



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

March 13, 2025

Kendra Baldrige, Director
Bureau of Community Health Systems
Kansas Department of Health and
Environment
1000 SW Jackson Suite 340
Topeka, KS 66612

SUBJECT: KANSAS FINAL IMPEP REPORT

Dear Kendra Baldrige:

On March 4, 2025, the Management Review Board (MRB) met, which consisted of the U.S. Nuclear Regulatory Commission (NRC) senior managers and an Organization of Agreement States member, to consider the proposed final Integrated Materials Performance Evaluation Program (IMPEP) report on the Kansas Agreement State Program. The MRB found the Kansas program adequate to protect public health and safety, and compatible with the NRC program.

The enclosed final report documents the IMPEP team's findings and summarizes the results of the MRB meeting. Based on the results of the IMPEP review, the next periodic meeting will take place in approximately 2 years with the next IMPEP review taking place in approximately 4 years.

I appreciate the courtesy and cooperation extended to the IMPEP team during the review. I also wish to acknowledge your continued support for the Agreement State program. I look forward to our agencies continuing to work cooperatively in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Lewis".

Signed by Lewis, Robert
on 03/13/25

Robert J. Lewis
Deputy Executive Director for Nuclear Materials,
Administrative, and Corporate Programs
Office of the Executive Director for Operations

Enclosures:

1. Final FY2025 Kansas IMPEP Report
2. 2025 Kansas MRB Meeting
Participants



INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM

REVIEW OF THE KANSAS AGREEMENT STATE PROGRAM

November 18–22, 2024

FINAL REPORT

EXECUTIVE SUMMARY

The results of the Integrated Materials Performance Evaluation Program (IMPEP) review of the Kansas Agreement State Program (Kansas) are discussed in this report. The review was conducted on November 18–22, 2024. Inspector accompaniments were conducted during the week of October 28, 2024.

The team found Kansas's performance to be satisfactory for all performance indicators reviewed: Technical Staffing and Training; Status of Materials Inspection Program; Technical Quality of Inspections; Technical Quality of Licensing Actions; Technical Quality of Incident and Allegation Activities; and Legislation, Regulations, and Other Program Elements.

There were no recommendations from the 2020 IMPEP review for the team to consider, and the team did not make any new recommendations.

Accordingly, the Management Review Board (MRB) Chair found the Kansas radiation control program adequate to protect public health and safety and compatible with the NRC's program. The MRB Chair also determined that a periodic meeting would take place in approximately 2 years with the next IMPEP review taking place in approximately 4 years.

1.0 INTRODUCTION

The Kansas Agreement State Program (Kansas) Integrated Materials Performance Evaluation Program (IMPEP) review was conducted on November 18–22, 2024, by a team of technical staff members from the U.S. Nuclear Regulatory Commission (NRC) and the States of Florida and Texas. Team members are identified in Appendix A. Inspector accompaniments were conducted between October 28 through November 1, 2024. The inspector accompaniments are identified in Appendix B. The review was conducted in accordance with the “Agreement State Program Policy Statement,” published in the *Federal Register* on October 18, 2017 (82 FR 48535), and NRC Management Directive (MD) 5.6, “Integrated Materials Performance Evaluation Program (IMPEP),” dated July 24, 2019. Preliminary results of the review, which covered the period of November 3, 2020, through November 22, 2024, were discussed with Kansas managers on the last day of the review.

In preparation for the review, a questionnaire addressing the common performance indicators and applicable non-common performance indicators was sent to Kansas on August 2, 2024. Kansas provided its response to the questionnaire on October 30, 2024. A copy of the questionnaire response is available in the NRC’s Agencywide Documents Access and Management System (ADAMS) Accession No. [ML24346A377](#).

The team issued a draft IMPEP report to Kansas on December 16, 2024, for factual comment ([ML24348A165](#)). Kansas responded with no comments on the draft report, and a few updates, by letter dated January 8, 2025, from Jason Meinholdt, Director, Radiation Control Program Kansas Department of Health and Environment ([ML25017A286](#)). The final IMPEP report was updated to address Kansas’s comments, as appropriate.

The Kansas Agreement State Program is administered by the Radiation Control Program, which is located within the Bureau of Community Health Services. The Bureau is part of the Department of Health and Environment, Division of Public Health. The Program is composed of three sections: The Radioactive Materials Unit; the X-Ray Compliance Unit; and the Environmental Radiation, Emergency Preparedness, and Right-To-Know Unit. The Radioactive Materials Unit implements the Agreement State Program. Organizational charts for Kansas are available in [ML24318C237](#).

