurance for decommissioning shall contain the following requirements:

(A) The surety instrument or insurance policy shall be open-ended or, if written for a specified term, shall be renewed automatically, unless 90 days or more before the renewal date, the insurer notifies the department, the beneficiary, and the licensee of the insurer's intention not to renew. The surety instrument or insurance policy shall also provide that the full face amount will be paid to the beneficiary automatically before the expiration without proof of forfeiture if the licensee fails to provide a replacement that meets the requirements of this regulation within 30 days after receipt of notification of cancellation.

(B) The surety instrument or insurance policy shall be payable to an approved trust established for decommissioning costs. The trustee may include an appropriate state or federal agency or an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

(C) The surety instrument or insurance policy shall remain in effect until the license is terminated by the department.

(3) External sinking fund. A licensee may provide financial assurance for decommissioning through an external sinking fund in which deposits are made at least annually, coupled with a surety instrument or insurance

policy. The value of the surety instrument or insurance policy may decrease by the amount accumulated in the sinking fund. "External sinking fund" shall mean a fund that meets both of the following conditions:

(A) Is established and maintained by setting aside funds periodically in an account segregated from the licensee's assets and outside the licensee's administrative control; and

(B) contains a total amount of funds sufficient to pay the decommissioning costs when termination of the operation is expected. An external sinking fund may be in the form of a trust, escrow account, government fund, certificate of deposit, or deposit of government securities. The surety or insurance provisions shall meet the requirements specified in this subsection.

(4) Statement of intent. Any federal, state, or local government licensee may submit a statement of intent containing a cost estimate for decommissioning or an amount based on table I of this regulation and indicating that funds for decommissioning will be obtained when necessary.

(g) Each person licensed under subsections (a) through (g) shall keep records of all information that is relevant to the safe and effective decommissioning of the facility. The records shall be kept in an identified location until the license is terminated by the department. If records of relevant information are kept for other purposes, the licensee may refer to these records and the location of these records within the records kept pursuant to this subsection.

(h) Each licensee shall maintain decommissioning records, which shall consist of the following information:

(1) Records of spills or other unusual occurrences involving the spread of contamination in and around the facility, equipment, or site. These records may be limited to records of instances in which contamination remains after any cleanup procedures or when there is reasonable likelihood that contaminants could have spread to inaccessible areas. These records shall include any known information identifying the nuclides, quantities, forms, and concentrations involved in the spill or occurrence;

(2) drawings of the following, both as originally built and, if applicable, as modified:

(A) The structures and equipment in restricted areas where radioactive materials are used or stored, or both; and

(B) the locations of possible inaccessible contamination. If the licensee refers to required drawings other than those kept pursuant to this regulation, the licensee shall not be required to index each relevant document individually. If drawings are not available, the licensee shall substitute available information concerning these areas and locations;

(3) a list of the following information, which shall be contained in a single document and updated every two years:

(A) All areas designated and formerly designated as restricted areas;

(B) all areas outside of restricted areas that require the documentation specified in this subsection;

(C) all areas outside of restricted areas where current and previous wastes have been buried and documented as specified in K.A.R. 28-35-227j; and

(D) all areas outside of restricted areas that contain material so that, if the license expired, the licensee would be required either to decontaminate the area to unrestricted release levels or to apply for approval for disposal as specified in K.A.R. 28-35-225a.

Those areas containing sealed sources only shall not be included in the list if the sources have not leaked, no contamination remains in the area after any leak, or the area contains only radioactive materials having half-lives of less than 65 days; and

(4) the following records:

(A) Records of the cost estimate performed for the decommissioning funding plan or records of the amount certified for decommissioning; and

(B) if either a funding plan or certification is used, records of the funding method used for assuring funds.

(i) Each applicant for a specific license shall make arrangements for a long-term care fund pursuant to K.S.A. 48-1623, and amendments thereto. Each applicant for any of the following types of specific licenses shall establish the long-term care fund before the issuance of the license or before the termination of the license if the applicant chooses, at the time of licensure, to provide a surety instrument in lieu of a long-term care fund:

(1) Waste-handling licenses;

(2) source material milling licenses; and

(3) licenses for any facilities formerly licensed by the U.S. atomic energy commission or the nuclear regulatory commission, if required.

(j)(1) Each applicant shall agree to notify the department, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of title 11, bankruptcy, of the United States code by or against any of the following:

(A) The licensee;

(B) any person controlling the licensee or listing the license or licensee as property of the estate; or

(C) any affiliate of the licensee.

(2) The bankruptcy notification shall indicate the following:

(A) The name of the bankruptcy court in which the petition for bankruptcy was filed; and

(B) the date on which the petition was filed. (Authorized by and implementing K.S.A. 48-1607; effective Dec. 30, 2005; amended March 18, 2011.)

**28-35-181a. Specific licenses for 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 all of the following conditions are met:

(a) The applicant has appointed a radiation safety committee as specified in 10 CFR 35.24(f), which is adopted by reference in K.A.R. 28-35-264.

(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, if applicable, clinical management of radioactive patients.

(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. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986; amended March 18, 2011.)

**28-35-181e.** (Authorized by and implementing K.S.A. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986; amended Dec. 30, 2005; revoked March 18, 2011.)

**28-35-181j. Specific licenses to manufacture and distribute calibration sources containing americium-241 or radium-226.** (a) An application for a specific license to manufacture or initially transfer calibration or reference sources containing americium-241 or radium-226 for distribution to persons generally licensed under K.A.R. 28-35-178e shall not be approved unless the following requirements are met:

(1) The applicant shall satisfy the general requirements of part 3 of these regulations.

(2) The applicant shall submit sufficient information regarding each type of calibration or reference source pertinent to evaluation of the potential radiation exposure, including the following:

(A) Chemical and physical form and maximum quantity of americium-241 or radium-226 in the source;

(B) details of construction and design;

(C) details of the method of incorporation and binding of the americium-241 or radium-226 in the source;

(D) procedures for and results of prototype testing of sources that are designed to contain more than 0.005 microcurie of americium-241 or radium-226, to demonstrate that the americium-241 or radium-226 contained in each source will not be released or be removed from the source under normal conditions of use;

(E) details of quality control procedures to be followed in manufacture of the source;

(F) description of labeling to be affixed to the source or the storage container for the source; and

(G) any additional information, including experimental studies and tests, required by the department to facilitate a determination of the safety of the source.

(3) Each source shall contain no more than 5  $\mu\text{Ci}$  of americium-241 or radium-226.

(4) The method of incorporation and binding of more than 0.005  $\mu\text{Ci}$  of the americium-241 or radium-226 in the source shall prevent the release or removal of americium-241 or radium-226 from the source under normal conditions of use and handling of the source.

(5) The applicant shall conduct prototype tests, in the order listed, on each of five prototypes of the source containing more than 0.185 kilobecquerel (0.005 microcurie) of americium-241 or radium-226, and the five prototype sources shall have passed the prototype test, as follows:

(A) Initial measurement. The quantity of radioactive material deposited on the source shall be measured by direct counting of the source.

(B) Dry wipe test. The entire radioactive surface of the source shall be wiped with filter paper with the application of moderate finger pressure. Removal of radioactive material from the source shall be determined by meas-

*(continued)*

uring the radioactivity on the filter paper or by direct measurement of the radioactivity on the source following the dry wipe.

(C) Wet wipe test. The entire radioactive surface of the source shall be wiped with filter paper, moistened with water, with the application of moderate finger pressure. Removal of radioactive material from the source shall be determined by measuring the radioactivity on the filter paper after the paper has dried or by direct measurement of the radioactivity on the source following the wet wipe.

(D) Water soak test. The source shall be immersed in water at room temperature for 24 consecutive hours. The source shall then be removed from the water. Removal of radioactive material from the source shall be determined by direct measurement of the radioactivity on the source after the source has dried or by measuring the radioactivity in the residue obtained by evaporation of the water in which the source was immersed.

(E) Dry wipe test. On completion of the water soak test, the dry wipe test described in paragraph (a)(5)(B) shall be repeated.

(F) Observations. Removal of more than 0.005 microcurie of radioactivity in any test prescribed by paragraph (a)(5) shall be cause for rejection of the source design. Results of prototype tests submitted to the nuclear regulatory commission shall be given in terms of radioactivity in microcuries and percent of removal from the total amount of radioactive material deposited on the source.

(6) Each source or storage container for the source shall have a label affixed that contains sufficient information about safe use and storage of the source and includes the following or an equivalent 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 (or RADIUM-226). DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

(Name of manufacturer or initial transferor).”

(b) Each person licensed under this regulation shall perform a dry wipe test upon each source containing more than 3.7 kilobecquerels (0.1 microcurie) of americium-241 or radium-226 before transferring the source to a general licensee in accordance with K.A.R. 28-35-178e or equivalent regulations of an agreement state or the nuclear regulatory commission. This test shall be performed by wiping the entire radioactive surface of the source with a filter paper with the application of moderate finger pressure.

The radioactivity on the paper shall be measured by using radiation detection instrumentation capable of detecting 0.185 kilobecquerel (0.005 microcurie) of americium-241 or radium-226. If this test discloses more than 0.185 kilobecquerel (0.005 microcurie) of radioactive material, the source shall be deemed to be leaking or losing americium-241 or radium-226 and shall not be transferred to a general licensee in accordance with K.A.R. 28-35-178e

or equivalent regulations of an agreement state or the nuclear regulatory commission. (Authorized by and implementing K.S.A. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986; amended March 18, 2011.)

**28-35-181m. Specific licenses to manufacture, prepare, or distribute radiopharmaceuticals containing radioactive material for medical use.** An application for a specific license to manufacture, prepare, or distribute radiopharmaceuticals containing radioactive material and used by persons as specified in part 6 of these regulations shall not be approved unless the applicant meets the requirements of this regulation and all other applicable requirements of these regulations.

(a) Each applicant shall meet the requirements specified in K.A.R. 28-35-180a.

(b) Each applicant shall submit evidence of either of the following:

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

(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) Each applicant shall submit evidence of at least one of the following:

(1) The applicant is registered or licensed with the U.S. food and drug administration as a drug manufacturer.

(2) The applicant is registered or licensed with a state agency as a drug manufacturer.

(3) The applicant is licensed as a pharmacy by the state board of pharmacy.

(4) The applicant is operating as a nuclear pharmacy within a federal medical institution.

(5) The applicant is operating a positron emission tomography (PET) drug production facility.

(d) Each applicant shall submit the following information on the radionuclide:

(1) The chemical and physical form of the material;

(2) the packaging in which the radionuclide is shipped, including the maximum activity per package; and

(3) evidence that the shielding provided by the packaging of the radioactive material is appropriate for the safe handling and storage of radiopharmaceuticals by group licensees.

