



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
SAM NUNN ATLANTA FEDERAL CENTER
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ATLANTA, GEORGIA 30303-8931**

May 16, 2002

Dr. John A. Volpe, Manager
Radiation Health and Toxic Agents Branch
Cabinet for Health Services
275 East Main Street
Mail Stop HS 2E-D
Frankfort, KY 40621-0001

SUBJECT: PERIODIC MEETING

Dear Dr. Volpe:

This year's periodic meeting with Kentucky was held on April 16, 2002. The purpose of this meeting was to review and discuss the status of the Kentucky Agreement State program. Specific topics and issues of importance discussed at the meeting included actions on previous 2000 IMPEP review findings, program strengths, staffing and training, performance of licensing and inspection activities, and the updating of regulations for compatibility.

I have completed and enclosed a general meeting summary, and I am not aware of any actions needed as a result of our meeting.

If you feel that our conclusions do not accurately summarize the meeting discussion, or have any additional remarks about the meeting in general, please contact me at 404-562-4704, or e-mail to rlw@nrc.gov to discuss your concerns.

Sincerely,

/RA BY JAY L. HENSON FOR/

Richard L. Woodruff
Regional State Agreement Officer

Enclosure:
Annual Meeting Summary

cc: R. E. Trojanowski, RII
L. Rakovan, STP

Distribution:
D. Collins, Director, DNMS, RII
J. Piccone, DD, STP

OFFICE	DNMS:RSAO	DNMS:D		
SIGNATURE	/RA BY JLH FOR/	/RA BY JLH FOR/		
NAME	RWoodruff	DCollins		
DATE	05/16/2002	05/16 /2002		
COPY?	YES NO	YES NO	YES NO	YES NO

AGREEMENT STATE PERIODIC MEETING SUMMARY FOR KENTUCKY

DATE OF MEETING: April 16, 2002

ATTENDEES:

NRC

Richard L. Woodruff, RSAO, Region II
Lance Rakovan, ASPO, STP
Douglas M. Collins, Director, DNMS, Region II

STATE

John Volpe, Ph.D., Manager, Radiation Health & Toxic Agents Branch
Jan Jasper, Radioactive Materials Section

DISCUSSION:

A meeting was held with the Kentucky representatives on April 16, 2002, in Frankfort, Kentucky. The topics listed in NRC letter dated February 13, 2002 to Dr. Volpe were discussed. Details for each area are discussed below.

Action on Previous Review Findings

The previous IMPEP review was conducted during the period of July 17-21, 2000. During this review, recommendations and suggestions were made to the State concerning the following indicators:

1. The review team recommends that the Branch revise their inspection manual to ensure that core licenses authorizing the conduct of activities from multiple permanent field offices are inspected at the same frequency as specified in IMC 2800. (Section 3.1)

Status: The Branch Manager related that this change had been implemented. It is recommended that this be verified during the next IMPEP.

2. The review team recommends that the Branch ensure that reciprocity licenses are inspected in accordance with the frequency criteria specified in the Branch's inspection manual. (Section 3.1)

Status: The Branch Manager related that reciprocity inspections were being conducted in accordance with the inspection manual criteria. It is recommended that this be confirmed during the next IMPEP.

3. The team recommends that the Branch revise their training program to include documentation of staff's equivalent training and experience in lieu of completing a required basic training course, including supervisory sign off for each completed area of training. (Section 3.3)

Enclosure

Status: The Branch Manager related that new persons hired since the previous IMPEP have their training and experience documented, they have been evaluated for additional training needed, and a supervisory sign off is documented when the training is completed. It is recommended that this action be confirmed during the next IMPEP.

4. The team recommends that the Branch commit the necessary resources to complete all the re-evaluations prior to the next IMPEP review period. (Section 4.2.1)

Status: The Branch Manager related that the program was still behind in their re-evaluations of their SS&D certifications but related that at least two would be completed prior to August of 2002. It is recommended that this issue be reviewed during the next IMPEP.

Program Strengths and/or Weaknesses

In general, the Kentucky representatives related that their program had adequate administrative support, legislative support, stable sources of funding, good legal support, good laboratory support.

Specific areas were discussed as follows:

1. The Program Manager related that the program has good radiation survey equipment and utilizes commercial calibration services for the portable survey meters. The Program Manager serves as the Radiation Safety Officer for the Division of Laboratory Services, and provides technical advice to the laboratory as needed.
2. The Manager related that the program still utilizes a contractor for the tracking of material licenses, expiration dates, licensing actions, and inspection data. An updated listing of all licenses by inspection category was provided following the meeting.
4. The Program Manager related that the materials program has no inspection or licensing backlogs at this time. However, as noted above, the reassessment and review of the sealed source and devices has been given a lower priority due to the hiring of new employees and training of new personnel in the SS&D certification process.
5. The Materials Section Supervisor retired and the replacement (including the position) was recently transferred to another area which leaves the Section without a supervisor. The Program Manager related that he was trying to have another position approved for the section, and that he was providing direct supervision and approval of all materials actions during the interim period. The technical staff are relying upon peer reviews to maintain quality in their licensing and inspection activities.
6. The Program Manager is scheduled to retire in August of 2002; however, he related that he may continue to provide technical support to the Commonwealth on radiation matters.
7. All of the IMPEP Indicators were discussed during the meeting. Although there were no licensing or inspection backlogs identified during the meeting, the delay in the schedule for the sealed source and device reassessments is of concern.