At the time of the review, Kansas regulated 230 specific licenses authorizing possession and use of radioactive materials. The review focused on the radiation control program as it is carried out under Section 274b. (of the Atomic Energy Act of 1954, as amended) Agreement between the NRC and the State of Kansas.

The team evaluated the information gathered against the established criteria for each common and applicable non-common performance indicators and made a preliminary assessment of Kansas’s performance.

2.0 PREVIOUS IMPEP REVIEW AND STATUS OF RECOMMENDATIONS

The previous IMPEP review concluded on November 2, 2020. The final report is available in [ML21015A135](#). The results of the review are as follows:

Technical Staffing and Training: Satisfactory
Recommendation: None

Status of Materials Inspection Program: Satisfactory
Recommendation: None

Technical Quality of Inspections: Satisfactory
Recommendation: None

Technical Quality of Licensing Actions: Satisfactory
Recommendation: None

Technical Quality of Incident and Allegation Activities: Satisfactory
Recommendation: None

Legislation, Regulations, and Other Program Elements: Satisfactory but Needs Improvement
Recommendation: None

The 2025 IMPEP team noted that the deficiencies identified with the Legislation, Regulations, and Other Program Elements performance indicator during the 2020 review had been corrected and that sustained performance over this review period had been demonstrated. Specifically, Kansas submitted all but one regulatory package to their Office of Attorney General for approval and was still awaiting a response after 2 years. The remaining package will be submitted once the others have been returned. See Section 4.1 for additional details.

Overall finding: Adequate to protect public health and safety and compatible with the NRC's program. Based on the results of the 2020 Kansas IMPEP review, the team recommended, and the Management Review Board (MRB) agreed, that the period of Monitoring be terminated. The team further recommended, and the MRB agreed, that a Periodic Meeting be held within 2 years and the next IMPEP review take place in approximately 4 years.

3.0 COMMON PERFORMANCE INDICATORS

Five common performance indicators are used to review the NRC and Agreement State radiation control programs. These indicators are: (1) Technical Staffing and Training, (2) Status of Materials Inspection Program, (3) Technical Quality of Inspections, (4) Technical Quality of Licensing Actions, and (5) Technical Quality of Incident and Allegation Activities.

3.1 Technical Staffing and Training

The ability to conduct effective licensing and inspection programs is largely dependent on having experienced, knowledgeable, well-trained technical personnel. Under certain conditions, staff turnover could have an adverse effect on the implementation of these programs and could affect public health and safety. Apparent trends in staffing must be assessed. Review of staffing also requires consideration and evaluation of the levels of training and qualification. The evaluation standard measures the overall quality of training available to, and taken by, materials program personnel.

a. Scope

The team used the guidance in State Agreements procedure (SA) [SA-103](#), "Reviewing the Common Performance Indicator: Technical Staffing and Training," and evaluated Kansas's performance with respect to the following performance indicator objectives:

- A well-conceived and balanced staffing strategy has been implemented throughout the review period.
- Any vacancies, especially senior-level positions, are filled in a timely manner.
- There is a balance in staffing of the licensing and inspection programs.
- Management is committed to training and staff qualification.

- Agreement State training and qualification program is equivalent to NRC Inspection Manual Chapter (IMC) [IMC 1248](#), “Formal Qualifications Program for Federal and State Material and Environmental Management Programs.”
- Qualification criteria for new technical staff are established and are followed, or qualification criteria will be established if new staff members are hired.
- Individuals performing materials licensing and inspection activities are adequately qualified and trained to perform their duties.
- License reviewers and inspectors are trained and qualified in a reasonable period.

b. Discussion

Kansas is composed of 10 staff members (1 director, 1 supervisor, 5 technical staff members and 3 administrative staff members) which equals 5.04 full-time equivalent (FTE) for the radiation control program when fully staffed. There was one vacancy at the time of the review. During the review period, four staff members left the program, and four staff members were hired. Three new staff members were hired within three months, and the director was hired within a day after the previous director retired. One of the three new staff members left the program within six months which created the vacancy. The vacancy was slated to be converted to a part-time health physics position while providing additional funds to increase current staff salaries. During the MRB, Kansas indicated that the part-time health physics position conversion had been completed and that the new employee is already signed up for NRC training for qualifications.

