



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
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July 8, 2008

Thomas A. Conley, CHP, RRPT, Chief
Radiation and Asbestos Control Section
Bureau of Air & Radiation
Kansas Section of Health & Environment
1000 SW Jackson, Suite 310
Topeka, KS 66612-1366

Dear Mr. Conley:

A periodic meeting with Kansas was held on June 18, 2008. The purpose of this meeting was to review and discuss the status of the Kansas Agreement State Program. I have completed and enclosed a general meeting summary, including any specific actions resulting from the discussions.

If you feel that my conclusions do not accurately summarize the meeting discussion, or have any additional remarks about the meeting in general, please contact me at (817) 860-8143 or email Randy.Erickson@nrc.gov to discuss your concerns.

Sincerely,

/RA/

Randy Erickson
Regional State Agreements Officer

Enclosure:
Periodic Meeting Summary for KDHE

AGREEMENT STATE PERIODIC MEETING SUMMARY FOR KANSAS

DATE OF MEETING: JUNE 18, 2008

NRC Attendees	Kansas Attendees
Randy Erickson, RSAO	Tom Conley, Chief Rad. Control Program
	David Whitfill, PE, CHP, Supervisor
	Isabelle Busenitz, Environmental Scientist
	James Harris, Environmental Scientist

DISCUSSION:

The Agreement State program is administered by the Section. The Section is part of the Bureau of Air and Radiation (the Bureau) in the Division of Environment (the Division). The Division is located within the Section of Health and Environment (the Section). At the time of the review, the Kansas program regulated approximately 306 specific licenses, including naturally occurring or accelerator-produced radioactive material (NARM).

The previous IMPEP review was conducted the week of April 18-21, 2006. At the conclusion of the review the team found Kansas' performance to be satisfactory but needs improvement for the performance indicator, Technical Staffing and Training, and satisfactory for all remaining performance indicators reviewed. The review team made one recommendation regarding the performance of the Kansas Agreement State Program and recommended that one recommendation from the prior IMPEP review be left open. Accordingly, the review team recommended and the MRB agreed that the Kansas Agreement State Program was adequate to protect public health and safety and compatible with NRC's program. The team also recommended and the MRB agreed that the period of heightened oversight should be discontinued.

The status of the recommendations are summarized below.

- The team recommends the State ensure that the Materials Program has adequate resources and an adequate complement of qualified staff. (From 2002 IMPEP review) (Section 3.1)

Previous Status: After suffering significant staff losses which were noted during the 2002 review, the State adopted a radiation control fee fund in 2004 that now provides adequate resources for the Agreement State program. The 2006 review found the Section was fully staffed. The team also found that new staff members were well educated and capable of contributing to the Agreement State program, but felt that additional training and experience was necessary before the Section would have an adequate complement of fully qualified staff. The review team concluded that this recommendation should remain open, pending further staff training and experience.

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Current Status: The Section remains fully staffed with a well trained individuals. Additional positions were added in the X-Ray and Emergency Response areas which have helped free up materials staff for other duties. The Section does not anticipate any other staff additions at this time. Staff members continue to attend both NRC sponsored and other training courses as they become available. This recommendation should be verified and closed at the next IMPEP review.

- 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. (Section 3.2)

Previous Status: The 2006 review team found the Section inspected approximately 12 percent of candidate reciprocity licensees during the review period, which is less than MC 1220 reciprocity inspection requirements. The review team recommended that the State place greater emphasis and resource allocation towards reciprocity inspections in accordance with program goals and the criteria in MC 1220.

Current Status: The Section reported that for the remainder of 2006 and all of 2007 they did not meet NRC's criteria of inspecting 20 percent of candidate licensees, instead the Section performed an average of 10-12 percent each year. Through the middle of 2008 they had completed approximately half of the 20 percent requirement. Program managers stated that most reciprocity inspections occur in far west Kansas, several hours drive away from the office. They stated it is difficult for the Program to perform announced reciprocity inspections which are often several hours drive from the office. Unannounced reciprocity inspections are even more difficult to perform as the work is often completed when they arrive, making the trip a wasted effort. Additionally, the staff is often called upon by Emergency Management to assist in non-radiological emergency situations, often for long periods of time, which reduces their availability to perform reciprocity inspections. This recommendation remains open and should be evaluated at the next IMPEP review.

Other topics covered at the meeting included.

