

February 9, 2006

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 U.S. Nuclear Regulatory Commission (NRC) 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 NRC. As a result of a significant number of overdue regulations, the MRB placed the Bureau on heightened oversight. The MRB requested that the Bureau develop a Program Improvement Plan (Plan) to address all overdue regulations and account for future adoption of NRC amendments in the required time frames.

The Bureau has made significant progress in completing the actions as outlined in its Plan. During the January 4, 2006, heightened oversight bi-monthly call, it was noted that all but one of the regulations that were overdue have been promulgated. In addition, the Bureau has been able to get approval for additional staff and a reclassification of staff positions to allow for higher salaries and a more favorable career ladder within the Bureau. The MRB expresses its appreciation for the actions taken by the Kansas program in response to the heightened oversight process and the effort shown by the Bureau to adopt the NRC rules.

The Kansas program will undergo a full NRC Integrated Materials Performance Evaluation Program (IMPEP) review in April 2006 as part of the normal four-year IMPEP cycle. Based on the outcome of this review, the MRB will consider whether the Kansas program may be removed from NRC heightened oversight. I thank you for your support of the Bureau, and urge you to continue to provide adequate resources to the Bureau so they are able to continue to strengthen their program.

I appreciate the cooperation and professionalism shown to the NRC representatives by the Bureau staff during the bi-monthly heightened oversight calls. I look forward to our agencies continuing to work cooperatively in the future.

Sincerely,

/RA/

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

cc: Clark Duffy, Director
Bureau of Air and Radiation

Thomas A. Conley, RRPT, CHP
Chief, Radiation and Asbestos Control Section

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R. Hammerschmidt

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