Kansas has a training and qualification program that is compatible with the NRC’s IMC 1248. The program uses a combination of on-the-job training along with the NRC sponsored courses as part of its qualification process. Staff are fully qualified in a modality before they can perform licensing and inspection tasks independently. Staff are considered fully qualified when they are qualified in all modalities. At the time of the review, three staff members were undergoing the qualification process.

Program management is very supportive of the training program and staff is encouraged to attend NRC training courses. Continuing education and professional development are encouraged and tracked by the Program Supervisor. A mentoring program has been implemented where the Program Supervisor and senior inspectors and license reviewers provide on-the-job training for the staff undergoing qualification. Experienced staff are also expected to take refresher training that is compatible and consistent with refresher training as detailed in the NRC’s IMC 1248.

c. Evaluation

The team determined that, during the review period, Kansas met the performance indicator objectives listed in Section 3.1.a. Based on the criteria in MD 5.6, the team recommends that Kansas’s performance with respect to the indicator, Technical Staffing and Training, be found satisfactory.

d. MRB Discussion and Chair’s Determination

The MRB Chair agreed with the team’s recommendation and found Kansas’ performance with respect to this indicator satisfactory.

3.2 Status of Materials Inspection Program

Inspections of licensed operations are essential to ensure that activities are being conducted in compliance with regulatory requirements and consistent with good safety and security practices. The frequency of inspections is specified in [IMC 2800](#), “Materials Inspection Program,” and is dependent on the amount and type of radioactive material, the type of operation licensed, and the results of previous inspections. There must be a capability for maintaining and retrieving statistical data on the status of the inspection program.

a. Scope

The team used the guidance in [SA-101](#), “Reviewing the Common Performance Indicator: Status of the Materials Inspection Program,” and evaluated Kansas’s performance with respect to the following performance indicator objectives:

- Initial inspections and inspections of Priority 1, 2, and 3 licensees are performed at the prescribed frequencies (<https://www.nrc.gov/materials/miau/mat-toolkits.html>).
- Deviations from inspection schedules are normally coordinated between technical staff and management.
- There is a plan to perform any overdue inspections and reschedule any missed or deferred inspections or a basis has been established for not performing any overdue inspections or rescheduling any missed or deferred inspections.
- Candidate licensees working under reciprocity are inspected in accordance with the criteria prescribed in IMC 2800 and other applicable guidance or compatible Agreement State Procedure.
- Inspection findings are communicated to licensees in a timely manner (30 calendar days, or 45 days for a team inspection), as specified in [IMC 0610](#), “Nuclear Material Safety and Safeguards Inspection Reports.”

b. Discussion

Kansas performed 185 Priority 1, 2, 3, and initial inspections during the review period, of which approximately 5 percent were conducted overdue. One of 163 Priority 1, 2, or 3, and 8 of 22 initial inspections were conducted overdue. Of the overdue inspections noted above, four initial inspections were performed overdue due to impacts related to the pandemic. The team noted that Temporary Instruction (TI) [TI-003](#) states, in part, that for inspections that exceed the scheduling window with overdue dates falling inside the defined time frame of the pandemic, the number of overdue inspections should be noted in the report but should not be counted as overdue provided that the State continues to maintain health, safety, and security. The team determined that Kansas continued to maintain health, safety, and security during this time frame. Therefore, the team did not include these four inspections as overdue when performing the calculation, resulting in an adjusted overdue percentage rate of 2.7 percent.

Kansas’s inspection frequencies were typically more frequent than for similar license types in NRC’s program.

A sampling of 25 inspection reports indicated that all of the inspection findings were communicated to the licensees within Kansas’s goal of two weeks after the inspection exit.

Kansas’s procedure for inspection of reciprocity candidates, states that Kansas will attempt to inspect at least five reciprocity candidates each calendar year, focusing on those candidates with reported events, with poor inspection histories, operating long-term projects

in Kansas, or with new or unique technologies. The team observed that Kansas inspected at least five reciprocity candidates each year of the review period, ranging from 18.5–37.5 percent of candidates for each year.

c. Evaluation

The team determined that, during the review period, Kansas met the performance indicator objectives listed in Section 3.2.a. Based on the criteria in MD 5.6, the team recommends that Kansas's performance with respect to the indicator, Status of Materials Inspection Program, be found satisfactory.

d. MRB Discussion and Chair's Determination

The MRB Chair agreed with the team's recommendation and found Kansas' performance with respect to this indicator satisfactory.