(e)(1) Each applicant shall submit a description of the following:

(A) A label that shall be affixed to each transport radiation shield, whether the shield is constructed of lead, glass, plastic, or other material, of a radioactive drug to be transferred for commercial distribution. The label shall include the following:

(i) The radiation symbol and the words “CAUTION — RADIOACTIVE MATERIAL” or “DANGER — RADIOACTIVE MATERIAL”;

(ii) the name of the radioactive drug and the abbreviation; and



(iii) the quantity of radioactivity at a specified date and time. For radioactive drugs with a half-life greater than 100 days, the time may be omitted; and

(B) a label that shall be affixed to each syringe, vial, or other container used to hold a radioactive drug to be transferred for commercial distribution. The label shall include the radiation symbol and the words "CAUTION — RADIOACTIVE MATERIAL" or "DANGER — RADIOACTIVE MATERIAL" and an identifier that ensures that the syringe, vial, or other container can be correlated with the information on the transport radiation shield label.

(2) The labels, leaflets, or brochures required by this regulation shall be made in addition to the labeling required by the FDA. The 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.

(f) All of the following shall apply to each licensee described in paragraph (c)(3) or (c)(4), or both:

(1) The licensee may prepare radioactive drugs for medical use, if each radioactive drug is prepared by either an authorized nuclear pharmacist, as specified in paragraphs (2) and (4) of this subsection, or an individual under the supervision of an authorized nuclear pharmacist.

(2) The licensee may allow a pharmacist to work as an authorized nuclear pharmacist if at least one of the following conditions is met:

(A) The pharmacist qualifies as an authorized nuclear pharmacist.

(B) The pharmacist meets the requirements specified in 10 CFR 35.55 (b) and 35.59, and the licensee has received an approved license amendment identifying this individual as an authorized nuclear pharmacist.

(C) The pharmacist is designated as an authorized nuclear pharmacist in accordance with paragraph (4) of this subsection.

(3) The actions authorized in paragraphs (1) and (2) of this subsection shall be permitted in spite of more restrictive language in license conditions.

(4) The licensee may designate a pharmacist as an authorized nuclear pharmacist if the individual is a nuclear pharmacist preparing radioactive drugs and identified as an "authorized user" on a nuclear pharmacy license issued under this part.

(5) Each licensee shall provide the following to the department no later than 30 days after the date that the licensee allows, pursuant to paragraphs (2)(A) and (2)(C) of this subsection, the individual to work as an authorized nuclear pharmacist:

(A) A copy of each individual's certification by a specialty board whose certification process has been recognized as specified in 10 CFR 35.55(a), as adopted by reference in K.A.R. 28-35-264, the department or agreement state license, or the permit issued by a licensee of broad scope, or nuclear regulatory commission master materials permittee; and

(B) a copy of the state pharmacy license or registration.

(g) Each licensee shall possess and use instrumentation to measure the radioactivity of radioactive drugs. Each licensee shall have procedures for using the instrumentation. Each licensee shall measure, by direct measure-

ment or by combination of measurements and calculations, the amount of radioactivity in dosages of alpha-, beta-, or photon-emitting radioactive drugs before transfer for commercial distribution. Each licensee shall meet the following requirements:

(1) Perform tests before initial use, periodically, and following repair on each instrument for accuracy, linearity, and geometry dependence, as appropriate for the use of the instrument, and make adjustments if necessary; and

(2) check each instrument for constancy and proper operation at the beginning of each day of use.

(h) Nothing in these regulations shall exempt the licensee from the requirement to comply with applicable FDA requirements and other federal and state requirements governing radioactive drugs. (Authorized by and implementing K.S.A. 48-1607; effective, T- 86-37, Dec. 11, 1985; effective May 1, 1986; amended Dec. 30, 2005; amended July 27, 2007; amended March 18, 2011.)

**28-35-181o. Specific licenses to manufacture and distribute sources and devices for use as a calibration, transmission, or reference source or for certain medical uses.**

(a) Each application for a specific license to manufacture and distribute sources and devices containing radioactive material to persons licensed as specified in K.A.R. 28-35-181d for use as a calibration, transmission, or reference source or for one or more of the uses listed in 10 CFR 35.400, 35.500, 35.600, and 35.1000, as adopted by reference in K.A.R. 28-35-264, shall include 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;

(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 ensure that the 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 that are too lengthy for the label may be summarized on the label and printed in detail on a brochure that is referenced on the label; and

(9) the label that 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 regu-

*(continued)*

latory commission or an agreement state. Labeling for sources that do not require long-term storage may be on a leaflet or brochure that is to accompany the source.

(b) (1) If the applicant wants to have the source or device 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, information that includes the following shall be considered by the secretary:

- (A) The nature of the primary containment;
- (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 with similarly designed and constructed sources or devices. (Authorized by and implementing K.S.A. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986; amended July 27, 2007; amended March 18, 2011.)

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

(b) A person shall be exempt from these regulations to the extent that 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 that occur naturally.

(c) This regulation shall not be deemed to authorize the import of radioactive material or products containing radioactive material.

(d) A person who manufactures, processes, or produces a product or material shall be exempt from the requirements for a license as set forth in these regulations to the extent that the transfer of the radioactive material contained in the product or material is in concentrations not in excess of the amounts specified in K.A.R. 28-35-198a and is introduced into the product or material by a licensee holding a specific license issued by the department expressly authorizing such introduction. This ex-

emption shall not apply to the transfer of radioactive material contained in any food, beverage, cosmetic, drug, or other commodity or product designed for ingestion or inhalation by, or application to, a human being.

(e) No person shall introduce radioactive material into a 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 subsection (a) or under an equivalent regulation of the 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. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986; amended March 18, 2011.)

**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 that the person acquires, possesses, uses, or transfers any of the following products:

(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;
- (6) 60 microcuries of promethium-147 per watch dial or 120 microcuries of promethium-147 per dial on other timepieces. 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 the following, 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; and

(7) for intact timepieces manufactured before November 30, 2007, 0.037 megabecquerel (1 microcurie) of radium-226 per timepiece;

(b) 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 manufactured before December 17, 2007;

(c) 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 manufactured before December 17, 2007;

(d) ionization chamber smoke detectors containing not more than one microcurie (Ci) of americium-241 per de-

lector in the form of a foil and designed to protect life and property from fires;

(e) electron tubes. 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 subsection, "electron tubes" shall include spark gap tubes, power 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. An electron tube shall 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 microcuries nickel-63;

(4) 30 microcuries krypton-85;

(5) 5 microcuries cesium-137; or

(6) 30 microcuries promethium-147; and

(f) 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 subsection, 0.05  $\mu$ Ci of Am-241 shall be considered an exempt quantity. (Authorized by and implementing K.S.A. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986; amended March 18, 2011..)

**28-35-192d.** (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986; revoked March 18, 2011.)

**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 initially transfer these products for sale or distribution, each person who acquires, receives, owns, possesses, uses, or transfers radioactive material in gas and aerosol detectors designed to protect life or property from fires and airborne hazards shall be exempt from these regulations. Each detector shall have been manufactured, processed, produced, imported, or initially 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 nuclear regulatory commission or by an agreement state pursuant to an equivalent regulation of the nuclear regulatory commission or the agreement state.

(b) Gas and aerosol detectors previously manufactured and distributed before November 30, 2007 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. 28-35-181r.

(c) Each person who desires to manufacture, process, or produce gas and aerosol detectors containing radioactive material, or to initially transfer these products for use pursuant to this regulation, shall apply for a license pursuant to K.A.R. 28-35-181q. (Authorized by and implementing K.S.A. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986; amended March 18, 2011.)

**28-35-192g. Exemptions; exempt quantities.** (a) Except as provided in subsections (c) through (e), each person who acquires, possesses, uses, owns, receives, or transfers radioactive material in individual quantities that do not exceed the applicable quantity specified in K.A.R. 28-35-197a shall be exempt from these regulations.

(b) Each person who possesses radioactive material received or acquired before January 1, 1972 under the general license then provided in K.A.R. 28-35-178a shall be exempt from these regulations to the extent that the person possesses, uses, or transfers that radioactive material. This exemption shall not apply to radium-226.

(c) This regulation shall not authorize the production, packaging, repackaging, or transfer 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 under this regulation or an equivalent regulation of the 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 nuclear regulatory commission, or an equivalent regulation of an agreement state.

(e) No person shall, for purposes of producing an increased radiation level, combine quantities of radioactive material covered by this exemption so that the aggregate quantity exceeds the individual quantities specified in K.A.R. 28-35-197a. (Authorized by and implementing K.S.A. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986; amended March 18, 2011.)

**28-35-194a. Reciprocal recognition of licenses.** (a) Subject to other provisions in this regulation, any person may apply for a general license to conduct activities within this state without obtaining a specific license from the secretary, if all of the following conditions are met:

(1) The person possesses a specific license issued by the nuclear regulatory commission or an agreement state, other than this state, that authorizes the proposed activities.

(2) The person does not conduct any activities authorized by any general license issued under this regulation for a period totalling more than 180 days in a calendar year.

(3) The specific license does not limit the activity authorized to a specified installation or location.

(4) The person notifies the department in writing at least five days before engaging in the activity. The notification shall indicate the location, period, and type of

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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, facsimile, or electronic communication to proceed.

(5) 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 that is inconsistent with these regulations.

(6) The person supplies any information requested by the department.

(7) 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 who meets either of the following conditions:

(A) Is specifically licensed by the department or the nuclear regulatory commission to receive the material; or

(B) 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 nuclear regulatory commission, or an agreement state that 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 requirements:

(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 nuclear regulatory commission or the agreement state.

(3) The person shall ensure that any labels required to be affixed to the device, under regulations of the authority that licensed the manufacture of the device, and that 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) Acceptance of any specific license recognized under this regulation or any product distributed pursuant to such a license may be withdrawn, limited, or qualified by the secretary, upon determining that the action is necessary in order to protect health or minimize danger to life or property. (Authorized by and implementing K.S.A. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986; amended March 18, 2011.)

#### **28-35-212a. Occupational dose limits for adults.**

(a) Each licensee or registrant shall control the occupational dose to individual adults, except for planned special exposures to the following dose limits:

(1) The annual limit shall be the more limiting of either of the following:

(A) The total effective dose equivalent being equal to 0.05 Sv (5 rem); or

(B) the sum of the deep dose equivalent and the committed dose equivalent to any individual organ or tissue

other than the lens of the eye being equal to 0.50 Sv (50 rem).

(2) The annual limits to the lens of the eye, to the skin, and to the extremities shall be the following:

(A) An eye dose equivalent of 0.15 Sv (15 rem); and

(B) a shallow dose equivalent of 0.50 Sv (50 rem) to the skin or to any extremity.

(b) Doses received in excess of the annual limits, including doses received during accidents, emergencies, and planned special exposures, shall be subtracted from the limits for planned special exposures that the individual could receive during the current year and during the individual's lifetime.

(c) When the external exposure is determined by measurement with an external personal monitoring device, the deep dose equivalent shall be used in place of the effective dose equivalent, unless the effective dose equivalent is determined by a dosimetry method approved by the secretary. The assigned deep dose equivalent shall be for the portion of the body receiving the highest exposure. The assigned shallow dose equivalent shall be the dose averaged over the contiguous 10 square centimeters of skin receiving the highest exposure.

