



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, ILLINOIS 60532-4352

October 4, 2023

Christopher Blasio,
Radiation Safety Officer
National Aeronautics and
Space Administration
John H. Glenn Research Center
Lewis Field
Cleveland, OH 44135-3191

**SUBJECT: RESPONSE TO JURISDICTIONAL AUTHORITY QUESTION CONCERNING
 THE GLENN RESEARCH CENTER IN OHIO**

Dear Christopher Blasio:

Region III of the U.S. Nuclear Regulatory Commission (NRC) received your letter dated April 25, 2023, on behalf of the National Aeronautics and Space Administration (NASA) John H. Glenn Research Center (GRC) requesting interpretation of jurisdictional authority for the following scenario:

A private-sector licensee from a non-Agreement state (e.g., NRC licensee from Michigan) is to conduct radiographic operations or perform soil compaction measurements at the GRC on behalf of NASA.

In your letter, you stated your understanding that the NRC licensee from Michigan did not have to file reciprocity with the State of Ohio because the NRC licensee would be performing "licensed activities on NASA's behalf within GRC's protected and controlled access properties." This understanding was based on language in Section 2.5 in NUREG-1556, Vol 19, Rev 1, "Consolidated Guidance About Materials Licenses: Guidance for Agreement State Licensees About NRC Form 241 "Report of Proposed Activities in Non-Agreement States, Areas of Exclusive Federal Jurisdiction, or Offshore Waters" and Guidance for NRC Licensees Proposing to Work in Agreement State Jurisdiction (Reciprocity)" (2016) that states:

NRC licensees who wish to conduct licensed activities in an Agreement State and Agreement State licensees who wish to conduct licensed activities in an Agreement State other than their own should contact the appropriate Agreement State's Radiation Control Program Office for information about that State's regulations and filing process. If the work location is in an Agreement State and is not an area of exclusive Federal jurisdiction nor within the protected or controlled access area of an NRC licensed facility, these activities are regulated by the Agreement State Radiation Control Program Office, not by NRC.

On August 31, 2023, NRC Office of General Counsel attorney, Joan Olmstead, acting Regional Counsel Shannon Rogers, and Region III Senior Health Physicist, Geoffrey Warren, met with you and NASA attorney, Tamika Laldee Serrant, to obtain additional information. During that discussion, NASA confirmed that the NRC licensee's work location at the GRC facilities is subject to concurrent jurisdiction with the State of Ohio, as evidenced by two Deeds of Cession for GRC facilities at Lewis Field in Cuyahoga County and GRC facilities at Plum Brook Station in Erie County that NASA provided to NRC in July. These deeds show that NASA has ceded exclusive Federal jurisdiction over GRC. NASA also confirmed that State of Ohio inspectors will be able to access the work location to inspect the Michigan licensee as needed, provided they follow GRC security procedures. Therefore, because Agreement State inspectors would be permitted access to perform inspections in accordance with GRC security procedures, we would not consider the work to be occurring within the protected or controlled access area of an NRC licensed facility.

Based on the above-stated information, the NRC has determined that the NRC licensee from Michigan would need to file for reciprocity with the Ohio State radiation control program to perform work at the NASA GRC facilities. The primary reciprocity contact for the Ohio State radiation control program is Steve James, who may be contacted by phone at (614) 728-0873 or by email at Stephen.James@odh.ohio.gov. Please also ensure that other private-sector licensees working at your facilities are licensed by Ohio or file for reciprocity with the State, consistent with Ohio's regulatory authority under their Agreement with the NRC. Licensees that are outside the scope of Ohio's regulatory authority will continue to need an NRC license or file for reciprocity with the NRC.

Please direct any questions about this matter to Geoffrey Warren.

Sincerely,



Signed by Heck, Jared
on 10/04/23

Jared Heck, Deputy Director
Division of Radiological Safety and Security
U.S. Nuclear Regulatory Commission
Region III

Letter to C. Blasio from J. Heck dated October 4, 2023.

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