3.3 Technical Quality of Inspections

Inspections, both routine and reactive, provide reasonable assurance that licensee activities are carried out in a safe and secure manner. Accompaniments of inspectors performing inspections, and the critical evaluation of inspection records are used to assess the technical quality of an inspection program.

a. Scope

The team used the guidance in [SA-102](#), "Reviewing the Common Performance Indicator: Technical Quality of Inspections," and evaluated Kansas's performance with respect to the following performance indicator objectives.

- Inspections of licensed activities focus on health, safety, and security.
- Inspection findings are well-founded and properly documented in reports.
- Management promptly reviews inspection results.
- Procedures are in place and used to help identify root causes and poor licensee performance.
- Inspections address previously identified open items and violations.
- Inspection findings lead to appropriate and prompt regulatory action.
- Supervisors, or senior staff as appropriate, conduct annual accompaniments of each inspector to assess performance and assure consistent application of inspection policies.
- For Programs with separate licensing and inspection staffs, procedures are established and followed to provide feedback information to license reviewers.
- Inspection guides are compatible with NRC guidance.
- An adequate supply of calibrated survey instruments is available to support the inspection program.

b. Discussion

The team evaluated the inspection reports, enforcement documentation, and interviewed inspectors for 28 materials inspections conducted during the review period. The casework reviewed included inspections conducted by six of Kansas's current and former inspectors and covered medical, industrial, commercial, academic, research, and service provider licenses. The casework also included initial security, temporary job sites, and reciprocity inspections. The team identified that Kansas's inspection results were well documented with

respect to health, safety, and security. Violations were well supported by the appropriate Kansas's regulations. Kansas has procedures in place for documenting violations and items of non-compliance. Inspection reports are reviewed and signed by the Program Supervisor. The inspector signs all letters of compliance, notices of violation, and return to compliance before being sent to the licensee. Supervisory accompaniments were performed of each qualified inspector for each year in the review period.

Team members accompanied four inspectors during three inspections October 28–31, 2024. The inspector accompaniments are identified in Appendix B. These inspections covered industrial radiography, fixed gauge, and a medical broad scope facility with High Dose Rate Brachytherapy. No performance issues were noted during the inspector accompaniments. The inspectors were well-prepared, thorough, and assessed the impact of licensed activities on health, safety, and security. The inspectors clearly communicated the inspection findings to licensees at the exit meeting.

The team determined that Kansas has an ample supply of radiation survey instruments such as Geiger-Mueller meters, scintillation detectors, ion chambers, and micro-R meters to support its inspection program. Each inspector is assigned instruments commensurate with the type of inspections they perform. The survey instruments used during the inspector accompaniments were operational and calibrated.

c. Evaluation

The team determined that, during the review period, Kansas met the performance indicator objectives listed in Section 3.3.a. Based on the criteria in MD 5.6, the team recommends that Kansas's performance with respect to the indicator, Technical Quality of Inspections be found satisfactory.

d. MRB Discussion and Chair's Determination

The MRB Chair agreed with the team's recommendation and found Kansas' performance with respect to this indicator satisfactory.

3.4 Technical Quality of Licensing Actions

The quality, thoroughness, and timeliness of licensing actions can have a direct bearing on public health and safety, as well as security. An assessment of licensing procedures, implementation of those procedures, and documentation of communications and associated actions between the Kansas licensing staff and regulated community is a significant indicator of the overall quality of the licensing program.

a. Scope

The team used the guidance in [SA-104](#), "Reviewing the Common Performance Indicator: Technical Quality of Licensing Actions," and evaluated Kansas's performance with respect to the following performance indicator objectives:

- Licensing action reviews are thorough, complete, consistent, and of acceptable technical quality with health, safety, and security issues properly addressed.
- Essential elements of license applications have been submitted, and elements are consistent with current regulatory guidance (e.g., pre-licensing guidance, Title 10 of the *Code of Federal Regulations* (10 CFR) Part 37, financial assurance, etc.).

- License reviewers, if applicable, have the proper signature authority for the cases they review independently.
- License conditions are stated clearly and can be inspected.
- Deficiency letters clearly state regulatory positions and are used at the proper time.
- Reviews of renewal applications demonstrate a thorough analysis of a licensee's inspection and enforcement history.
- Applicable guidance documents are available to reviewers and are followed (e.g., NUREG-1556 series, pre-licensing guidance, regulatory guides, etc.).
- Licensing practices for risk-significant radioactive materials (RSRM) are appropriately implemented including the physical protection of Category 1 and Category 2 quantities of radioactive material (10 CFR Part 37 equivalent).
- Documents containing sensitive security information are properly marked, handled, controlled, and secured.

b. Discussion

During the review period, Kansas performed 715 radioactive materials licensing actions. The team evaluated 19 of those licensing actions. The licensing actions selected for review included four new applications, six amendments, five renewals, three terminations, and one financial assurance action. The team evaluated casework which included the following license types and actions: broad scope, medical diagnostic and therapeutic, accelerator, industrial radiography, research and development, academic, nuclear pharmacy, gauges, well logging, financial assurance, and change of ownership notifications. The casework sample represented work from nine license reviewers.

