

OHIO DEPARTMENT OF HEALTH

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BOB TAFT
Governor

J. NICK BAIRD, M.D.
Director of Health

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DSP

June 29, 2001

Paul Lohaus, Director
Office of State and Tribal Programs
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Mr. Lohaus:

I am writing in response to your draft report concerning Ohio's Agreement State Program that is administered by the Bureau of Radiation Protection in the Division of Prevention. The department is very pleased with the draft report and your proposed recommendations that Ohio's Agreement State Program "be found adequate to protect public health and safety and compatible with NRC's program." The department is also pleased that the common and non-common performance indicators for Ohio's program have all been found as satisfactory.

There are some factual matters that I would like to point out for your consideration:

1. In paragraph 4.1.1 Legislation The last sentence of the paragraph indicates that the legislature approved a new fee schedule for the Bureau. The authorization for fee schedules for the radioactive materials program is the Public Health Council. It is recommended that the sentence is deleted and a new sentence is inserted that states: The Public Health Council approved modifications to rule 3701-38-02.1. This rule establishes fees for the radioactive materials program. As required by Ohio law, the Joint Committee on Agency Rule Review reviewed the rules.
2. In paragraph 4.1.2 the rule adoption process for Ohio is summarized. The name of the legislative body that reviews administrative rules is incorrect. The correct name is Joint Committee on Agency Rule Review (JCARR). In that same paragraph it is suggested that the last two sentences be deleted and the following sentences be inserted—After JCARR completes its review of a proposed rule and takes no action against the rule, the Public Health Council is able to take final action to enact the rule. The rule becomes final after it is filed with several state rule codification agencies. The minimum amount of time for a rule to become final is ten days after such filing.

In regard to the SS&D activities specified in paragraph 4.2.1 of the report, the Bureau has reviewed the items identified in Appendix F of the draft report and plans to issue revised registration certificates to correct these items and/or make changes to file information as appropriate if revisions to certificates of registration are unnecessary. The Bureau also plans to revise the registration sheet so that sheets issued on and after August 31, 2001, are consistent with the NRC format. The Bureau plans to issue corrected registration sheets by August 31, 2001.

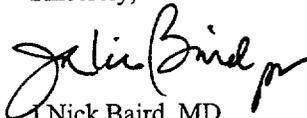
In paragraph 4.2.2, the draft report notes those qualification requirements for the new SS&D staff "other than the general statements of meeting the reviewer requirements in Management Directive 5.6 could not be identified." The Bureau plans to establish requirements regarding the specific minimum number and types of case work that are required before a person is determined qualified to sign registration certificates. The qualification requirements will include, to the extent necessary, training and working with SS&D reviewers at NRC and /or other agreement states. The Bureau plans to have these requirements in place by August 31, 2001.

The Bureau is revising its overall training program to provide sign-off sheets for each employee in the agreement state program. Each employee's supervisor will retain the sign off sheets. The sheet will indicate what areas the employee is deemed competent. The Bureau's Training Program will be revised to include these provisions by August 31, 2001.

Roger Suppes will represent the department at the Management Review Board meeting. Please contact him regarding any necessary travel arrangements. The department would also like for NRC to establish a video or teleconference for other Ohio program management staff to participate in the Management Review Board meeting if that is possible.

If you should have any questions regarding the responses in this letter, please contact Roger Suppes at 614-644-2727.

Sincerely,



J Nick Baird, MD
Director of Health

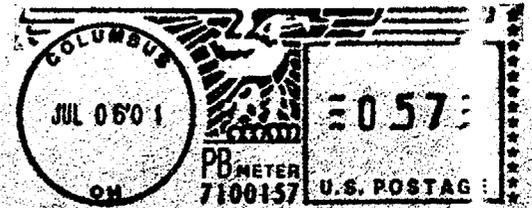
PC: Dennis Sollenberger, NRC
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H:\Draft IMPEP Response

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