

RADIOACTIVE MATERIALS COMMITTEE (39)

October 8, 2013

Minutes

ATTENDEES:

Susan Hiatt, Chair, RAC
Victoria Morris
Jeffrey Kennedy
Douglas Draper
Robert Friedman
Jonathan Fortkamp

ABSENT MEMBERS:

Phil Jenkins, RAC
Robert Peterson, RAC
Bill Thomas, RAC
David Close
Jack Dukes
Patricia Gallagher

ODH ATTENDEES:

Mark Light
Stephen James
Karl Von Ahn
Courtney Shipley

The October 8, 2013 meeting of the Radioactive Materials Committee was held in Basement Mohican Room, located at 35 E. Chestnut St., Columbus, Ohio. The meeting was called to order by Susan Hiatt, Chair, at 10:00 AM.

Review of Agenda: the agenda was revised to add "and related rules" to the old business entry for Chapter 3701:1-37.

Approval of Minutes from September 10, 2013:

The draft minutes for the September 10, 2013 meeting were reviewed. Vicki Morris suggested some revisions. Jonathan Fortkamp made a motion to approve the minutes as revised. Vicki Morris seconded the motion. The committee approved the motion.

Bureau Updates: Mark Light provided an update on the following items:

- the NRC has reviewed rules 50-01 and 50-23, and had no comments.
- because of the federal government shutdown, the NRC's IMPEP review of Ohio's agreement state program, scheduled for October, may be postponed.
- because of the problems with Georgia's agreement state program, the NRC may change the IMPEP process. Georgia has turned its SS&D program over to the NRC.

Old Business:

Rules 3701:1-50-01 and -50-23:

No comments were received on these rules.

Bob Friedman made the motion to send these rules on to the RAC. Jonathan Fortkamp seconded the motion. The motion was approved.

Chapter 3701:1-37 and related rules:

The committee continued its review of the new Chapter 37. In addition, the committee reviewed rules 3701:1-40-07 and -49-02. There were no changes to rule 49-02, but it was included as part of this rulemaking package to show the NRC that Ohio has a compatible rule.

Jonathan Fortkamp made the motion to send these rules out for public comment. Vicki Morris seconded the motion. The motion was approved.

New Business: none.

Next meeting: The next meeting will be held on January 14, 2014 starting at 10 AM.

Adjourn: the meeting was adjourned at 1:00 PM.

Radioactive Materials Committee

May 14, 2013

Minutes

ATTENDEES:

Susan Hiatt, Chair, RAC
Victoria Morris
Jack Dukes
Jeffrey Kennedy
Douglas Draper
David Close
Robert Friedman
Jonathan Fortkamp

ABSENT MEMBERS:

Robert Peterson, RAC
Bill Thomas, RAC
Daniel Swanson, RAC
Phil Jenkins, RAC
Patricia Gallagher

ODH ATTENDEES:

Mark Light
Karl Von Ahn

The May 14, 2013 meeting of the Radioactive Materials Committee was held in the Basement Mohican Room, located at 35 E. Chestnut St., Columbus, Ohio. The meeting was called to order by Susan Hiatt, Chair, at 10:00 AM.

Review of Agenda: the agenda was revised to add the approval of the draft minutes from the February 12, 2013 meeting.

Approval of Minutes from February 12, 2013:

The draft minutes for the February 12, 2013 meeting were reviewed. Vicki Morris recommended some changes. Mark Light will incorporate these changes and circulate the revised minutes to the committee for approval at the next meeting.

Approval of Minutes from March 12, 2013: The draft minutes for the March 12, 2013 meeting were reviewed. Vicki Morris made a motion to approve the minutes as submitted. Jack Dukes seconded the motion. The committee approved the motion.

Bureau Updates: Mark Light provided an update on the following items:

- the NRC has finalized its new security rules, 10 CFR Part 37. Ohio's comparable rules will be in Chapter 3701:1-37. The committee will begin its review of these draft rules later this year.
- the Bureau staff has been taking advantage of free NRC training courses that are available.
- Ohio's IMPEP review will be held in October of this year.
- the Bureau will be reviewing some general licenses this year. This review will include site visits.

Old Business: Public comments on Rules 3701:1-38-10, -38-21, and -38-25

Two comments were received on rule 38-21. The first, from Ray Kaczur, identified a typographical error, a deleted word, which had already been corrected by the staff.

The second comment, from the University of Cincinnati (UC), objected to the immediate reporting requirements of rule 38-21(A)1(b)(i). The quantities subject to this requirement in Ohio's rules are an order of magnitude more restrictive than the NRC's rules. This comment resulted in considerable discussion by committee members.

