

UNITED STATES NUCLEAR REGULATORY COMMISSION REGION II 101 MARIETTA STREET, N.W. ATLANTA, GEORGIA 30323

Received 5/1/92

MEMORANDUM FOR:

Vandy L. Miller, Assistant Director for State Agreements Program Office of State Programs

THRU:

Richard L. Woodruff, Senior Projects Manager State Agreements Program Office of State Programs

Stewart D. Ebneter, Regional Administrator

FROM:

John M. Pelchat, Acting Regional Agreen State Officer Office of Regional Administrator

SUBJECT:

REPORT PACKAGE ON THE 1992 KENTUCKY REVIEW

Enclosed is the staff Report Package on the review of the Kentucky Radiation Control Program. The package contains the summary letter report and the review references.

The summary letter report is documented as follows:

Letter report to Mr. Heller Enclosure 1, "Application of Guidelines for NRC Review" Enclosure 2, "Summary of Assessments and Comments"

The review references are provided as follows:

Control sheet Appendix A, State Questionnaire Update Appendix B, Organizational Charts Appendix C, Reviewer Explanatory Comments Appendix D, Review of Selected License Files Appendix E, Review of Selected Compliance Files

The above report package documentation was also sent to your office via the NRC computer system.

If you have any questions, please call me at FTS (404) 331-5553.

John M. Pelchat

0385 9306090385 930503 PDR COMMS NRCC CORRESPONDENCE PDR

REVIEW CONTROL SHEET

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1.	Radiation Control Program: Kentucky	
2.	Type of Review: Routine	
3.	Dates of Review: Year 1992	
	a. RCP Office Review April 13-17	
	b. Field Evaluations None	
	c. Regional or Other Office or Site Visits	0
	d. Visits to State-Licensed Facilities	0
	e. Exit Meeting April 17	
4.	Total Field Evaluations 0 Total Licensee Visi	ts 0
5.	Period of Review: From April 27, 1990 To April 17,	1992
6.	Staff Days in State: Total	9
	a. Regional SAO	5
	b. Other Regional Representatives	4
	c. Other SP Representatives	0
	d. Other NRC Representatives	0
	e. Other Review Participants	0
7.	Review hours devoted to technical assistance or staff training:	6

Review Control Sheet Revision 5, 8/7/91

APPENDIX A

EVALUATION OF AGREEMENT STATE RADIATION CONTROL PROGRAM

PART I PROGRAM GUIDELINES AND STATE QUESTIONNAIRE UPDATE

Name of State Program Kentucky

Reporting Period from: April 27, 1990 to April 17, 1992

I. LEGISLATION AND REGULATIONS

A. Legal Authority (Category I)

NRC Guidelines: Clear statutory authority should exist, designating a State radiation control agency and providing for promulgation of regulations, licensing, inspection and enforcement. States regulating uranium or thorium recovery and associated wastes pursuant to the Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA) must have statutes enacted to establish clear authority for the State to carry out the requirements of UMTRCA.

Questions:

 What changes were made to the State's statutory authority to regulate agreement materials, low level waste disposal, or uranium mill operations in the reporting period?

Answer

None

 Are your regulations subject to a "Sunset" or equivalent law? If so, explain and include the next expiration date for your regulations.

Answer

Yes. Expiration dates vary depending on last effective date of a regulation. If a regulation has not been reviewed within a four (4) year period, the regulations must be reviewed prior to end of the period.

B. Status and Compatibility of Regulations (Category I)

NRC Guidelines: The State must have regulations essentially identical to 10 CFR Part 19, Part 20 (radiation dose standards, effluent limits, waste manifest rule and certain other parts), Part 61 (technical definitions and requirements, performance objectives, financial assurances) and those required by UMTRCA, as implemented by Part 40. The State should adopt other regulations to maintain a high degree of uniformity with NRC regulations. For those regulations deemed a matter of compatibility by NRC, State regulations should be amended as soon as practicable but no later than 3 years. The RCP should have established procedures for effecting appropriate amendments to State regulations in a timely manner, normally within 3 years of adoption by NRC. Opportunity should be provided for the public to comment on proposed regulation.) Pursuant to the terms of the Agreement, opportunity should be provided for the NRC to comment on draft changes in State regulations.

Questions:

 What is the effective date of the last compatibility-related amendment to the State's regulations?

Answer

June 27, 1990.

 Referring to the latest NRC chronology of amendments, identify those that have not been adopted by the State, explain why they were not adopted, and discuss actions being taken to adopt them.

Answer

10 CFR Parts 30, 40, 70. Decommissioning. We now have draft regulations regarding decommissioning, which have been reviewed by two levels of management. Further action will be taken on these regulations after completion of our NRC review. 10 CFR Part 39. Well Logging. This exemptio. will be considered at our next major revision of our regulations scheduled for later this year.

10 CFR Parts 30, 40, 70. Emergerry Plans. We do not have any licensee that this will affect. Since it is a compatibility item we will consider incorporating this at our next major revision which as stated above is scheduled for later this year. NOTE: The three (3) year time frame has not yet expired.

 Identify the person responsible for developing new or amended regulations affecting agreement materials.

Answer

The section supervisor, Radioactive Materials

NOTE: This is not a compatibility item.

Section, drafts new or amended regulations which are submitted to the Manager, Radiation Control Program, for review and approval.

II. ORGANIZATION

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Under the Appendix B title sheet provided at the end of this document, please enclose copies of your organization charts as follows:

- a) organization chart(s) showing the position of the radiation control program (RCP) within the State organization and its relationship to the Governor, other State and local RCPs (if any), and comparable health and safety programs.
- b) RCP internal organization charts. If applicable, include regional offices and contract agencies.

All charts should be current, dated, and include names and titles for all positions.

A. Location of the Radiation Control Program Within the State Organization (Category II)

NRC Guidelines: The RCP should be located in a State organization parallel with comparable health and safety programs. The Program Director should have access to appropriate levels of State management. Where regulatory responsibilities are divided between State agencies, clear understandings should exist as to division of responsibilities and requirements for coordination.

Questions:

 During the reporting period, did the management, program name, or location of the RCP within the State organization change?

Answer

No program name or location of the RCP changes; however, John A. Volpe, Ph.D. assumed the position of Manager, Radiation Control Branch; Donald R. Hughes assumed the position of Director, Division of Community Safety. The previous director retired.

B. Internal Organization of the RCP (Category II)

NRC Guidelines: The RCP should be organized with the view toward achieving an acceptable degree of staff efficiency, place appropriate emphasis on major program functions, and provide specific lines of supervision from program management for the execution of program policy. Where regional offices or other government agencies are utilized, the lines of communication and administrative control between these offices and the central office (Program Director) should be clearly drawn to provide uniformity in licensing and inspection policies, procedures and supervision.

Questions:

1. What changes occurred in the organization of the RCP during the reporting period?

Answer

3

John A. Volpe, Ph.D. replaced Donald R. Hughes as Manager, Radiation Control Branch.

If changes occurred, how have they affected the RCP and its effectiveness?

Answer

Personnel changes occurred at the Radiation Control Branch Manager and Chief Chemist levels. These changes have been in place for approximately one year and it is too early to determine overall impact. Changes did place more technical expertise at the manager level and this may aid in improving technical aspects of program.

C. Legal Assistance (Category II)

NRC Guidelines: Legal staff should be assigned to assist the RCP or procedures should exist to obtain legal assistance expeditiously. Legal staff should be knowledgeable regarding the RCP program, statutes, and regulations.

Questions:

 If legal assistance was utilized during the reportin period, briefly describe the circumstances.

Answer

Legal staff reviewed the amendments to the regulations prior to their becoming effective June 27, 1990. Legal staff was also consulted regarding procedures to follow prior to shutting down a licensee's operations and in regards to impounding sources.

Was the legal assistance satisfactory during this period? If not, what were the problems?

Answer

Legal assistance was satisfactory.

D. Technical Advisory Committees (Category II)

NRC Guidelines: Technical Committees, Federal Agencies, and other resource organizations should be used to extend staff capabilities for unique or technically complex problems. A State Medical Advisory Committee should be used to provide broad guidance on the uses of radioactive drugs in or on humans. The Committee should represent a wide spectrum of medical disciplines. The Committee should advise the RCP on policy matters and regulations related to use of radioisotopes in or on humans. Procedures should be developed to avoid conflict of interest, even though Committees are advisory. This does not mean that representatives of the regulated community should not serve on advisory committees or not be used as consultants.

Questions:

 Please list the names, affiliations, and terms of the technical committee(s) members.

Answer

3

Currently, a formal technical advisory committee does not exist. Assistance is sought through consultants, NRC, other Agreement States, etc.

 If an advisory committee or consultant was used during the reporting period, briefly describe each circumstance (i.e., the subject, the need, the result, and the manner obtained -by meeting, phone call, or letter).

Answer

Advisory committee or consultant was not used during the reporting period.

- III. MANAGEMENT AND ADMINISTRATION
 - A. Quality of Emergency Planning (Category I)

NRC Guidelines: The State RCP should have a written plan for response to such incidents as spills, overexposures, transportation accidents, fire or explosion, theft, etc. The Plan should define the responsibilities and actions to be taken by State Agencies. The Plan should be specific as to persons responsible for initiating response actions, conducting operations and cleanup. Emergency communication procedures should be adequately established with appropriate local, county and State agencies. Plans should be distributed to appropriate persons and agencies. MRC should be provided the opportunity to comment on the Plan while in draft form. The plan should be reviewed annually by Program staff for adequacy and to determine that content is current. Periodic drills should be performed to test the plan.

Questions:

 Other than the communications list, when was the emergency plan last revised?

Answer

September 30, 1991.

If the plan was revised since the last review, what changes were made?

Answer

The Emergency Plan the Kentucky RCP follows is a statewide plan and addresses all conceivable incidents (i.e. floods, tornadoes, earthquakes and radiological incidents). The last revisions did not involve any changes to the radiological portion of the plan.

3. If the plan was substantially revised during the reporting period, was the NRC provided the opportunity to comment on the revision while it was in draft form?

Answer

x

Revisions did not include any revisions on radiological emergency plans.

4. When was the emergency communication list last reviewed or revised?

Answer

June 1, 1991.

