



CABINET FOR HEALTH AND FAMILY SERVICES
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October 6, 2008

KATHLEEN N SCHNEIDER
SENIOR PROJECT MANAGER
DIVISION OF MATERIALS SAFETY AND STATE AGREEMENTS
NUCLEAR REGULATORY COMMISSION
WASHINGTON DC 20555-001

Re: Kentucky Radiation Health Branch Comments in Response to Nuclear Regulatory Commission (NRC)
2008 Integrated Materials Performance Evaluation Program (IMPEP) Draft Response

Dear Ms. Schneider:

In response to your letter dated August 28, 2008, please find attached the Kentucky Radiation Health Branch's response to the Agreement State review conducted in Kentucky by NRC July 28, 2008 thru August 1, 2008. Per your request, Matthew McKinley, Radioactive Materials Supervisor is also submitting an electronic copy of the comments for your convenience.

If there are any concerns or if clarification is needed, please feel free to contact Matthew McKinley or Dewey Crawford at 502/564-3700.

Sincerely,

A handwritten signature in black ink, appearing to read "William D. Hacker".

William D. Hacker, M.D., FAAP, CPE, Commissioner
Department for Public Health

Kentucky Radiation Health Branch Comments on 2008 KY Draft IMPEP Report and Letter

Section 1.0, 5th paragraph (not counting the pending MRB paragraph)

“...field accompaniments of six inspectors...” should be “...field accompaniments of eight inspectors...”

Section 3.2, 4th paragraph

There was no misunderstanding regarding the increased controls implementation date imposed on our licensees. It was always fully understood that IC licensees were expected to be fully compliant with IC requirements as of the implementation date. This is evident based on the fact no new license was issued after the original implementation date without a pre-licensing inspection and verification of full IC compliance. Since all inspections were to be completed within three years of the implementation date, we interpreted that full compliance must be *verified* within three years of the implementation date. Although we did not submit, nor can I recall ever being asked for, a written inspection timeline, we imposed upon ourselves a one year period in which all licensees would be initially inspected. If a licensee was found to be non-compliant, deficiencies were noted and discussed and a next inspection due date of six months later was set. The idea was to work with our licensees as we both became more familiar with these new requirements. It seems that our weakness in this area was not a misunderstanding or misinterpretation, but rather a failure to successfully integrate IC inspections into our existing data management system. Had we succeeded in that endeavor, all of our “site visits” would have counted as full inspections and the sporadic delays in dispatching inspection findings would have been on par with the health and safety inspection reporting.

Section 3.2, 7th paragraph 2nd sentence through end of paragraph

Consider changing to the following language:

The weakness appears to be the result of section Staff regarding the on-site visits in which deficiencies were identified and documented as inspections, when on 24 of 36 occasions, NRC inspection documentation criteria were not fully met. Given that the remaining outstanding Increased Controls inspections were subsequently completed coupled with the performance of the Section regarding health and safety inspections, a finding of satisfactory, but needs improvement, is justified

Section 4.1.2 10th bullet “Requirements for Certain Generally Licensed...”

In the “Status paragraph, 2nd line, the word “draft” should be “drafted”

Section 4.1.2 13th bullet “Financial Assurance for Materials Licensees”

Insert a line space prior to the “Status” paragraph.

Natural Resources and Environmental Protection Cabinet (NREPC) has been changed to Energy and Environment Cabinet (EEC). References to NREPC appear in:

Section 4.3, 3rd paragraph

Section 4.3.3, 1st paragraph

Section 4.3.4, 1st and 2nd paragraphs

Appendix D “License Casework Reviews”, File #10, Comment b)

“which is a essentially” should read “which is essentially”