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# K A N S A S

RODERICK L. BREMBY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

DEPARTMENT OF HEALTH AND ENVIRONMENT

September 7, 2006

Mr. Martin Virgilio, Deputy Executive Director  
Materials, Research, State and Compliance Programs  
U.S. Nuclear Regulatory Commission  
Mail Stop: O-3-C10  
Washington DC 20555

Dear Mr. Virgilio:

We are pleased and appreciate the opportunity to respond to your letter dated July 24, 2006, with the attached final Integrated Materials Performance Evaluation Program (IMPEP) report on the Kansas Agreement State Program. We understand the Management Review Board (MRB) which met July 11, 2006, found our program adequate to protect public health and safety and compatible with the Nuclear Regulatory Commission's (NRC) program. In addition, we understand the MRB directed the period of heightened oversight of the Kansas Agreement State Program be discontinued.

The recommendations made in Section 5.0 of the final report have been reviewed and appropriate action either has or is being taken to address them. The following details the specific actions:

1. The team recommends the State ensure that the Agreement Materials Program has adequate resources and an adequate complement of qualified staff.

Action:

As noted in Section 3.1 of the final report the Radiation Control Program has made significant progress since the last IMPEP review. This has been accomplished through the establishment of a dedicated fee fund, hiring additional staff for the program and reorganizing to make more efficient use of our existing resources. The new staff are progressing satisfactorily in their development, however, we agree with their need for additional training and experience. This is an on-going process and staff will attend additional training as resources and budget allow in accordance with our comprehensive training and qualification plan.

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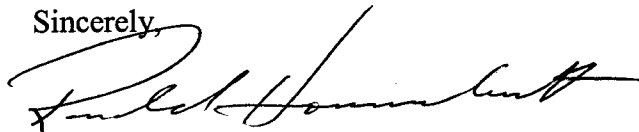
2. The review team recommends that the State place greater emphasis and resource allocation towards reciprocity inspections in accordance with program goals and the criteria in NRC MC 1220.

Action:

This recommendation is related to recommendation 1, in that since the last IMPEP staff turnover and lack of resources has forced management to prioritize inspection efforts with an emphasis on our own licensees. As the staff progress in their training and development we will have more available resources to direct toward reciprocity inspections.

We appreciate the courtesy and professionalism demonstrated by the IMPEP team and the Management Review Board. If you wish to discuss the report or need further clarification or information please contact Tom Conley of my staff at (785) 296-1565 or email at [tconley@kdhe.state.ks.us](mailto:tconley@kdhe.state.ks.us).

Sincerely,



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

RFH:cah

cc: C. Duffy  
T. Conley