In each of the licensing actions reviewed, the team found the casework to have been done in accordance with current guidance and followed sound health physics principles. The team confirmed that Kansas was using and implementing the most recent version of the pre-licensing guidance and RSRM checklist. Furthermore, Kansas was conducting pre-licensing visits for all new licenses. Each license file was well organized to provide easy access to pertinent information necessary for inspectors and license reviewers during future reviews and routine inspections.

Additionally, Kansas holds bi-weekly meetings to discuss the status of all scheduled inspections and licensing actions. Any action or inspection that is still open since the previous meeting will get prioritized for completion.

c. Evaluation

The team determined that, during the review period, Kansas met the performance indicator objectives listed in Section 3.4.a. Based on the criteria in MD 5.6, the team recommends that Kansas's performance with respect to the indicator, Technical Quality of Licensing Actions, be found satisfactory.

d. MRB Discussion and Chair's Determination

The MRB Chair agreed with the team's recommendation and found Kansas' performance with respect to this indicator satisfactory.

3.5 Technical Quality of Incident and Allegation Activities

The quality, thoroughness, and timeliness of response to incidents and allegations of safety concerns can have a direct bearing on public health, safety and security. An assessment of

incident response and allegation investigation procedures, actual implementation of these procedures internal and external coordination, timely incident reporting, and investigative and follow-up actions, are a significant indicator of the overall quality of the incident response and allegation programs.

a. Scope

The team used the guidance in [SA-105](#), “Reviewing the Common Performance Indicator: Technical Quality of Incident and Allegation Activities,” and evaluated Kansas’s performance with respect to the following performance indicator objectives:

- Incident response and allegation procedures are in place and followed.
- Response actions are appropriate, well-coordinated, and timely.
- On-site responses are performed when incidents have potential health, safety, or security significance.
- Appropriate follow-up actions are taken to ensure prompt compliance by licensees.
- Follow-up inspections are scheduled and completed, as necessary.
- Notifications are made to the NRC Headquarters Operations Center for incidents requiring a 24-hour or immediate notification to the Agreement State or NRC.
- Incidents are reported to the Nuclear Material Events Database and closed when all required information has been obtained.
- Allegations are investigated in a prompt, appropriate manner.
- Concerned individuals are notified within 30 days of investigation conclusions.
- Concerned individuals’ identities are protected, as allowed by law.

b. Discussion

During the review period, 17 incidents were reported to Kansas. The team evaluated 9 radioactive materials incidents which were required to be reported. These included two lost/abandoned/stolen radioactive materials, one medical event, three equipment failure/equipment misuse, one well logging source abandonment, and two vehicle accident/device struck by vehicle. Kansas dispatched inspectors for on-site follow-up for all 9 cases.

When notified of an incident, management and staff meet to discuss the incident and determine the appropriate level of response, which can range from an immediate response (reactive inspection within 5 business days of the reported event) to a routine response (reviewing the incident during the next routine scheduled inspection). Those determinations were made based on both the circumstances and the health and safety significance of the incident. The team found that Kansas’s evaluation of incident notifications and its response to those incidents was thorough, well balanced, complete, and comprehensive.

The team also evaluated Kansas’s reporting of incidents to the NRC’s Headquarters Operations Officer (HOO). The team noted that in each case requiring HOO notification, Kansas reported the incidents within the required time frame. The team also evaluated whether Kansas had not reported any required incidents to the HOO. The team did not identify any missed reporting requirements. Kansas noted that they document response to incidents in their Nuclear Materials Events Database and reports incidents to the NRC consistent with the reporting timelines in [SA-300](#).

During the review period, six allegations were received by Kansas. The team evaluated the six allegations, including two allegations that the NRC referred to the State, during the

review period. The team found that the allegations were reviewed promptly, and allegeders' identities were protected.

c. Evaluation

The team determined that, during the review period, Kansas met the performance indicator objectives listed in Section 3.5.a. Based on the criteria in MD 5.6, the team recommends that Kansas's performance with respect to the indicator, Technical Quality of Incident and Allegation Activities, be found satisfactory.

d. MRB Discussion and Chair's Determination

The MRB Chair agreed with the team's recommendation and found Kansas' performance with respect to this indicator satisfactory.