(1) The deep dose equivalent, eye dose equivalent, and shallow dose equivalent may be assessed from surveys or other radiation measurements for the purpose of demonstrating compliance with the occupational dose limits, if the individual monitoring device was not in the region of highest potential exposure or the results of individual monitoring are unavailable.

(2) If a protective apron is worn by medical fluoroscopists performing special and interventional fluoroscopic procedures and monitoring is conducted as specified in K.A.R. 28-35-217a, the use of weighting factors in determining the effective dose equivalent for external radiation may be approved by the secretary upon receipt of a written request. In no case shall the use of weighting factors be approved unless the request is accompanied by a list of the procedures to be used to ensure that exposures are maintained ALARA and the effective dose equivalent is determined as follows:

(A) If only one individual monitoring device is used and the device is located at the neck outside the protective apron, the reported deep dose equivalent shall be the effective dose equivalent for external radiation.

(B) If only one individual monitoring device is used, the device is located at the neck outside the protective apron, and the reported dose exceeds 25 percent of the limit specified in this regulation, then the reported deep dose equivalent value multiplied by 0.3 shall be the effective dose equivalent for external radiation.

(C) If individual monitoring devices are worn, both under the protective apron at the waist and outside the protective apron at the neck, the effective dose equivalent for external radiation shall be assigned the value of the sum of the deep dose equivalent reported for the individual monitoring device located at the waist under the protective apron multiplied by 1.5 and the deep dose equivalent reported for the individual monitoring device located at the neck outside the protective apron multiplied by 0.04.

(3) All individuals who are associated with the operation of an X-ray system shall be subject to the occupational exposure limits and the requirements for the determination of the doses that are specified in this regulation. In addition, each individual shall meet the following requirements:

(A) When protective clothing or devices are worn on portions of the body and one or more monitoring devices are required, at least one monitoring device shall be utilized as follows:

(i) When an apron is worn, the monitoring device shall be worn at the collar outside of the apron;

(ii) the dose to the device, if one is used, shall be recorded as the whole-body dose based on the maximum dose attributed to any one critical organ, including the gonads, the blood-forming organs, the head and trunk, and the lens of the eye. If more than one device is used and a record is made of the data, each dose shall be identified with the area where the device was worn on the body;

(4) Exposure of a personnel-monitoring device to deceptively indicate a dose delivered to an individual shall be prohibited.

(5) If the individual is exposed during procedures not specifically approved, weighting factors shall not be applied.

(d) Derived air concentration (DAC) and annual limit on intake (ALI) values, in appendix B, table I, published in "appendices to part 4: standards for protection against radiation," which is adopted in K.A.R. 28-35-135a, shall be used to determine the individual's dose and to demonstrate compliance with the occupational dose limits.

(e) Notwithstanding the annual dose limits, the licensee shall limit the soluble uranium intake by an individual to 10 milligrams in a week in consideration of chemical toxicity, in accordance with footnote 3 of appendix B published in "appendices to part 4: standards for protection against radiation," which is adopted in K.A.R. 28-35-135a.

(f) Each licensee or registrant shall reduce the dose that an individual may be allowed to receive in the current year by the amount of occupational dose received while employed by any other person. (Authorized by and implementing K.S.A. 48-1607; effective, T-85-43, Dec. 19, 1984; effective May 1, 1985; amended Sept. 20, 1993; amended Oct. 17, 1994; amended Dec. 30, 2005; amended March 18, 2011.)

**28-35-216a. Testing for leakage or contamination of sealed sources.** (a) Each licensee in possession of any sealed source shall ensure that all of the following requirements are met:

(1) Each sealed source, except as specified in subsection (b), shall be tested for leakage or contamination, and the test results shall be received before the sealed source is put into use, unless the licensee has a certificate from the transferor indicating that the sealed source was tested within six months before transfer to the licensee.

(2) Each sealed source that is not designed to emit alpha particles shall be tested for leakage or contamination at intervals not to exceed six months or at alternative intervals approved by the secretary, an agreement state, a licensing state, or the nuclear regulatory commission.

(3) Each sealed source designed to emit alpha particles shall be tested for leakage or contamination at intervals not to exceed three months or at alternative intervals approved by the secretary, an agreement state, a licensing state, or the nuclear regulatory commission.

(4) For each sealed source required to be tested for leakage or contamination, whenever there is reason to suspect that the sealed source might have been damaged or might be leaking, the licensee shall ensure that the sealed source is tested for leakage or contamination before further use.

(5) Tests for leakage for all sealed sources shall be capable of detecting the presence at 185 Bq (0.005  $\mu$ Ci) of radioactive material on a test sample. Test samples shall be taken from the sealed source or from the surfaces of the container in which the sealed source is stored or mounted and on which one might expect contamination to accumulate. For a sealed source contained in a device, test samples shall be obtained when the source is in the "off" position.

(b) The following sealed sources shall be exempt from testing for leakage and contamination:

(1) Sealed sources containing only radioactive material with a half-life of fewer than 30 days;

(2) sealed sources containing only radioactive material as a gas;

(3) sealed sources containing 3.7 Mbq (100  $\mu$ Ci) or less of beta-emitting or photon-emitting material or 370 kBq (10  $\mu$ Ci) or less of alpha-emitting material;

(4) sealed sources containing only hydrogen-3;

(5) seeds of iridium-192 encased in nylon ribbon; and

(6) sealed sources, except sources used in radiation therapy, that are stored, are not being used, and are identified as being in storage. The sources exempted from this test shall be tested for leakage before any use or transfer to another person, unless the source has been leak-tested within six months before the date of the use or transfer. The sources in storage shall be physically inventoried every six months and listed in the radioactive materials inventory. Each source in storage shall be tested for leakage at least every 10 years.

(c) Each test for leakage or contamination from sealed sources shall be performed by a person specifically authorized by the secretary, an agreement state, a licensing state, or the nuclear regulatory commission to perform these services.

(d) All test results shall be recorded in units of becquerel or microcurie and maintained for inspection by the department.

(e) If any 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 the source to be decontaminated and repaired or to be disposed of in accordance with these regulations. The licensee shall file a report within five days of the test with the radiation control program, Kansas department of health and environment, describing the equipment involved, the test results, and the corrective action taken. (Authorized by and implementing K.S.A. 48-1607; effective, T-85-43, Dec. 19, 1984; effective May 1, 1985;

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amended Dec. 30, 2005; amended July 27, 2007; amended March 18, 2011.)

**28-35-225b. Disposal of certain radioactive material.** The provisions of 10 CFR 20.2008, as in effect on October 1, 2007, are hereby adopted by reference. (Authorized by and implementing K.S.A. 48-1607; effective March 18, 2011.)

**28-35-231c. Transfer for disposal; manifests.** The provisions of 10 CFR 20.2006 as in effect on October 1, 2007, including appendix G to 10 CFR part 20 as in effect on November 16, 2005, are hereby adopted by reference. (Authorized by and implementing K.S.A. 48-1607; effective Dec. 30, 2005; amended March 18, 2011.)

**28-35-242. General requirements.** (a) Waiver of requirements. Compliance with the specific requirements of these regulations relative to an existing machine or installation may be waived by the secretary if the registrant provides an alternative to the requirement that provides radiation protection equal to that prescribed in part 4 of these regulations.

(b) Responsibility to meet requirements. A person shall not make, sell, lease, transfer, lend, or install X-ray or fluoroscopic equipment, or the supplies used in connection with this equipment, unless both of the following conditions are met:

(1) Those supplies and equipment, when properly placed in operation and properly used, will meet the requirements of parts 1, 4, and 5 and the applicable regulations under parts 7, 8, and 10 of these regulations.

(2) The person delivers, if applicable, cones or collimators, filters, appropriate timers, and fluoroscopic shutters.

(c) Limitations on human use. An individual shall not be exposed to the useful beam, unless the exposure is for healing arts purposes and each exposure has been authorized by one of the following:

(1) A licensed practitioner of the healing arts;

(2) a physician assistant licensed by the state board of healing arts, when working under the supervision and direction of a person licensed to practice medicine or surgery;

(3) an advanced registered nurse practitioner who holds a certificate of qualification from the state board of nursing, when working under the supervision and direction of a person licensed to practice medicine or surgery; or

(4) an individual licensed to practice dentistry or podiatry within the authority granted to the individual by Kansas licensing laws applying to dentists and podiatrists.

(d) Prohibited uses. Deliberate exposure for the following purposes shall be specifically prohibited:

(1) Exposure of an individual for patient positioning, training, demonstration, or other purposes, unless a healing arts purpose exists and a proper prescription has been provided; and

(2) exposure of an individual for the purpose of healing arts screening without the prior written approval of the department, except mammography screening, if the facility is certified to perform mammography by the food

and drug administration. Each person requesting approval for healing arts screening shall submit the information outlined in K.A.R. 28-35-255. Each person requesting approval for a healing arts screening shall notify the department within 30 days if any of the information submitted becomes invalid or outdated. (Authorized by and implementing K.S.A. 48-1607; effective Jan. 1, 1970; amended Jan. 1, 1972; amended May 1, 1976; amended Sept. 20, 1993; amended Dec. 30, 2005; amended March 18, 2011.)

**28-35-264. General requirements.** The provisions of 10 CFR part 35, as in effect on January 15, 2010, are hereby adopted by reference, with the changes specified in this regulation.

(a) For the purposes of part 6, "byproduct material" shall mean all radioactive material regulated by the department.

(b) All reports required by this regulation shall be submitted to the department.

(c) The following sections shall be deleted:

(1) 10 CFR 35.1, "purpose and scope";

(2) 10 CFR 35.2, "definitions," except that the definitions of the following terms shall be retained:

(A) "Authorized medical physicist";

(B) "authorized nuclear pharmacist";

(C) "authorized user";

(D) "medical event";

(E) "prescribed dose"; and

(F) "radiation safety officer";

(3) 10 CFR 35.8, "information collection requirements: OMB approval";

(4) 10 CFR 35.18, "license issuance";

(5) 10 CFR 35.19, "specific exemptions";

(6) 10 CFR 35.26 (a)(1), "radiation protection program changes";

(7) 10 CFR 35.4001, "violations"; and

(8) 10 CFR 35.4002, "criminal penalties."

(d) Wherever the following CFR references occur within 10 CFR part 35, these references shall be replaced with the specified references to regulations and parts in this article:

(1) "10 CFR 19.12" shall be replaced with "K.A.R. 28-35-333, 'instructions to workers.'"

(2) "10 CFR part 20" shall be replaced with "part 4, 'standards for protection against radiation.'"

(3) "10 CFR 20.1101" shall be replaced with "K.A.R. 28-35-211d, 'radiation protection programs.'"

(4) "10 CFR 20.1301(a)(1) and 20.1301(c)" shall be replaced with "K.A.R. 28-35-214a."

(5) "10 CFR 20.1501" shall be replaced with "K.A.R. 28-35-217b."

(6) "10 CFR part 30" shall be replaced with "part 3, 'licensing of sources of radiation.'"

