

September 14, 2005

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

Dear Dr. Hammerschmidt:

We have reviewed your Program Improvement Plan (Plan) submitted to this office by letter dated July 25, 2005. We appreciate you and your staff's efforts to draft the Plan, and we believe the Plan meets the requirements of the heightened oversight process. However, we have one comment concerning how the completion dates for your rule process are represented in the Plan.

The dates listed in the "Completion Date" column of the Plan represent the submission date of the draft rules to the NRC. In order for the Kansas Program to complete the requirements of the heightened oversight process, final rules must be promulgated and effective in Kansas. We request that you modify the Plan to take into consideration the final three steps of the regulation promulgation process. These three steps are: (1) addressing of NRC and public comments received on the draft rules; (2) the resubmission of the rules to the NRC for review in final form; and (3) the Kansas legislature passing the final rules making them effective in the State.

We understand that some of these dates may be an estimate at this point and these dates may need to be adjusted as each rule moves through the final phase in your State. However, we request that your Plan be updated to show these steps. (During the first heightened oversight call on August 30, 2005, Vivian Campbell, the Regional State Agreements Officer for Region IV, discussed this change with your staff.) Your staff indicated they would make this change and resubmit the Plan.

I appreciate your cooperation with the NRC Staff and the effort to revise your Plan, and I also want to acknowledge your continued support for the Radiation Control Program and the commitment to excellence in program administration demonstrated by your staff. I look forward to our agencies continuing to work cooperatively in the future.

Sincerely,

/RA/
Paul H. Lohaus, Director
Office of State and Tribal Programs

cc: Clark Duffy, Director
Bureau of Air and Radiation

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

R. Hammerschmidt

September 14, 2005

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