



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

CHAIRMAN

January 6, 2004

The Honorable Kathleen Sebelius
Governor of Kansas
Topeka, Kansas 66612

Dear Governor Sebelius:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am writing to seek your support in helping to ensure the continued success of the Kansas Agreement State Program. As you may know, on January 1, 1965, the State of Kansas became party to an Agreement with the NRC. Under this Agreement, the NRC relinquished its authority to regulate certain materials covered by the Atomic Energy Act (AEA), and the State of Kansas assumed that authority as an Agreement State. Under the AEA, the NRC has a responsibility to oversee the adequacy of Agreement State programs. The NRC implements this oversight responsibility through the Integrated Materials Performance Evaluation Program (IMPEP).

The NRC staff conducted the most recent IMPEP review of the Kansas Agreement State Program on April 22-26, 2002. This IMPEP resulted in a finding that the Kansas Agreement State Program was adequate to protect public health and safety, and compatible with the NRC's program. The Program's performance is a credit to the talent, training, determination, and hard work of the Program staff and management. However, we are concerned that the number, level, and complexity of the over 300 licenses currently in force will eventually overwhelm even the most determined staff. At the exit briefing with Kansas management, the IMPEP team expressed concern about the adequacy of staffing, which had been identified in earlier IMPEPs and was again identified in this IMPEP as an area in need of improvement. The specific concerns are discussed in more detail in the enclosed IMPEP Report. Should the Program become unable to maintain a properly trained staff consistent with the requirements of the State's Agreement with the NRC, the Program's overall performance may be affected.

Your continued support of the Kansas Agreement State Program, which is implemented by the Kansas Department of Health and Environment's Radiation Control Program, is critical to the public health and safety of the citizens of your State and the nation as a whole. Although I want to assure you that the Commission supports the objectives of the Kansas Agreement

State Program, the Commission is concerned about the trends identified by recent IMPEP reviews and wants to bring them to your attention. We thank you for your commitment to this effort.

Sincerely,

/RA/

Nils J. Diaz

Enclosure:
As stated

cc: Roderick Bremby, Secretary, Kansas Department of Health and Environment
Ronald Hammerschmidt, Director, Division of Environment
Clark Duffy, Director, Bureau of Air and Radiation
Thomas Conley, Chief, Radiation and Asbestos Control Section

