



CABINET FOR HUMAN RESOURCES

COMMONWEALTH OF KENTUCKY
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PROPOSED RULE (59FR 9429)

DEPARTMENT FOR HEALTH SERVICES

May 11, 1994

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DOCKETING AND SERVICES
JUNE 20 1994

JIM MYERS
US NUCLEAR REGULATORY COMMISSION
OFFICE OF STATE PROGRAMS
WASHINGTON DC 20555

Dear Jim:

I have reviewed the draft Regulatory Guide 10.2 and proposed Part 34. Overall, I think the proposed rule is well done in that it includes items previously included in the guide as regulatory requirements. This will carry more enforcement weight (at least for our program), simplify the application process for the applicant since requirements are spelled out, and also should make the reviewer's job easier as the application received should be more complete.

I think all regulations and regulatory guides should be written this way. Some Agreement States (although not Kentucky) have been doing it that way for some time now.

My specific comments are as follows:

1. On page 6 of the guide, the applicant is asked to specify the date the activity of the source was determined. For a new license, how does the applicant know this since he cannot possess the source until he gets the license?
2. I would object if record retention is made a division I compatibility item. We currently require most records to be retained two (2) years as does Suggested State Regulations. The inspection frequency of these facilities is annually; therefore, records are available for two (2) reviews if required to be kept two (2) years.
3. Appendix A requires a check source reading to be determined and recorded at the time of calibration of a survey instrument. Part 34.25 requires a daily check of the instrument and states the camera itself may be used. It is not clear to me in Appendix A that the camera can be used.
4. My comment on training requirements for radiation safety officers is that I basically agree with the proposed.
5. Page 8, Item 7, of the regulatory guide says an explanation of the RSO's qualifications and duties are given in Appendix A. I see qualifications and training for instructors, radiographers and radiographers' assistants addressed in this appendix, but not for the RSO.

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I also think having a guide prepared, if a guide is needed, to go along with a proposed rule and reviewing both at the same time is the way it should be done.

Thank you for the opportunity to comment. Please call me if I may be of further assistance.

Sincerely,



Vicki D. Jeffs, Supervisor
Radioactive Materials Section
Radiation Control Branch

VDJ/tg