State of Kansas

Department of Health and Environment

Notice of Hearing on Proposed Administrative Regulations


Due to recent public health concerns, only remote public participation is available. To participate in the teleconference hearing, call 1-866-620-7326 and enter conference code 8141969688*. During the teleconference public hearing, all interested individuals will be given a reasonable opportunity to present their comment orally on the proposed regulations. It is requested that each individual giving oral comment provide a written copy of the comment for the record prior to the hearing by email or postal mail to the email or postal mailing address listed in this notice or by fax to the fax number also listed in this notice. In order to give each individual an opportunity to present their comment, it may be necessary for the hearing officer to request that each presenter limit an oral presentation of comment to an appropriate time frame.

The time period between the publication of this notice and the scheduled hearing constitutes a 60-day public comment period for the purpose of receiving written public comment on the proposed regulations. Individuals are encouraged to participate in the public hearing by submitting written comment prior to 5:00 p.m. on the day of the hearing. Submit written comment, including a written copy of oral comment, to Kimberly Steves, Kansas Department of Health and Environment, Bureau of Community Health Systems, Radiation Control Program, Curtis State Office Bldg., 1000 SW Jackson, Suite 330, Topeka, KS 66612-1365, by email to Kim.Steves@ks.gov, or by fax to 785-559-4251.

A summary of the proposed regulations and estimated economic impact follows:

**Summary of Regulations:**

**K.A.R. 28-35-135a. Definitions.** Adds the defined terms “Aggregated,” and “Associate radiation safety officer,” and an updated address for “American national standards institute” and “ANSI.”


**K.A.R. 28-35-135i. Definitions.** Corrects the definition of “Indian tribe” and “tribe.”

**K.A.R. 28-35-135l. Definitions.** Adds the defined term “Low specific activity material” and “LSA material.”

**K.A.R. 28-35-135m. Definitions.** Adds the defined term “Master materials license.”

**K.A.R. 28-35-135n. Definitions.** Removes the defined term “New equipment” and adds the defined term “Non-fixed contamination.”

**K.A.R. 28-35-135o. Definitions.** Adds the defined term “Ophthalmic physicist.”

K.A.R. 28-35-135s. Definitions. Adopts the most recent federal definition of “Special form radioactive material.”


K.A.R. 28-35-178l. General licenses for certain units of radium-226. Clarifies “Small radium sources” and the applicability of parts 4 and 10 of these regulations to general licensees.

K.A.R. 28-35-181d. Specific licenses for one or more groups of medical uses. Adjusts record retention to three years for rubidium and technetium generator testing. Mandates reports for discoveries of breakthrough.

K.A.R. 28-35-181j. Specific licenses to manufacture and distribute calibration sources containing americium-241 or radium-226. Increases the number of prototypes required for testing to five for compliance with federal regulations. Updates terminology for weathering test and dry wipe test.

K.A.R. 28-35-181m. Specific licenses to manufacture, prepare, or distribute radiopharmaceuticals containing radioactive material for medical use. Requires labeling for positron emission tomography (PET) pharmaceuticals to be equivalent to federal regulations. Adds alternate pathway to becoming an authorized nuclear pharmacist as per federal regulations.

K.A.R. 28-35-181r. Special licenses to manufacture, process, import, distribute, or transfer certain radioactive material to persons exempt from regulation pursuant to K.A.R. 28-35-192a. Adds a requirement per federal regulations that new sealed sources and devices must be registered in the sealed source and device registry allowing Kansas to enter sealed sources and devices in the national database from Kansas manufacturers.

K.A.R. 28-35-181u. Registration of sealed source information. New regulation that establishes the authority of the state of Kansas to administer a sealed source and device registry for the development of new sealed sources and devices in the state.

K.A.R. 28-35-181v. Inactivation of certificates of registration for sealed sources and devices. New regulation that establishes the authority of the state of Kansas to revoke or inactivate registration of sealed sources and devices.


K.A.R. 28-35-192f. Exemptions; self-luminous products containing tritium, krypton-85 or promethium-147. Reworded exemptions to clarify and to be more consistent with federal regulations.


K.A.R. 28-35-196a. Preparation of radioactive material for transport. Requires the licensee to ascertain and record that required tests have been performed.


K.A.R. 28-35-231c. Transfer for disposal; manifests. Updates references to federal requirements to latest date of amendment.


K.A.R. 28-35-500a. General license: use of foreign-approved package. New regulation that allows foreign-approved packages to be used in Kansas if the packages are validated by the U.S. Department of Transportation.

K.A.R. 28-35-504. Advance notification of shipment of certain types of licensed or registered material. Includes tribal reservations and tribal authorities in advance notifications of certain radioactive materials shipments. Updates terminology to meet federal requirements as of October 1, 2019.


Economic Impact
Cost to the agency: The proposed regulations will not result in increased implementation costs to the agency.

Cost to the public and regulated community: There is no expectation of increased costs or decreased revenues for cities, counties, or school districts. Most regulation changes do not include cost-incurring measures. One regulation requires an extended record retention, which is a minimal cost impacting four licensees.

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

A detailed economic impact is provided in the economic impact statement that is available from the KDHE contact person designated in this notice of hearing or at the Radiation Control Program website, as listed below.

Complete copies of the proposed regulations and the corresponding economic impact statement may be obtained from the Radiation Control Program website at https://www.kdhe.ks.gov/CivicAlerts.aspx?CID=33 or by contacting Kimberly Steves at the address above, email Kim Steves@ks.gov, phone 785-296-1560, or fax 785-559-4251. Questions pertaining to the proposed regulations should be directed to Kimberly Steves at the contact information above.

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

Lee A. Norman, M.D.
Secretary