(7) "10 CFR 32.72" shall be replaced with "K.A.R. 28-35-181m, 'specific licenses to manufacture and distribute radiopharmaceuticals containing radioactive material for medical use under group licenses,' and K.A.R. 28-35-181n, 'specific licenses to manufacture and distribute generators or reagent kits for preparation of radiopharmaceuticals containing radioactive material.'"

(8) "10 CFR 32.74" shall be replaced with "K.A.R. 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.'"

(9) "10 CFR 33.13" shall be replaced with "K.A.R. 28-35-182b, 'qualifications for a type A specific license of broad scope.'"

(e) Wherever the following terms occur within 10 CFR part 35, these terms shall be replaced with "department":

- (1) "Commission";
- (2) "NRC operation center"; and
- (3) "NRC regional office."

(f) The following changes shall be made to the sections specified:

(1) 10 CFR 35.6(b)(1) and (c)(1) shall be replaced with the following text:

"Obtain review and approval of the research as specified in 45 CFR 46.111, 'criteria for IRB approval of research'; and"

(2) 10 CFR 35.6(b)(2) and (c)(2) shall be replaced with the following text:

"Obtain informed consent from the human research subject as specified in 45 CFR 46.116, 'general requirements for informed consent.'"

(3) 10 CFR 35.10, subsection (a) shall be deleted.

(4) In 10 CFR 35.10(d), the date "October 24, 2002" shall be replaced with "the effective date of these regulations," and in 10 CFR 35.10(b) and (c), the date "October 25, 2005" shall be replaced with "two years from the effective date of these regulations."

(5) 10 CFR 35.12(b)(1) and (c)(1)(i) shall be replaced with the following text: "submitting a form specified by the department that includes the facility diagram, equipment, and training and experience qualifications of the radiation safety officer, authorized users, authorized physicists, and authorized pharmacists."

(6) In 10 CFR 35.57(a)(1) and (b)(1), the date "October 24, 2002" shall be replaced with "the effective date of these regulations."

(7) In 10 CFR 35.57(a)(2) and (b)(2), the date "April 29, 2005" shall be replaced with "the effective date of these regulations."

(8) In 10 CFR 35.432(a), the date "October 24, 2002" shall be replaced with "the effective date of these regulations."

(9) In 10 CFR 35.3045, the footnote shall be deleted, and in subsection (a) the words "or any radiation-producing device" shall be added before the words "results in."

(10) 10 CFR 35.3047(d) shall be replaced with the following text: "The licensee shall submit a written report to the department within 15 days after discovery of a dose to the embryo or fetus, or nursing child that requires a report in paragraphs (a) or (b) in this section."

(11) In 10 CFR 35.3067, the phrase "with the department" shall be inserted after the word "report" in the first sentence, and the second sentence shall be deleted. (Authorized by and implementing K.S.A. 48-1607; effective Dec. 30, 2005; amended March 18, 2011.)

**28-35-334. Reports to individuals.** Radiation exposure data for an individual and the results of any measurements, analyses, and calculations of radioactive ma-

terial deposited or retained in the body of an individual shall be reported to the individual as specified in this regulation.

(a) The information reported shall include data and results obtained pursuant to the requirements of these regulations or any order of the secretary or license condition, as shown in records maintained by the licensee or registrant pursuant to K.A.R. 28-35-227h. Each report shall meet the following requirements:

- (1) Be in writing;
- (2) include appropriate identifying data, including the name of the licensee or registrant, the name of the individual, and the individual's identification number, preferably social security number;
- (3) include the individual's exposure information; and
- (4) contain the following statement:

"This report is furnished to you under the provisions of Kansas Administrative Regulation 28-35-334. You should preserve this report for further reference."

(b) Each licensee or registrant shall make dose information available to individual workers shown in records maintained by the licensee or registrant pursuant to K.A.R. 28-35-227h. Each licensee or registrant shall provide an annual report to each individual worker monitored pursuant to K.A.R. 28-35-217a of the dose received in that monitoring year if either of the following situations occurs:

(1) The individual's dose exceeds 1 mSv (100 mrem) TEDE or 1 mSv (100 mrem) to any individual organ or tissue.

(2) The individual requests an annual dose report.

(c) Each licensee or registrant shall furnish a written report of a worker's exposure to sources of radiation or radioactive material at the request of the worker if the worker was formerly engaged in activities controlled by the licensee or registrant. The report shall be furnished within 30 days from the date of the request, or within 30 days after the dose of the individual has been determined by the licensee or registrant, whichever is later. The report shall cover, within the period of time specified in the request, the dose record for each year the worker was required to be monitored pursuant to K.A.R. 28-35-217a. The report shall also include the period of time in which the worker's activities involved exposure to sources of radiation and shall include the dates and locations of work under the license or registration in which the worker participated during this period.

(d) When a licensee or registrant is required pursuant to K.A.R. 28-35-229a(a)(1) and (b)(1) to report to the department any exposure of an individual to sources of radiation, the licensee or the registrant shall also provide to the individual a written report of the individual's exposure data included in the report. This report shall be transmitted to the individual at a time not later than the transmittal of the report to the department.

(e) At the request of a worker who is terminating employment with the licensee or registrant that involves exposure to radiation or radioactive material or at the request of a worker who, while employed by another person, is terminating an assignment to work involving radiation dose in the licensee's facility, each licensee or

(continued)



registrant shall provide to the worker, or the worker's designee, a written report regarding the radiation dose received by that worker from operations of the licensee or registrant during the current year. The report shall be provided at the worker's termination. The licensee or registrant may provide a written estimate of that dose if the finally determined personnel monitoring results are not available at that time. Estimated doses shall be clearly indicated as such. (Authorized by K.S.A. 48-1607; implementing K.S.A. 48-1607 and 48-1609; effective May 1, 1976; amended, T-85-43, Dec. 19, 1984; amended May 1, 1985; amended Oct. 17, 1994; amended March 18, 2011.)

**28-35-346. Leak testing of sealed sources.** (a) Requirements. Each licensee using any sealed source of radioactive material shall have the source tested for leakage as specified in subsection (c). A record of leak test results shall be kept in units of microcuries and maintained for inspection by the department. The licensee shall keep the records of the results for three years after the leak test is performed.

(b) Method of testing. Each test for leakage shall be performed only by a person specifically authorized to perform such a test by the department, the nuclear regulatory commission, an agreement state, or a licensing state. The test sample shall be taken from the surface of the source, the source holder, or the surface of the device in which the source is stored or mounted and on which one could expect contamination to accumulate. The test sample shall be analyzed for radioactive contamination. The analysis shall be capable of detecting the presence of 0.005 microcurie (185 Bq) of radioactive material on the test sample and shall be performed by a person specifically authorized to perform such a test by the department, the nuclear regulatory commission, an agreement state, or a licensing state.

(c) Interval of testing. Each sealed source of radioactive material, except an energy compensation source (ECS), shall be tested at intervals not to exceed six months. In the absence of a certificate from a transferor indicating that a test has been made within the six months before the transfer, the sealed source shall not be put into use until tested. If, for any reason, it is suspected that a sealed source could be leaking, the sealed source shall be removed from service immediately and tested for leakage as soon as practical. Each ECS that is not exempt from testing in accordance with subsection (e) shall be tested at intervals not to exceed three years. In the absence of a certificate from a transferor that a test has been made within the three years before the transfer, the ECS shall not be used until tested.

(d) Leaking or contaminated sources. If the test reveals the presence of 0.005 microcurie (185 Bq) or more of leakage or contamination, the licensee shall immediately withdraw the source from use and shall cause it to be decontaminated, repaired, or disposed of in accordance with these regulations. Each licensee shall check the equipment associated with the leaking source for radioactive contamination and, if contaminated, shall have the equipment decontaminated or disposed of by a nuclear regulatory commission licensee or an agreement state licensee that is authorized to perform these functions. A

report describing the equipment involved, the test result, and the corrective action taken shall be filed with the department within five days after receiving the test results.

(e) Exemptions. The following sources shall be exempt from the periodic leak test requirements of this regulation:

- (1) Hydrogen-3 (tritium) sources;
- (2) sources of radioactive material with a half-life of 30 days or less;
- (3) sealed sources of radioactive material in gaseous form;
- (4) sources of radioactive material emitting beta, beta-gamma, or gamma radiation, with an activity of not more than 100 microcuries (3.7 Mbq); and
- (5) sources of alpha-emitting radioactive material with an activity of not more than 10 micro-curies (0.370 MBq). (Authorized by and implementing K.S.A 48-1607; effective Sept. 20, 1993; amended Dec. 30, 2005; amended March 18, 2011.)

**28-35-411. Table of quantities of radioactive material; need for contingency plan.**

Quantities of Radioactive Materials Requiring Consideration of the Need for a Contingency Plan for Responding to a Release

Radioactive Material <sup>1</sup>	Release Fraction	Quantity (GBq)	Quantity (Ci)
Actinium-228	0.001	148,000	4,000
Americium-241	0.001	74	2
Americium-242	0.001	74	2
Americium-243	0.001	74	2
Antimony-124	0.01	148,000	4,000
Antimony-126	0.01	222,000	6,000
Barium-133	0.01	370,000	10,000
Barium-140	0.01	1,110,000	30,000
Bismuth-207	0.01	185,000	5,000
Bismuth-210	0.01	22,200	600
Cadmium-109	0.01	37,000	1,000
Cadmium-113	0.01	2,960	80
Calcium-45	0.01	740,000	20,000
Californium-252	0.001	333	9 (20 mg)
Carbon-14 (Non-CO)	0.01	1,850,000	50,000
Cerium-141	0.01	370,000	10,000
Cerium-144	0.01	11,100	300
Cesium-134	0.01	74,000	2,000
Cesium-137	0.01	111,000	3,000
Chlorine-36	0.5	3,700	100
Chromium-51	0.01	11,100,000	300,000
Cobalt-60	0.001	185,000	5,000
Copper-64	0.01	7,400,000	200,000
Curium-242	0.001	2,220	60
Curium-243	0.001	110	3
Curium-244	0.001	148	4
Curium-245	0.001	74	2
Europium-152	0.01	18,500	500
Europium-154	0.01	14,800	400
Europium-155	0.01	111,000	3,000
Gadolinium-153	0.01	185,000	5,000
Gold-198	0.01	1,110,000	30,000
Hafnium-172	0.01	14,800	400
Hafnium-181	0.01	259,000	7,000
Holmium-166m	0.01	3,700	100
Hydrogen-3	0.5	740,000	20,000
Indium-114m	0.01	37,000	1,000
Iodine-124	0.5	370	10



