



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

December 11, 2003

Mr. Robert L. Johnson, Manager
Radiation Health and Toxic Agents Branch
Cabinet for Health Services
275 East Main Street
Mail Stop HS 2E-D
Frankfort, KY 40621-0001

SUBJECT: PERIODIC MEETING

Dear Mr. Johnson:

A periodic meeting with the Kentucky Radiation Health and Toxic Agents Branch was held on November 18, 2003. The purpose of this meeting was to review and discuss the status of Kentucky's Agreement State Program. Specific topics and issues of importance discussed at the meeting included program strengths, staffing and training, performance of licensing and inspection activities, incidents and allegations and the updating of regulations for compatibility.

I have completed and enclosed a general meeting summary. There were no specific actions identified during the meeting.

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

Sincerely,
/RA Duncan White Acting For/

Richard L. Woodruff
Agreement State Officer
Region I - Atlanta Office

Enclosure: Kentucky Meeting Report

cc w/encl:
R. Trojanowski, RII
G. Pangburn, RI
J. Piccone, STP
L. Rakovan, STP
J. Zabco, STP

PUBLIC DOCUMENT (circle one): YES X NO

OFFICE	RI:DNMS/S	RI:DNMS			
SIGNATURE	RLW	GCP			
NAME	RWoodruff	GPangburn			
DATE	12/10/03	12/11/03			
E-MAIL	YES NO	YES NO	YES NO	YES NO	YES NO

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AGREEMENT STATE PERIODIC MEETING SUMMARY FOR KENTUCKY

DATE OF MEETING: November 18, 2003

ATTENDEES:

NRC

Richard L. Woodruff, State Agreements Officer, Atlanta Office
John Zabco, Agreement State Project Officer, STP

STATE

Robert L. Johnson, Manager, Radiation Health & Toxic Agents Branch
Matt McKinley, Supervisor, Radioactive Materials Section

DISCUSSION:

The previous IMPEP review was conducted during the period of July 17-21, 2000, and the previous periodic meeting was held on April 16, 2002. A special meeting was held with the Kentucky representatives on December 19, 2002, in Frankfort, Kentucky, for the purpose of meeting with the new program manager, Mr. Johnson and discuss topics of mutual concern regarding NRC and the Kentucky Radioactive Materials Program.

This meeting was held with the Kentucky representatives on November 18, 2003. The topics listed in NRC letter dated October 8, 2003 (ML 032810666) were discussed. Details for each area are discussed below.

Action on Previous Review Findings

All of the recommendations from the July 17-21, 2000 IMPEP have been discussed at the previous meetings and the issues closed except for one recommendation as follows:

Recommendation

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

Status: The Manager related that the program's SS&D re-evaluations had not yet been completed, that about eight more were needed. The Manager and one Radioactive Material Inspector attended the SS&D workshop in September of 2003. The Program now has three persons that are qualified to perform the SS&D evaluations. Some of the re-evaluation work is in progress with a licensee request for a new license amendment.

Program Strengths and/or Weaknesses

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

Specific areas were discussed as follows:

1. The Manager related that the program has sufficient radiation survey equipment and utilizes commercial calibration services for the portable survey meters.
2. The program still utilizes a contractor for the tracking of material licenses, expiration dates, licensing actions, and inspection data. The program will also use the Division's data base to assist the tracking of initial inspections, reciprocity inspections, and other data as appropriate.
3. The Manager related that the materials program has no inspection or licensing backlogs at this time. The review of the sealed source and device (SS&D) updates is being given a higher priority now that two persons have attended the SS&D workshop that was given September 22, 2003.
4. A Manager of Radiology is being considered for a vacant staff position that had previously been frozen. The Manager will continue to perform inspections as time permits, and until the staff vacancy and staff training is completed.
5. Training for the newer staff is needed, especially in the Medical area. Training requests have been provided to STP.
6. The Commonwealth requires two persons to accompany the DOE shipments through the State. These accompaniments are a considerable drain on the section's resources.

Status of Program and/or Policy Changes

The Branch is headed by the Manager, Robert L. Johnson, and has three major technical areas: Radioactive Materials Section; Radiation Producing Machines Section; and the Radiation/Environmental Monitoring Section. The Branch is organized under the Division of Public Health Protection & Safety, Kentucky Department for Public Health, Cabinet for Health Services.

The Radioactive Materials Section is made up of a Supervisor and four staff positions. One staff position is vacant as noted above, and is being filled.

The workload of the Materials Section remains constant with 430 specific licenses, of which 143 are core licenses (inspection priorities 1,2, and 3). All materials licensing and inspections are performed out of the Frankfort office.

The program is funded about 80% by fees which go into a Division fund. The monies are then appropriated back to the program. The fee structure was increased and is posted on the Kentucky web site.

Impact of NRC Program Changes

The State Agreements Officer and the Agreement State Project Officer briefly discussed NRC program changes that could impact the State, such as the status of the 10 CFR Part 35 revision, the control of radioactive material (accountability, orphan sources, physical protection, control of imports), doses to the public, clearance, Part 40 exemptions, reciprocity inspections, evolving material processes (risk assessment, resources, management reviews, priorities,

safety goals), and the availability of NRC procedures and information on the internet.

Internal program audits and self-assessments.

The manager related that a self-assessment was performed of the program during the period of November 16, 2002, and May 16, 2003. A report in the form of a memorandum dated October 31, 2003, was sent through the Division of Public Health Protection and Safety to the Commissioner, Department of Public Health. The report identified 12 issues and actions being taken or planned to resolve the issues.

Status of Allegations Previously Referred

The NRC allegation program was discussed in general with the State representatives. The Program Manager related that allegations are processed on a case-by-case basis, and that follow-ups are conducted as needed. Only three allegations have been referred to the Commonwealth since the 2000 IMPEP, The allegations were briefly discussed and the Branch Manager related that they had been closed.

Nuclear Material Events Database (NMED) Reporting

A general discussion was held with the representatives concerning the NMED reporting system. Prior to this annual meeting, the RSAO prepared a report of events that had been placed in the NMED system, and the RSAO discussed the mechanism for reporting events, what events to report, the timeliness of reporting, completeness of data, and closing the case. No issues were identified concerning the reporting of events. It was noted that there was a radiographer overexposure (November 2002) that was determined to be an abnormal occurrence.

Compatibility of State Regulations

Kentucky regulations were updated in 2001. Regulation amendments needed for adequacy and compatibility were discussed by the ASPO, along with the mechanism for providing proposed regulations to STP for review, and the need for an action plan. The Kentucky regulations are on the web site. The ASPO volunteered to work with the program on the regulation update.

Schedule for the Next IMPEP Review

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

CONCLUSION:

All of the IMPEP Indicators were discussed during the meeting. There were no licensing or inspection backlogs identified during the meeting, and the delay in the schedule for the sealed source and device reassessments is being addressed. The Kentucky Administrative Regulations (KAR 902) needs updating. The program has performed a self-audit, and improvements are being made in their licensing and initial inspection tracking systems. The technical staff are relatively new to the program and additional training will be needed for them to be fully trained in all areas.

ACTION ITEMS: None