4.0 NON-COMMON PERFORMANCE INDICATORS

Four non-common performance indicators are used to review Agreement State programs: (1) Legislation, Regulations, and Other Program Elements; (2) Sealed Source and Device (SS&D) Evaluation Program; (3) Low-Level Radioactive Waste (LLRW) Disposal Program; and (4) Uranium Recovery (UR) Program. The NRC retains regulatory authority for the UR Program; therefore, only the first three non-common performance indicators applied to this review.

4.1 Legislation, Regulations, and Other Program Elements

State statutes should authorize the State to establish a program for the regulation of agreement material and provide authority for the assumption of regulatory responsibility under the State's agreement with the NRC. The statutes must authorize the State to promulgate regulatory requirements necessary to provide reasonable assurance of adequate protection of public health, safety, and security. The State must be authorized through its legal authority to license, inspect, and enforce legally binding requirements, such as regulations and licenses. The NRC regulations that should be adopted by an Agreement State for purposes of compatibility or health and safety should be adopted in a time frame so that the effective date of the State requirement is not later than 3 years after the effective date of the NRC's final rule. Other program elements that have been designated as necessary for maintenance of an adequate and compatible program should be adopted and implemented by an Agreement State within 6 months following NRC designation. A Program Element Table indicating the Compatibility Categories for those program elements other than regulations can be found on the NRC Web site at the following address: <https://scp.nrc.gov/regtoolbox.html>.

a. Scope

The team used the guidance in [SA-107](#), "Reviewing the Non-Common Performance Indicator: Legislation, Regulations, and Other Program Elements," and evaluated Kansas's performance with respect to the following performance indicator objectives. A complete list of regulation amendments can be found on the NRC website at the following address: <https://scp.nrc.gov/regtoolbox.html>.

- The Agreement State program does not create conflicts, duplications, gaps, or other conditions that jeopardize an orderly pattern in the regulation of radioactive materials under the Atomic Energy Act of 1954, as amended.
- Regulations adopted by the Agreement State for purposes of compatibility or health and safety were adopted no later than 3 years after the effective date of the NRC regulation.

- Other program elements, as defined in [SA-200](#) that have been designated as necessary for maintenance of an adequate and compatible program, have been adopted and implemented within 6 months of NRC designation.
- The State statutes authorize the State to establish a program for the regulation of agreement material and provide authority for the assumption of regulatory responsibility under the agreement.
- The State is authorized through its legal authority to license, inspect, and enforce legally binding requirements such as regulations and licenses.
- Sunset requirements, if any, do not negatively impact the effectiveness of the State's regulations.

b. Discussion

Kansas became an Agreement State on January 1, 1965. The Kansas regulations governing radiation protection requirements are found in Kansas Administrative Regulations 28-35-133 through 28-35-505, and apply to all ionizing radiation, whether emitted from radionuclides or produced by machines. The Program is designated as the State's Radiation Control Program. The state incorporates by reference only for 10 CFR Parts 35 and 37. The State's rules and regulations are not subject to sunset laws. No other legislative changes were made.

Kansas's administrative rulemaking process takes approximately 3 to 4 years from drafting to finalizing a rule. New regulations or edits to existing regulations are created by Kansas. The regulations are submitted to the Kansas Department of Health and Environment legal office. The legal office reviews the regulations for statutory authority and style. Any issues are communicated back to Kansas and the corrected regulations are returned to the legal office. This step takes 2–5 weeks depending on the workload of the legal office. The regulations are then submitted to the Department of Administration, which reviews the regulations for grammar, style and consistency. Any issues are returned to the legal office who coordinates with Kansas. This step can take 3–6 months. The Regulations are then submitted to the Attorney General's (AG) office. This technical legal review takes a substantial amount of time. Any specific regulations that fail their review are returned to Kansas. The regulations that are edited are resubmitted to the Department of Administration; the subsequent review is quicker because the unedited regulations are not reviewed. This step can take up to a year. Public comments and a Notice of Hearings are published and respond to their comments. A hearing is held with the Joint Committee on Administrative Rules and Regulations and then respond to their comments. This step could take a substantial amount of time depending on the status of the state legislature being in session or not. The legislative review process remains outside of the radiation control program's control.

