

DEC 05 1985

Barbara J. Sabol, Secretary
Department of Health and Environment
Forbes Field, Building 740
Topeka, Kansas 66620

Dear Ms. Sabol:

Thank you for your letter of September 25, 1985, responding to our comments and recommendations following our 1985 review of your Department's radiation control program. Our review of the State's program and the routine exchange of information program between the Nuclear Regulatory Commission (NRC) and the State of Kansas had disclosed a significant problem in one Category I indicator, "Status of Regulations." The State's method of addressing this problem was explained in your letter.

Since the time of the review, you have sent us a draft of Part 3 of the Kansas Radiation Protection Regulations, which included modifications relating to the nine separate matters of compatibility that were beyond the period allowed for Agreement States to update their regulations. We have determined that these Part 3 regulations were adopted by the State under your signature on November 19, 1985. With these regulations in place, we find that the State's regulations have no other matters of compatibility extending beyond the allowable time period. You also indicated in your letter that an assignment within the Bureau of Air Quality and Radiation Control would be made to provide for continuous review and updating of regulations.

Based on our overall program review, your response to the significant Category I comment indicated above, and the routine exchange of information between the State and the NRC, we believe the Kansas radiation control program is adequate to protect the public health and safety and is compatible with the NRC's program for the regulation of similar materials.

Your letter also provided specific responses to the three other comments and recommendations we found during our program review. You indicated the State's inspection priority system would be updated to at least match the inspection frequencies of the NRC's system. We find this modification to be acceptable and are pleased to hear that it will impact the program and staff only to a minor degree.

You also indicated positive consideration in the matters of out-of-State licensees and staff continuity. As of the date of this letter, we understand that the Bureau has already filled two out of the three vacancies that existed at the time of the program review. As indicated previously, we intend to

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RJDoda/vlg
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GWKerr
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RD Martin
S. Dike
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Barbara J. Sabol, Secretary

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provide priority to these newly hired staff members in attending NRC-sponsored training courses.

I appreciate the courtesy and cooperation you and your staff extended to our representative during the program review meeting. I am also enclosing a copy of this letter for placement in the State Public Document Room or to otherwise be made available for public review.

Sincerely,

Original Signed by:

Paul S. Check

for Robert D. Martin
Regional Administrator

Enclosure:

As stated

cc w/o enclosure:

David Romano, Director, Bureau of
Air Quality and Radiation Control
G. W. Kerr, OSP-NRC
NRC Public Document Room
State Public Document Room

bcc w/o enclosure:

W. J. Dircks, EDO
R. D. Martin, RIV
P. S. Check, RIV
R. L. Bangart, RIV
C. E. Wisner, RIV
W. L. Brown, RIV
R. E. Hall, RIV
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