5. When and how was the plan last tested?

Answer

The plan was last tested in 1991. A drill was conducted using a scenario of an earthquake with some radiological incidents. Members of various state agencies including the Kentucky RCP, along with representatives from the federal agencies of FEMA and the NRC participated.

B. Budget (Category II)

NRC Guidelines: Operating funds should be sufficient to support program needs such as staff travel necessary to conduct an effective compliance program, including routine inspections, follow-up or special inspections (including pre-licensing visits) and responses to incidents and other emergencies, instrumentation and other equipment to support the RCP, administrative costs in operating the program including rental charges, printing costs, laboratory services, computer and/or word processing support, preparation of correspondence, office equipment, hearing costs, etc. as appropriate. Principal operating funds should be from sources which provide continuity and reliability, i.e., general tax, license fees, etc. Supplemental funds may be obtained through contracts, cash grants, etc.

Questions:

- Show the amount for funds for the RCP for the current fiscal year obtained from:
 - a. State general fund

Answer

\$604,500

b. Fees

Answer

\$415,600

c. Federal grants and contracts (identify)

Answer

\$260,000 USEPA Radon

\$10,000 FDA Contract (X-ray Federal Performance) \$365,000 PDGP Grant

d. Other

-

Answer

Nct applicable

e. Total:

Answer

\$1,655,800

- 2. Show the total amounts in the current RCP budget allocated for the following (if contract costs are incurred, e.g, in LLW regulation, please include):
 - a. Administration

Answer

\$39,883 b. Radioactive materials

Answer

\$162,798

c. X-ray

Answer

\$188,275

d. Environmental surveillance

Answer

Maxey Flats = \$148,648 Paducah Gaseous Diffusion Plant = \$79,703

e. Emergency planning

Answer

\$0

 LLW regulation (regulation only, do not include site development)

Answer

\$0

g. U-mill regulation

Answer

\$0

h. Other (radon, non-ionizing, operator credentialing, etc. Please identify).

Answer

\$66,600 = Operator Certification \$95,211 = Radon

i. Total:

Answer

\$781,199*

- This total is for salaries and fringe benefits. The rest of the budget is for travel, postage, capital equipment, utilities, etc. and is not broken down into categories. Radon grant also provides monies to local health departments and the University of Kentucky.
- 3. What percentage of your radioactive materials program is supported by fees?

Answer

Approximately 50%.

4. Discuss any changes in program funding that occurred during the reporting period, the reasons for the changes (new programs, change in emphasis, statewide reduction, fee cost recovery percentage, etc.), and how the changes affected the program.

Answer

9.7%. Normal inflation and personnel increases. New Program - Paducah Gaseous Diffusion Plant oversight. Commonwealth signed a 5 year Agreement in principle with USDOE which provides funding for oversight, etc. Increase in work load resulted from evaluation of impacts of PGDP on health and safety, and the environment.

5. Overall, is funding sufficient to support all of the program needs? If not, what are the problem areas?

Answer

No. Legislature determines percentage of budget contributed by fees and general fund.

- A. Salaries for Radioactive Material and Radiation Producing Machine staff continue to be low.
- B Program relating to both X-ray and radioactive materials is clearly underfunded. Staffing levels of both programs are insufficient.
- C. No mammography program for determining overall quality

control of facilities.

- D. Radon program is entirely dependent upon USEPA dollars.
- E. Program needs more self control since upper management has shown little interest in upgrading program.
- F. Need to control computer systems utilized by Branch.
- G. Greatest problem is the lack of support for program, even though these programs impact all citizens of the Commonwealth.
- C. Laboratory Support (Category, II)

NRC Guidelines: The RCP should have the laboratory support capability in-house, or readily available through established procedures, to conduct bioassays, analyze environmental samples, analyze samples collected by inspectors, etc., on a priority established by the RCP.

Questions:

 Describe changes in your laboratory support, such as new instruments, cutbacks, etc., in this period.

Answer

Nuclear Data 6700 and accessories 20% GeLi 40% HPGe-Intrinsic 40% HpGe - Extended range 2 surface barrier detector for alpha spectroscopy. 2 Tennelec Automatic alpha/beta counters 1 Beckman LS-250 (Liquid Scintillation counter) Panasonic TLD Reader 2 Packard Liquid Scintillation counters

Due to the increase work load from PGDP and the availability of a DOE grant, program has purchased the following equipment:

1. Packard Liquid Scintillation System

- 2. Tennelec Automatic Alpha/Beta Counter
- 3. 40% HPG Extended Range Detector
- 4. Air monitors
- 5. Surface water samplers, water checkers.
- 2.

Have there been problems in obtaining timely and accurate lab results? If yes, discuss the circumstances and how the problem might be corrected.

Answer

No. Laboratory is a state of the art laboratory and performs a wide variety of radionuclide analyses. Laboratory analyzes all media for a multitude of radionuclides.

D. Administrative Procedures (Category II)

NRC Guidelines: The RCP should establish written internal procedures to assure that the staff performs its duties as required and to provide a high degree of uniformity and continuity in regulatory practices. These procedures should address internal processing of license applications, inspection policies, decommissioning and license termination, fee collection, contacts with communication media, conflict of interest policies for employees, exchange of information and other functions required of the program. Administrative procedures are in addition to the technical procedures utilized in licensing, and inspection and enforcement.

Questions:

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 Briefly list the changes, such as new procedures, updates, policy memoranda, etc., made in your written administrative procedures during the reporting period. Include internal processing of license applications, inspection policies, decommissioning and license termination, fee collection, contacts with media, conflict of interest policies for employees, and exchange of information procedures.

Answer

The following topics in the administrative manual were revised or added during this reporting period: program plan, statement of employee practices and distribution of state program letters and Informational Notices to staff and licensees. All other topics are already included in the manual. Revisions wee also made in the Inspection and Enforcement manual regarding frequency of inspection.

E. <u>Management</u> (Category II)

NRC Guidelines: Program management should receive periodic reports from the staff on the status of regulatory actions (backlogs, problem cases, inquiries, regulation revisions). RCP management should periodically assess workload trends, resources and changes in legislative and regulatory responsibilities to forecast needs for increased staff, equipment, services and fundings. Program management should perform periodic reviews of selected license cases handled by each reviewer and document the results. Complex licenses (major manufacturers, large scope - Type A Broad, or ones with the potential for significant releases to environment) should receive second party review (supervisory, committee, or consultant). Supervisory review of inspections, reports and enforcement actions should also be performed. When regional offices or other government agencies are utilized, program management should conduct periodic audits of these offices.

Questions:

 How many management reviews of license cases were performed in this period?

Answer

Section Supervisor reviews all licenses before being issued.

 Were all license reviewers included in the cases selected for management review? If not, explain.

Answer

Yes

3. What audits were made of regional and contract offices?

Answer

Not applicable. We do not have any regional or contract offices.

F. Office Equipment and Support Services (Category II)

NRC Guidelines: The RCP should have adequate secretarial and clerical support. Automatic typing and Automatic Data Processing and retrieval capability should be available to larger (300-400 licenses) programs. Similar services should be available to regional offices, if utilized. Professional staff should not be used for fee collection and other clerical duties.

Questions:

 Has the secretarial and clerical support been adequate during this period? If not, explain.

Answer

No. Radioactive materials staff has to assist in mailouts, etc.

What word processing, data base, and spread sheet programs are you using?

Answer

Wang Word Processing software is used. We have available Word Perfect, Lotus, Display Write 5, and DBase 3.

G. Public Information (Category II)

NRC Guidelines: Inspection and licensing files should be available to the public consistent with State administrative procedures. It is desirable, however, that there be provisions for protecting from public disclosure proprietary information and information of a clearly personal nature. Opportunity for public hearings should be provided in accordance with UMTRCA and applicable State administrative procedure laws.

Questions:

 Have changes occurred in the manner in which you handle public information?

Answer

No changes have occurred.

IV. PERSONNEL

A. Qualifications of Technical Staff (Category II)

NRC Guidelines: Professional staff should have a bachelor's degree or equivalent training in the physical and/or life sciences. Additional training and experience in radiation protection for senior personnel including the director of the radiation protection program should be commensurate with the type of licenses issued and inspected by the State. Written job descriptions should be prepared so that professional qualifications needed to fill vacancies can be readily identified.

Questions:

 Please list all new professional personnel, indicate the degree they received, if applicable, and additional training and years of experience in health physics.

Answer

Radioactive Materials Section

Michael Wilcoxson; B.S., Biology; NRC Course in Medical Use of Radionuclides, Ohmart's Radiation Safety Training School; Troxler's Training Course in Radiation Safety

Environmental Monitoring Section

Francis Clarke, B. S., Chemistry Keith Ewing, B.S., Chemistry Phillip Mills, B.S., Chemistry Charles Good, M.S., Chemistry

B. <u>Staffing Level</u> (Category II)

NRC Guidelines: Professional staffing level should be approximately 1-1.5 person-year per 100 licenses in effect. RCP must not have less than two professionals available with training and experience to operate RCP in a way which provides continuous coverage and continuity. For States regulating uranium mills and mill tailings current indications are that 2-2.75 professional person-years' of effort, including consultants, are needed to process a new mill license (including in situ mills) or major renewal, to meet requirements of Uranium Mill Tailings Radiation Control Act of 1978. This effort must include expertise in radiological matters, hydrology, geology, and structural engineering.

Questions:

1. Complete a table listing the professional (technical) personyears of effort applied to the agreement or radioactive material program by individual. Include the name, position, and fraction of time spent in the following areas: administration, materials licensing & compliance, emergency response, LLW, U-mills. If these regulatory responsibilities are divided between offices, the table should be consolidated to include all personnel contributing to the radioactive materials program. If consultants were used to carry out the program's RAM responsibilities, include their efforts. The table heading should be:

NAME	POSITION	AREA OF EFFORT	FTES	
J. A. Volpe, Ph.I Vicki D. Jeffs Michael Cleaver Brenda G. Imes Michael Wilcoxson Gretchen Maxson Harry Skinner Francis Clarke Keith Ewing Phillip Mills Charles Good	 Manager Ad Supervisor Inspector In Inspector In Supervisor Labo Inspector Sr. Chemist Sr. Chemist Labo Chemist Pr. Chemis 	ministration .2 Adm., Insp., Lic. sp., Lic. Insp., Lic. sp., Lic. ratory 1.0 Laboratory t Laboratory ratory 1.0 Laboratory Laboratory	1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00	1.00

 Is the staffing level adequate to meet normal and special needs and backup? If not, explain.

