DATED: SEPTEMBER 24, 1999 **SIGNED BY: CARL J. PAPERIELLO**

Mr. Clyde Graeber
Secretary
Kansas Department of Health and Environment
Landon State Office Building, Room 620
900 SW Jackson Street
Topeka, KS 66612-1290

Dear Mr. Graeber:

Enclosed is the final report of the follow-up Integrated Materials Performance Evaluation Program (IMPEP) review of the Kansas radiation control program. The review was conducted by an NRC/Agreement State team during the period June 15-17, 1999. The team reviewed in detail the common performance indicator of concern identified during the 1998 IMPEP review, Technical Quality of Licensing Actions. The program's status in addressing the remaining recommendations for the other performance indicators from the 1998 IMPEP review were also discussed.

The review team found that the licensing program has improved. The team found the program has responded to and resolved three of the five 1998 review recommendations for the performance indicator, Technical Quality of Licensing Actions. Additional action is needed to close Recommendations 8 and 9. (See Section 3 on page 5 of the enclosed report.) Recommendation 8 discusses the need to complete a self-evaluation of all existing licenses and Recommendation 9, the need for continued management oversight of the licensing program as new staff assume license review responsibilities. A new recommendation was made involving completing supervisory or quality assurance reviews of licensing actions to ensure thoroughness. The team also found that the program has taken satisfactory action to address 12 of the 13 1998 review recommendations for other performance indicators. Their status is discussed in Appendix B with the team's conclusion.

Based on the follow-up IMPEP review, the Management Review Board finds that there is no change to the finding resulting from the June 1998 IMPEP review, that the Kansas radiation protection program is adequate, but needs improvement, and compatible with NRC's program.

Section 3 on page 5 of the enclosed final report presents the follow-up team's recommendations. Based on previous correspondence and discussions during the follow-up review, we request no additional information.

Based on the results of the follow-up IMPEP review, the next IMPEP review will be scheduled in approximately 3 years.

I appreciate the courtesy and cooperation extended to the IMPEP team during the follow-up review and your support of the radiation control program. I look forward to our agencies continuing to work cooperatively in the future.

Sincerely, */RA/*

Carl J. Paperiello
Deputy Executive Director
for Materials, Research and State Programs

Enclosure:
As stated

cc: Vick L. Cooper, Chief
Radiation Control Program
Kansas Department of Health and Environment
Bureau of Air and Radiation

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cc: Vick L. Cooper, Chief
Radiation Control Program
Kansas Department of Health and Environment
Bureau of Air and Radiation

bcc: Chairman Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield

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INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM (IMPEP) FOLLOW-UP REVIEW OF THE KANSAS RADIATION CONTROL PROGRAM

June 15-17, 1999

FINAL REPORT

U. S. Nuclear Regulatory Commission

1.0 INTRODUCTION

This report presents the results of the follow-up review of the Kansas Department of Health and Environment (DHE), Bureau of Air and Radiation, radiation control program (RCP) conducted June 15-17, 1999. This follow-up review was directed by the Management Review Board (MRB) based on the results of the June 15-19, 1998 IMPEP review. The MRB stated that a follow-up review of the common performance indicator, Technical Quality of Licensing Actions, be conducted in one year based on the satisfactory with recommendations for improvement finding for this indicator. The follow-up review also included evaluation of actions taken by the State to address the five recommendations made during the June 15-19, 1998 IMPEP review involving this indicator.

The follow-up review was conducted by a review team consisting of technical staff members from the Nuclear Regulatory Commission (NRC) and the State of Arkansas. Team members are identified in Appendix A. The follow-up review was conducted in accordance with the "Policy Statement on Adequacy and Compatibility of Agreement State Programs," published in the Federal Register on September 3, 1997 (62 FR 46517), and the November 25, 1998, NRC Management Directive 5.6, "Integrated Materials Performance Evaluation Program (IMPEP)."

The Kansas Agreement State program is administered by the Secretary, DHE, who reports directly to the Governor. The RCP is under the direction of the Bureau of Air and Radiation, Division of Environment. At the time of the follow-up review, the Kansas program regulated approximately 316 specific licenses, including all types of major licensees except for uranium mill tailings.