Iodine-125	0.5	370	10	Titanium-44	0.01	3,700	100
Iodine-131	0.5	370	10	Vanadium-48	0.01	259,000	7,000
Indium-114m	0.01	37,000	1,000	Xenon-133	1.0	33,300,000	900,000
Iridium-192	0.001	1,480,000	40,000	Yttrium-91	0.01	74,000	2,000
Iron-55	0.01	1,480,000	40,000	Zinc-65	0.01	185,000	5,000
Iron-59	0.01	259,000	7,000	Zirconium-93	0.01	14,800	400
Krypton-85	1.0	222,000,000	6,000,000	Zirconium-95	0.01	185,000	5,000
Lead-210	0.01	296	8	Any other beta-gamma emitter	0.01	370,000	10,000
Manganese-56	0.01	2,220,000	60,000	Mixed fission products	0.01	37,000	1,000
Mercury-203	0.01	370,000	10,000	Contaminated equipment: beta-gamma emitters	0.001	370,000	10,000
Molybdenum-99	0.01	1,110,000	30,000	Irradiated material, in any form other than solid noncombustible	0.01	370,000	10,000
Neptunium-237	0.001	74	2	Irradiated material that is solid and noncombustible	0.001	370,000	10,000
Nickel-63	0.01	740,000	20,000	Mixed radioactive waste: beta-gamma emitters	0.01	37,000	1,000
Niobium-94	0.01	11,100	300	Packaged mixed waste <sup>2</sup> : beta-gamma emitters	0.001	370,000	10,000
Phosphorus-32	0.5	3,700	100	Any other alpha emitter	0.001	74	2
Phosphorus-33	0.5	37,000	1,000	Contaminated equipment: alpha emitters	0.0001	740	20
Polonium-210	0.01	370	10	Packaged waste <sup>2</sup> : alpha emitters	0.0001	740	20
Potassium-42	0.01	333,000	9,000				
Promethium-145	0.01	148,000	4,000				
Promethium-147	0.01	148,000	4,000				
Radium-226	0.001	3,700	100				
Ruthenium-106	0.01	7,400	200				
Samarium-151	0.01	148,000	4,000				
Scandium-46	0.01	111,000	3,000				
Selenium-75	0.01	370,000	10,000				
Silver-110m	0.01	37,000	1,000				
Sodium-22	0.01	333,000	9,000				
Sodium-24	0.01	370,000	10,000				
Strontium-89	0.01	111,000	3,000				
Strontium-90	0.01	3,330	90				
Sulfur-35	0.5	3,330	900				
Technetium-99	0.01	370,000	10,000				
Technetium-99m	0.01	14,800,000	400,000				
Tellurium-127m	0.01	185,000	5,000				
Tellurium-129m	0.01	185,000	5,000				
Terbium-160	0.01	148,000	4,000				
Thulium-170	0.01	148,000	4,000				
Tin-113	0.01	370,000	10,000				
Tin-123	0.01	111,000	3,000				
Tin-126	0.01	37,000	1,000				

<sup>1</sup> For combinations of radioactive materials, the licensee shall be required to consider whether a contingency plan is needed if the sum of the ratios of the quantity of each radioactive material authorized to the quantity listed in this table for that material exceeds one.

<sup>2</sup> Waste packaged in type B containers shall not require a contingency plan.

(Authorized by K.S.A. 48-1607; implementing K.S.A. 48-1602; effective Dec. 30, 2005; amended March 18, 2011.)

Robert P. Moser, M.D.  
Acting Secretary of Health and Environment

Doc. No. 013936

**INDEX TO ADMINISTRATIVE REGULATIONS**

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2009 Volumes of the *Kansas Administrative Regulations*.

**AGENCY 1: DEPARTMENT OF ADMINISTRATION**

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1-2-64	New	V. 28, p. 1338
1-2-65	New	V. 28, p. 1338
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1-7-4	Amended	V. 28, p. 1338
1-7-6	Amended	V. 28, p. 1339
1-7-7	Amended	V. 28, p. 1339
1-7-10	Amended	V. 28, p. 1339
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1-7-12	Amended	V. 28, p. 1340
1-14-8	Amended	V. 28, p. 1341
1-16-8	Amended	V. 29, p. 676
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1-16-18	Amended	V. 29, p. 677
1-16-18a	Amended	V. 29, p. 678
1-16-20	Amended	V. 29, p. 680
1-65-1	New	V. 30, p. 44
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1-66-3	New	V. 30, p. 45
1-67-1	New	V. 30, p. 45
1-67-2	New	V. 30, p. 45
1-67-3	New	V. 30, p. 45
1-68-1	New	V. 30, p. 45
1-68-2	New	V. 30, p. 46

**AGENCY 3: KANSAS STATE TREASURER**

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3-3-2	Amended (T)	V. 29, p. 702
3-3-2	Amended	V. 30, p. 9
3-4-1	Amended	V. 28, p. 1716
3-4-2	Amended	V. 28, p. 1716
3-4-4	Amended	V. 28, p. 1716
3-4-5	Amended	V. 28, p. 1717
3-4-6	Revoked	V. 28, p. 1717
3-4-7	Amended	V. 28, p. 1717

**AGENCY 4: DEPARTMENT OF AGRICULTURE**

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4-6-2	Amended	V. 28, p. 1594
4-7-213	Amended	V. 29, p. 1023
4-7-716	Amended	V. 29, p. 1023

4-10-1	Amended	V. 29, p. 254
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4-10-1b	New	V. 29, p. 255
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4-10-2d	Revoked	V. 29, p. 255
4-10-2e	Amended	V. 29, p. 255
4-10-2f		
4-10-2k	Revoked	V. 29, p. 256
4-10-4	Revoked	V. 29, p. 256
4-10-4a		
4-10-4f	New	V. 29, p. 256-258
4-10-5a	Amended	V. 29, p. 258
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4-10-6a	New	V. 29, p. 259
4-10-6b	New	V. 29, p. 259
4-10-7	Amended	V. 29, p. 259
4-10-10	New	V. 29, p. 260
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4-13-2	Amended	V. 29, p. 69
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4-13-25h	Amended	V. 29, p. 1243-1245
4-13-25i	Revoked	V. 29, p. 1246
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4-13-25k	Amended	V. 29, p. 1246
4-13-25l	Amended	V. 29, p. 1247
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4-28-8	Amended	V. 29, p. 721
4-28-11	Amended	V. 29, p. 722
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**AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES**

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5-1-9	Amended	V. 29, p. 653
5-3-4a	Amended	V. 28, p. 241
5-3-23	Amended (T)	V. 29, p. 1338
5-3-23	Amended	V. 29, p. 1598
5-4-1	Amended	V. 29, p. 1476
5-4-1a	New	V. 29, p. 1477
5-7-1	Amended	V. 29, p. 653
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5-17-2	Amended	V. 29, p. 654
5-20-1	New	V. 28, p. 1317
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5-22-7	Amended	V. 29, p. 596
5-25-5	Amended	V. 29, p. 1598
5-25-15	Amended	V. 29, p. 654

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7-16-1	Amended	V. 29, p. 1281
7-41-1 through		
7-41-7	Amended	V. 28, p. 193-195
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7-41-17	Amended	V. 28, p. 195, 196
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7-41-34	New	V. 28, p. 197
7-41-35	New	V. 28, p. 197

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9-7-4	Amended	V. 29, p. 1336
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14-6-4	Amended	V. 29, p. 1306
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14-11-5	Amended	V. 29, p. 1307
14-11-6	Amended	V. 29, p. 1307
14-11-7	Amended	V. 29, p. 1307
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14-11-10a	Revoked	V. 29, p. 1307
14-11-10b	Revoked	V. 29, p. 1308
14-11-10d	Revoked	V. 29, p. 1308
14-11-11	Revoked	V. 29, p. 1633
14-11-14	Revoked	V. 29, p. 1308
14-11-15	Amended	V. 29, p. 1308
14-11-16	Amended	V. 29, p. 1308
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14-11-29	New	V. 29, P. 1308-1310
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14-16-25	New	V. 29, p. 1310
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14-19-39	New	V. 29, p. 1311
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16-11-8	Amended	V. 29, p. 1816

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17-24-3	Amended	V. 28, p. 1371
17-24-4	Amended	V. 28, p. 1371
17-24-5	New	V. 28, p. 1373
17-24-6	New	V. 28, p. 1373

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19-22-1	Amended	V. 30, p. 92
19-23-1	Amended	V. 30, p. 92
19-30-4	Revoked	V. 30, p. 92

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22-8-13	Amended	V. 30, p. 47
22-10-3	Amended	V. 30, p. 47
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26-39-101	Amended	V. 29, p. 1775
26-39-105	Amended	V. 29, p. 1777

26-39-144	Revoked	V. 28, p. 623
26-39-243	Revoked	V. 28, p. 649
26-39-278	Revoked	V. 28, p. 649
26-39-427	Revoked	V. 28, p. 649
26-40-301 through		
26-40-305	New	V. 29, p. 1777-1793
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26-41-106	New	V. 28, p. 649-651
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26-41-207	New	V. 28, p. 652-657
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26-42-207	New	V. 28, p. 659-664
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28-4-379	Revoked	V. 29, p. 1024
28-4-503	Amended	V. 29, p. 1662
28-4-505	Amended	V. 29, p. 1662
28-4-514	Amended	V. 29, p. 1663
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28-4-1218	New	V. 28, p. 1426-1437
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28-4-1318	New	V. 29, p. 1024-1032
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28-17-6	Amended	V. 28, p. 1809
28-17-12	Amended	V. 28, p. 1809
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28-19-202	Amended	V. 29, p. 1509
28-19-325	New	V. 29, p. 1634
28-19-350	Amended	V. 29, p. 1635
28-19-517	Amended	V. 29, p. 1510
28-19-712	New	V. 29, p. 866
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28-19-712d	New	V. 29, p. 867
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28-19-713d	New	V. 29, p. 867, 868
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28-19-750	Amended	V. 29, p. 1511
28-19-750a	Amended	V. 29, p. 1511
28-21-1	Revoked	V. 29, p. 725
28-21-6	Revoked	V. 29, p. 725
28-21-7	Revoked	V. 29, p. 725
28-21-8	Revoked	V. 29, p. 725
28-21-9	Revoked	V. 29, p. 725
28-21-10	Revoked	V. 29, p. 726
28-21-11	Revoked	V. 29, p. 726
28-21-20a	Revoked	V. 29, p. 726
28-21-21a	Revoked	V. 29, p. 726
28-21-22a	Revoked	V. 29, p. 726
28-21-23a	Revoked	V. 29, p. 726
28-21-24a	Revoked	V. 29, p. 726
28-21-25a	Revoked	V. 29, p. 726