Program Strengths: The Kansas Program is a very busy program with a highly motivated and dedicated staff. While the Section has experienced staff losses noted during previous reviews, they have successfully filled vacated positions with talented individuals bolstering the Program's already broad knowledge base. The 2004 fee fund has helped ease staff hiring and retention problems that had previously placed a hardship on the Program. Staff members are also active participants on IMPEP teams. The Section has integrated the workload associated with Increased Controls and Fingerprinting requirements without falling behind in other Program areas. The Program has implemented a database to track regulatory changes, and one staff member is now assigned to ensure that regulatory and compatibility requirements are kept up to date. Staff members work well together providing a high level of customer service to their licensees, and Program management has worked to ensure that a proper balance is achieved within the program.

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Program Weaknesses: The Section reported that while they have sufficient staff to meet the daily needs of the Program, they are often stressed by other non-radiological issues that arise. When State or national disasters occur, the Section is often called upon to provide Program staff with special skills to assist in response and recovery efforts. These efforts can last from weeks to months, a hardship that reduces the effectiveness of the Program in meeting its programmatic goals for timely inspections, review of incidents and allegations, and updating NMED.

Staffing and training:

The Program has a staff of 7.5 full-time staff members in the radioactive materials licensing and inspection programs. Two of those staff members are managers. The Program is staffed with highly trained individuals including two Certified Health Physicists, a Professional Engineer, and two individuals with certification from the National Registry of Radiation Protection Technologists. All Section management are also Certified Public Managers. Currently the Program has no vacant technical positions.

Program reorganizations:

The Section has not experienced any program reorganizations since the previous IMPEP review and none are expected. During the review period both the Bureau Director and Division Director positions experienced turnover and both have been replaced.

Changes in Program budget/funding:

The Section has not experienced significant problems with budgeting or funding since adoption of the radiation control fee fund in 2004. A potential fee increase is being considered in 2010.

Materials Inspection Program:

The Section reported that they currently have one overdue inspection. Routine inspections are generally performed by the due date, but occasionally inspections are performed within the +25 percent window although that's not routinely done. Initial inspections are typically performed within 12 months of issuance. They continue to experience difficulty in inspecting reciprocity licensees as previously noted. The Section initially identified 21 licensees who were required to implement Increased Controls. The Section reported that all Increased Controls inspections were performed within the first year and are now performed as a part of their routine inspection program.

Regulations and Legislative changes.

The Section reported that they are up to date on all regulations. No legislative changes were reported.

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Event reporting, including follow-up and closure information in NMED.

The Section reported that all NMED information is currently up to date. The Program has a research analyst who tracks all event reporting information monthly, and now ensures that all information is entered into the system in a timely manner.

Response to incidents and allegations.

The Section continues to be responsive to notifications of incidents and allegations. Incidents are quickly reviewed for their affect on public health and safety. Staff is dispatched to perform onsite investigations when necessary. The Program Manager has placed a high emphasis on maintaining an effective response to incidents and allegations. Four allegations were received by the Section since the 2006 review and one allegation was referred to NRC for follow-up. Each of the allegations received was investigated, appropriate actions were taken, and the allegations were closed.

Status of allegations and concerns referred by the NRC for action.

No allegations were referred by NRC to the Section since the 2006 review.

Significant events and generic implications.

The Section reported three significant events since the 2006 review. One involved the failure to retract a radiography source due to a crimped guide tube, two instances of lost static eliminators, and one attempted theft of a radiography source which was defeated by the Increased Controls measures implemented by the licensee. None of these involved generic implications.

Current State Initiatives.

The Section reported three ongoing initiatives. One involves a new radon bill that will affect the program, and the other two involve the Section's continued efforts with decontamination and decommissioning of old radium dial shops, and the increased surveillance of research labs.

Emerging Technologies.

None noted.

Large, complicated, or unusual authorizations for use of radioactive materials.

The Section identified the decontamination and license review of a large research laboratory, and the identification and decontamination of legacy radium dial shop locations through a cooperative effort with the Bureau of Environmental Remediation as large efforts being undertaken. The Section also noted their work with the U.S.

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Environmental Protection Agency concerning RCRA and CERCLA requirements as additional large and complicated activities being undertaken by the Program.

State's mechanisms to evaluate performance.

Section managers review performance reports involving licensing actions, inspections performed, incidents reported, and reports reviewed. Inspector accompaniments are also performed to ensure they are performing at the expected level. The Section also has the services of a research analyst. She is responsible for reviewing files, procedures, etc., to ensure that all evaluation methods are up to date and effective.

Current NRC initiatives:

NRC staff discussed ongoing initiatives with the Section. These included pre-licensing guidance, fingerprint orders, national source tracking, web based licensing, generally licensed devices, and the issues associated with tritium exit signs.

Schedule for the next IMPEP review:

It is recommended that the next IMPEP review to be held in two years.