In preparation for the follow-up review, a questionnaire addressing the indicator, Technical Quality of Licensing, and current program status was sent to the State on May 25, 1999. The State provided a response to the questionnaire on June 8, 1999. A copy of the response is included in Appendix D of the draft IMPEP report.

The team's approach for conducting the follow-up review consisted of: (1) examination of Kansas' response to the questionnaire; (2) in-depth review of the program indicator, Technical Quality of Licensing Actions, for the period of June 20, 1998 - June 14, 1999, including technical review of selected licensing program documentation and evaluation of Kansas' actions in response to the five recommendations involving this indicator; (3) discussion of the status of Kansas' actions to address the remaining 13 recommendations in the 1998 report; and (4) interviews with staff and management to answer questions or clarify issues. The team evaluated the information that it gathered against the IMPEP performance criteria for the common performance indicator, Technical Quality of Licensing Actions, for activities conducted during the period of June 20, 1998 - June 14, 1999. Preliminary results were discussed with Kansas management on June 17, 1999.

Section 2 below discusses the results of the follow-up review of the Kansas program for the common performance indicator, Technical Quality of Licensing Actions. Section 3 summarizes the review team's findings and recommendations resulting from the follow-up review. The State's progress in addressing other recommendations from the 1998 review can be found in Appendix B.

2.0 COMMON PERFORMANCE INDICATOR, TECHNICAL QUALITY OF LICENSING ACTIONS

During the follow-up review, the team evaluated actions taken by the State in response to the recommendations for improvement noted during the 1998 review, as well as new licensing actions completed since that review.

The team reviewed licensing actions, deficiency correspondence, and checklists for 20 licensing actions. Licenses were reviewed for accuracy, appropriateness of the license and its conditions, tie-down conditions, and overall technical quality. Casework was evaluated for timeliness, adherence to good radiation safety practices, references to appropriate regulations, documentation of safety evaluation reports, product certifications or other supporting documents, pre-licensing visits, peer or supervisory review as indicated, and proper signature authority. The files were checked for retention of necessary documents and supporting data.

The 20 license files selected for review included work by all reviewers. The cross-section sampling included all of the State's major licenses as defined by the State, including the following types of licenses: academic, broad academic, portable gauges, industrial, industrial radiography, medical institutional, nuclear pharmacy, service, and well logging. Licensing actions included new licenses, renewals, amendments, and terminations. Licensing actions during the review period included 5 new and 72 amendments (including terminations) totaling 77 licensing actions. A list of the licenses reviewed with case-specific comments can be found in Appendix C.

The review team's evaluation of the State's response to the five recommendations is presented below. Recommendation 9 is presented first since it deals with State activities to evaluate licensing actions that were completed prior to the follow-up review period. The other recommendations which involve areas of improvement in the overall licensing program follow.

Recommendation 9

> The review team also recommends that the State begin a self-evaluation of all existing licenses to determine the technical quality and to identify potential health and safety issues. This evaluation should be accomplished as soon as possible to identify and correct other possible license deficiencies. In addition, the State should ask the licensees to supply copies of any missing documents that should be included with the application (Section 3.4 of the 1998 report).

Current Status

In response to this recommendation, RCP staff initiated a comprehensive review of all licenses to ensure technical quality and to verify that no health and safety issues exist. Forty-eight priority one licenses have been reviewed by Kansas staff. Other licenses are being completely reviewed whenever any license actions, inspections, or renewals are processed. There are less than 200 licenses still in need of re-evaluation, but with the State's two-year renewal frequency, these licenses should all be re-evaluated within the next two years.

The review team evaluated nine licenses from the 1998 IMPEP review identified as having inconsistencies, being incomplete, or missing documentation. Of these licenses, eight had been reviewed and noted corrections were documented in the files. The ninth file was also reviewed by the State and no corrections were required. All licenses evaluated by the team had received a

comprehensive review by the State and this review was documented in each file with a checklist. The licenses reviewed by the team to observe the State's progress with this recommendation are listed in Appendix C.