Answer

No. Inspection backlogs continue to occur periodically. Any special projects result in an inspection or licensing backlog.

3. Do you currently have vacancies? If so, when do you expect to fill them?

Answer

Yes. There is currently a hiring freeze and we have no idea when it may be lifted.

C. <u>Staff Supervision</u> (Category II)

NRC Guidelines: Supervisory personnel should be adequate to provide guidance and review the work of senior and junior personnel. Senior personnel should review applications and inspect licenses independently, monitor work of junior personnel, and participate in the establishment of policy. Junior personnel should be initially limited to reviewing license applications and inspecting small programs under close supervision.

Questions:

 Identify your senior personnel assigned to monitor the work of junior personnel.

Answer

Senior Personnel

Vicki D. Jeffs, Michael Cleaver and Brenda G. Imes

Junior Personnel

Michael Wilcoxson

D. Training (Category II)

NRC Guidelines: Senior personnel should have attended NRC core courses in licensing orientation, inspection procedures, medical practices and industrial radiography practices. (For mill States, mill training should also be included.) The RCP should have a program to utilize specific short courses and workshops to maintain appropriate level of staff technical competence in areas of changing technology.

Juestions:

 Prepare a table listing all of the training courses, workshops, seminars, symposia, etc. that your materials personnel have attended since the last review. The table heading should be:

Student	Course	Sponsor	Dates
M. Wilcoxson	Med. Use of Radionuclides NH Rad. Safety Course Rad. Safety Course Hazardous Materials First Responder Course	RC Ohmart Troxler Ky.DES	1/92 9/91 2/92 1/92
B. Imes	Med. Use of Radionuclides Gas & Oil Well Logging for Reg. Personnel	NRC NRC	8/90 11/90
	Radiological Emergency Response Course	FEMA	1/92
	Radiation Safety Course	Ohmart	9/91
	Hazardous Materials First Responder Course	KY DES	1/92
G.M. Cleaver	Safety Aspects of Ind. Radiography	NRC	9/90
	5-Week Health Physics and Rad. Protection Course	NRC	2/91
	Transportation of Radio- active Materials	NRC	7/91
	Radiation Safety Course Rad. Protection Engineering	Ohmart NRC	9/91 12/91
	Radiological Emergency Response	FEMA	1/92
	Hazardous Materials First Responder Course	Ky DES	1/92
Vicki Jeffs	Hazardous Materials First K	Y DES 1/9	2
	Sealed Source and Device Awareness Workshop	NRC	9/91
	Part 35 Workshop	NRC	8/90
	Part 20 Workshop	NRC	2/92

 If any of your materials staff currently need NRC training, please identify the employees and the courses needed.

Answer

Brenda Imes - NRC Transportation Course 5-Week Health Physics Course Radiation Protection Engineering

M. Wilcoxson - Has only attended one NRC course Med. Uses of Radionuclides Currently has application in for the Inspection Course, Licensing Course and Industrial Radiography Course

E. Staff Continuity (Category II)

NRC Guidelines: Staff turnover should be minimized by combinations of opportunities for training, promotions, and competitive salaries. Salary levels should be adequate to recruit and retain persons of appropriate professional qualifications. Salaries should be comparable to similar employment in the geographical area. The RCP organization structure should be such that staff turnover is minimized and program continuity maintained through opportunities for promotior. Promotion opportunities should exist from junior level to senior level or supervisory positions. There also should be opportunity for periodic salary increases compatible with experience and responsibility.

Questions:

 Identify the technical staff who left the Agreement program during this period and, if possible, give the reasons for the turnovers.

Answer

Kevin Imes - Resigned to accept a position with an increase in pay.

V. LICENSING

A. Technical Quality of Licensing Actions (Category I)

NRC Guidelines: The RCP should assure that essential elements of applications have been submitted to the agency, and which meet current regulatory guidance for describing the isotopes and quantities to be used, qualifications of persons who will use material, facilities and equipment, and operating and emergency procedures sufficient to establish the basis for licensing actions. Prelicensing visits should be made for complex and major licensing actions. Licenses should be clear, complete, and accurate as to isotopes, forms, quantities, authorized uses, and permissive or restrictive conditions. The RCP should have procedures for reviewing licenses prior to renewal to assure that supporting information in the file reflects the current scope of the licensed program.

Questions:

 Update the list of the State's major licensees. In addition to the name, license number and type, please indicate if the license is new or was terminated (action). Include:

- o Broad Licenses
- LLW Disposal
 LLW Brokers (All Types)
- LLW Brokers (All Types)
 Manufacturers and Distributors.
- o Uranium Mills
- o Irradiators (Other than Self-Contained)
- o Nuclear Pharmacies
 - o Other Licenses With a Potential Significance for Environmental Impact

The table heading should be:

Answer

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Licensee Name License # License Type Action

Syncor	202-204-32 Nuclear Phar.	New
Ohmart	201-487-95 Manufacturer	New
Ohmart	201-491-95 Dist.(Gauges)	New
Roche Medical	202-205-93 Dist. (InVivo/	New
	InVitro)	

 Identify any major, unusual, or complex licenses issued or renewed in this period.

Answer

Syncor International (Louisville) - amended in its entirety. All licenses are renewed annually.

3. Have any new or amended licenses affected the list of licensees requiring contingency plans?

Answer

No

 Discuss any variances in licensing policies and procedures or exemptions from the regulations granted during the period.

Answer

Medical licensees were exempted from performing daily contamination wipes as adopted in our regulations from the Suggested State Regulations. A condition was put on each medical license requiring weekly contamination wipes in accordance with NRC requirements.

B. Adequacy of Product Evaluations (Category I)

NRC Guidelines: RCP evaluations of manufacturer's or distributor's data on sealed sources and devices outlined in NRC, State, or appropriate ANSI Guides, should be sufficient to assure integrity and safety for users. The RCP should review manufacturer's information on labels and brochures relating to radiation health and safety, assay, and calibration procedures for adequacy. Approval documents for sealed source or device designs should be clear, complete and accurate as to isotopes, forms, quantities, uses, drawing identifications, and permissive or restrictive conditions.

Questions:

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 Prepare a table listing new and revised SS&D registrations of sealed sources and devices issued during the reporting period. The table heading should be:

Answer

SS&D Registry Number	Manufacturer, Distributor or <u>Custom User</u>	Type of Device <u>or Source</u>	Indicate if <u>NARM</u>	Indicate if Agreement Material
(Y-512-D-101-B	Ohmart	Gauge	Х	
(Y-512-D-102-S	Ohmart	Gauge	Х	
(y-512-D-103-S	Ohmart	Gauge	X	
(Y-512-D-104-5	Ohmart	Gauge	Х	
(Y-512-D-105-S	Ohmart	Gauge	Х	
(Y-512-D-106-S	Ohmart	Gauge	Х	
(Y-512-D-107-5	Ohmart	Gauge	Х	
(Y-512-D-108-S	Ohmart	Gauge	Х	
(Y-512-D-109-S	Ohmart	Gauge	Х	
(Y-512-D-110-B	Ohmart	Gauge	Х	
(Y-512-D-111-B	Ohmart	Gauge	Х	
(Y-576-D-101-B	Ronan	Gauge	Х	
(Y-576-D-105-B	Ronan	Gauge	Х	
(Y-576-D-106-S	Ronan	Gauge	Х	
(Y-576-D-107-S	Ronan	Gauge	Х	
(Y-576-D-108-S	Ronan	Gauge	Х	
KY-576-D-109-B	Ronan	Gauge	Х	

 List the applications for SS&D registrations for which registry documents have not yet been issued.

Answer

There are no applications for SS&D Registrations on file.

C. Licensing Procedures (Category II)

NRC Guidelines: The RCP should have internal licensing guides, checklists, and policy memoranda consistent with current NRC practice. License applicants (including applicants for renewals) should be furnished copies of applicable guides and regulatory positions. The present compliance status of licensees should be considered in licensing actions. Under the NRC Exchange-of-Information program, evaluation sheets, service licenses, and licenses authorizing distribution to general licensees and persons exempt from licensing should be submitted to NRC on a timely basis. Standard license conditions comparable with current NRC standard license conditions should be used to expedite and provide uniformity in the licensing process. Files should be maintained in an orderly fashion to allow fast, accurate retrieval of information and documentation of discussions and visits.

Questions:

 What changes were made in your written licensing procedures (new procedures, updates, policy memoranda, etc.) during the reporting period?

Answer

No changes were made.

VI. COMPLIANCE

A. Status of Inspection Program (Category I)

NRC Guidelines: The State RCP should maintain an inspection program adequate to assess licensee compliance with State regulations and license conditions. The RCP should maintain statistics which are adequate to permit Program Management to assess the status of the inspection program on a periodic basis. Information showing the number of inspections conducted, the number overdue, the length of time overdue and the priority categories should be readily available. There should be at least semiannual inspection planning for the number of inspections to be performed, assignments to senior versus. junior staff, assignments to regions, identification of special needs and periodic status reports. When backlogs occur the program should develop and implement a plan to reduce the backlog. The plan should identify priorities for inspections and establish target dates and milestones for assessing progress.

Questions:

 Prepare a table identifying the Priority 1, 2, and 3 licenses with inspections that are overdue by more than 50% of their scheduled frequency. Include the licensee name, inspection priority, the due date, and the number of months the inspection is overdue. The list should include initial inspections that are overdue. The table heading should be:

	Insp. Freq.		
Licensee Name	(Years)	Due Date	Months O/D

Answer

There are currently no priority 1, 2, 3, 4, 5, 6, or 7 licensees who are more than 50% overdue.

- 2. Describe your action plan for completing your overdue inspections. If there is a backlog of
 - inspections with an inspection frequency of 3 years or less that are overdue by more than 50% of their scheduled frequency, or
 - (2) inspections with lower inspection frequencies that are overdue by more than 100% of their scheduled frequency,

please include with the questionnaire a written action plan for eliminating the backlog.

The written action plan should contain inspection priorities,

Answer

Not applicable. No inspections are overdue by 50% of their inspection frequency.

