

OHIO DEPARTMENT OF HEALTH

DSI-2

(26)

246 N. HIGH STREET
Post Office Box 118
Columbus, Ohio 43266-0118
Telephone: (614) 466-3543



GEORGE V. VOINOVICH
Governor

PETER SOMANI, M.D., Ph.D.
Director of Health



December 2, 1996

John C. Hoyle
Secretary of the Commission
U.S. Nuclear Regulatory Commission
ATTN: Chief of Docketing and Services Branch
11555 Rockville Pike
Rockville, MD 20852-2738

Dear Mr. Hoyle:

Attached are our comments on DSI papers 2, 4, 5, 6, 7, 10, and 11. This is a hard copy of what has already been submitted electronically to you. We also support all of the comments submitted by the Organization of Agreement States on the DSI papers.

Consideration of these comments by the NRC in its decision-making on these issues is greatly appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read "REO".

Robert E. Owen
Manager of Technical Services
Bureau of Radiation Protection

cf: Roger Suppes
Marcia Howard
Ruth Vandegrift
Harvey Brugger
Ron Goodwin
John Cooper

REGULATORY COMMISSION
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE
WASHINGTON, D.C. 20535

Document Statistics

Postmark Date 12/2/96 - Replaces 12/2 fax

Copies Received 1

Add'l Copies Reproduced 5

Special Distribution PDR, RIDS, Schum

Cameron, Knapp

fat reid SP

COMMENTS ON DSI 2

Option 1 is the best approach for many reasons. All sources of radioactive material should be regulated in the same way and under the same set of regulatory restrictions. This can only happen if one agency has authority for regulation of radioactive materials. Since NRC already has the regulatory framework and a mechanism for working with other federal agencies and also with states via the agreement state program the logical choice would be NRC. DOE is looking toward privatization. This would put the facilities either under NRC or an agreement state for regulation anyway. This further strengthens the argument for NRC regulatory oversight of DOE. With the number of states now participating in the agreement state program and the number anticipating participation in the near future, NRC could shift staff from the current licensing and inspection activities to regulatory oversight of DOE sites not under agreement states. By authorizing agreement states to establish regulatory oversight under their NRC agreement the capacity for assuring all radioactive materials are regulated the same way is strengthened. It also expands the number of staff devoted to oversight of radioactive materials since both NRC and state staff are included.

Self regulation is never a good idea. In this time of tight budgets and downsizing, those areas that do not involve oversight of some type do not get the attention necessary to assure safety. Also, the advisory committee recommended that the regulatory agency include both AEA materials and NARM. Since states already regulate NARM, this would strengthen the relationship between NRC and states through the agreement state process. States have recommended for years that NRC get Congressional authority for radioactive materials that would include NARM. This seems like the appropriate time to do so. By utilizing state staff through the agreement state process, the number of additional NRC staff necessary to oversee DOE activities is reduced. Adding NARM to the NRC authority would not require massive research on rule development of additional programs since these programs and rules already exist in most states and the Conference of Radiation Control Program Directors already has suggested state regulations for NARM and an outline for a NARM licensing program.

By choosing Option 1 and using the NRC as the regulating agency for all radioactive materials, it would result in one radiation regulatory agency nationwide and result in decreasing duplication within the federal agencies regarding radiation issues. This is consistent with the current Congressional policy of decreasing the size of federal government. Since there is already a mechanism within NRC for state participation we would have the framework for a nationwide team of regulators with NRC to assure adequacy and compatibility in the national radiation protection program.