Based on the follow-up review, the team considers this recommendation open until the remaining licenses have received a thorough review and evaluation. The RCP Chief anticipates the date of completion for this recommendation is June 2000.

Recommendation 8

> The review team recommends that program management consider increasing supervisory oversight to ensure that all pertinent items are adequately and properly addressed during the review process to provide quality assurance and to improve the technical quality of licenses (Section 3.4 of the 1998 report).

Current Status

During the review period, only six of the licenses reviewed were completed by licensing staff. The remainder were completed by the RCP Chief. Due to staff turnover and the fact that newly hired staff members are not yet fully trained and qualified, the RCP Chief is currently assigning nearly all licensing actions to himself. The actions performed by the staff were reviewed by management and the supportive documentation was available in each file. The management oversight included a complete review of the license and also the current licensing action.

Until new staff are fully trained and qualified to independently to perform licensing actions, the team considers this recommendation to be open.

Recommendation 10:

> The review team recommends that Radiation Control Staff update the license guidance to address and parallel the current Kansas Radiation Protection Regulations to assist in the consistency and accuracy of the license review process (Section 3.4 of the 1998 report).

Current Status:

License guidance has been written and revised for four categories of the "Guide for the Preparation of Applications for Radioactive Materials Licenses." These guides were based on the NRC's "Consolidated Guidance About Material Licenses." Current Kansas regulations were referenced in these documents. Standard license conditions have also been revised to adapt applicable Kansas regulations. These four guides represent a majority of the type of Kansas radioactive material licenses. Other specialized licenses will be reviewed using NRC NUREG-1556 reference guidance. The review team evaluated this guidance and found it adequate.

Based on the follow-up review, the team considers this recommendation closed.

Recommendation 11:

> The review team recommends that licensing checklists be developed, used, and retained in the file to ensure that all elements of the application have been submitted and that the license is complete (Section 3.4 of the 1998 report).

Current Status:

Two checklists have been developed and are available for use during the licensing process. One checklist is used to ensure that all documentation is in the file and that references are complete and accurate. This checklist was used during the comprehensive review of the licenses and placed in each file. The other checklist is a detailed list for use in the review of new licenses and renewals. It contains guidance for reviewing items from the license application. The review team observed the use of this checklist in the review of the new and renewal licenses. The review team evaluated these checklists and found them to be adequate.

In evaluating the thoroughness and completeness of the licenses, the team noted that a new medical license requested the use of Xenon-133, but there were no calculations for air concentrations in controlled or uncontrolled areas in the application. Calculations involving clearance times in case of an accidental release were also absent. Appendix M of the Kansas licensing guide for medical programs states that these calculations must be submitted in the application. The license was issued without requesting this information. Although the review team believed that this item should have been addressed during the license process, Kansas' position is that the licensing guide is a guide and that they determine on a case-by-case basis if submitted information is sufficient. The review team accepts for this particular action, Kansas' position that no calculation is necessary based on the State's knowledge of the licensee and the guantity of xenon possessed under the license.

Lack of documentation was noted in two additional cases during the follow-up review. Missing telephone memoranda documentation related to deficiencies noted by the reviewer were not in the licensing file. The licensee responded appropriately to the deficiencies.

Based on the follow-up review, the team notes that the State has developed appropriate checklists, however, completeness of licensing actions continues to need improvement. The majority of the licensing actions completed during the review period were performed by the RCP Chief. The review team discussed with RCP management the difficulties presented to the program because of the interim reliance on the RCP Chief for completing the majority of the licensing actions. A "supervisory" review is not possible at this time, and until newly hired staff are fully trained and qualified to perform independent work, the program needs to examine other means to provide a supervisory or quality assurance review to help ensure all licensing actions are complete and of acceptable quality. Due to the reliance on the RCP Chief for licensing, the lack of secondary reviews for most of the licensing actions completed during the review period, and the need to train staff to perform licensing actions, the team is closing the 1998 recommendation and is making a new recommendation as follows:

The review team recommends that the State complete a thorough review as well as a supervisory or quality assurance review of all licensing actions to ensure that each license is complete in accordance with Kansas guidance.