3. How many on-site close-out inspections prior to license termination were made during the reporting period?

Answer

Two on-site close-out inspections were made: KRML No. 203-29-84 and 204-015-92. The close-out survey report was reviewed for Syncor's (Lexington) move to a ne facility (KRML No. 202-204-32).

4. How many on-site close-out inspections are pending at this time?

Answer

No on-site close-out inspections are pending.

5. How many reciprocity notices were received in the reporting period?

Answer

625 from 5-1-90 to 3-10-92.

6. How many reciprocity inspections were conducted?

Answer

Four

7. Other than reciprocity licensees, how many field inspections of radiographers were performed?

Answer

Three.

B. What percentage is this of your total number of radiographer licensees?

Answer

Thirty (30) percent.

B. Inspection Frequency (Category I)

NRC Guidelines: The RCP should establish an inspection priority system. The specific frequency of inspections should be based upon the potential hazards of licensed operations, e.g., major processors, broad licensees, and industrial radiographers should be inspected approximately annually -- smaller or less hazardous operations may be inspected less frequently. The minimum inspection frequency including for initial inspections should be no less than the NRC system.

Questions:

 Identify individual licensees or groups of licensees the State is inspecting more frequently than called for in the State's inspection priority system and discuss the reason for the change.

Answer

We were inspecting moisture/density gauge licensees every three (3) years instead of every four (4) until 6-1-90 when NRC increased their frequency for teletherapy, broad medical and fixed gauge licensees. The reason for the increased inspection frequency of moisture/density licensees was due to their large number of repeat violations. Now we do not have the staff to continue this increased frequency while at the same time increasing our inspection frequency of those licensees as required by NRC.

C. Inspector's Performance and Capability (Category I)

NRC Guidelines: Inspectors should be competent to evaluate health and safety problems and to determine compliance with State regulations. Inspectors must demonstrate to supervision an understanding of regulations, inspection guides, and policies prior to independently conducting inspections. The compliance supervisor (may be RCP manager) should conduct annual field evaluations of each inspector to assess performance and assure application of appropriate and consistent policies and guides.

Questions:

 Prepare a table showing the number and types of supervisory accompaniments made during the reporting period. Include:

Answer

License Category Date Supervisor Inspector No.

Broad Medical	1 3/11/92	Jeffs	Imes	2	
Broad Academi	ic 3/11/92	Jeffs	Imes	2	
Broad Medical	2/10-11/92	Jeffs	Cleaver	1	
Broad Academ:	ic 2/10-11/92	Jeffs	Cleaver	1	
Inactive Wast	te 10/14/91	Volpe	Jeffs	1	
Disposal Sit	te				
Radiography	7/17/91	Jeffs	Imes	1	
Radiography	7-17-91	Jeffs	Cleaver	1	
Gauge	9/5/91&10/3/91	Jeffs	Wilcoxson	2	

 Were all inspectors accompanied at least annually by the compliance supervisor during the reporting period? If not, explain.

Answer

Yes

D. Responses to Incidents and Alleged Incidents (Category I)

NRC Guidelines: Inquiries should be promptly made to evaluate the need for on-site investigations. On-site investigations should be promptly made of incidents requiring reporting to the Agency in less than 30 days (10 CFR 20.403 types). For those incidents not requiring reporting to the Agency in less than 30 days, investigations should be made during the next scheduled inspection. On-site investigations should be promptly made of non-reportable incidents which may be of significant public interest and concern, e.g. transportation accidents. Investigations should include indepth reviews of circumstances and should be completed on a high priority basis. When appropriate, investigations should include reenactments and time-study measurements (normally within a few days). Investigation (or inspection) results should be documented and enforcement action taken when appropriate. State licensees and the NRC should be notified of pertinent information about any incident which could be relevant to other licensed operations (e.g., equipment failure, improper operating procedures). Information on incidents involving failure of equipment should be provided to the agency responsible for evaluation of the device for an assessment of possible generic design deficiency. The RCP should have access to medical consultants when needed to diagnose or treat radiation injuries. The RCP should use other technical consultants for special problems when needed.

Questions:

- In this reporting period, did any incidents occur that involved equipment or source failure or approved operating procedures that were deficient? If so,
 - a. How and when were other State licensees who might be affected notified?

Answer

No such incident occurred.

b. Was the NRC notified?

Answer

Not applicable.

 For incidents involving failure of equipment or sources, was information on the incident provided to the agency responsible for evaluation of the device for an assessment of possible generic design deficiency? Please provide details for each case.

Answer

Not applicable.

 If the RCP utilized medical or technical consultants for an emergency during the reporting period, please describe the circumstances for each case. Answer

No medical or technical consultants were utilized.

4. In the reporting period, were there any cases involving possible criminal wrongdoing that were looked into or are presently undergoing review? If so, please describe the circumstances for each case.

Answer

No such cases occurred.

E. Enforcement Procedures (Category I)

NRC Guidelines: Enforcement Procedures should be sufficient to provide a substantial deterrent to licensee noncompliance with regulatory requirements. Provisions for the levying of monetary penalties are recommended. Enforcement letters should be issued within 30 days following inspections and should employ appropriate regulatory language clearly specifying all items of noncompliance and health and safety matters identified during the inspection and referencing the appropriate regulation or license condition being violated. Enforcement letters should specify the time period for the licensee to respond indicating corrective actions and actions taken to prevent recurrence (normally 20-30 days). The inspector and compliance supervisor should review licensee responses.

Licensee responses to enforcement letters should be promptly acknowledged as to adequacy and resolution of previously unresolved items. Written procedures should exist for handling escalated enforcement cases of varying degrees. Impounding of material should be in accordance with State administrative procedures. Opportunity for hearings should be provided to assure impartial administration of the radiation control program.

Questions:

 If during the reporting period the State issued orders, applied civil penalties, sought criminal penalties, impounded sources, or held formal enforcement hearings, identify these cases and give a brief summary of the circumstances and results for each case.

Answer

None of the above occurred.

 Discuss changes made in the enforcement procedures during the reporting period.

Answer

A formal written procedure regarding shutting down the operation of a licensee or obtaining an order was incorporated into the Inspection and Enforcement Manual.

F. Inspection Procedures (Category II)

NRC Guidelines: Inspection guides, consistent with current NRC guidance, should be used by inspectors to assure uniform and complete inspection practices and provide technical guidance in the inspection of licensed programs. NRC Guides may be used if properly supplemented by policy memoranda, agency interpretations, etc. Written inspection policies should be issued to establish a policy for conducting unannounced inspections, obtaining corrective action, following up and closing out previous violations, interviewing workers and observing operations, assuring exit interviews with management, and issuing appropriate notification of violations of health and safety problems. Procedures should be established for maintaining licensees compliance histories. Oral briefing of supervision or the senior inspector should be performed upon return from nonroutine inspections. For States with separate licensing and inspection staffs, procedures should be established for feedback of information to license reviewers.

Questions:

 What changes were made to your written inspection procedures during the reporting period?

Answer

A section was added to the Inspection and Enforcement Manual regarding follow-up inspections.

G. Inspection Reports (Category II)

NRC Guidelines: Findings of inspections should be documented in a report describing the scope of inspections, substantiating all items of noncompliance and health and safety matters, describing the scope of licensees' programs, and indicating the substance of discussions with licensee management and licensee's response. Reports should uniformly and adequately document the results of inspections and identify areas of the licensee's program which should receive special attention at the next inspection. Reports should show the status of previous noncompliance and the independent physical measurements made by the inspector.

Questions:

 What changes were made in the formats of your reports or inspection forms during this period?

Answer

As a result of the last review, additional information is now being included in "Scope of Program" which is part of the cover page for the inspection report. Results of wipes and areas wiped by the inspector during an inspection are being included under the "Independent Measurements" section of the inspection report.

The medical inspection form was revised to include 1990 revisions to the regulations.

H. Confirmatory Measurements (Category II)

NRC Guidelines: Confirmatory measurements should be sufficient in number and type to ensure the licensee's control of materials and to validate the licensees measurements. RCP instrumentation should be adequate for surveying license operations (e.g., survey meters, air samplers, lab counting equipment for smears, identification of isotopes, etc.). RCP instrumentation should include the following types:

GM Survey Meter: 0-50 mr/hr Ion Chamber Survey Meter: up to several R/hr Neutron Survey Meter: Fast & Thermal Alpha Survey Meter: 0-100,000 c/m Air Samplers: Hi and Low Volume Leb Counters: Detect 0.001 µc/wipe Velometers Smoke Tubes Lapel Air Samplers

Instrument calibration services or facilities should be readily available and appropriate for instrumentation used. Licensee equipment and facilities should not be used unless under a service contract. Exceptions for other State Agencies, e.g., a State University, may be made. Agency instruments should be calibrated at intervals not greater than that required to licensees being inspected.

(Note: Addition types of instrumentation that are highly desirable are thin window plastic or NaI detectors for low energy gammas and "micro-R" meters with audio signal for searching for lost gamma emitter sources.)

Questions:

 Describe any changes in your instrumentation or methods of calibration in this reporting period.

Answer

The Radioactive Materials Section added a Victoreen 450 ion chamber which is energy independent.

VII. STATUS OF PREVIOUS NRC COMMENTS AND RECOMMENDATIONS

A. Please prepare a summary of the status of the State's actions taken in response to NRC's comments and recommendations following the last review.

Answer

NRC Comment - Status and Compatibility of Regulations. Kentucky's regulations are now compatible with NRC regulations with the exception of decommissioning regulations. A draft of these regulations are in the process and have been reviewed by two levels of management.

NRC Comment - Staff Continuity No upgrades with monetary adjustments have been made in regards to Radioactive Materials Section staff. Another staff member left the section to accept a job with an increase in pay.

NRC Comment - Office Equipment and Support Services An IBM compatible computer was purchased; however, the Radioactive Materials Section does not have administrative control over this computer and thus, it is not readily accessible to the staff.

NRC Comment - Administrative Procedures A computer system now maintains track of incidents.

NRC Comment - Management All inspection reports submitted by the Section Supervisor are reviewed and signed by the Branch Manager.

NRC Comment - Licensing Procedures More time is spent proof-reading licenses prior to mailout to assure that typographical errors are limited to the extent practical.

NRC Comment - Inspection Reports A more complete description of "Scope of Program" regarding licensees' activities is being included on the inspection report under this heading.

