



*Kathleen Sebelius, Governor  
Roderick L. Bremby, Secretary*

DEPARTMENT OF HEALTH  
AND ENVIRONMENT

[www.kdheks.gov](http://www.kdheks.gov)

Division of Environment

June 1, 2008

Licensee Name  
Company  
Street Address  
City, State Zip

Dear Licensee:

You have previously received a letter dated September 30, 2005 from the Kansas Department of Health and Environment, Bureau of Air and Radiation, Radiation Control Program requiring that you implement increased controls(IC) with respect to the possession of radioactive material quantities of concern. As part of the IC requirements, you were required to determine that each person who requires access to radioactive material quantities of concern to perform their job duties is sufficiently trustworthy and reliable.

New requirements regarding fingerprinting have been added to the increased controls requirements by the Nuclear Regulatory Commission (NRC). As an Agreement State, Kansas is required to maintain regulatory requirements that are compatible with the NRC. These new requirements for fingerprinting must be implemented in the time frame designated by the NRC with essentially identical content to the order being issued by the NRC for its licensees.

Section 652 of the Energy Policy Act of 2005 (EPAct), enacted on August 8, 2005, amended the fingerprinting requirements of the Atomic Energy Act (AEA). Specifically, the EPAct amended Section 149 of the AEA to require fingerprinting and a Federal Bureau of Investigation(FBI) identification and criminal history records check for any individual who is permitted unescorted access to radioactive materials or other property subject to regulation by Commission that the Commission determines to be of such significance to the public health and safety or the common defense and security as to warrant fingerprinting and background checks.

These changes have been incorporated into a new set of requirements titled "Increased Controls and Fingerprinting Requirements" and shall be referred to as IC&FR. The IC&FR shall supersede the previous increased controls requirements. The IC&FR is included as an attachment to this letter.

In accordance with K.A.R. 28-35-183a "Conditions imposed upon any specific license" your license has been amended to require you to comply with the IC&FR.

If you are of the opinion that the requirements of this letter or license amendment are unlawful or unreasonable, you may request a hearing in accordance with the Kansas Administrative

Bureau of Air & Radiation  
Radiation and Asbestos Control Section  
CURTIS STATE OFFICE BUILDING, 1000 SW JACKSON ST., STE 310, TOPEKA, KS 66612-1366  
Voice 785-296-1560 Fax 785-296-0984 [www.kdheks.gov/radiation/index.html](http://www.kdheks.gov/radiation/index.html)

*Printed on Recycled Paper*

Procedures Act. State specifically in what way this letter or license amendment are unlawful or unreasonable and send a Notice of Request for Hearing to Tracy Diel, Director, Office of Administrative Hearings, 1020 S. Kansas Avenue, Topeka, KS 66612, phone (785) 296-2433. Said Notice of Request for hearing must be made within 25 days after service of this letter and license amendment. *Failure to submit a timely request will result in a waiver of the licensee's right to a hearing.*

Whether or not you request a hearing, you may request a conference to discuss the requirements of this letter and license amendment. To request a conference, contact Mr. Thomas Conley, Radiation and Asbestos Control Section, Bureau of Air and Radiation, Kansas Department of Health and Environment, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366, telephone (785) 296-1560.

A request for conference does *not* extend the time to submit a Notice of Request for Hearing. Whether or not a conference is pursued, to preserve the right to a hearing, a written Notice of Request for Hearing must be filed within 25 days from the date you receive this letter and license amendment.

A request for hearing does not stay the immediate effectiveness of the requirements of this letter and the associated attachments.

Sincerely,

Thomas A. Conley, CHP  
Chief, Radiation and Asbestos Control Section  
[tconley@kdhe.state.ks.us](mailto:tconley@kdhe.state.ks.us)

#### Attachments

- Attachment 1: Increased Controls and Fingerprinting Requirements (IC&FR)
- Attachment 2: Table 1: Radionuclides of Concern- Amended
- Attachment 3: Fingerprinting license condition- New Licensee
- Attachment 4: Fingerprinting license condition- Existing Licensee
- Attachment 5: Increased Controls and Fingerprinting Summary
- Attachment 6: How to Submit Fingerprints to the NRC