Recommendation 12:

> The review team recommends that the State place documentation of all pre-licensing visits in the appropriate licensing file (Section 3.4 of the 1998 report).

Current Status

Kansas has not conducted a pre-licensing visit since the 1998 IMPEP review. RCP management indicated that procedures involving pre-licensing visits have been developed and staff has been trained. These visits will be documented and placed in the appropriate licensing file. The review team considers the approach to this recommendation satisfactory.

Based on the follow-up review, the team considers this recommendation closed.

The review team concludes that the licensing program has shown improvement since the 1998 IMPEP review. However, due to the need to complete the self-evaluation of existing licenses, the reliance on the RCP Chief for licensing, the current difficulty faced by the program to complete a supervisory or quality assurance review on all licensing actions, and the need to train staff to perform licensing actions, the review team recommends that Kansas' performance with respect to the indicator, Technical Quality of Licensing Actions, continues to be found satisfactory with recommendations for improvement.

3.0 SUMMARY

The follow-up review team found Kansas' performance in responding to and resolving the five recommendations involving the common performance indicator, Technical Quality of Licensing Actions, to be acceptable with the exception of Recommendations 8 and 9. Recommendations 8 and 9 discussed the need to complete a self-evaluation of all existing licenses and for continued management oversight of the licensing program as new staff take over the responsibilities. A new recommendation was made involving completing supervisory or quality assurance reviews of licensing actions to ensure thoroughness.

The follow-up review team concludes that the licensing program has made progress, but it was noted that the technical quality of licensing actions is still in need of improvement. The use of a thorough supervisory or quality assurance review should further increase the technical quality of licensing actions. The follow-up review team recommends that the Kansas Agreement State program receive a full IMPEP review in FY 2002. The State suggested and the team agreed that the next periodic meeting could take place in June 2000. At that time, the status of the State's actions to train new staff and to complete the self evaluation of the remaining licenses can be discussed.

Below is a summary list of open recommendations from the 1998 report involving the technical quality of licensing actions and one new recommendation from this follow-up review.

Recommendations involving the Technical Quality of Licensing Actions:

Recommendation 8, Section 3.4 of the 1998 report

The review team recommends that program management consider increasing supervisory oversight to ensure that all pertinent items are adequately and properly addressed during the review process to provide quality assurance and to improve the technical quality of licenses.

Recommendation 9, Section 3.4 of the 1998 report

The review team also recommends that the State begin a self-evaluation of all existing licenses to determine the technical quality and to identify potential health and safety issues. This evaluation should be accomplished as soon as possible to identify and correct other possible license deficiencies. In addition, the State should ask the licensees to supply copies of any missing documents that should be included with the application.

New recommendation from Section 2.1

The review team recommends that the State complete a thorough review as well as a supervisory or quality assurance review of all licensing actions to ensure that each license is complete in accordance with Kansas guidance.

Other recommendations the team considers open (see Appendix B):

Recommendation 7, Section 3.3 of the 1998 report

The review team recommends that the State document a training and qualifications program equivalent to that contained in “NRC/OAS Training Working Group Recommendations for Agreement State Training Programs,” as appropriate, assess the current training needs of all radioactive materials staff, and provide the necessary training to ensure that all staff are properly trained to complete assigned tasks.

LIST OF APPENDICES

APPENDIX A

IMPEP REVIEW TEAM MEMBERS

Name	Area of Responsibility
Duncan White	Team Leader
Linda McLean, R.V.	Regional State Agreements Officer
Jared Thompson, Arkansas	Technical Quality of Licensing Actions

APPENDIX B

STATUS OF RECOMMENDATIONS FROM THE PREVIOUS REVIEW

Recommendation 1

> Based on the record of overdue inspections during the review period, the review team recommends: (1) that Kansas heightens its management oversight of the inspection due dates of core licenses (Priority 1, 2, and 3 licensees) to ensure inspections are performed at the required frequencies; and (2) that the new inspection tracking system currently under development include provisions for the flagging initial inspections at an early date to ensure they are inspected within six months of the date of license issuance. In addition, Kansas should consider updating procedure R.S.-7 to incorporate procedures on initial inspections as stated in IMC 2800, Section 04.03a (Section 3.1 of the 1998 report).