VIII. SPECIAL TOPICS OF CURRENT INTEREST

A. If you like, describe your program's successes, problems or difficulties that occurred during this reporting period.

Answer

- Managed to prevent loss of 37 regulations because of sunset requirements.
- 2. Increased efficiency of laboratory.
- Work on Maxey Flats led to Record of Decision in September 1991.
- New laboratory facilities designed and site is presently under construction.
- Administration continues to prevent reclassification of x-ray and radioactive material staff.
- New administration required a 10-15 percent reduction in budget of FY-93 and FY-94.
- Lack of and turnover of staff continue to prevent efficient functioning of Branch.
- 8. Branch continues to lack an adequate computer system. This continues to handicap staff in effective use of time.

PART II PROGRAM STATISTICS

as of (March 15, 1992)

*1.	How many	specif	tic 1	icenses	are	currently	in	effect?
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Answer

388

- During the last calendar year, (questions answered for 1991, except as noted below.)
 - a. how many new licenses were issued?

Answer

34

b. how many licenses were terminated?

Answer

20

c. how many licenses were renewed?

Answer

385

d. how many amendments were issued?

Answer

263

e. how many SS&D evaluations were completed?

Answer

Seventeen SS&D evaluations were revised.

3. How many prelicensing visits were made during this past calendar year?

Answer

Two

4. How many new licenses (or major amendments) were hand delivered to the licensee?

Answer

"Note: If the information requested in the questions marked with an asterisk has been submitted to State Programs for the prior year, please answer these questions for the date of this review or the period since January 1 of this year as appropriate. None

-

5. How many materials incidents, other than unfounded allegations, occurred during the last calendar year?

Answer

Seven

6. How many on-site investigations of incidents were conducted during the last calendar year?

Answer

Three

nts Program, State Programs, Office of Governmental and Public Affairs

FROM: Richard L. Woodruff, State Agreements Officar

SUBJECT: KENTUCKY MID-REVIEW VISIT

A mid review meeting was held with personnel responsible for the Kentucky Radiation Control program during the period April 23-26, 1991. The following persons were contacted during the meeting:

John A. Volpe, Ph.D., Manager, Radiation Control Branch Vicki D. Jeffs, Supervisor, Radioactive Materials Section Michael Cleaver, Radiological Health Inspector Brenda Imes, Radiological Health Inspector Kevin Imes, Radiological Health Inspector

The visit consisted of a follow-up on the status of NRC comments dated July 18, 1990, to the Commonwealth following our 1990 program review; significant changes in the Kentucky program since the last review; and discussions with program management and program staff. These topics are detailed in the following paragraphs.

Status of Comments To Harry J. Cowerd dated July 18, 1990

1. Status and Compatibility of Regulations

Recommendation:

We recommend that the State give priority to adopting the revisions needed to maintain compatibility.

Current Status:

The Program adopted revised regulations that are compatibile with NRC regulations thru the 10 CFR 20, NAVLAP Certification regulations that

"Note: If the information requested in the questions marked with an asterisk has been submitted to State Programs for the prior year, please answer these questions for the date of this review or the period since January 1 of this year as appropriate. became effective on 02-18-88. The revised K*T . . lls program?

Answer

Not applicable.

*14. Compute the professional/technical person-year effort of person-years per 100 licenses (excluding management above the direct RAM supervisor, vacancies and personnel assigned to mills and burial site licenses). Count only time dedicated to radioactive materials.

Answer

4.0 person - years/388 licensees (3/15/92)
1.03 person - years/100 licenses

*15. List the RCP salary schedule as follows:

Answer

Position Title Annual Salary Range 27,072-43,368 Radiation Control Program Mgr. Human Services Program Section 22,272-35,688 Supervisor Radiological Health Inspector Pr. 22,272-35,688 Radiological Health Inspector Sr. 20,196-32,376 Radiological Health Inspector 16,680-26,592 27,072-43,368 Chief Chemist Chemist Pr. 24,552-39,336 Chemist Sr. 22,272-35,688

*16. Please complete the following table using the license categories as shown, and including the total number of specific licenses in each category, the priority or inspection frequency, the number of inspections made during the review period, and the number of overdue inspections in each category. (In Priorities 1-3, include those overdue by more than 50% of their scheduled inspection frequency; in lower priorities, include those overdue by more than 100% of their scheduled frequency.)

License Category	No. of Licenses	Insp. Freq. (yrs)	No. Insps. <u>Made</u>	No.* Overdue Insps.
Broad A Academic (Medical)	0	N/A	1	N/A
Broad A Industrial	0	N/A	N/A	N/A
Broad A Medical	3	1	0	0
Broad A Mfg. & Dist.	0	N/A	N/A	N/A
Industrial Radiography	10	1	10	0
Irradiator - Pool or Large	0	N/A	N/A	N/A
LLW Broker or Service - Processing,				
Incineration, Repackaging	0	N/A	N/A	N/A
LLW Disposal & Burial	0	N/A	N/A	N/A

"Note: If the information requested in the questions marked with an asterisk has been submitted to State Programs for the prior year, please answer these questions for the date of this review or the period since January 1 of this year as appropriate.

icense Category	No. of Licenses	Insp. Freq. (years)	No. Insps. <u>Made</u>	No.* Overdue Insps.
Nuclear Pharmacy Source Material Processing Teletherapy (Human Use) U-Mill Operation Other Priority 1	2 2 10 0 1	1 1 N/A N/A 1	1 0 6 N/A 1	0 0 N/A N/A 0
Broad A Academic (Non-Medical) Broad B Academic Broad A R & D Decontamination Services LLW Disposal Service (pre-packaged) Mobile Nuclear Services SNM (unsealed) Other Priority 2	2 0 0 0 0 0 0	2 N/A N/A 2 N/A N/A	0 N/A N/A 0 N/A N/A	0 N/A N/A 0 N/A N/A
Broad B Industrial Mfg. & Dist. Broad B R & D In vitro Distribution Irradiators, Self-Contained, Small Leak Test & Calibration Services Medical Product Distribution Medical, Institutional (Hospitals & Clinics)	0 4 0 2 1 0 75	N/A 3 N/A 3 N/A N/A 3	N/A 2 N/A 0 N/A 19	N/A 0 N/A 0 N/A 0
Nuclear Laundry Source Material, Rare Earth U-Mill Tailings Well Logging, Field Flooding Other Priority 3	0 1 0 14 3	N/A 3 N/A 3 3	N/A 1 N/A 5 0	N/A 0 N/A 0 0
GL Distribution Lixiscopes, Bone Mineral Analyzer,	0	N/A	N/A	N/A
Sr Eye Applicator Medical, Private Practice Limited Diagnostic or Therapy Portable Gauge Services - Teletherapy, Gauge, or Irradiator Other Priority 4	2 9 122 0	4 4 N/A N/A	0 6 35 N/A N/A	0 0 N/A
Academic Industrial Mfg. & Dist. R & D Fixed Gauge In vitro Labs SNM (sealed) Veterinary Medicine Other Priority 5	10 0 1 63 3 0 1 8	5 N/A 5 5 5 5 N/A 5 5	0 N/A 0 12 5 N/A 1 0	0 N/A 0 0 0 0 N/A 0
Gas Chromatographs &	32	7	4	0

*Note: If the information requested in the questions marked with an asterisk has been submitted to State Programs for the prior year, please answer these questions for the date of this review or the period since January 1 of this year as appropriate.

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Licep je Category	No. Licer	of Freq nses (year	No. Inspe. S) Made	No.* Overdue Insps.
other Measuring Systems Leak Test Only Shielding, Depleted Uranium Other Priority 6 and 7	0 2 2	N/A 7 7	N/A l O	N/A 0 0
TOTALS	388	N/A	110	0
Total inspections performed May, 1	1990 thru Fe	bruary, 1992	:	
	Pr	iority 1 36	5	

Priority	2	0
Priority	3	53
Priority	4	51
Priority	5	45
Priority	6	0
Priority	7	10

TOTAL 195*

* 41 other inspections also performed. These were reciprocity and general licenses inspections.

*Note: If the information requested in the questions marked with an asterisk has been submitted to State Programs for the prior year, please answer these questions for the date of this review or the period since January 1 of this year as appropriate.

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APPENDIX B

ORGANIZATION CHARTS





Division of Community Safety



Fax #: 502-564-6533 Division Of nmunity Safety Donald R. Hugnes, Sr., Director (502) 564-7398 FAX (502) 564-6533

Mission Statement: To reduce personal injury, disease, and death from unsafe consumer products, devices, and controlled substances and to reduce unnecessary radiation exposure to the people of the Commonwealth

Drug Control Branch

Edward Crews, Manager (502) 564-7985

Functions:

Training Inspections Investigations Disposal Licensing **Enforcement Actions** (Prosecution: Criminal & Administrative) Identification of Drugs & **Controlled Substances** Interaction with State & **Federal Agencies Technical Consultation Coordinate Surveillance** Contract **Regulation & Standards** Development

Areas of Responsibility:

Controlled Substances: Drugs & Narcotics Medical Devices Professional Title Quackery

Radiation Control Branch

John A. Volpe, Ph.D., Manager (502) 564-3700

Functions:

Inspections Investigations **Regulation & Standards** Development Licensing Certification Registration **Technical Consultation** Training **Enforcement Actions** (Administrative Orders: X-rays) Interaction with Industry, State, & Federal Agencies **Emergency Response Environmental Monitoring** And Analysis

Areas of Responsibility:

Radiation Control: Emergency Response Environmental Monitoring Radiation Operators Certification Radiation Producing Machines Radioactive Materials Microwave Ovens Radon Public Health & Risk Assessment

Product Safety Branch

Terry M. Wescott, Manager (502) 564-4537

Functions:

Inspections Investigations Sample Collection Regulation & Standards Development Enforcement Actions (citations, quarantines, and recalls) Technical Consultation Training Interaction with Industry, State, & Federal Agencies Injury Data Surveillance, KEISS Consumer Education

Areas of Responsibility:

Consumer Product Safety: Cellulose Insulation Flammable Fabrics Furniture with a Painted Surface Hazardous Household Substances Juvenile Products Lead Based Paint Poison Prevention Packaging Safety Glazing Toys Unstable Refuse Bins