Status of Program and/or Policy Changes

There have been no significant changes in the organizational structure of the Radiation Health and Toxic Agents Branch since the 2000 IMPEP review. The Branch is headed by the Manager, John A. Volpe, Pd.D., and has three major technical areas: Radioactive Materials Section; Radiation Producing Machines Section; and the Radiation/Environmental Monitoring Section. The Branch is organized under the Division of Public Health Protection & Safety, Kentucky Department for Public Health.

The workload of the Materials Section remains constant with 399 specific licenses, of which 127 are core licenses (24 priority I, 6 priority II, and 97 priority III). All materials licensing and inspections are performed out of the Frankfort office.

The program is funded about 80 percent by fees which are earmarked for the program. At the time of this meeting, the legislature had not completed the budget appropriations.

Impact of NRC Program Changes

The Director, Division of NMSS, RII discussed NRC program changes that could impact the State, such as the status of the 10 CFR Part 35 revision, the control of radioactive material (accountability, orphan sources, physical protection, control of imports), doses to the public, clearance, Part 40 exemptions, reciprocity inspections, evolving material processes (risk assessment, resources, management reviews, priorities, safety goals), availability of NRC procedures and information on the internet, and the need for more input from the Agreement States.

Internal Program Audits and Self-Assessments

The manager related that specific self-assessments were not being performed; however, the Radioactive Materials Section and the other Sections provide reports to him on a monthly basis on the licensing and inspection activities. The manager also related that actions taken on a daily basis were given peer reviews by the staff prior to his supervisory review of the licensing and inspection actions. The merits of conducting a self review utilizing the performance indicators utilized by the IMPEP program were discussed.

The Manager also related that the Section was working on a Program Improvement Plan that would address training on regulations and other topics, review of reference materials needed, and development of Program goals.

Status of Allegations Previously Referred

The NRC allegation program was discussed in general with the State representatives. The Program Manager related that allegations are processed on a case-by-case basis, and that follow-ups are conducted as needed. A review of the allegations referred to the State by the NRC Region II office indicated that there was only two referrals to the State and the Program Manager related that the State's assessment of the allegations had been completed. The State has been very responsive to the Regional requests when replies were needed to close out the allegations.

Nuclear Material Events Database (NMED) Reporting

A general discussion was held with the representatives concerning the NMED reporting system. Prior to this annual meeting, the RSAO prepared a report of events that had been placed in the NMED system, and the RSAO discussed the mechanism for reporting events, what events to report, the timeliness of reporting, and the Event Reporting Handbook. Mr. Bob Johnson of the Kentucky staff was identified as the new person who would be entering event data into the NMED system, and the Program Manager related that Kentucky may not have the most recent software for the NMED program. No issues were identified concerning the reporting of events; however, it was noted that only four events had been reported by Kentucky since the last IMPEP. Following the meeting, Mr. Johnson was asked to contact Mr. Sam Petijohn at the NRC concerning updated software.

Compatibility of State Regulations

Regulation amendments needed for adequacy and compatibility were discussed. Kentucky regulations were updated in 2001, and a letter was provided to the Program Manager dated February 7, 2002, regarding NRC's review of the adopted regulations. The letter contained only minor editorial comments and the updated State Regulation Status sheet for Kentucky. The Program Manager related that all of the editorial comments had been adopted, except that the definitions, and that these definitions and additional regulations needed for compatibility were being developed, and he was planning on having them ready for adoption prior to his retirement in August, 2002. The Program Manager related that the current Kentucky regulations were on the web site.

The RSAO confirmed that the program is receiving NRC regulation changes as published and distributed, and the availability of the regulations on the NRC bulletin board was discussed.

Schedule for the Next IMPEP Review

The State was informed that the next Kentucky review is currently scheduled for FY 2004, and that the State should consider the use of the IMPEP indicator criteria as a mechanism for self evaluation prior to the IMPEP.

CONCLUSION:

No performance issues were identified during this meeting. However, the technical staff are relatively new to the program and additional training will be needed for them to be fully trained in all areas, particularly with regard to the review of sealed sources and devices. A supervisory position is needed for the materials section, and we are concerned about the transition of the program when the Program Manager retires in August of 2002.

ACTION ITEMS: None.