28-21-26a	Revoked	V. 29, p. 726	28-39-425			28-72-20	Amended	V. 29, p. 387
28-21-27a	Revoked	V. 29, p. 726	through			28-72-21	Amended	V. 29, p. 387
28-21-28a	Revoked	V. 29, p. 726	28-39-436	Revoked	V. 28, p. 672	28-72-22	Amended	V. 29, p. 388
28-21-29a	Revoked	V. 29, p. 726	28-43-1			28-72-51	Amended	V. 29, p. 388
28-21-30a	Revoked	V. 29, p. 726	through			28-72-52	Amended	V. 29, p. 389
28-21-31a	Revoked	V. 29, p. 726	28-43-11	Revoked	V. 29, p. 1137	28-72-53	Amended	V. 29, p. 389
28-21-32a	Revoked	V. 29, p. 726	28-45b-1			28-73-1	Amended	V. 28, p. 74
28-21-33a	Revoked	V. 29, p. 726	through					
28-21-34a	Revoked	V. 29, p. 726	28-45b-28	New	V. 28, p. 973-988			
28-21-35a	Revoked	V. 29, p. 726	28-46-1	Amended	V. 29, p. 1138			
28-21-40a	Revoked	V. 29, p. 726	28-46-2a	Amended	V. 29, p. 1138			
28-21-41a	Revoked	V. 29, p. 726	28-46-3					
28-21-42a	Revoked	V. 29, p. 726	through					
28-21-43a	Revoked	V. 29, p. 726	28-46-22	Amended	V. 29, p. 1139-1141			
28-21-44a	Revoked	V. 29, p. 726	28-46-27	Amended	V. 29, p. 1141			
28-21-50a	Revoked	V. 29, p. 726	28-46-28	Amended	V. 29, p. 1141			
28-21-51a	Revoked	V. 29, p. 726	28-46-29	Amended	V. 29, p. 1141			
28-21-52a	Revoked	V. 29, p. 726	28-46-29a	New	V. 29, p. 1142			
28-21-53a	Revoked	V. 29, p. 726	28-46-30	Amended	V. 29, p. 1142			
28-21-54a	Revoked	V. 29, p. 726	28-46-30a	New	V. 29, p. 1142			
28-21-55a	Revoked	V. 29, p. 726	28-46-30b	New	V. 29, p. 1144			
28-21-56a	Revoked	V. 29, p. 726	28-46-31	Amended	V. 29, p. 1144			
28-21-57a	Revoked	V. 29, p. 726	28-46-33	Amended	V. 29, p. 1144			
28-21-58a	Revoked	V. 29, p. 726	28-46-34	Amended	V. 29, p. 1145			
28-21-59a	Revoked	V. 29, p. 726	28-46-35	Amended	V. 29, p. 1145			
28-21-60a	Revoked	V. 29, p. 726	28-46-40	Amended	V. 29, p. 1145			
28-21-61a	Revoked	V. 29, p. 726	28-46-41	Amended	V. 29, p. 1145			
28-21-62a	Revoked	V. 29, p. 726	28-46-44	Amended	V. 29, p. 1145			
28-21-63	Revoked	V. 29, p. 726	28-46-45	New	V. 29, p. 1145			
28-21-64	Revoked	V. 29, p. 726	28-53-1					
28-21-70a	Revoked	V. 29, p. 726	through					
28-21-71a	Revoked	V. 29, p. 726	28-53-5	Amended	V. 28, p. 240, 241			
28-21-72a	Revoked	V. 29, p. 726	28-61-1	Amended	V. 29, p. 419			
28-21-82			28-61-2	Amended	V. 29, p. 419			
through			28-61-5	Amended	V. 29, p. 420			
28-21-85	Revoked	V. 29, p. 726	28-61-8	Amended	V. 29, p. 422			
28-23-4	Revoked	V. 29, p. 726	28-70-4	New	V. 28, p. 800			
28-23-9	Revoked	V. 29, p. 726	28-72-1	Revoked	V. 29, p. 357			
28-23-10	Revoked	V. 29, p. 726	28-72-1a	New	V. 29, p. 357			
28-23-20			28-72-1c	New	V. 29, p. 357			
through			28-72-1d	New	V. 29, p. 358			
28-23-24	Revoked	V. 29, p. 726	28-72-1e	New	V. 29, p. 358			
28-23-26			28-72-1g	New	V. 29, p. 358			
through			28-72-1h	New	V. 29, p. 358			
28-23-32	Revoked	V. 29, p. 726	28-72-1i	New	V. 29, p. 359			
28-23-34			28-72-1k	New	V. 29, p. 359			
through			28-72-1l	New	V. 29, p. 359			
28-23-36	Revoked	V. 29, p. 727	28-72-1m	New	V. 29, p. 360			
28-23-41			28-72-1n	New	V. 29, p. 360			
through			28-72-1o	New	V. 29, p. 360			
28-23-55	Revoked	V. 29, p. 727	28-72-1p	New	V. 29, p. 360			
28-23-70	Revoked	V. 29, p. 727	28-72-1r	New	V. 29, p. 361			
28-23-71	Revoked	V. 29, p. 727	28-72-1s	New	V. 29, p. 361			
28-23-73	Revoked	V. 29, p. 727	28-72-1t	New	V. 29, p. 361			
28-23-75	Revoked	V. 29, p. 727	28-72-1v	New	V. 29, p. 361			
28-23-78			28-72-1x	New	V. 29, p. 361			
through			28-72-2	Amended	V. 29, p. 361			
28-23-80	Revoked	V. 29, p. 727	28-72-3	Amended	V. 29, p. 362			
28-29-501	New	V. 28, p. 1809	28-72-4	Amended	V. 29, p. 362			
28-36-30	Revoked	V. 29, p. 727	28-72-4a	Amended	V. 29, p. 366			
28-36-31	Revoked	V. 29, p. 727	28-72-4b	Revoked	V. 29, p. 368			
28-36-70			28-72-4c	Amended	V. 29, p. 368			
through			28-72-5	Amended	V. 29, p. 369			
28-36-89	Revoked	V. 29, p. 727	28-72-6	Amended	V. 29, p. 370			
28-36-101			28-72-6a	New	V. 29, p. 371			
through			28-72-7	Amended	V. 29, p. 373			
28-36-109	Revoked	V. 29, p. 727	28-72-7a	New	V. 29, p. 373			
28-39-145a	Revoked	V. 28, p. 623	28-72-8	Amended	V. 29, p. 374			
28-39-146	Revoked	V. 28, p. 623	28-72-9	Amended	V. 29, p. 375			
28-39-147	Revoked	V. 28, p. 623	28-72-10	Amended	V. 29, p. 376			
28-39-148	Revoked	V. 28, p. 623	28-72-10a	New	V. 29, p. 377			
28-39-162	Revoked	V. 29, p. 1777	28-72-11	Amended	V. 29, p. 378			
28-39-162a	Revoked	V. 29, p. 1777	28-72-12	Amended	V. 29, p. 378			
28-39-162b	Revoked	V. 29, p. 1777	28-72-13	Amended	V. 29, p. 379			
28-39-162c	Revoked	V. 29, p. 1777	28-72-14	Amended	V. 29, p. 379			
28-39-164			28-72-15	Amended	V. 29, p. 380			
through			28-72-16	Amended	V. 29, p. 380			
28-39-168	Amended	V. 28, p. 798-800	28-72-17	Amended	V. 29, p. 381			
28-39-240			28-72-18	Amended	V. 29, p. 382			
through			28-72-18a	Amended	V. 29, p. 383			
28-39-253	Revoked	V. 28, p. 672	28-72-18b	Amended	V. 29, p. 384			
28-39-275			28-72-18c	Amended	V. 29, p. 384			
through			28-72-18d	Amended	V. 29, p. 385			
28-39-288	Revoked	V. 28, p. 672	28-72-18e	Amended	V. 29, p. 386			
			28-72-19	Amended	V. 29, p. 387			

  

AGENCY 30: SOCIAL AND REHABILITATION SERVICES		
Reg. No.	Action	Register
30-4-90	Amended	V. 28, p. 916
30-5-118a	Revoked	V. 29, p. 293
30-45-20	New	V. 28, p. 966
30-46-10	Amended	V. 28, p. 966
30-46-17	Amended	V. 28, p. 967
30-63-10	Amended	V. 28, p. 1806
30-63-11	Amended	V. 28, p. 1807
30-63-12	Amended	V. 28, p. 1807

  

AGENCY 36: DEPARTMENT OF TRANSPORTATION		
Reg. No.	Action	Register
36-39-2	Amended (T)	V. 29, p. 1090
36-39-2	Amended	V. 29, p. 1416
36-39-4	Amended (T)	V. 29, p. 1091
36-39-4	Amended	V. 29, p. 1416
36-39-6	Amended (T)	V. 29, p. 1091
36-39-6	Amended	V. 29, p. 1416
36-42-1		
through		
36-42-9	New	V. 29, p. 502-504

  

AGENCY 40: KANSAS INSURANCE DEPARTMENT		
Reg. No.	Action	Register
40-1-37	Amended	V. 28, p. 966
40-1-38	Amended	V. 28, p. 1593
40-1-48	Amended	V. 29, p. 1752
40-2-28	New	V. 28, p. 273
40-3-30	Amended	V. 28, p. 112
40-3-43	Amended	V. 29, p. 1337
40-3-56	New	V. 28, p. 1518
40-3-57	New	V. 28, p. 1518
40-3-58	New	V. 28, p. 1518
40-4-35	Amended	V. 28, p. 915
40-4-36	Amended	V. 28, p. 1252
40-4-37v	New	V. 28, p. 643
40-4-43	New	V. 29, p. 703
40-7-20a	Amended	V. 28, p. 604
40-7-26	New	V. 29, p. 1752
40-7-27	New	V. 29, p. 1753
40-9-23	New	V. 29, p. 1813

  

AGENCY 48: DEPARTMENT OF LABOR—EMPLOYMENT SECURITY BOARD OF REVIEW		
Reg. No.	Action	Register
48-1-1		
through		
48-1-6	Amended	V. 29, p. 15-17
48-2-1		
through		
48-2-5	Amended	V. 29, p. 17
48-3-1	Amended	V. 29, p. 18
48-3-2	Amended	V. 29, p. 18
48-3-4	Amended	V. 29, p. 18
48-3-5	Amended	V. 29, p. 18
48-4-1	Amended	V. 29, p. 18
48-4-2	Amended	V. 29, p. 18

  

AGENCY 49: DEPARTMENT OF LABOR		
Reg. No.	Action	Register
49-55-1		
through		
49-55-12	New	V. 29, p. 675, 676

  

AGENCY 50: DEPARTMENT OF LABOR—DIVISION OF EMPLOYMENT		
Reg. No.	Action	Register
50-2-21a	New (T)	V. 29, p. 701
50-2-21a	New	V. 29, p. 1214

(continued)

AGENCY 51: DEPARTMENT OF LABOR—  
DIVISION OF WORKERS COMPENSATION

Table with 3 columns: Reg. No., Action, Register. Row 1: 51-9-7, Amended, V. 29, p. 1508

AGENCY 60: BOARD OF NURSING

Table with 3 columns: Reg. No., Action, Register. Rows include 60-2-105, 60-2-106, 60-9-105, 60-9-107, 60-11-101 through 60-11-105, 60-11-107, 60-13-103, 60-13-104, 60-15-101, 60-15-102, 60-15-104, 60-16-105

AGENCY 65: BOARD OF EXAMINERS  
IN OPTOMETRY

Table with 3 columns: Reg. No., Action, Register. Row 1: 65-4-3, Amended, V. 29, p. 990