During the review period, Kansas submitted six proposed regulation amendments, two final regulation amendments, and no legally binding requirements or license conditions to the NRC for a compatibility review. A seventh proposed regulation package had not been submitted by the September 8, 2024, due date due to a delay in the AG's office for returning the previous six amendments. Therefore, seven of the proposed regulatory amendments were overdue for State adoption at the time of the on-site review. Legally binding requirements have been used in the past to meet adoption deadline and will be used again by the radiation control program, as necessary.

During the review period, the State finalized regulatory amendments and received NRC correspondence stating "No Comments" for Regulation Amendment Tracking System Identification Numbers (RATS IDs) 2018-1, 2018-2. The State also proposed regulatory

amendments and received NRC correspondence stating “No Comments” for RATS IDs 2018-3, 2019-1, 2019-2, 2020-1, 2020-2, and 2020-3. As stated above, all six of these RATS are overdue for adoption. These six RATS are currently with the AG’s office, which is well outside of the radiation control program’s control. The team determined that these six regulation amendments were minor in nature and do not adversely impact the health and safety of Kansas licensees or residents. Kansas confirmed that there were no health and safety concerns with these regulation packages that would affect any Kansas licensee’s license. Additionally, there is one other outstanding regulatory amendment that needs to be submitted to the NRC for a compatibility review (RATS ID 2021-1, Miscellaneous Corrections: 10 CFR Parts 2, 11, 20, 25, 32, 35, 37, 50, 52, 55, 70, 72, 73, 95, and 110; due September 8, 2024). Work by the Program is ongoing to provide the NRC with the proposed amendment in approximately 3–6 months. The state’s process does not allow the submission of additional regulatory packages until the previously submitted package has been acted on. Therefore, the radiation control program cannot submit RATS ID 2021-1 at this time until the six proposed regulations have been approved by the AG’s office. The team determined that RATS ID 2021-1, Miscellaneous Corrections regulation amendment was minor in nature and does not adversely impact the health and safety of Kansas licensees or residents.

The team also reviewed other program elements the NRC has designated as necessary for the maintenance of an adequate and compatible program that fall within this non-common performance indicator. These include elements such as, Pre-Licensing Guidance, Inspection Procedures, RSRM checklist, and standard license conditions, etc.

c. Evaluation

The team determined that, during the review period, Kansas met the performance indicator objectives listed in Section 4.1.a., and based on the criteria in MD 5.6, recommended that Kansas’s performance with respect to the indicator, Legislation, Regulations, and Other Program Elements, be found satisfactory, because the late regulatory packages did not impact the health and safety of Kansas licensees or residents

d. MRB Discussion and Chair’s Determination

The MRB Chair agreed with the team’s recommendation and found Kansas’ performance with respect to this indicator satisfactory.

4.2 SS&D Evaluation Program

The Kansas Agreement State Program has authority to conduct SS&D evaluations for byproduct, source, and certain special nuclear materials; however, Kansas did not conduct any SS&D evaluations during the review period. Accordingly, the team did not review this indicator. There are currently no SS&D manufacturers in Kansas. If Kansas were to receive an application for a SS&D action, it would refer the application to another Agreement State that has an active evaluation program. This practice is consistent with acceptable approaches used by other Agreement States.

4.3 LLRW Disposal Program

In 1981, the NRC amended its Policy Statement, “Criteria for Guidance of States and NRC in Discontinuance of NRC Authority and Assumption Thereof by States Through Agreement,” to allow a State to seek an amendment for the regulation of LLRW as a separate category. Those States with existing Agreements prior to 1981 were determined to have continued LLRW

disposal authority without the need for an amendment. Although Kansas has such authority to regulate a LLRW disposal facility, the NRC has not required States to have a program for licensing a disposal facility until such time as the State has been designated as a host State for LLRW disposal. When an Agreement State has been notified or becomes aware of the need to regulate a LLRW disposal facility, it is expected to put in place a regulatory program that will meet the criteria for an adequate and compatible LLRW program. There are no plans for a commercial LLRW disposal facility in Kansas. Accordingly, the team did not review this indicator.

5.0 SUMMARY

The team found Kansas's performance to be satisfactory for all performance indicators reviewed: Technical Staffing and Training; Status of Materials Inspection Program; Technical Quality of Inspections; Technical Quality of Licensing Actions; Technical Quality of Incident and Allegation Activities; and Legislation, Regulations, and Other Program Elements.

There were no recommendations from the previous IMPEP review for the team to consider, and the team did not make any new recommendations.

