

APR 25 1985

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Mr. E. Austin, Jr., Secretary
Cabinet for Human Resources
725 East Main Street
Frankfort, KY 40621

Dear Mr. Austin:

This is to confirm the discussion Mr. Richard L. Woodruff held on March 22, 1985 with Dr. C. Hernandez, Messrs. E. Edsel Moore and Donald R. Hughes following our review and evaluation of the State's radiation control program. The review covered the principal administrative and technical aspects of the program and included an examination of the program's legislation and regulations, organization, management, administration, personnel, licensing and compliance actions, and the field evaluation of a State inspector.

Our review was performed in accordance with the NRC Policy defined in the "Guidelines for NRC Review of Agreement State Radiation Control Programs." These Guidelines were published in the Federal Register on December 4, 1981, and define the 30 Indicators that are used for evaluating Agreement State Programs. A description of how the indicators are used in reporting the results of program reviews to State management is enclosed (Enclosure 1).

The results of our review indicate that the Kentucky Radiation Control Program is adequate to protect the public health and safety. However, we are unable to offer a statement of compatibility pending the State's corrective actions for a Category I deficiency.

Status of Regulations is a Category I Indicator. The "Administrative Radiation Regulations" have not received a complete revision since 1978. The NRC has adopted several regulations since 1978 that are deemed a matter of compatibility. Pursuant to NRC guidelines, State regulations should be amended as soon as practicable but no later than three years following the adoption by NRC. We recommend that the "Administrative Radiation Regulations" be amended as soon as possible to effect compatibility with the NRC regulations.

The above comment is a result of a Category II Indicator, "Updating of Regulations." The radiation control program should establish procedures for adopting appropriate amendments to State regulations in a timely manner. We noted during the review that amendments to several Sections of the Regulations had been drafted; however, the remaining Sections should also be revised. We recommend that the State establish a schedule for adopting appropriate amendments to State regulations in a timely manner.

We appreciate the support being given to the program by you and your staff. We noted that a revised fee schedule was recently approved that will provide additional monetary support to the program and that the staff has continued to make progress in other administrative and technical areas. The staff should be commended for their efforts to reduce the overdue inspections.

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The staff should be commended for their efforts to reduce the overdue inspections. It was noted that the State has no overdue priority I or II licenses, and that the overdue priority III's (47) are being inspected in accordance with the revised inspection schedule established following our previous review.

We would appreciate your review of our recommendations and receiving your specific plans to improve the agreement materials program. At that time we will be in a position to consider a finding concerning the compatibility of the program.

Enclosure 2 contains an additional comment regarding the technical aspects of our review of your program. This comment was discussed with Mr. Donald R. Hughes and his staff during our exit meeting with him. You may wish to have Mr. Hughes address this comment.

In accordance with NRC practice, I am providing as Enclosure 3 a copy of this letter for placement in the State's Public Document Room or otherwise made available for public review.

I appreciate the courtesy and cooperation extended by you and your staff to Mr. Woodruff during the review.

Sincerely,

J. Nelson Grace, Ph.D.
Regional Administrator

Enclosures:

1. Application of "Guidelines for NRC Review of Agreement State Radiation Control Programs"
2. Comments and Recommendations on Technical Aspects of the Kentucky Radiation Control Program for Agreement Materials
3. Letter to E. Austin, Jr., Secretary, from J. Nelson Grace, dated / /85

cc w/encl:
Donald R. Hughes, Supervisor
Radiation Control Section
G. Wayne Kerr, Director, OSP
NRC Public Document Room

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ENCLOSURE 1

APPLICATION OF "GUIDELINES FOR NRC REVIEW OF AGREEMENT STATE RADIATION CONTROL PROGRAMS"

The "Guidelines for NRC Review of Agreement State Radiation Control Programs," were published in the Federal Register on December 4, 1981 as an NRC Policy Statement. The Guide provides 30 Indicators for evaluating Agreement State program areas. Guidance as to their relative importance to an Agreement State program is provided by categorizing the Indicators into 2 categories.

Category I Indicators address program functions which directly relate to the State's ability to protect the public health and safety. If significant problems exist in several Category I Indicator areas, then the need for improvements may be critical.

Category II Indicators address program functions which provide essential technical and administrative support for the primary program functions. Good performance in meeting the guidelines for these indicators is essential in order to avoid the development of problems in one or more of the principal program areas, i.e. those that fall under Category I Indicators. Category II Indicators frequently can be used to identify underlying problems that are causing, or contributing to, difficulties in Category I Indicators.

It is the NRC's intention to use these categories in the following manner. In reporting findings to State management, the NRC will indicate the category of each comment made. If no significant Category I comments are provided, this will indicate that the program is adequate to protect the public health and safety. If at least one significant Category I comment is provided, the State will be notified that the program deficiency may seriously affect the State's ability to protect the public health and safety and should be addressed on a priority basis. When more than one significant Category I comment is provided, the State will be notified that the need of improvement in the particular program areas is critical. The NRC would request an immediate response, and may perform a follow-up review of the program within six months. If the State program has not improved or if additional deficiencies have developed, the NRC may institute proceedings to suspend or revoke all or part of the Agreement. Category II comments would concern functions and activities which support the State program and therefore would not be critical to the State's ability to protect the public. The State will be asked to respond to these comments and the State's actions will be evaluated during the next regular program review.

ENCLOSURE 2

COMMENTS AND RECOMMENDATIONS ON TECHNICAL ASPECTS OF THE KENTUCKY RADIATION CONTROL PROGRAM FOR AGREEMENT MATERIALS

I. LICENSING

Licensing Procedures is a Category II Indicator. The following comment is made with our recommendation.

Comment

Standard license conditions comparable with current NRC standard license conditions should be used to expedite and provide uniformity in the licensing process. Inaccurate or confusing standard use conditions were utilized in some cases where the licensee's mailing address was different from the place of possession, use and/or place of storage.

Recommendation

We recommend that the State utilize standard license "use" conditions that clearly define where the licensee is authorized to "possess," "store" and/or "use" licensed materials.