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KANSAS

RODERICK L. BREMBY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

DEPARTMENT OF HEALTH AND ENVIRONMENT

July 25, 2005

Mr. Paul Lohaus  
State and Tribal Programs  
United States Nuclear Regulatory Commission  
Washington DC 20555-0001

Dear Mr. Lohaus:

I am pleased to respond to your letter dated June 29, 2005 regarding the June 13, 2005, Management Review Board (MRB) meeting to consider the actions taken by the Kansas Agreement State program to promulgate regulations compatible with those of the U.S. Nuclear Regulatory Commission (NRC).

The MRB's recognition of the efforts taken by my staff to adopt compatible regulations is appreciated. We understand the conclusion that the Kansas Agreement State program should undergo a period of heightened oversight. As requested, we have prepared a program improvement plan to address the recommendation that KDHE promulgate and submit to NRC for review all overdue regulations and develop a plan to ensure the adoption of future NRC amendments occurs in the required time frames. Enclosed is the program improvement plan following the guidelines of SA-122 "Heightened Oversight and Monitoring."

I look forward to a continued and mutually beneficial relationship between our agencies to protect the health and safety of the citizens of Kansas. If you have any questions concerning this or any related matter, please do not hesitate to contact me or Tom Conley of my staff.

Sincerely,

Ronald Hammerschmidt, Ph.D.  
Director, Division of Environment

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Enclosure

- C Clark Duffy, Director Bureau of Air and Radiation
- Tom Conley, Section Chief, Radiation and Asbestos Control

STP-006 Template  
RIDS: SP08

SISP Review Complete

Kansas Program Improvement Plan

Recommendation	Tasks	Milestones	Assignments	Anticipated Completion Date	Status	Completion Date
Promulgate and submit to NRC for review all overdue regulations.	Prepare Part 1 "General" Regulations for promulgation.	Department of Administration Approval	Department of Administration	N/A	Completed	19-May-05
		Attorney Generals Office approval	Attorney General	N/A	Completed	25-May-05
		Submit to NRC for review.	NRC	N/A	Completed	25-May-05
	Prepare Part 2 "Registration of Radiation Producing Devices" Regulations for promulgation.	Department of Administration Approval	Department of Administration	N/A	Completed	04-Sep-03
		Attorney Generals Office approval	Attorney General	N/A	Completed	04-Sep-03
	Prepare Part 3 "Licensing of Radioactive Materials" Regulations for promulgation.	Department of Administration Approval	Department of Administration	N/A	Completed	13-Jun-05
		Attorney Generals Office approval	Attorney General	N/A	Completed	13-Jun-05
		Submit to NRC for review.	NRC	N/A	Completed	22-Jun-05
	Prepare Part 4 "Standards for Protection Against Radiation" Regulations for promulgation.	Department of Administration Approval	Department of Administration	N/A	Completed	13-Jun-05
		Attorney Generals Office approval	Attorney General	N/A	Completed	14-Jun-05
		Submit to NRC for review.	NRC	N/A	Completed	20-Jun-05
	Prepare Part 5 "Diagnostic X-ray" Regulations for promulgation.	Department of Administration Approval	Department of Administration	N/A	Completed	29-Jun-05
		Attorney Generals Office approval	Attorney General	N/A	Completed	29-Jun-05

