

February 13, 2004

Robert Owen, Chief
Bureau of Radiation Protection
Ohio Department of Health
P.O. Box 118
Columbus, OH 43266-0118

Dear Mr. Owen:

A periodic meeting with Ohio was held on January 28, 2004. The purpose of this meeting was to review and discuss the status of Ohio's Agreement State program. The NRC was represented by Dennis Sollenberger from the NRC's Office of State and Tribal Programs, and Marc Dapas and me, from the NRC Region III Office.

I have completed and enclosed a general meeting summary, including any specific actions that will be taken as a result of 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 (630) 829-9661, or e-mail to JLL2@NRC.GOV to discuss your comments.

Sincerely,

/RA/

James L. Lynch
State Agreements Officer

Enclosure: As stated

cc w/encl: C. O'Claire, Ohio State Liaison Officer

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AGREEMENT STATE PERIODIC MEETING SUMMARY FOR OHIO

DATE OF MEETING: JANUARY 28, 2004

ATTENDEES:	<u>NRC</u>	<u>STATE</u>
	Marc Dapas	Deborah Arms
	Jim Lynch	Bob Owen
	Dennis Sollenberger	Ruth Vandegrift
		Mike Snee
		Mark Light

DISCUSSION:

The recommendations in Section 5.0 of the 2001 Ohio final IMPEP report are summarized below followed by a summary of actions in response to the findings.

1. **Recommendation:** The review team recommends that the State develop formal training and qualification requirements for SS&D reviewers. (Section 4.2.2)

Current Status: The State used the draft NRC SS&D qualification journal and developed an equivalent Ohio qualification journal for all staff performing SS&D evaluations. It was recommended at the last Periodic Meeting that this comment be closed at the next IMPEP review.

2. **Recommendation (for NRC):** The review team recommends that NRC staff revise NRC guidance so that the differences between safety analysis summary documentation for certificates for specifically-licensed versus generally-licensed devices are clarified. (Section 4.2.1)

Current Status: NRC noted the need to address this issue in the next scheduled revision of NUREG-1556, Vol. 3. It was recommended at the last Periodic Meeting that this comment remain open, pending NRC action. A working group is currently revising the Sealed Source and Device guidance.

Radiation Control Program Staffing

A well-trained, experienced staff remains a strength of the Ohio Department of Health (ODH) radiation control program. A new Technical Support Section was created to address cross cutting issues such as regulations, training, procedures and quality assurance. Two positions in the Section were filled with staff from other sections. The sealed source and device evaluation function was moved to the Non-Medical Licensing and Inspection group.

The Medical group currently has one vacancy which is in the process of being re-posted. The Non-Medical group currently has two vacancies, one of which has been offered to an applicant. Although several vacancies exist, Bureau management stated that technical staff members are cross-trained in other disciplines so that groups can support each other if faced with a loss of personnel or significant workload increase.

An effort is underway to reclassify health physicist staff positions into five levels, rather than the current three. This reclassification would allow more promotion potential for staff members and would allow more hiring flexibility.

Training

The radiation control program staff is experienced and well trained. Bureau management stated that they are faced with a severe limitation on out-of-state travel (12 days per person annually). This statewide position requires the program to look more at in-state and in-house training. The NRC-sponsored "*Inspection Procedures*" and "*Licensing Practices and Procedures*" training courses are being hosted by ODH in March 2004. Bringing those courses to Ohio allows extensive staff participation and saves a considerable amount of travel funds. Participation in other training courses may be limited in the future due to the constraints.

One of the program supervisors, Mike Snee, participated on the Oklahoma IMPEP team in 2002 and the Florida IMPEP team in 2003. Mr. Snee will also perform the NRC Region IV IMPEP in March 2004. Karl Von Ahn was added to the IMPEP cadre after completing the IMPEP training course earlier this year. ODH management was encouraged to continue to support the IMPEP program to share Ohio expertise and to strengthen staff skills and perspectives.

Inspections

Ohio inspection frequencies are at least as frequent as NRC's. No inspections are overdue. Program managers were reminded of the recent changes to Inspection Manual Chapter 2800, "Materials Inspection Program." In particular, a requirement to inspect emerging technologies (program code 02240) initially and at two-year intervals, was discussed.

ODH provided excellent support to the NRC Region III in an enforcement action against a radiography licensee which is licensed by both agencies. This sharing of information allowed NRC to have a wider perspective when considering appropriate enforcement actions.