Division Of Community Safety Donald R. Hug' Fr., Director (502) 5/398 FAX (502) 564-6533

Mission Statement: To reduce personal injury, disease, and death from unsafe consumer products, devices, and controlled substances and to reduce unnecessary radiation exposure to the people of the Commonwealth

Milk Control Branch

David W. Klee, Manager (502) 564-3340

Functions:

Training Inspections Investigations Enforcement Actions Consultation Services Program Implementation Evaluation Interaction with State & Federal Agencies Technical Consultation Regulation & Standards Development Education

Areas of Responsibility:

Milk Control: Grade A Producers Mfg. Producers **Grade A Plants** Mfg. Plants **Frozen Dessert Plants Single-Service Plants Grade A Receiving Stations** Mfg. Receiving Stations **Grade A Transfer Stations** Mfg. Transfer Stations **Kentucky Distributors Out-of-State Distributors** Haulers **Kentucky Milk Trucks** Milk Collectors (Fieldmen)

Emergency Medical Services

Branch

Robert P. Calhoun, Manager (502) 564-8963

Functions:

Training Certification Investigations Enforcement Actions Regulation & Standards Development Technical Assistance Financial Assistance Planning & Evaluation Public Education Interaction with Industry, State, & Federal Agencies

Areas of Responsibility:

Emergency Medical Services Systems: EMT Training & Certification EMT-First Responder Training & Certification Disbursement of State Grants EMS System Planning & Development

Information & Certification

Brai

Judy F. Smith, Manager (502) 564-3084

Functions:

Data Collection Information Retrieval Certification/Licensing/Permitting Fee Collection Accounts Receivable Posting Budget Information Research Special Projects Special Reports Administrative Support Training Equipment Maintenance Contracts

Areas of Responsibility:

Administrative Data Processing Support for Division of Community Safety.

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APPENDIX C

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REVIEWER EXPLANATORY COMMENTS AND OBSERVATIONS

APPENDIX C

REVIEWER EXPLANATORY COMMENTS AND OBSERVATIONS

The following comments and observations were developed during the review and they are numbered to correspond with the respective guideline provided in Appendix A.

I. LEGISLATION AND REGULATIONS

Status and Compatibility of Regulations (Category I)

The State's regulations are compatible with the NRC regulations through the 10 CFR Part 20 Amendment on NVLAP certifications of dosimetry processors that became effective on February 20, 1988.

Comment:

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The State's regulations meet the three year policy requirement for the adoption of regulations needed for compatibility, except for the "Decommissioning" regulations of 10 CFR Parts 30, 40, and 70 that became effective on July 27, 1988. The Program has drafted new regulations that address the "Decommissioning" regulations, and these new State regulations were projected to become effective in September of 1992. A finding of compatibility was offered, contingent upon the adoption of these new State regulations.

The Program managers were also reminded that additional regulations are needed for compatibility as follows:

- 0 "Emergency Planning" regulations of 10 CFR Parts 30,40, and 70 that became effective on April 7, 1990.
- 0 "Safety requirements for radiographic equipment" regulations of 10 CFR Part 34 that became effective on January 10, 1991.
- 0 "Standards for Protection Against Radiation" revision to 10 CFR Part 20 regulations that became effective on June 20,1991

Program managers related that the above regulations that are needed for compatibility would be drafted later on this calendar year.

Recommendation:

We recommend that the State give priority to the adoption of regulations that are needed to maintain compatibility.

III. MANAGEMENT AND ADMINISTRATION

Administrative Procedures (Category II)

Comment:

The RCP should establish written internal procedures such as enforcement procedures to assure that the staff performs its duties as required and to provide a high degree of uniformity and continuity in regulatory practices. The State developed enforcement procedures. However, during our casework review and the review of the enforcement procedures, we noted that the procedures do not clearly identify when a licensee is to be called into the Program office for an "Informal Hearing" to resolve regulatory issues.

Recommendation:

We recommend that the State's internal procedures on enforcement procedures (Section 301) be revised to clearly identify when a licensee is to be considered for the escalated enforcement procedure "Informal Hearing."

Office Equipment and Support Services (Category II)

Comment:

The State has an IBM computer in the Division; however, this equipment is not under the administrative control of the Program. The Program Manager related that plans were being made to upgrade the computer to a Local Area Network (LAN) type system for use by the Program staff. The reviewers had several discussions with the staff and Program managers concerning the effecient use of the computer, and information that could be made available to the Program for license reviews, inspections, enforcement, and tracking functions. Although the State satisfies the <u>minimum</u> criteria stated in the indicator guideline, the reviewers believe that the computer upgrade is needed for staff effeciency and that State monies will be saved in the long term.

Recommendation:

We recommend that the State expedite their plans to upgrade the computer system for utilization by the Program's staff.

IV. PERSONNEL

Staff Continuity (Category II)

Comment:

Salary levels should be adequate to recruit and retain persons of appropriate professional qualifications. The Program lost another senior, trained, professional staff member since the last review. We believe that this was directly related to the salary structure and job classification of the Consumer Health Inspector series. During our 1991 review, we recommended that every effort be made to upgrade the salaries to a competitive level with those salaries of other Radiation Specialist and Health Physicists found in other Agreement States and the industry. During 1991, the Program Manager developed a comparative analysis on the Program's job classifications and proposed three seperate job classifications for the professional staff. However, official action on the proposal was never completed.

Recommendation:

We recommend that the State take action on the reclassification package for the Radiation Control Branch technical staff, and upgrade the job series classification.

V. LICENSING

Technical Quality of Licensing Actions (Category I)

Twelve license files were selected for casework review. This sample also included file reviews of six major licenses. The quality of the licensing actions was found to be acceptable, and only a <u>few minor</u> comments were developed on the casework. It was noted that license reviewers are also inspectors, and that the quality of work is enhanced by management review prior to the documents being dispatched to the

licensee. No recommendations were developed for this indicator. The licensing casework is listed under <u>Appendix D.</u>

Adequacy of Product Evaluations (Category I)

The State has issued seventeen SS&D sheets since the last review. These registrations were mostly administrative type of actions as the result of the Ohmart Corporation moving into Kentucky. The sealed sources and devices were not modified. The technical evaluations of these devices were first performed by NRC when the Corporation was under NRC jurisdiction. No comments were developed under this guideline.

Licensing Procedures (Category II)

Comment:

During our review of the licensing casework, we noted that two licenses contained conditions which were redundant to specific rules in the regulations. One of these licenses also had seven other minor comments, and this license was identified to the Section Supervisor. The Section Supervisor related that these conditions were incorporated into the license before the rules became effective, and that the license conditions would be revised when the license is renewed in its entirety. The Supervisor also related that all new licenses are transmitted with a cover letter that specifies certain regulatory requirements that are binding on the licensee. This procedure is not always done with "renewals in their entirety."

Recommendation:

We recommend that the State renew the identified license in it's entirety, and that the State's licensing procedures be modified to provide for cover letters on renewal licenses that also specify certain regulatory requirements that need to brought to the licensee's attention, such as new or revised regulatory requirements.

VI. COMPLIANCE

Status of the Inspection Program (Category I)

Ten casework files were selected for review. A listing of the files and a summary of the comments are provided as <u>Aprendix D</u>. The State had no overdue inspections at the time of this review. No comments were developed under this indicator.

Inspector's Performance and Capability (Category I)

No inspector accompaniments were performed during this review. All of inspectors have been accompanied withen the last two years, with the exception of Michael Wilcoxson, who is being trained at this time. No comments were developed under this indicator.

Responses to Incidents and Alleged Incidents (Category I)

All of the incident files for the years 1990 and 1991 (to date) were reviewed. The new incident reporting system being implemented by State Programs was discussed with the Program Director and the technical staff. The State has emplemented a new incident tracking system in accordance with our recommendation following the last review, and the system appears to be working as planned. No comments were developed under this indicator.

Inspection Reports (Category II)

Ten inspection casework files were reviewed during the review. A listing of these files and a summary table of the results are provided as <u>Appendix E</u> to this report. Each casework file was discussed with the technical staff during the review and summarized with Ms. Jeffs following the review.

Comment:

Findings of inspections should be documented in the report clearly describing the scope of the inspection, the scope of the licensee's programs, and substantiating all items of noncompliance. As a rule, items of noncompliance should be documented with "what" requirement was violated, "when" the requirement was violated, and "how" the requirement was violated. One report needed more details describing the scope of the inspection and the scope of the licensee's program. Two other reports needed more documentation clearly describing "how" a requirement was violated.

Recommendation:

We recommend that the inspection reports clearly document the details of the report that describe the scope of inspection, scope of the licensee's program, and clearly substantiate all items of noncompliance.

APPENDIX D

REVIEW OF SELECTED LICENSE FILES

Twelve license files were selected for full review. The casework was reviewed in general for: (1) technical adequacy of application review; (2) significant errors and omissions; (3) utilization of licensing procedures; and (4) documentation.

The following licenses were reviewed and for purposes of this report, a numerical license casework number (1 through 12) was assigned to each license as follows:

- No. 1. Licensee: Location: License Number: Sued: Expires: License Type: Natural Resources & Environmental Protection Cab. Frankfort, KY 206-002-03, Amendment 28 12-04-91 Expires: Maxey Flatts site
- No. 2. Licensee: Location: License Number: Issued: Expires: License Type: U of L James Brown Cancer Center Louisville, Ky 01-27-92 Expires: 01-28-93 License Type: Teletherapy
- No. 3. Licensee: Syncor International C oration Location: Louisville, KY License Number: 202-206-32, Amendment 1 Issued: 12-30-91 Expires: 06-30-91 License Type: Pharmacy
- No. 4. Licensee: Syncor International Corporation Location: Lexington, KY License Number: 202-204-32, Amendment 1 Issued: 01-24-92 Expires: 09-30-92 License Type: Pharmacy
- No. 5. Licensee: Location: License Number: Issued: License Type: Corhart Refractories Corporation Louisville, KY 204-015-92, Amendment 16 07-24-91 Terminated License Type: Source material
- No. 6. Licensee: Location: License Number: Subsect: Community Hospital Mayfield, KY 202-097-25, Amendment 23 Issued: 08-27-90 Expires: License Type: Medical, Limited scope
- No. 7. Licensee: Jewish Hospital Location: Louisville, KY License Number: 202-115-22, Amendment 26 Issued: 05-23-91 Expires: 06-30-91 License Type: Medical, Broad Scope with R & D

- No. 8. Licensee: Location: License Number: Sued: Expires: License Type: United Catalysts Louisville, KY 202-006-92, 03-11-92 Expires: 04-30-93 License Type: Natual and Depleted uranium, catalyst Mfg.
- No. 9. Licensee: Ohmart Corporation Location: Erlanger, KY License Number: 201-487-95, Amendment 1 Issued: 02-25-92 Expires: 08-31-92 License Type: Gauge manufacturing & distribution
- No. 10 Licensee: Location: License Number: Issued: Expires: License Type: HCA Greenview Hospital Bowling Green, KY 202-098-25, Amendment 25 07-08-91 Expires: Medical, limited scope with therapy
- No. 11.Licensee: Location: License Number: Sued: Expires: License Type: Technical Welding and Inspection Services Paducah, KY 201-324-05, Amendment 26 Issued: 12-23-91 Expires: License Type: Industrial Radiography
- No. 12 Licensee: Southern Well Surveys Location: Henderson, KY License Number: 201-170-40, Amendment 18 Issued: 10-11-91 Expires: 11-30-92 License Type: Well Logging

Summary Table

The following table lists the specific comments developed during the review of the numbered license casework files above.