Kansas Program Improvement Plan

Recommendation	Tasks	Milestones	Assignments	Anticipated Completion Date	Status	Completion Date
Promulgate and submit to NRC for review all overdue regulations.	Prepare Part 6 "Radioactive Material in the Healing Arts" Regulations for promulgation.	Department of Administration Approval	Department of Administration	N/A	Completed	10-May-05
		Attorney Generals Office approval	Attorney General	N/A	Completed	24-May-05
		Submit to NRC for review.	NRC	N/A	Completed	24-May-05
	Prepare Part 7 "Industrial Radiography" Regulations for promulgation.	Department of Administration Approval	Department of Administration	N/A	Completed	10-Jun-05
		Attorney Generals Office approval	Attorney General	N/A	Completed	10-Jun-05
		Submit to NRC for review.	NRC	N/A	Completed	20-Jun-05
	Prepare Part 8 "Analytical X-ray" Regulations for promulgation.	Department of Administration Approval	Department of Administration	N/A	Completed	04-Sep-03
		Attorney Generals Office approval	Attorney General	N/A	Completed	04-Sep-03
	Prepare Part 9 "Accelerator" Regulations for promulgation.	Department of Administration Approval	Department of Administration	N/A	Completed	04-Sep-03
		Attorney Generals Office approval	Attorney General	N/A	Completed	04-Sep-03
	Prepare Part 10 "Instruction to Workers" Regulations for promulgation.	Department of Administration Approval	Department of Administration	N/A	Completed	23-Oct-03
		Attorney Generals Office approval	Attorney General	N/A	Completed	23-Oct-03
		Submit to NRC for review.	NRC	N/A	Completed	10-May-05

Kansas Program Improvement Plan

Recommendation	Tasks	Milestones	Assignments	Anticipated Completion Date	Status	Completion Date
Promulgate and submit to NRC for review all overdue regulations.	Prepare Part 11 "Wireline and Tracer Study" Regulations for promulgation.	Department of Administration Approval	Department of Administration	N/A	Completed	16-Sep-03
		Attorney Generals Office approval	Attorney General	N/A	Completed	16-Sep-03
		Submit to NRC for review.	NRC	N/A	Completed	10-May-05
	Prepare Part 12 "Irradiator" Regulations for promulgation.	Department of Administration Approval	Department of Administration	N/A	Completed	19-May-05
		Attorney Generals Office approval	Attorney General	N/A	Completed	19-May-05
		Submit to NRC for review.	NRC	N/A	Completed	20-May-05
	Prepare Part 13 "Emergency Plan Criteria" Regulations for promulgation.	Department of Administration Approval	Department of Administration	N/A	Completed	03-Jun-05
		Attorney Generals Office approval	Attorney General	N/A	Completed	03-Jun-05
		Submit to NRC for review.	NRC	N/A	Completed	03-Jun-05
	Prepare Part 14 "Therapeutic Radiation Machines" Regulations for promulgation.	Department of Administration Approval	Department of Administration	N/A	Completed	19-May-05
		Attorney Generals Office approval	Attorney General	N/A	Completed	19-May-05
	Prepare Part 15 "Transportation" Regulations for promulgation.	Department of Administration Approval	Department of Administration	N/A	Completed	29-May-05
		Attorney Generals Office approval	Attorney General	N/A	Completed	29-May-05
		Submit to NRC for review.	NRC	N/A	Completed	30-May-05

Kansas Program Improvement Plan

Recommendation	Tasks	Milestones	Assignments	Anticipated Completion Date	Status	Completion Date
Promulgate and submit to NRC for review all overdue regulations.	Promulgate regulations as a complete set.	Publish the Public Hearing Notice and Regulatory Impact Statements in the Kansas Register	T. Conley	N/A	Completed	14-Jul-05
		Present Regulations to the Joint Committee on Administrative Rules and Regulations	T. Conley	38586	Pending Hearing	
		Conduct the Public Hearing	John Mitchell	38618	Pending Public Hearing	
		Resolve comments and prepare post hearing changes.	T. Conley	38640	Pending Public Hearing	
		Secretary of Kansas Department of Health and Environment approval	Secretary KDHE	38645	Pending Comment Resolution	
		Publish final regulations in the Kansas Register	T. Conley	38676	Pending Secretary Approval	
		Submit to NRC for review.	NRC	38676	Pending Publication	
Develop a plan to account for future adoption of NRC amendments in the required time frames.	Develop proposed organization to include specific regulation tracking assignments	Complete organization chart proposal that includes regulation tracking assignments	T. Conley	N/A	Completed	13-Jul-05
		Present proposed organization to Division Director	T. Conley	N/A	Completed	18-Jul-05
		Fill positions after approval by upper management	T. Conley	Upon Approval	Pending Approval	