



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

PDR

March 20, 1989

Stanley C. Grant, Secretary
Department of Health and Environment
Forbes Field, Building 740
Topeka, Kansas 66620

Dear Dr. Grant:

This confirms the discussion Mr. R. J. Doda had with Messrs. James Power, John Irwin, and Gerald Allen on January 20, 1989, in Topeka, Kansas, following our current review of the Kansas radiation control program.

As a result of our review of the State's program and the routine exchange of information between the NRC and the State of Kansas, the staff believes that the Kansas program for the regulation of agreement materials is adequate to protect public health and safety and is compatible with NRC's program for regulation of similar materials.

Enclosure 1 contains our single technical comment regarding the program, and you may wish to have Mr. Gerald W. Allen respond directly to this comment. We note that the Bureau's staff has already begun some actions on this minor Category I comment and recommendation.

Our review disclosed that all other program indicators were within NRC guidelines. However, a number of other technical matters were discussed with the radiation control staff and resolved during the course of the review meeting. An explanation of our policies and practices for reviewing Agreement State programs is attached as Enclosure 2.

We wish to commend the Bureau for their efforts early in 1988, concerning a case of leaking static eliminators with some associated polonium-210 contamination. At the NRC's request, Kansas inspectors responded quickly and conducted surveys during the early days and weeks of this incident. The Kansas actions were a critical part of the overall national response to this incident. This event was included in our discussions during the review meeting of the State's incident response procedures for radioactive materials.

We also commend the Bureau's ongoing efforts regarding the collection, packaging, and disposal of unused and excess radium sources within the State. These actions are being taken under the Conference of Radiation Control Program Directors' (CRCPD) Radium Disposal Project. Although radium is not included in the NRC's category of agreement materials, we would be happy to consider the use of any report or video tape on this project as a training aid for other regulatory staffs faced with similar responsibilities for radioactive materials.

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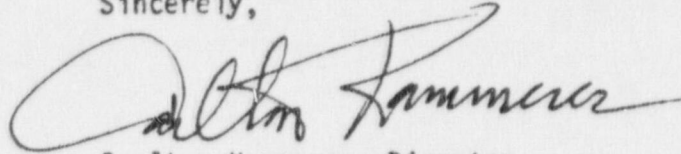
Dr. Stanley C. Grant

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MAR 20 1989

I appreciate the courtesy and cooperation you and your staff extended to Mr. Doda during the review meeting. Also, I am enclosing a copy of this letter for placement in the State Public Document Room or to otherwise be made available for review.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carlton Kammerer".

Carlton Kammerer, Director
State, Local and Indian Tribe Programs

Enclosures:

As stated

cc w/encls:

John Irwin, Director

Bureau of Air Quality and Radiation Control

State Public Document Room

NRC Public Document Room

V. Stello, Jr., Executive Director for Operations

Technical Comment and Recommendation
for the Kansas Radiation Control Program

1. Quality of Emergency Planning (Category I Indicator)

Comment

The State's plan for responding to incidents involving radioactive materials (at other than fixed nuclear facilities) is entitled, "Radiation Emergency Handbook." This plan is dated May 1978 and is in need of updating. Even though the Bureau staff has started some action on this plan, a higher priority was placed on completing the emergency response plans needed for the State's fixed nuclear facilities. We note that the State ran an emergency response exercise for a transportation accident involving radioactive materials during its licensee workshop in September 1988. Also, the State's emergency call list is up to date, and the State has procedures for emergencies during off-duty hours. For the above reasons, we believe this is a minor comment.

Recommendation

We recommend the Bureau update the radiation emergency plan for nonfixed facilities in the near future and distribute it to all appropriate persons for reference.

Application of "Guidelines for NRC Review
of Agreement State Radiation Control Programs"

The "Guidelines for NRC Review of Agreement State Radiation Control Programs," were published in the Federal Register on June 4, 1987, as an NRC Policy Statement. The Guidelines provide 29 indicators for evaluating Agreement State program areas. Guidance as to their relative importance to an Agreement State program is provided by categorizing the indicators into 2 categories.

Category I indicators address program functions which directly relate to the State's ability to protect the public health and safety. If significant problems exist in several Category I indicator areas, then the need for improvements may be critical.

Category II indicators address program functions which provide essential technical and administrative support for the primary program functions. Good performance in meeting the guidelines for these indicators is essential in order to avoid the development of problems in one or more of the principal program areas, i.e., those that fall under Category I indicators. Category II indicators frequently can be used to identify underlying problems that are causing, or contributing to, difficulties in Category I indicators.

It is the NRC's intention to use these categories in the following manner. In reporting findings to State management, the NRC will indicate the category of each comment made. If no significant Category I comments are provided, this will indicate that the program is adequate to protect the public health and safety and is compatible with the NRC's program. If one or more significant Category I comments are provided, the State will be notified that the program deficiencies may seriously affect the State's ability to protect the public health and safety and that the need of improvement in particular program areas is critical. If, following receipt and evaluation, the State's response appears satisfactory in addressing the significant Category I comments, the staff may offer findings of adequacy and compatibility as appropriate or defer such offering until the State's actions are examined and their effectiveness confirmed in a subsequent review. If additional information is needed to evaluate the State's actions, the staff may request the information through follow-up correspondence or perform a follow-up or special, limited review. NRC staff may hold a special meeting with appropriate State representatives. No significant items will be left unresolved over a prolonged period. The Commission will be informed of the results of the reviews of the individual Agreement State programs and copies of the review correspondence to the States will be placed in the NRC Public Document Room. If the State program does not improve or if additional significant Category I deficiencies have developed, a staff finding that the program is not adequate will be considered and the NRC may institute proceedings to suspend or revoke all or part of the Agreement in accordance with Section 274j of the Act, as amended.