Specific Comments

- a. The file copy was not designated as a corrected copy. Any corrections to the license should be sent to the licensee and an exact copy filed.
- b. License contains redundant conditions which restate safety requirements that are already in the regulations, such as leak test, inventories, and decay-in-storage rules.
- c. Licensee referred to previously submitted material in the renewal application, which was not tied down by license condition. This material may not be enforceable.
- Refresher training frequency for Nuclear Medicine technologist should be documented.
- The license application should specify the minimum decay-in-storage hold-up time.
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Casework Number

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f. The bio-medical waste rule applies only to RAM in animal carcasses and liquid scintillation fluids rather than <u>all</u> RAM.

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- g. Application should specify that radiation safety rules apply to <u>all</u> persons using materials, and not only to nuclear medicine technologist.
- h. Therapy procedures should specify the release limits for return of the patients room to an unrestricted area.
- i. Broad scope medical licenses with R & D should have procedures for non-medical use of RAM, such as handling, monitoring, bioassay for radioiodine, P-32 procedures, lab use rules, lab surveys, and waste disposal procedures.
- j. License authorizes "annual" physical inventory of sealed sources. Should be changed to "... not to exceed six months."
- k. The clarification letter asked for information that was provided by the licensee in the orginal application.
- Procedures and action limits should be required for bioassay of personnel handling I-131 doses greater than 30 millicuries.
- m. More details needed to describe the new storage location, such as shielding and radiation levels. 11,
- n. A written statement is needed from the "new" owners that the new owners had reviewed the license application and the license, and that the new owners would abide by the license and its' conditions. 11,
- Clarification letter of 2/92 failed to be specific on which areas of the application were inadequate. 12,

APPENDIX E

REVIEW OF SELECTED COMPLIANCE FILES

Summary and Conclusion

The State uses a field inspection form to document information obtained during the inspection. In general, the files were reviewed to determine if the inspections were complete and substantiated all items of noncompliance and recommendations. Also, the files were reviewed to determine: (1) if appropriate enforcement actions were taken; (2) written in appropriate regulatory language; (3) timeliness of letters; (4) if adequate responses were received from the licensee to close out the enforcement actions; and (5) if the reports were sufficiently detailed to document that the license's program was sufficient to comply with the rules and regulations, and to protect public health and safety.

Ten license compliance files were selected for review. For purposes of this report, a numerical casework code (1 through 10) was assigned to the following compliance files.

Type of Inspection: Inspectors: Type of Report: Enforcement Letter/Date: Licensee Response Date: State Acknowledgement Date : Case No. 02 Licensee: Loc Case No. 01 Location: License No: License Type: Inspection Date: Type of Inspection: Inspectors: Type of Report: Enforcement Letter/Date: NOV dated 07-30-91 Licensee Response Date: 08-12-91 State Acknowledgement Date : 08-15-91

Case No. 03 Licensee: Location: License No: License Type: License Type: Inspection Date: Type of Inspection: Inspectors: Type of Report: Enforcement Letter/Date: NOV dated 07-07-92 Licensee Response Date: 02-17-92 State Acknowledgement Date : 02-28-92

Natural Resources & Environmental Prot.

Louisville, KY 202-055-31 Teletherapy 07-17-91 Routine, unannounced Jeffs Form

Syncor International Corporation Louisville, KY 202-206-32 Pharmacy 01-30-92 Routine, unannounced Jeffs Form

Case No. 04 Licensee: Location: License No: License Type: Inspection Date: Type of Inspection: Inspectors: Type of Report: Enforcement Letter/Date: Licensee Response Date: State Acknowledgement Date : (not in file) Pharmacy Il-21-91 Routine, initial Jeffs, and Cleaver Form NOV dated 12-16-91 11-27-91 (not in file)

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Case No. 05 Licensee:

Syncor International Corporation Lexington, KY 202-204-32 Pharmacy

Corhart Refractories Corporation Licensee: Location: License No: License Type: Inspection Date: Type of Inspection: Inspectors: Type of Report: Enforcement Letter/Date: Licensee Response Date: State Acknowledgement Date : Corhart Refractories Corporation Louisville, KY 204-015-92 Manufacturing of Refractory Brick 07-19-91 Closeout Survey Jeffs Narrative Clear N/A

Case No. 06 Licensee: Licensee: Location: Location: License No: License Type: License Type: Inspection Date: Type of Inspection: Inspectors: Type of Report: Enforcement Letter/Date: Licensee Response Date: State Acknowledgement Date: Dewish Hospital Louisville, KY 202-115-22 Broad Medical with R & D 04-23-91 Routine, unannounced Brenda Imes Form NOV dated 05-06-91 05-23-91

Case No. 07

Licensee: Location: License No: License Type: Inspection Date: Type of Inspection: Inspectors: Type of Report: Enforcement Letter/Date: Licensee Response Date: State Acknowledgement Date : United Catalyst Louisville, KY 204-006-92 Depleted uranium use 03/11-12/92 Routine, unannounced Vicki Jeffs Narrative 03-23-92 03-28-92

Case No. 08 Licensee: Location: License No: License Type: License Type: Inspection Date: Type of Inspection: Inspectors: Type of Report: Enforcement Letter/Date: Licensee Response Date: State Acknowledgement Date : N/A Erlanger, KY 201-487-95 Gauge mfg. and distribution Initial, announced Vicki Jeffs N/A Location:

Case No. 09 Licansee: Location: License No: Jewish Hospital

Omart Corporation Erlanger, KY

HCA Greenview Hospital Bowling Green, KY 202-098-25 License No: 202-098-25 License Type: Limited scope medical with therapy Inspection Date: 03-04-91 Type of Inspection: Routine, unannounced Inspectors: Brenda Imes Type of Report: Form Enforcement Letter/Date: NOV dated 03-26-91 Licensee Response Date: 04-09-91 State Acknowledgement Date : 04-29-91

Case No. 10 Licensee: Location: License No: License Type: Inspection Date: Type of Inspection: Inspection Date: Inspectors: Brenda Imes Type of Report: Form Enforcement Letter/Date: NOV dated 11-22-91 Licensee Response Date: 11-25-91 State Acknowledgement Date : 12-17-91

Technical Welding & Inspection Services Paducah, KY 201-324-05 Industrial Radiography 11-26-91 Routine, announced

Summary Table

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The following table lists the specific comments developed during the review of the numbered inspection casework files above.

Specific Comments

Case No.

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- A copy of the State's acknowledgement letter was a. not in the file folder.
- More information is needed to describe licensees ь. equipment and procedures for handling liquid I-131. 6.
- More information is needed to support the licensee C. violations; such as, change in RSO, "what" contamination survey requirement was violated, or "how" the room surveys were violated.
- More information is needed to document "how" the d. licensee violated a procedural requirement.
- The report documented a violation which was not €. cited in the NOV.
- The NOV listed eight violations, three of which f. were repeat violations. Additional documentation is needed in the file as to why escalated enforce-9, ment was not taken.

UNITED STATES NUCLEAR REGULATORY COMMISSION REGION II 101 MARIETTA STREET, N.W. ATLANTA, GEORGIA 30323 JULY 8, 1991 Woodroff

MEMORANDUM FOR: Vandy L. Miller, Assistant Director for State Agreements Program. State Programs, Office of Governmental and Public Affairs

FROM: Richard L. Woodruff, State Agreements Officer

SUBJECT: KENTUCKY MID-REVIEW VISIT

A mid-review meeting was held with personnel responsible for the Kentucky Radiation Control Program during the period April 23-26, 1991. The following persons were contacted during the meeting:

John A. Volpe, Ph.D., Manager, Radiation Control Branch Vicki D. Jeffs, Supervisor, Radioactive Materials Section Michael Cleaver, Radiological Health Inspector Brenda Imes, Radiological Health Inspector Kevin Imes, Radiological Health Inspector

The visit consisted of a follow-up on the status of NRC comments dated July 18, 1990, to the Commonwealth following our 1990 program review; significant changes in the Kentucky program since the last review; and discussions with program management and program staff. These topics are detailed in the following paragraphs.

Status of Comments to Harry J. Cowerd dated July 18, 1990

1. Status and Compatibility of Regulations

Recommendation:

We recommend that the State give priority to adopting the revisions needed to maintain compatibility.

Current Status:

The Program adopted revised regulations that are compatibile with NRC regulations through the 10 CFR 20, NAVLAP Certification regulations that became effective on February 18, 1988. The revised Kentucky regulations became effective in June of 1990. The Program has plans to make further revisions for Decommissioning and Emergency Plans later this calendar year.



Vandy L. Miller

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2. Staff Continuity

Recommendation:

We recommend that every effort be made to upgrade the salaries to a level that is competitive with those salaries of other Radiation Specialists and Health Physicists found in other Agreement States and the industry to provide better staff continuity.