Current Status

Kansas responded to this recommendation stating that no recurrence of inspection backlog for core licenses has resulted since the 1998 IMPEP review. As a result of increased management oversight, inspections are assigned on a quarterly basis to specific inspectors and their inspection completion status is tracked on a monthly basis. The RCP demonstrated the new inspection tracking system for the review team, particularly the system's capabilities for assigning inspection priorities for new licensees. Kansas management also indicated that Procedure R.S.-7 has been updated to include the use of the new inspection tracking system and incorporate procedures for initial inspections consistent with NRC's Inspection Manual Chapter (IMC) 2800.

It is recommended that this item be closed at the next IMPEP review.

Recommendation 2

> The review team recommends that the State's "Inspection Priority System" be revised for reciprocity inspections to correspond to the inspection goals in IMC 1220 (Section 3.1 of the 1998 report).

Current Status

The State responded to this recommendation indicating that their priority system for reciprocity inspections has been revised to correspond with the inspection goals in IMC 1220. The team noted during the follow-up review that the State's inspection tracking system has the capability to track reciprocity inspections.

It is recommended that this item be verified at the next IMPEP review.

Recommendation 3

> The review team recommends the State conduct reciprocity inspections at intervals equal to those stated in IMC 1220 (Section 3.1 of the 1998 report).

Current Status

The State responded to this recommendation noting that significant improvement has been made in conducing reciprocity inspections in accordance with the frequencies in IMC 1220. Kansas management did indicate that the frequency of reciprocity inspections still did not meet the goals in IMC 1220 due to the large number of radiography and well logging licensees that work in the southwest section of the State. The combination of the transient nature of industrial radiography and well logging work and the long travel distance from RCP's offices in Topeka (more than five hours) to the portions of the State where the oil and gas fields are located make it difficult to inspect these licensees while in Kansas jurisdiction. The review team discussed with Kansas management possible alternatives to inspecting these licensees in the field. The review team concluded that based on the effort put forth by RCP and the circumstances unique to the State, that the approach taken by the State is satisfactory.

It is recommended that this item be closed at the next IMPEP review.

Recommendation 4

> The review team recommends that the inspection report form be strengthened by including names of individuals contacted and interviewed in greater detail (Section 3.2 of the 1998 report).

Current Status

The team noted during this follow-up review that since January 1999, the RCP's inspection reports are completed electronically on the Radioactive Materials Database. The RCP demonstrated the database which included fields to enter the information regarding the individuals contacted during inspections and present during the exit meeting.

It is recommended that this item be closed at the next IMPEP review.

Recommendation 5

> The review team recommends that Kansas provide direction to the inspection staff to help them identify poor licensee performance, identify when licensee root cause evaluations should be conducted, and to help them assess licensee root cause evaluations. Staff members' skills could also be improved by attending a training course that teaches these techniques as part of the inspection qualification process (Section 3.2 of the 1998 report).

Current Status

In response to this recommendation, the State's Radioactive Materials Database was designed to track and trend items of noncompliance. The RCP demonstrated this capability to the review team during this review using the existing inspections already entered in the database. With regard to training staff, Kansas has been actively working with area nuclear power plants to provide root course analysis training. The review team discussed other alternatives employed by other States to obtain root cause training, including the use of law enforcement organizations that would employ similar techniques in their work.

The review team also noted that increased emphasis on identifying poor licensee performance has resulted in the RCP taking escalated enforcement action against three licensees which resulted in the issuance of civil penalties.

It is recommended that this item be closed at the next IMPEP review.

Recommendation 6

> The review team recommends that the State continue to maintain management oversight of the inspection program (Section 3.2 of the 1998 report).