After inspections, licensees are sent the inspection report and a compliance letter. This practice gives the licensee a document to use for program improvement.

Licensing

No licensing backlogs exist. Licensing actions are responded to within 30 days of receipt.

Self Assessments

The value of programmatic self assessments was discussed during the meeting. Currently, ODH managers perform substantial oversight of the program but have not yet embarked on a self assessment effort. The new Technical Support Section will be tasked with performing self assessments for the program. NRC encourages States to perform self assessments, which may use the IMPEP tools available on the Office of State and Tribal Programs website.

Regulations

With the Agreement signing in 1999, Ohio adopted NRC regulations via incorporation by reference. Gradually, the references are being replaced by State regulations.

ODH management was reminded that a finding of compatibility may only be given after review of a final regulation. States are required to submit copies of final regulations to NRC, after resolution of comments. Some of the regulations that NRC reviewed in proposed form have not yet been submitted to NRC in "final" form. Program management was requested to do so. An updated "State Regulation Status" form, which summarizes the status of each regulation, is sent to the State with every regulation comment letter and is available on the Office of State and Tribal Programs website.

Ohio has yet to convert three parts of 10 CFR to Ohio Administrative Code: Part 35 (medical), Part 40 (source material) and Part 61 (waste disposal). All are in process at this time.

Security

The current security advisories, orders, and the proposed 274i agreements were discussed in detail. Ohio intends to enter into a 274i agreement with the NRC to inspect materials licensee compliance with NRC-ordered additional security measures. Bureau managers informed the NRC representatives that they have implemented adequate controls over Safeguards information.

Mike Snee and Karl Von Ahn will attend the 274i pilot training to be held in New Mexico in February 2004.

Incidents

ODH staff communicates reportable incidents promptly to the NRC Operations Center and to Region III. Nineteen incidents were reported since the last periodic meeting. The program supervisors input incident information directly into the Nuclear Materials Events Database (NMED). A review of NMED identified timely input of incidents.

One of the incidents, at Hillcrest Hospital, qualified as an Abnormal Occurrence. Ohio will submit an Abnormal Occurrence report to the NRC regarding the incident, which occurred in November 2003.

Allegations

Twelve allegations were transferred to Ohio from NRC since the last periodic meeting. ODH staff investigated the allegations and took prompt, appropriate actions in all cases. Investigation results for four of the allegations were provided earlier to the Regional State Agreements Officer (RSAO). Mr. Snee indicated that he would provide results to the RSAO for the other investigations which had been completed.

Licensee Updates

Information on current NRC activities in Ohio was shared with ODH staff. Updates were provided regarding:

- The Portsmouth Gaseous Diffusion Plant for which jurisdiction was transferred to Region II.
- The gas centrifuge project at the Portsmouth Plant. Discussions addressed potential dual regulation issues at the plant if Ohio is given jurisdiction for instrument calibration facilities.
- The Battelle Memorial Institute-West Jefferson decommissioning project, in which the NRC and the ODH agreed to certain commitments and understandings, as presented in a December 24, 2003, letter from Paul Lohaus to J. Nick Baird. ODH was invited to attend meetings on February 26, 2004 with DOE, the licensee and the closure contractor, regarding the Battelle decommissioning project.
- The Department of Veterans Administration Master Materials License which covers several facilities in Ohio.
- Advanced Medical Systems, Inc. for which the NRC continues to maintain a financial surety instrument.

Sealed Sources and Devices

In response to a recommendation from the IMPEP review, program management standardized training qualifications for SS&D staff. ODH developed an SS&D qualification journal based on the NRC SS&D qualification journal and it is being used for reviewers. The journals are currently up-to-date for all staff performing SS&D reviews. Two individuals are fully qualified SS&D reviewers, and one staff member is in training.

Staff members are currently reviewing Ohio registry sheets for accuracy and updating sheets as necessary. There is no backlog of SS&D actions.

CONCLUSIONS:

The Ohio Radiation Control Program appears to be a strong, stable Agreement State program. The program has a strong cadre of cross-trained staff and the training level for staff members is good.

ODH will consider the use of self assessments to evaluate and improve the radiation control program.

ODH will provide results for completed allegation investigations to the RSAO.

ODH will submit "final" versions of regulations to NRC for compatibility review for those regulations adopted since the Agreement.

During the 2001 MRB meeting, it was recommended that the next IMPEP review be scheduled in four years. Those present at this meeting agreed to schedule the review as planned, in FY 2005.