



# OHIO DEPARTMENT OF HEALTH

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Ted Strickland/Governor

Alvin D. Jackson, M.D./Director of Health

DEC 30 2008

Kim Lukes  
Project Manager  
Division of Materials Safety and State Agreements  
Federal and State Materials and Environmental Management Programs  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Ms. Lukes:

I am writing in response to your draft report concerning Ohio's Agreement State Program that is administered by the Bureau of Radiation Protection. 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 the 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 matters that I would like to point out for your consideration:

1. Page 3 (1<sup>st</sup> paragraph) – The Bureau's proposed twenty percent fee increase has been changed to an eight percent fee increase.
2. Page 3 (4<sup>th</sup> paragraph) and page 14 – The Bureau has documented and implemented a training and qualification program as recommended by the IMPEP team. This document is attached for your review.
3. Page 9 (bulleted item) – The Bureau was notified by the NRC in a December 10, 2008 letter signed by Terrence Reis that these Ohio rules have been approved by the NRC.
4. Page 10 (1<sup>st</sup> bulleted item) – The Bureau was notified by the NRC in a December 10, 2008 letter signed by Terrence Reis that these Ohio rules have been approved by the NRC.
5. Page 10 (2<sup>nd</sup> bulleted item) – These rules were approved by the Public Health Council at their December 11, 2008 meeting. They will be effective as of December 22, 2008 at which time the Bureau will forward the final rules to the NRC.
6. Page 10 (3<sup>rd</sup> bulleted item) – These rules were approved by the Public Health Council at their December 11, 2008 meeting. They will be effective as of December 22, 2008 at which time the Bureau will forward the final rules to the NRC.
7. Page 10 (4<sup>th</sup> bulleted item) – The Bureau was notified by the NRC in a telephone call from Kathleen Schneider on December 16, 2008 that these Ohio rules have been approved by the NRC.

8. Page 10 (5<sup>th</sup> bulleted item) – These rules were approved by the Public Health Council at their December 11, 2008 meeting. They will be effective as of December 22, 2008 at which time the Bureau will forward the final rules to the NRC.
9. Page 11 (1<sup>st</sup> bulleted item) – These rules were approved by the Public Health Council at their December 11, 2008 meeting. They will be effective as of December 22, 2008 at which time the Bureau will forward the final rules to the NRC

Robert Owen will represent the department at the Management Review Board meeting. The department would also like for other Ohio program staff to participate in the Management Review Board meeting via teleconference.

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

Sincerely,



Alvin D. Jackson, M.D.  
Director of Health

Attachment

cc: Robert E. Owen, Chief  
Bureau of Radiation Protection