Current Status

The review team noted that Kansas management has provided and continues to provide oversight of the inspection program through the funding and completion of the database system, the prompt hiring of two individuals to replace two individuals who are no longer in the RCP, and funding and aggressively enrolling individuals in training courses.

It is recommended that this item be closed at the next IMPEP review.

Recommendation 7

> The review team recommends that the State document a training and qualifications program equivalent to that contained in "NRC/OAS Training Working Group Recommendations for Agreement State Training Programs," as appropriate, assess the current training needs of all radioactive materials staff, and provide the necessary training to ensure that all staff are properly trained to complete assigned tasks (Section 3.3 of the 1998 report).

Current Status

The RCP Chief indicated during discussions with the review team that Kansas has documented a training program based on the NRC/OAS Working Group report. Since the 1998 review, the Kansas program had two experienced individuals leave the program. Both individuals were replaced with personnel experienced in radiation safety. One individual has extensive experience as a health physicist in the nuclear power industry and the other individual is an experienced well logger and geologist. Both individuals have attended a number of radioactive materials training courses since joining the State. One of the newly hired individuals will be primarily assigned to licensing tasks and the other to inspection. In addition to the training

courses, both individuals are currently receiving on-the-job experience by working with experienced inspectors and reviewers. The RCP Chief expects the two newly hired individuals to complete their training next year. The RCP has also used a third individual currently assigned to RCP's x-ray program with radioactive materials experience to assist with inspection and licensing while the two newest hires are trained.

The review team considers this recommendation to be open until the two newly hired individuals have completed their training.

Recommendation 13

> The review team recommends that the State revise their incident response procedures to conform with OSP procedure, SA-300, including medical events (Section 3.5 of the 1998 report).

Current Status

RCP management commented that the State has revised R.S.-47 "Emergency Response Documentation" to conform with OSP procedure, SA-300. Though the team did not review this revised procedure, the performance of the State in responding to incidents which have occurred since the last review has conformed to SA-300.

It is recommended that this item be verified at the next IMPEP review.

Recommendation 14

> The review team recommends that a system be established to track the progress of incident investigations and to verify that each investigation is evaluated by management, that all reporting requirements are met, that follow-up actions and close-out information are documented (Section 3.5 of the 1998 report).

Current Status

RCP management commented that the State has revised R.S.-47 "Emergency Response Documentation" to require management evaluation, met all reporting requirements and documentation of follow-up and close-out actions. Though the team did not review this revised procedure, the performance of the State in responding to incidents which have occurred since the last review has met the objectives detailed in this recommendation.

It is recommended that this item be verified at the next IMPEP review.

Recommendation 15

> The review team recommends that the inspection procedure be revised to include narrative documentation of the inspector's review of incidents and descriptions of the licensee's corrective actions (Section 3.5 of the 1998 report).

Current Status

During its review of the State's Radioactive Materials Database, the review team noted that the inspection checklist includes a specific item for documenting the review of incidents and corrective actions.

It is recommended that this item be closed at the next IMPEP review.

Recommendation 16

> The review team recommends that State send copies of final close-out reports to the NRC in accordance with OSP procedure, "Reporting Materials Events - SA-300" (Section 3.5 of 1998 report).

Current Status

The review team queried the Nuclear Materials Events Database and noted that close-out reports have been submitted as required. The RCP has also participated in NRC Operations Briefings regarding two incidents, one of which is classified as an Abnormal Occurrence.

It is recommended that this item be closed at the next IMPEP review.

Recommendation 17

> The review team recommends that the State review and amend all remaining industrial radiography licenses with license conditions necessary to meet the "Safety Requirements for Industrial Radiographic Equipment" requirement, and expedite adoption of the rule which was due January 10, 1994 (Section 4.1.2 of the 1998 report).

Current Status

The review team reviewed all radiography licenses and determined that all were amended to include a license condition to meet the "Safety Requirements for Industrial Radiography Equipment" rule. The RCP Chief indicated that the adoption of the 1997 revision to 10 CFR Part 34 for the Kansas Radiation Protection Regulations, which includes the above referenced requirement, is the next priority in its regulatory agenda.