The majority of the committee members agreed with the UC comments, calling Ohio's rule regulatory ratcheting and without technical justification. Concerns were also raised about the impact on interstate commerce for those licensees that work in other agreement states or non-agreement states, where the reporting requirements are not as restrictive.

The Bureau staff members voiced their support for Ohio's rule, and their belief that it has a safety justification.

Vicki Morris moved to send these rules to the RAC for approval, subject to making the RAC aware of the committee's concerns over rule 38-21.

David Close seconded the motion. The motion was approved.

- RATS 2011-1: comments on Rule 3701:1-44-14 and Appendix

One comment was received, from the NRC. The NRC's comment was incorporated into the Appendix.

Vicki Morris moved to send rule 44-14 and its Appendix to the RAC for approval. Jonathan Fortkamp seconded the motion. The motion was approved.

New Business: Five-year review of Chapter 58 rules

The committee reviewed rules 3701:1-58-01, -08, -09, -16, -17, -20, -22, -26, -30, and -54.

Jonathan Fortkamp moved to send these rules out for public comment. David Close seconded the motion. The motion was approved.

Next meeting: The next meeting will be held on June 11, 2013 starting at 10 AM.

Adjourn: the meeting was adjourned at 11:16 AM.

RADIOACTIVE MATERIALS COMMITTEE

March 12, 2013

Minutes

ATTENDEES:

David Close
Vicki Morris
Jack Dukes
Robert Friedman
Jeff Kennedy
Doug Draper
Patricia Gallagher
Daniel Swanson, RAC
Bill Thomas, RAC
David Close
Phil Jenkins, RAC
Robert Peterson, RAC
Jonathan Fortkamp
David Kimberly, RAC

ABSENT MEMBERS:

Susan Hiatt, Chair, RAC
Daniel Swanson, RAC
Jeff Kennedy

ODH ATTENDEES:

Mark Light
Karl Von Ahn
Mike Snee

The March 13, 2013 meeting of the Radioactive Materials Committee was held in the Mohican Room, located at 35 E. Chestnut St., Columbus, Ohio. The meeting was called to order by Bill Thomas at 10:00 AM.

Review of Agenda: The agenda was modified. No minutes for the February meeting were prepared. The revised agenda was approved.

Bureau Updates:

Mike Snee provided an update on the following items:

- The rules regarding the security of licensed radioactive materials, 10 CFR 37, have not been published. The USNRC issued NUREG 2155, "Implementation Guidance for 10 CFR Part 37, Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material", in February to describe the manner in which the rules will be implemented.
- There are two positions open on the Radiation Advisory Council, Regulatory Specialist and Member of the Public. The members of the Committee are encouraged to solicit names to fill the positions.
- The Bureau will participate in a drill at Davis-Besse Nuclear Power Reactor in May. The drill, directed by FEMA, will include a number of "victims" to be treated at the hospital in Fremont.
- The Bureau will also participate in a drill with the Department of Defense in August, 2013. The drill will be held in Indiana and include a number of state agencies.
- The USNRC and the Bureau are discussing a date for the next IMPEP review for Ohio. The audit will likely be in the fourth quarter of 2013.

Old Business:

The USNRC provided comments on OAC 3701:1-38-01. They recommended that the word "portable" be changed to "potable". The Committee concurred.

The USNRC also provided comments on OAC 3701:1-44-15, General requirements for issuance of specific licenses (*for Source Material*). The USNRC encouraged the Bureau to revise paragraph (B) to prohibit construction, until such time as the license is authorized. The Committee discussed the current language and the intent of the rule. Bob Peterson made a motion to accept the changes proposed by the Bureau. Jonathan Fortkamp seconded the motion. The motion was approved. The rule, 44-15, will be sent to the RAC for approval.

Next meeting: The next meeting is not scheduled. There is no meeting planned for April.

Adjourn: the meeting was adjourned at 11:40 AM.

RADIOACTIVE MATERIALS COMMITTEE
February 12, 2013
Minutes

ATTENDEES:

Vicki Morris
Jack Dukes
Robert Friedman
Jeff Kennedy
Doug Draper

ABSENT MEMBERS:

Susan Hiatt, Chair, RAC
Patricia Gallagher
Daniel Swanson, RAC
Bill Thomas, RAC
David Close
Phil Jenkins, RAC
Robert Peterson, RAC
Jonathan Fortkamp

ODH ATTENDEES:

Mark Light
Karl Von Ahn

GUEST:

Kim Thatch, RSO at Akron General Hospital

The February 12, 2013 meeting of the Radioactive Materials Committee was held in the Mohican Room, located at 35 E. Chestnut St., Columbus, Ohio. The meeting was called to order at 10:00 AM.

Review of Agenda: The agenda was approved as submitted.

