

June 29, 2005

Ronald Hammerschmidt, Ph.D.  
Director  
Division of Environment  
Department of Health and Environment  
1000 SW Jackson, Suite 420  
Topeka, KS 66612-1367

Dear Dr. Hammerschmidt:

On June 13, 2005, the Management Review Board (MRB) met to consider the actions taken by the Kansas Agreement State program (the Bureau) to promulgate regulations compatible with those of the U.S. Nuclear Regulatory Commission (NRC). On behalf of the MRB, I wish to express appreciation for the actions taken by the Kansas program to adopt compatible regulations, recognizing the effort required by the program to adopt NRC rule changes. However, the MRB concluded that the Kansas Agreement State program should undergo a period of heightened oversight. The MRB based its decision on the information contained in the 2002 Integrated Material Performance Evaluation Program report, the subsequent NRC periodic meeting held on November 4, 2003, results of quarterly monitoring calls held between the Bureau and NRC staff, considering that heightened oversight would provide a process for NRC and Kansas staff to monitor completion of adoption of final effective regulations.

Heightened oversight is an increased monitoring process used by NRC to follow the progress of improvement needed in an Agreement State program. It involves preparation of a program improvement plan by the Agreement State, bimonthly conference calls between Bureau and NRC staff, and submission of status reports by the program prior to each call.

We request that you prepare and submit a program improvement plan to address one MRB recommendation. The MRB recommends that Bureau promulgate, and submit to NRC for review, all overdue regulations and develop a plan to account for future adoption of NRC amendments in the required time frames.

I ask that you have your staff communicate with Mr. Paul Lohaus on the required elements of this plan to ensure that the plan and measures of success are clearly identified. The plan should be submitted within 30 days of receipt of this letter. Upon review of the program improvement plan, the staff will schedule the first conference call. The initial conference call should be scheduled and conducted no later than July 29, 2005.

R. Hammerschmidt

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I appreciate the courtesy and cooperation extended to the NRC representatives during the periodic meetings and the recent MRB meeting. I look forward to the continued cooperative relationship of our agencies in the future.

Sincerely,

*/RA/*

Martin J. Virgilio  
Deputy Executive Director for Materials, Research  
and State Compliance Programs  
Office of the Executive Director for Operations

cc: Clark Duffy, Director  
Bureau of Air and Radiation

Thomas A. Conley, RRPT, CHP  
Section Chief, Radiation and Asbestos Control  
Kansas Department of Health and Environment

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