Current Status:

All State personnel received a five percent increase in salary in 1990. An audit was conducted of the Radioactive Materials staff; however, subsequent personnel actions have not occurred. Mr. Hughes was promoted to Director, Division of Community Safety, and he was replaced by John A. Volpe, Ph.D., who is the new Manager of the Radiation Control Branch. Dr. Volpe requested updated information on staff salaries for technical personnel located in other Agreement States in the Region.

3. Office Equipment and Support Services

Recommendation:

We recommend that the program's computer system be further upgraded to provide compatibility with the NRC system, and one that can be used effectively by the program staff for implementation of their regulatory functions.

Current Status.

The Program has received a new IBM PS/2 computer for use in the Radioactive Materials Branch. The staff has plans to utilize the system as a tracking system and for compliance and enforcement type functions.

4. Administrative Procedures

Recommendation:

We recommend that a procedure be established for the handling, tracking, documentation, filing, and reporting of incidents.

Current Status:

The staff has developed a system for tracking and documenting incident reports. The new computer will be used partly for this task.

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5. Management

Recommendation:

We recommend that inspections performed by the supervisor be reviewed by the Program Manager and that the Program Manager perform an inspection accompaniment of the supervisor at least annually.

Current Status:

Dr. Volpe related that he had only been in the Program Manager's position for one week, and that he had plans to accompany the Section Supervisor in the near future.

6. Licensing Procedures

Recommendation:

We recommend that the State's licensing procedures be evaluated and revised as needed to allow for a "quality assurance" type of review to be performed on all license documents prior to dispatch to the licensee.

Current Status:

The Section Supervisor is now reviewing all licensing actions and the Program Manager will be signing all licenses. Several licenses were reviewed for typographical errors and were found to be of good quality.

7. Inspection Reports

Recommendation:

We recommend that the inspection reports be revised to document the scope of the licensee's program.

Current Status:

The Commonwealth revised the inspection reports to provide information on the scope of the licensee's program.

Significant Program Changes

The following program changes are provided as an update to the State Profile tabulation.

A. Organization:

As noted previously, Mr. Donald R. Hughes, Sr., was promoted to Director, Division of Community Safety, and John A. Volpe, Ph.D., replaced Mr. Hughes as Manager, Radiation Control Branch. A revised organization chart is provided as Appendix A. Vandy L. Miller

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B. Budget:

The budget for FY 91 is as follows:

General Fee	Fund	\$	624,000 415,900
Grants		-	218,200
Total	\$	1	,258,200

This budget represents a slight increase over the 1990 budget and also represents monies for the X-ray, Environmental and Radon programs. The relative amounts delegated for the Materials Section has not changed.

C. Salaries:

As previously noted, the technical staff positions have not been reclassified. All employees received a five percent, within grade increase, but this did not change the pay schedule. The Program manager did receive a grade increase from Grade 14 to Grade 15. The job classification and annual pay range schedule are as follows:

Radiation Control Program Manager	Grade 1	5 \$	27,072-43,368
Section Supervisor	Grade 1	3	22,272-35,688
Rad. Health Inspector, Principal	Grade 1	.3	22,272-35,688
Rad. Health Inspector, Senior	Grade 1	2	20,196-32,376
Rad. Health Inspector, (Entry)	Grade 1	1	18,324-29,364

D. Licensing:

The Program now has 375 specific licenses and there have been no changes in the major license listing for the program. A summary listing of licenses by category is as follows:

License Category	No. Licenses
Teletherapy	10
Broad licenses	5
Nuclear Pharmacy	1
Manufacturing/Distribution	4
Industrial Radiography	12
Medical	82
Laboratories	21
Gas Chromatographs/Fluoresence	25
Well Logaing .	14
Portable Gauges	110
Fixed Gauges	63
Other	28
Total	375

E. Compliance:

The Materials Section Supervisor reported that there were no overdue inspections. The inspection frequencies were revised in May of 1990 to be consistent with NRC inspection frequencies. Inspector accompaniments were conducted as follows:

Date	Inspector	Licensee
03-23-91	Brenda Imes	Jewish Hospital Louisville, Ky L.N. 202-115-22 Broad Medical
03-24-91	Michael Cleaver	Humana Hospital, Suburbar Louisville, Ky L.N. 202-099-25 Institutional Medical

Conclusion

Based upon this visit and the previous review, it is recommended that the next full review be conducted in April of 1992. Our previous review comments are being addressed in a positive manner and Dr. Volpe has requested additional information on staff position classifications and their respective salary ranges. Another attempt will be made by the Program Manager to reclassify the staff positions and to upgrade the salaries of the Materials Section Supervisor and the other staff positions. In the staff's opinion, the Kentucky Program for Agreement Materials is adequate to protect public health and safety, and compatible with the NRC's program for similar materials.

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Richard L. Woodruff Regional State Agreements Officer

Enclosure: Organization Chart



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Revised 4/23/91

Enclosure A

CABINET FOR HUMAN RESOURCES COMMONWEALTH OF KENTUCKY FRANKFORT 40621-0001



July 13, 1988 88 JUL 18 AM 7: 57

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DEPARTMENT FOR HEALTH SERVICES

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Carlton Kammerer, Director State, Local and Indian Tribe Programs U. S. Nuclear Regulatory Commission Washington, DC 20555

Dear Mr. Kammerer:

This is in response to the technical review of the Kentucky Radiation Control Program by Mr. Richard C. Woodruff, NRC State Agreement Representative as depicted in Enclosure No. 1 of your letter to Harry J. Cowherd, M.D., Secretary of the Cabinet for Human Resources, dated June 16, 1988.

Two comments were made relative to our licensing procedures and I will respond in the order they were received.

A. This office concurs and recognizes the need to amend all licenses on an established frequency of five (5) years. Also, the number of "overdue" licenses has been incorporated into the monthly program report to management for monitoring purposes. Por your information, the number of licenses that were overdue at the time of the inspection has been reduced from 90 to 67.

The second portion of the first comment pertained to the establishment of milestones to assure that appropriate licenses are amended in their entirety. One of the three radioactive materials staff resigned effective July 5, 1988. It would not be feasible nor practical to establish a plan to reduce the number of licenses that need to be amended in their entirety based on our current technical staff shortage. I fully realize this is not a positive corrective action but until adequate staff can be employed and trained to meet our current needs. I would feel uncomfortable establishing a paper exercise knowing full well that any goals set at this time would be impossible to achieve.

B. A mechanism is now being reviewed whereby "flagging" will be incorporated into the data processing system. This would allow licenses requiring consideration of "compliance status" to be rejected from automatic renewal upon payment of the required fee. Taking programming time into consideration, this task should be accomplished within three months. Carlton Kammerer, Director Page Two July 13, 1988

Your second comment was made with regard to compliance. The recommendation that accompanied your comment was well received. We will incorporate a schedule with milestones to assess progress. The progress and status of overdue inspections will be reported monthly to program management. However, any "action plan" at this time designed to reduce and eliminate a backlog would have to be placed on hold due to technical staff shortage.

The last comment was concerned with management and administration and was specifically directed toward office equipment and support services. We are assessing the impact the recommended changes would have on other Branch and Division programs since the computer "service" is not specifically dedicated to the Radioactive Materials Section. Based on the assessment, appropriate changes will be made. We also intend to explore the possibility of purchasing an IBM compatible personal computer with appropriate software which would allow the Radioactive Materials Section to exchange information with the U. S. NRC, other Agreement State Programs, and to comply with the other comments stipulated in your letter. A dedicated computer for the Radioactive Materials Section is certainly needed; however, a firm purchase commitment cannot be made without approval from upper management.

We were certainly pleased to learn the Kentucky program for regulation of agreement materials was adequate to protect the public health and safety and is compatible with the Commission's program.

As always, we would like to express our appreciation to Mr. Woodruff for a most thorough and fair review.

Should you have questions or need further clarification, please feel free to contact me.

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Donald R. Hughes, Sr., Manager Radiation Control Branch Division of Radiation & Product Safety

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THE SECRETARY FOR HUMAN RESOURCES COMMONWEALTH OF KENTUCKY FRANKFORT 40621

WALLACE G. WILKINSON GOVERNOR

July 27, 1988

HARRY J. COWHERD, M.D. SECRETARY

Carlton Kammerer, Director State, Local and Indian Tribe Programs U. S. Nuclear Regulatory Commission Washington, DC 20555

Dear Mr. Kammerer:

I would like to express my appreciation to Mr. Richard Woodruff of your staff and commend him for the thorough and professional manner in which the Cabinet's Radiation Control Branch was recently evaluated.

In regard to the staffing level of the Radioactive Materials Section, I have authorized filling the recently vacated position and applicant interviews are under way. I am also aware an additional technical person is needed in this Section to meet minimal U. S. Nuclear Regulatory Commission requirements as was described in your letter. To alleviate the current backlog of inspection and licensing activities, I am in the process of establishing another position in the Radioactive Materials Section.

Mr. Donald Hughes, Manager, Radiation Control Branch has addressed the technical aspects of the review under separate letter.

Should you need additional information, please feel free to "contact me or Radiation Control Branch staff.

Harry & //Cowherd, M.D. Secretary

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UNITED STATES NUCLEAR REGULATORY COMMISSION WASHINGTON, D. C. 20555

SEP 2 9 1988

Harry J. Cowherd, M.D., Secretary Cabinet for Human Resources 725 East Main Street Frankfort, KY 40621

Dear Dr. Cowherd:

Thank you for your letter of July 27, 1988, responding to our comments and recommendations following our 1988 review of the Department's Radiation Control Program. I also wish to knowledge Mr. Hughes' letter of July 13, 1988, that addressed the technical aspects of the review comments.

We are pleased with the positive actions the State has implemented with regard to our comments and, in particular, your plans to fill the staff vacancy and to establish another position in the Materials Section. Please keep our Region II Office advised of your progress in this area.

Our comments and your responses will be incorporated into the final report of the review. A copy will be furnished to your office.

If you have any questions, please feel free to contact me at any time.

Sincerely

Carlton Kammerer, Director State, Local and Indian Tribe Programs

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cc: Victor Stello, Executive Director for Operations, NRC J. Nelson Grace, Regional Administrator, RII C. Hernandez, M.D., Commissioner, Department for Health Services Edsel Moore, Director, Division of Radiation and Product Safety Donald R. Hughes, Sr., Manager, Radiation Control Branch NRC Public Document Room State Public Document Room

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Harry J. Cowherd, M.D.

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