It is recommended that this item be closed at the next IMPEP review.

Recommendation 18

> The review team recommends that the State compare the Kansas regulations involved with the “Low-Level Radioactive Waste Shipment Manifest Information and Reporting” and “Radiation Protection Requirements: Amended Definitions and Criteria” amendments against the final NRC rules and make any necessary changes to ensure compatibility (Section 4.1.2 of the 1998 report).

Current Status

The RCP Chief stated that staff have reviewed both regulations and no compatibility issues were identified with Kansas regulations.

It is recommended that this item be closed at the next IMPEP review.

Suggestions

During the follow-up review, the team discussed the two suggestions from the previous review which included: (1) adhering to the policy of annual inspection accompaniments; and (2) assessing whether the staffing levels in the radioactive materials program was a contributing factor to the program deficiencies. Both suggestions were adopted by the RCP. The actions taken on the two suggestions were acceptable to the follow-up review team.

KANSAS
DEPARTMENT OF HEALTH & ENVIRONMENT
BILL GRAVES, GOVERNOR
Clyde D. Graeber, Secretary

99 AUG 20 PM 3:12

OSP

August 16, 1999

PAUL H, LOHAUS, DIRECTOR
OFFICE OF STATE PROGRAMS (03H20)
UNITED STATES NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

Dear Mr. Lohaus:

This is to acknowledge your draft report dated July 28, 1999, of the follow-up Integrated Materials Performance Evaluation Program (IMPEP) of Kansas Radiation Control Program on June 15-17, 1999. The reviewed findings were discussed with me and my staff. We feel that the following comments would make the report reflect a truer picture of the action taken by our program. We suggest the following comments be included in the report.

1. Page 1 paragraph 1, states "Inspection indicator". This should be Licensing.

2. Page 2 under Current Status. We had less than 200 licensees left.

3. Page 3 paragraph 1, one file had inconsistencies. Which one? What are they? This is not clear.

4. Page 3 number 8, There needs to be more explanation as to why this is being left open. It appears by reading it that it should be closed.

5. Page 4, What is the point of the comments about the commercial distribution condition? We can put whatever conditions we feel that are warranted in a license. I do not feel that this is a problem worth noting in this report.

6. Page 4 , I disagree with the comment about Xenon-133. Our licensing guide is a guide and we have the right to determine if the submitted information is sufficient and based upon our knowledge, no calculations are needed for the unit being licensed.

7. Appendix B number 2, The comments under the current status support closing this item. In addition, the Radiation Control Program is still waiting for the results of the MRB's

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Radiation Control Program, Forbes Field, Bldg. 283
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directive to evaluate the NRC position on reciprocity priorities.

8. Appendix B number 3 , The Radiation Control Program does not have the options that the NRC has to inspect home offices etc.

9. Appendix B number 13 & 14, The comments made by the team support closing these items.

10. Appendix C number 3 , The tie-down clearly requires compliance with the most restrictive of the Regulations, License statements made by the licensee. The comment should clearly state that the confusion is with the IMPEP reviewer and not the Radiation Control Program. This was discussed with the team at length.

11. Appendix C number 13 , The information to close this file was obtained from the University of Kansas, Lawrence, KS. These were two spent check sources.

12. Appendix C number 19, See number 5

13. Appendix C number 20, I disagree with this comment, see number 6.

Paul, all of the recommendations which are being closed say that they should be closed at the next IMPEP. It was our understanding from the exit review that these would be closed now. I feel since we have met the expectations and the follow-up team verified this, they should be closed now.

I also feel that the following strengths should be noted in the report based upon the comments made by the IMPEP follow-up team. The Radioactive Materials Database,-for tracking and trending capability exceeds expectations. Our Licensing Checklists and Licensing Guides, improved efficiency as well as detail information, the team took copies to improve their own programs.

Paul, we appreciate the support the NRC has given us during this process. If further information or clarification is needed please do not hesitate to contact me at 785-296-1561.

Sincerely,

Vick L. Cooper, Chief
Radiation Control Program
Bureau Of Air and Radiation