AGENCY 66: BOARD OF TECHNICAL  
PROFESSIONS

Table with 3 columns: Reg. No., Action, Register. Rows include 66-6-6, 66-6-8, 66-6-9, 66-7-2, 66-8-1, 66-8-3, 66-8-4, 66-8-6, 66-8-7, 66-9-4, 66-10-1, 66-10-9, 66-10-14, 66-11-1, 66-11-1a, 66-11-1b, 66-11-4, 66-11-5, 66-12-1, 66-14-1, 66-14-2, 66-14-3, 66-14-4, 66-14-5, 66-14-7, 66-14-10

AGENCY 67: BOARD OF EXAMINERS IN  
THE FITTING AND DISPENSING OF  
HEARING INSTRUMENTS

Table with 3 columns: Reg. No., Action, Register. Row 1: 67-3-5, New, V. 28, p. 1187

AGENCY 68: BOARD OF PHARMACY

Table with 3 columns: Reg. No., Action, Register. Rows include 68-1-1b, 68-1-1h, 68-1-3a, 68-2-20, 68-2-22, 68-7-11, 68-7-14, 68-7-21, 68-16-3, 68-19-1, 68-20-10a, 68-20-16, 68-20-23, 68-21-1 through 68-21-7

AGENCY 69: BOARD OF COSMETOLOGY

Table with 3 columns: Reg. No., Action, Register. Rows include 69-3-8, 69-11-1

AGENCY 71: KANSAS DENTAL BOARD

Table with 3 columns: Reg. No., Action, Register. Rows include 71-5-1 through 71-5-6, 71-5-7 through 71-5-13, 71-11-1

AGENCY 74: BOARD OF ACCOUNTANCY

Table with 3 columns: Reg. No., Action, Register. Rows include 74-4-7, 74-4-8, 74-4-9, 74-5-2, 74-5-2a, 74-5-101, 74-5-102, 74-5-103, 74-5-201, 74-5-202, 74-5-203, 74-5-301, 74-5-302, 74-5-401, 74-5-403, 74-5-405a, 74-5-406, 74-6-2, 74-7-4, 74-11-6, 74-11-7, 74-12-1, 74-15-2

AGENCY 75: OFFICE OF THE STATE  
BANK COMMISSIONER—CONSUMER AND  
MORTGAGE LENDING DIVISION

Table with 3 columns: Reg. No., Action, Register. Rows include 75-6-1, 75-6-9, 75-6-31, 75-6-33, 75-6-34, 75-6-36, 75-6-37, 75-6-38

AGENCY 81: OFFICE OF THE  
SECURITIES COMMISSIONER

Table with 3 columns: Reg. No., Action, Register. Rows include 81-3-6, 81-5-14, 81-14-5

AGENCY 82: STATE CORPORATION  
COMMISSION

Table with 3 columns: Reg. No., Action, Register. Rows include 82-1-219, 82-3-101a, 82-3-311a, 82-3-1100 through 82-3-1120, 82-4-2, 82-4-3a through 82-4-3d, 82-4-3a, 82-4-3d, 82-4-3e, 82-4-3f through 82-4-3m, 82-4-3f, 82-4-3n, 82-4-3o

Table with 3 columns: Reg. No., Action, Register. Rows include 82-4-6a, 82-4-8h, 82-4-20, 82-4-21, 82-4-22, 82-4-23, 82-4-24a, 82-4-26, 82-4-26a, 82-4-27, 82-4-27a, 82-4-27c, 82-4-27e, 82-4-28, 82-4-28a, 82-4-28b, 82-4-30a, 82-4-30a, 82-4-31, 82-4-32, 82-4-33, 82-4-35, 82-4-35a, 82-4-37, 82-4-40, 82-4-42, 82-4-48, 82-4-48a, 82-4-53, 82-4-54, 82-4-55, 82-4-56a, 82-4-57, 82-4-58, 82-4-62, 82-4-63, 82-4-65, 82-4-77, 82-11-4, 82-11-10, 82-14-1 through 82-14-5, 82-14-6, 82-16-1 through 82-16-6, 82-17-1 through 82-17-5

AGENCY 84: PUBLIC EMPLOYEE  
RELATIONS BOARD

Table with 3 columns: Reg. No., Action, Register. Row 1: 84-2-1, Amended, V. 28, p. 872

AGENCY 88: BOARD OF REGENTS

Table with 3 columns: Reg. No., Action, Register. Rows include 88-24-1, 88-28-6, 88-29-1, 88-29-4, 88-29-5, 88-29-5, 88-29-7, 88-29-7, 88-29-8, 88-29-8, 88-29-8a, 88-29-8a, 88-29-8b, 88-29-8b, 88-29-9, 88-29-9, 88-29-11, 88-29-11, 88-29-11, 88-29-12, 88-29-12, 88-29-18, 88-29-18, 88-29-19, 88-29-19

**AGENCY 91: DEPARTMENT OF EDUCATION**

Reg. No.	Action	Register
91-1-200	Amended	V. 28, p. 1222
91-1-202	Amended	V. 28, p. 1223
91-1-203	Amended	V. 28, p. 1225
91-1-204	Amended	V. 28, p. 1229
91-1-205	Amended	V. 28, p. 1232
91-1-216	Amended	V. 28, p. 1233
91-40-1	Amended	V. 29, p. 1093
91-40-27	Amended	V. 29, p. 1098

**AGENCY 92: DEPARTMENT OF REVENUE**

Reg. No.	Action	Register
92-12-145	Amended	V. 28, p. 604
92-24-23	Amended	V. 29, p. 1633
92-26-1	Amended	V. 28, p. 170
92-26-4	Amended	V. 28, p. 170
92-28-1 through		
92-28-4	New	V. 28, p. 113
92-51-25a	New	V. 29, p. 1281

**AGENCY 94: COURT OF TAX APPEALS**

Reg. No.	Action	Register
94-2-1 through		
94-2-21	Revoked	V. 29, p. 1478, 1479
94-5-1 through		
94-5-25	New	V. 29, p. 1479-1485

**Agency 97: COMMISSION ON VETERANS' AFFAIRS**

Reg. No.	Action	Register
97-1-1	Revoked	V. 28, p. 459
97-1-1a	New	V. 28, p. 459
97-1-2	Revoked	V. 28, p. 460
97-1-2a	New	V. 28, p. 460
97-1-3	Revoked	V. 28, p. 460
97-1-3a	New	V. 28, p. 460
97-1-4	Revoked	V. 28, p. 460
97-1-4a	New	V. 28, p. 460
97-1-5	Revoked	V. 28, p. 461
97-1-5a	New	V. 28, p. 461
97-1-6a	New	V. 28, p. 461
97-2-1	Revoked	V. 28, p. 462
97-2-1a	New	V. 28, p. 462
97-2-2	Revoked	V. 28, p. 462
97-2-2a	New	V. 28, p. 462
97-2-3 through		
97-2-8	Revoked	V. 28, p. 462
97-3-1	Revoked	V. 28, p. 462
97-3-1a	New	V. 28, p. 462
97-3-2	Revoked	V. 28, p. 462
97-3-2a	New	V. 28, p. 462
97-3-3	Revoked	V. 28, p. 463
97-3-3a	New	V. 28, p. 463
97-3-4 through		
97-3-9	Revoked	V. 28, p. 463
97-4-1a	New	V. 28, p. 463
97-7-1 through		
97-7-6	New	V. 29, p. 252-254

**AGENCY 99: DEPARTMENT OF AGRICULTURE—DIVISION OF WEIGHTS AND MEASURES**

Reg. No.	Action	Register
99-25-1	Amended	V. 29, p. 1242
99-25-5	Amended	V. 29, p. 1242
99-25-12	New	V. 29, p. 1242
99-26-1	Amended	V. 28, p. 522

**AGENCY 100: BOARD OF HEALING ARTS**

Reg. No.	Action	Register
100-11-1	Amended	V. 29, p. 650
100-28a-1	Amended	V. 28, p. 112
100-28a-2	Amended	V. 28, p. 1736
100-28a-10	Amended	V. 28, p. 572
100-29-1	Amended	V. 29, p. 598

100-29-3a	Amended	V. 28, p. 1737
100-29-16	Amended	V. 28, p. 1060
100-49-4	Amended	V. 29, p. 651
100-54-1	Amended	V. 28, p. 1594
100-54-8	Amended	V. 28, p. 1595
100-55-1	Amended	V. 29, p. 704
100-55-7	Amended	V. 29, p. 651
100-55-9	Amended	V. 28, p. 572
100-69-10	Amended	V. 28, p. 572
100-69-12	New	V. 29, p. 704
100-72-1	Amended	V. 28, p. 112
100-72-2	Amended	V. 29, p. 705
100-72-7	Amended	V. 28, p. 273
100-73-1	Amended (T)	V. 28, p. 923
100-73-1	Amended	V. 28, p. 1282
100-73-2	Amended	V. 29, p. 598

**AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD**

Reg. No.	Action	Register
102-1-8a	New	V. 28, p. 114
102-1-13	Amended (T)	V. 28, p. 1101
102-1-13	Amended	V. 28, p. 1426
102-2-3	Amended	V. 29, p. 340
102-2-8	Amended	V. 28, p. 114
102-2-11a	New	V. 28, p. 116
102-2-12	Amended	V. 28, p. 116
102-3-9b	New	V. 28, p. 117
102-4-9b	New	V. 28, p. 117
102-5-9a	New	V. 28, p. 118
102-6-9a	New	V. 28, p. 118

**AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES**

Reg. No.	Action	Register
105-4-1	Amended (T)	V. 29, p. 1338
105-4-1	Amended	V. 29, p. 1506
105-5-2	Amended (T)	V. 29, p. 1339
105-5-2	Amended	V. 29, p. 1506
105-5-3	Amended (T)	V. 29, p. 1339
105-5-3	Amended	V. 29, p. 1506
105-5-6	Amended (T)	V. 29, p. 1339
105-5-6	Amended	V. 29, p. 1506
105-5-7	Amended (T)	V. 29, p. 1339
105-5-7	Amended	V. 29, p. 1507
105-5-8	Amended (T)	V. 29, p. 1340
105-5-8	Amended	V. 29, p. 1507
105-11-1	Amended (T)	V. 29, p. 1340
105-11-1	Amended	V. 29, p. 1507

**AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION**

Reg. No.	Action	Register
108-1-1	Amended (T)	V. 29, p. 1340
108-1-1	Amended	V. 30, p. 166
108-1-3	Amended (T)	V. 29, p. 1342
108-1-3	Amended	V. 30, p. 168
108-1-4	Amended (T)	V. 29, p. 1344
108-1-4	Amended	V. 30, p. 170

**AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES**

Reg. No.	Action	Register
109-1-1a	New (T)	V. 30, p. 138
109-2-9	Amended	V. 28, p. 1030
109-3-1	Amended	V. 28, p. 1030
109-5-1	Amended (T)	V. 30, p. 138
109-5-1a	New (T)	V. 30, p. 139
109-5-1b	New (T)	V. 30, p. 139
109-5-1d	New (T)	V. 30, p. 139
109-5-1e	New (T)	V. 30, p. 139
109-5-1f	New (T)	V. 30, p. 139
109-5-2	Amended	V. 28, p. 574
109-5-3	Amended	V. 29, p. 1282
109-5-4	Revoked	V. 29, p. 113
109-5-6	New	V. 28, p. 575
109-5-7a	New (T)	V. 30, p. 139
109-5-7b	New (T)	V. 30, p. 140
109-5-7d	New (T)	V. 30, p. 141
109-6-1	Amended	V. 29, p. 113
109-6-2	Amended	V. 29, p. 113
109-6-3	Revoked	V. 28, p. 575
109-8-1	Amended (T)	V. 30, p. 141
109-10-1a	New (T)	V. 30, p. 141

