

August 18, 2010

Mr. Robert Owen, Chief
Bureau of Radiation Protection
Ohio Department of Health
246 N. High Street
P.O. Box 118
Columbus, OH 43215

Dear Mr. Owen:

A periodic meeting with your program was held on August 4, 2010. The purpose of the meeting was to review and discuss the status of Ohio's Agreement State Program. The Nuclear Regulatory Commission was represented by Aaron McCraw and me.

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 email to james.lynch@nrc.gov to discuss your comments.

Sincerely,

/RA/

Jim Lynch
Regional State Agreements Officer
Division of Nuclear Materials Safety

Enclosure:
As stated

cc w/ encl: Mike Snee, Administrator
Nuclear Material Safety Program
Carol O'Claire, State Liaison Officer
Ohio Emergency Management Agency

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DATE OF MEETING: AUGUST 4, 2010

DISCUSSION:

The Agreement State Program is administered by the Bureau of Radiation Protection (the Bureau), within the Ohio Department of Health. The Program is divided into three sections: Nuclear Material Safety, Technical Support, and X-Ray. The Technical Support Section is responsible for regulations, training, self-assessments, Radiation Safety Officer functions, and emergency response. The Nuclear Material Safety Section is divided into three units: Medical, Industrial, and Decommissioning.

The State's last IMPEP review was conducted in October 2008. The review team found Ohio's performance to be satisfactory for all performance indicators reviewed. The review team made one recommendation, discussed below. Accordingly, the review team recommended, and the Management Review Board agreed, that the Ohio Agreement State Program was adequate to protect public health and safety, and compatible with NRC's program. This was the third consecutive IMPEP review in which all performance indicators were found to be fully satisfactory, the highest possible rating.

The status of the recommendation from the 2008 Ohio Final IMPEP Report is summarized below:

- The review team recommends that the State document and implement a training and qualification program that, at a minimum, contains a statement of policy, minimum qualifications for staff training, and supervisory verification for ensuring this policy is implemented.

Status: The Bureau developed a staff training and qualification program. Bureau managers indicated that the program was implemented for all staff members. This recommendation should be verified and closed at the next IMPEP review.

Enclosure

improvement.

The Bureau's Radmat radioactive materials database is nationally recognized and provides an excellent management tool.

Program Weaknesses:

Bureau managers noted that out-of-state travel for training or professional meetings is difficult to get approved, even if cost-free to Ohio. Department personnel are limited to 12 days of out-of-state travel per year.

Feedback on NRC's Program:

The Bureau indicated that they appreciated the good relationship and communication that they have with NRC Region III. They were also appreciative of NRC's funding for Agreement State training.

The Bureau also expressed a desire to improve their interactions with NRC Region II, which has jurisdiction over the USEC facility in Piketon. Since Ohio has emergency response duties in the area of the facility, Bureau managers believe that increased familiarity with operations will be useful. The Region III representative will work with the NRC's liaison program to attempt to improve those communications.

Staffing and Training:

Staffing for the Agreement State program remains a challenge with significant budget issues facing the State. The Bureau has been able to fill staff positions, with only one vacancy in the Program at the time of the meeting.

The Bureau Chief, Bob Owen, is planning to retire at the end of 2010.

Program Reorganizations:

The Bureau has not experienced any program reorganizations since the previous IMPEP review, and none are expected.

overdue inspections at the time of the meeting. All inspection frequencies are the same as found in the NRC's Inspection Manual Chapter (IMC) 2800. Several license categories identified during the last review were modified to the NRC's frequencies. The Bureau is performing Increased Controls inspections in conjunction with the routine health and safety inspections.

The Bureau conducted three 274i. inspections on behalf of the NRC. Reports were compiled and submitted to the NRC. Issues involving potential violations identified during the inspections were discussed during the meeting.

The Bureau regularly performs reciprocity inspections. Ohio is meeting the inspection targets in IMC 1220.

Materials Licensing Program:

Licensing actions are kept current with no licensing backlog. License applications are generally completed within a few weeks of receipt. Sealed Source and Device (SS&D) reviews are performed in a timely manner.

The Bureau has implemented the essential objectives of the NRC's pre-licensing guidance. To meet the requirements, the Bureau hand delivers licenses to new license applicants that are unknown to the program. This process allows the Bureau to withhold the license if expectations are not met by the applicant.

Regulations and Legislative Changes:

The State is up to date on all regulation amendments currently required for compatibility. NRC comments on one proposed rule package (RATS 2007-3) remain unresolved; however, Bureau managers stated that the final rule addressing those comments would be completed in the near future. The regulation promulgation process in Ohio takes approximately 1 year to complete.

The current 10 CFR Part 37 rulemaking initiative was also discussed during the meeting.

The Bureau continues to be sensitive to notifications of incidents and allegations. Incidents are quickly reviewed for their affect on public health and safety. Twenty-five incidents have been reported since the last IMPEP review. Staff is dispatched to perform on-site investigations when necessary. The Supervisors have placed emphasis on maintaining an effective response to incidents and allegations.

Status of Allegations and Concerns Referred by the NRC for Action:

The NRC referred two allegations to Ohio since the last IMPEP review. Six allegations were also received directly by the State during the period. All allegations were thoroughly investigated in a timely fashion. Allegers' identities were protected, as appropriate.

Significant Events and Generic Implications:

The Bureau had two abnormal occurrences since the last IMPEP review. Urology Center and Mercy St. Vincent Medical Center both had medical events that met the abnormal occurrence criteria. The Urology Center incident was reported in the Fiscal Year 2009 report to Congress. The Mercy St. Vincent incident will be included in the Fiscal Year 2010 report. Bureau managers stated that the write-up for that incident will be submitted to the NRC in the near future.

Current State Initiatives:

In December 2008, the Bureau identified a number of events involving the failure of fixed gauge shutter closure mechanisms. They issued an Information Notice alerting licensees of the generic problems identified and reminded licensees of the reporting requirement associated with such failures. The NRC, seeing a similar trend in NRC-regulated industries, issued an Information Notice (2009-18) in September 2009 that was based on the Ohio document.

Large, Complicated, or Unusual Authorizations for use of Radioactive Materials:

Ohio's significant decommissioning projects were discussed, including Advanced Medical Systems (AMS) and Shieldalloy. Significant progress has been made at the AMS site, in which all of the cobalt-60 contaminated equipment and debris was disposed of through an authorized vendor. Contaminated structures remain to be

inspectors are accompanied at least annually by their Supervisors.

Current NRC Initiatives:

NRC staff discussed ongoing initiatives with the Ohio representatives. These included pre-licensing guidance, national source tracking, and the integrated source management initiative.

CONCLUSION:

The Ohio Agreement State Program remains a very active, strong, stable program with excellent management support. Staffing has remained consistent since the last review and the training level for staff members is on target. Ohio managers indicated that they will continue to support the IMPEP program, NRC working groups, the Organization of Agreement States, and CRCPD. The Bureau has an effective self-audit program that enables self-identification of programmatic issues prior to their escalation to performance weaknesses.

Schedule for the Next IMPEP Review:

NRC staff recommends that the next IMPEP review to be held, as currently scheduled, in late 2012.