Accordingly, the MRB Chair found the Kansas radiation control program adequate to protect public health and safety and compatible with the NRC's program. The NRC chair also determined that a periodic meeting take place in approximately 2 years with the next IMPEP review taking place in approximately 4 years.

LIST OF APPENDICES

Appendix A IMPEP Review Team Members

Appendix B Inspector Accompaniments

APPENDIX A

IMPEP REVIEW TEAM MEMBERS

Name	Areas of Responsibility
Geoffrey Warren, Region III	Team Leader Status of Materials Inspection Program
Shawn Seeley, Region I	Team Leader in Training Technical Quality of Licensing Actions Inspector Accompaniments
Craig Sutton, Texas	Technical Staffing and Training
Dave Ganesh, Florida	Technical Quality of Inspections
Jackie Cook, Region IV	Technical Quality of Incident and Allegation Activities
Darren Piccirillo, Region III	Legislation, Regulations, and Other Program Elements

APPENDIX B

INSPECTOR ACCOMPANIMENTS

The following inspector accompaniments were performed prior to the IMPEP review:

Accompaniment No.: 1	License No.: 22-B949
License Type: <i>Fixed Gauge</i>	Priority: 5 (Kansas Priority: 4)
Inspection Date: 10/28/2024	Inspector's initials: TM

Accompaniment No.: 2	License No.:21-B980
License Type: <i>Industrial Radiography</i>	Priority: 1
Inspection Date: 10/29/2024	Inspector's initials: AS

Accompaniment No.: 3	License No.: 19-C041
License Type: <i>Medical Broadscope with High Dose Rate</i>	Priority:2 (Kansas Priority: 1)
Inspection Date:10/30-31/2024	Inspector's initials: JS/DL

**Kansas Agreement State Program Management Review Board Meeting Participants
March 4, 2025, 1:00 p.m. – 1:54 p.m. (ET), via Microsoft Teams**

Management Review Board:

- Rob Lewis, Deputy Executive Director for Nuclear Materials, Administrative, and Corporate Programs, the Office of the Executive Director for Operations, and Management Review Board (MRB) Chair;
- Jen Scro, Acting Assistant General Counsel for Rulemaking, Agreement States and Fee Policy;
- Kathryn Brock, Deputy Director, Office of Nuclear Material Safety and Safeguards (NMSS);
- Daniel Collins, Regional Administrator, U.S. Nuclear Regulatory Commission (NRC) Region I; and
- John Fassell, Organization of Agreement States representative to the MRB, from the State of California.

Kansas Program Management:

- Kendra Baldridge, Bureau Director, Community Health Systems, Kansas Department of Health and Environment;
- Jason Meinholdt, Director, Radiation Control Program, Kansas Department of Health and Environment; and
- Aaron Short, Health Physicist Supervisor, Radioactive Materials Unit.

IMPEP Team:

- Geoffrey Warren, Team Leader, NRC Region III;
- Shawn Seeley, NRC Region I;
- Craig Sutton, State of Texas;
- Dave Ganesh, State of Florida;
- Darren Piccirillo, NRC Region III; and
- Jackie Cook, NRC Region IV.

NRC, State of Kansas, and Other Members of the Public:

- Dafna Silberfeld, NMSS
- Adelaide Giantelli, NMSS
- Rhex Edwards, NRC Region III
- Jackson Barth, NMSS
- Sherrie Flaherty, NMSS
- Lisa Forney, NMSS
- Robert Johnson, NMSS
- Karen Meyer, NMSS
- Lee Smith, NMSS
- Alexis Willis, Region IV
- Farrah Gaskins, NRC Region I
- Randy Erickson, NRC Region IV
- Amber Schmidt State of Kansas
- David Lawrenz, State of Kansas
- Eric Short, State of Kansas
- Jill Southerland, State of Kansas
- Tessa Reeves, State of Kansas
- Jeff Herschell, State of Kansas
- Sarah Sanderlin, State of New Jersey
- Kevin Myers, State of Texas

KANSAS FINAL IMPEP REPORT DATE March 13, 2025

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DATE	Mar 6, 2025	Mar 6, 2025	Mar 6, 2025	Mar 6, 2025
OFFICE	NMSS/MSST/SMPB	OCIO/DIME	NSIR/DPR	NMSS
NAME	AGiantelli SFlaherty for <i>SF</i>	DSilberfeld <i>DS</i>	KBrock <i>KB</i>	RLewis <i>RL</i>
DATE	Mar 7, 2025	Mar 7, 2025	Mar 13, 2025	Mar 13, 2025

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