109-10-1b	New (T)	V. 30, p. 142
109-10-1d	New (T)	V. 30, p. 142
109-10-1e	New (T)	V. 30, p. 142
109-10-1f	New (T)	V. 30, p. 142
109-10-1g	New (T)	V. 30, p. 142
109-10-6	Amended (T)	V. 30, p. 143
109-10-7	New	V. 29, p. 113
109-11-1	Amended	V. 29, p. 1283
109-11-1a	New (T)	V. 30, p. 143
109-11-3	Amended	V. 29, p. 1284
109-11-3a	New (T)	V. 30, p. 144
109-11-4	Amended	V. 29, p. 1284
109-11-6	Amended	V. 29, p. 1285
109-11-6a	New (T)	V. 30, p. 144
109-15-1	New	V. 28, p. 575
109-15-2	Amended	V. 29, p. 1285

**AGENCY 110: DEPARTMENT OF COMMERCE**

Reg. No.	Action	Register
110-4-1 through		
110-4-5	Amended	V. 30, p. 25-27

**AGENCY 111: KANSAS LOTTERY**

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. A list of regulations filed from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 Kansas Register. A list of regulations filed from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 Kansas Register. A list of regulations filed from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 Kansas Register. A list of regulations filed from 2008 through November 2009 can be found in the Vol. 28, No. 53, December 31, 2009 Kansas Register. The following regulations were filed after December 1, 2009:

Reg. No.	Action	Register
111-2-30	Amended	V. 29, p. 215
111-2-232	Amended	V. 29, p. 215
111-2-233	Amended	V. 29, p. 215
111-2-234	New	V. 29, p. 746
111-2-235 through		
111-2-240	New	V. 29, p. 1214, 1215
111-2-241	New	V. 29, p. 1247
111-2-242	New	V. 29, p. 1247
111-2-243 through		
111-2-248	New	V. 29, p. 1512, 1513
111-4-2899 through		
111-4-2907	New	V. 29, p. 9-14
111-4-2908 through		
111-4-2911	New	V. 29, p. 149-152
111-4-2911a	New	V. 29, p. 152
111-4-2912 through		
111-4-2923	New	V. 29, p. 153-157
111-4-2924 through		
111-4-2930	New	V. 29, p. 216-222
111-4-2931 through		
111-4-2938	New	V. 29, p. 467-473
111-4-2939 through		
111-4-2948	New	V. 29, p. 569-575
111-4-2949 through		
111-4-2984	New	V. 29, p. 746-769
111-4-2949 through		
111-4-2984	New	V. 29, p. 746-769
111-4-2985 through		
111-4-2988	New	V. 29, p. 1180-1183
111-4-2989	New	V. 29, p. 1216
111-4-2990	New	V. 29, p. 1217
111-4-2991	New	V. 29, p. 1218

(continued)

111-4-2992		
through		
111-4-3011	New	V. 29, p. 1248-1259
111-4-3012		
through		
111-4-3022	New	V. 29, p. 1513-1522
111-5-175		
through		
111-5-179	New	V. 29, p. 157-159
111-5-180		
through		
111-5-194	New	V. 29, p. 222-228
111-5-181	Amended	V. 29, p. 1522
111-5-184	Amended	V. 29, p. 1523
111-5-186	Amended	V. 29, p. 1524
111-5-194	Amended	V. 29, p. 1525
111-9-162	New	V. 29, p. 229
111-9-163	New	V. 29, p. 229
111-9-164	New	V. 29, p. 230
111-9-165	New	V. 29, p. 769
111-9-166	New	V. 29, p. 1184
111-9-167	New	V. 29, p. 1526
111-9-168	New	V. 29, p. 1526
111-9-169	New	V. 29, p. 1527
111-201-1		
through		
111-201-17	New	V. 29, p. 73-79
111-301-1		
through		
111-301-6	New	V. 29, p. 79, 80
111-302-1		
through		
111-302-6	New	V. 29, p. 82-86
111-303-1		
through		
111-303-5	New	V. 29, p. 87-89
111-304-1		
through		
111-304-6	New	V. 29, p. 89-91
111-305-1		
through		
111-305-6	New	V. 29, p. 474, 475
111-306-1		
through		
111-306-6	New	V. 29, p. 1185-1187
111-306-4	Amended	V. 29, p.1260
111-306-6	Amended	V. 29, p. 1219
111-307-1		
through		
111-307-7	New	V. 29, p. 1189-1191
111-308-1		
through		
111-308-7	New	V. 29, p. 1261-1263
111-309-1		
through		
111-309-6	New	V. 29, p. 1528-1530
111-310-1		
through		
111-310-6	New	V. 29, p. 1530-1532
111-311-1		
through		
111-311-7	New	V. 29, p. 1532-1535

**AGENCY 112: RACING AND GAMING COMMISSION**

Reg. No.	Action	Register
112-12-15	New	V. 28, p. 797
112-13-6	New	V. 28, p. 376
112-101-1		
through		
112-101-16	New	V. 28, p. 376-379

112-102-1		
through		
112-102-13	New	V. 28, p. 1161-1163
112-103-1		
through		
112-103-12	New	V. 28, p. 376-382
112-103-15	New	V. 28, p. 382
112-103-16	New	V. 28, p. 382
112-104-34		
through		
112-104-41	New	V. 28, p. 1457-1459
112-107-1	New	V. 28, p. 424
112-107-2	New	V. 28, p. 424
112-107-3	New	V. 28, p. 424
112-107-5	New	V. 28, p. 428
112-107-6	New	V. 28, p. 428
112-107-7	New	V. 28, p. 428
112-107-9	New	V. 28, p. 429
112-107-10	New	V. 28, p. 429
112-107-11	New	V. 28, p. 430
112-107-13		
through		
112-107-32	New	V. 28, p. 430-440
112-107-34	New	V. 28, p. 441
112-108-1		
through		
112-108-57	New	V. 28, p. 1766-1788
112-110-1		
through		
112-110-13	New	V. 28, p. 464-470
112-111-1		
through		
112-111-5	New	V. 28, 470-472
112-113-1	New	V. 28, p. 382
112-114-1		
through		
112-114-6	New	V. 28, p. 472
112-114-8		
through		
112-114-12	New	V. 28, p. 472, 473
112-114-14	New	V. 28, p. 473

**AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS**

Reg. No.	Action	Register
115-2-1	Amended	V. 29, p. 1602
115-2-3	Amended	V. 29, p. 1603
115-2-3a	Amended	V. 29, p. 1603
115-4-2	Amended	V. 29, p. 408
115-4-4	Amended	V. 29, p. 658
115-4-4a	Amended	V. 29, p. 659
115-4-6	Amended	V. 29, p. 409
115-4-11	Amended	V. 29, p. 67
115-5-1	Amended	V. 28, p. 1250
115-5-2	Amended	V. 28, p. 1251
115-6-1	Amended	V. 28, p. 1251
115-7-1	Amended	V. 29, p. 1606
115-7-3	Amended	V. 28, p. 1599
115-7-8	Revoked	V. 29, p. 1607
115-7-9	Amended	V. 29, p. 1607
115-7-10	New	V. 28, p. 1600
115-8-1	Amended	V. 29, p. 1092
115-8-6	Amended	V. 28, p. 1600
115-15-1	Amended	V. 28, p. 1079
115-15-2	Amended	V. 28, p. 1080
115-18-7	Amended	V. 29, p. 659
115-18-20	Amended	V. 29, p. 1608
115-20-7	New	V. 29, p. 659

**AGENCY 117: REAL ESTATE APPRAISAL BOARD**

Reg. No.	Action	Register
117-1-1	Amended	V. 28, p. 373
117-2-1	Amended	V. 29, p. 412

117-2-2	Amended	V. 29, p. 413
117-2-2a	Amended	V. 28, p. 373
117-3-1	Amended	V. 29, p. 414
117-3-2	Amended	V. 29, p. 415
117-3-2a	Amended	V. 28, p. 373
117-4-1	Amended	V. 29, p. 416
117-4-2	Amended	V. 29, p. 417
117-4-2a	Amended	V. 28, p. 374
117-5-2	Amended	V. 28, p. 374
117-5-2a	Amended	V. 28, p. 375
117-6-1	Amended	V. 29, p. 656
117-6-3	Amended	V. 29, p. 656
117-7-1	Amended	V. 30, p. 92
117-8-1	Amended	V. 29, p. 418
117-10-1	New	V. 28, p. 375

**AGENCY 121: DEPARTMENT OF CREDIT UNIONS**

Reg. No.	Action	Register
121-9-1	Amended	V. 28, p. 457
121-10-1	Amended	V. 29, p. 675
121-11-1	New	V. 28, p. 457
121-11-2	New	V. 28, p. 457
121-12-1	New	V. 28, p. 459

**AGENCY 123: JUVENILE JUSTICE AUTHORITY**

Reg. No.	Action	Register
123-2-111	New (T)	V. 29, p. 1115
123-2-111	New	V. 29, p. 1415

**AGENCY 127: KANSAS HOUSING RESOURCES CORPORATION**

Reg. No.	Action	Register
127-2-1	New	V. 28, p. 192
127-2-2	New	V. 28, p. 192
127-2-3	New	V. 28, p. 193

**AGENCY 129: KANSAS HEALTH POLICY AUTHORITY**

Reg. No.	Action	Register
129-5-78	Amended	V. 28, p. 1464
129-5-118	Amended	V. 29, p. 293
129-5-118a	New	V. 29, p. 294
129-5-118b	Amended	V. 29, p. 296
129-10-31	New	V. 30, p. 92

**AGENCY 130: HOME INSPECTORS REGISTRATION BOARD**

Reg. No.	Action	Register
130-1-1	New	V. 28, p. 1737
130-1-2	New (T)	V. 29, p. 38
130-1-2	New	V. 29, p. 567
130-1-3	New (T)	V. 29, p. 38
130-1-3	New	V. 29, p. 567
130-1-4	Amended	V. 29, p. 567
130-1-5	New	V. 28, p. 1738
130-2-1	New	V. 28, p. 1738
130-3-1	New (T)	V. 29, p. 38
130-3-1	New	V. 29, p. 568
130-4-1	New (T)	V. 29, p. 39
130-4-1	New	V. 29, p. 794
130-4-2	New (T)	V. 29, p. 39
130-4-2	New	V. 29, p. 794
130-5-2	New	V. 29, p. 569

**Kansas Register**  
**Secretary of State**  
**1st Floor, Memorial Hall**  
**120 S.W. 10th Ave.**  
**Topeka, KS 66612-1594**

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