Approval of Minutes:

The draft minutes for the January 8, 2013 meeting were reviewed. A motion was made to approve the minutes as submitted. Those in attendance approved the motion.

Bureau Updates: Mark Light provided an update on the following items:

- Meetings are now scheduled to be held in the Mohican Room in the basement.

- The director's rules will be reviewed and approved by Ohio Public Health Advisory Board.
 - This board currently has 27 rule packages. They are to be completed in 60 days;
 - The process is, RMC to RAC to OFAB and likely to take approximately 60 days to complete; and
 - OFAB is advisory, their comments are not binding.
- A company in Youngstown dumped brine from a fracking process down the storm sewer last week rather than disposing of it in a licensed injection well. OEPA has sanctioned the company and the drillers.
- There is no word from the U.S. Nuclear Regulatory Commission regarding 10 CFR 37, Physical Protection of Byproduct Material. The initial rule is expected to be published any day. This will require significant effort by the Bureau. The regulations will likely be a "A" or "B" compatibility.

New Business:

The Committee reviewed the proposed changes to rules 3701:1-38-10, 3701:1-38-21, and 3701:1-38-25. The rules were reviewed pending five year rule review. Minor changes to rule 3701:1-38-10 were made Notices, instructions, and reports to workers. Vicki Morris questioned why rule 3701:1-38-21 immediate notification requirements were more restrictive than the NRC the Bureau responded that it believed the more restrictive requirements had safety significance. It was recommended that Ms. Morris formally comment on the rule. Jack Dukes moved to accept the changes to 3701:1-38-10 and to forward rules 3701:1-38-10, 3701:1-38-21, and 3701:1-38-25 for public comment. Vicki Morris seconded. The motion was approved. The rules will be distributed for public comment.

Next meeting: The next meeting will be held on March 12, 2013 starting at 10 AM.

Adjourn: the meeting was adjourned at 11:10 AM.

RADIOACTIVE MATERIALS COMMITTEE (39)

January 8, 2013

Minutes

ATTENDEES:

Susan Hiatt, Chair, RAC
Victoria Morris
Jack Dukes
Patricia Gallagher
Daniel Swanson, RAC
Jeffrey Kennedy
Douglas Draper
David Close
Robert Friedman
Phil Jenkins, RAC
Jonathan Fortkamp

ABSENT MEMBERS:

Robert Peterson, RAC
Bill Thomas, RAC

ODH ATTENDEES:

Mike Snee
Mark Light
Karl Von Ahn
Courtney Reppy

The January 8, 2013 meeting of the Radioactive Materials Committee was held in Basement Training Room A, located at 35 E. Chestnut St., Columbus, Ohio. The meeting was called to order by Susan Hiatt, Chair, at 10:00 AM.

Review of Agenda: the agenda was approved as submitted.

Approval of Minutes from October 9, 2012:

The draft minutes for the October 9, 2012 meeting were reviewed. Vicki Morris made a motion to approve the minutes as submitted. Jack Dukes seconded the motion. The committee approved the motion.

Bureau Updates: Mike Snee and Mark Light provided an update on the following items:

- the NRC has finalized its new security rules, 10 CFR Part 37, but has not yet published them in the Federal Register. Ohio will have three years to adopt compatible rules, but the Bureau wants to move quickly to do so. When Ohio's rules are final, the Director's Orders on security will be rescinded. The department prefers not to regulate by orders.

- the new department rulemaking process continues to be evolving. The Public Health Council was abolished by statute. In its place there will be an Ohio Public Health Advisory Board, a non-binding body advising the Director of Health. This board has not been filled yet, so until it is, rules approved by the RAC will be going to the Director. The new process, along with the involvement of CSI and JCARR, is likely to become more lengthy. The Bureau plans to take a proactive approach with rulemaking to allow enough lead time.

- The department is considering recommending changes to Ohio Revised Code Chapter 3748, as parts of it are outdated.

- The Bureau is developing the RADUCATION website, as an effort in public education on radiation matters.

Old Business:

- Rule 3701:1-40-03

This rule referenced rule 3701:1-39-02.1, which has been rescinded. The reference has been changed to the appropriate TENORM rule, 43-07. No public comments were received.

Jonathan Fortkamp moved to send this rule to the RAC for approval. David Close seconded the motion. The motion was approved.

- RATS: Rules 3701:1-38-14, -44-14 and Appendix, and -44-18.

While these rules had been previously considered by the committee, new NRC revisions in RATS 2012-3 made it expedient to make the new revisions and submit the rules for public comment. The committee considered the revisions.

Patty Gallagher made the motion to send these rules out for public comment. Vicki Morris seconded the motion. The motion was approved.

New Business: none.

Next meeting: The next meeting will be held on February 12, 2013 starting at 10 AM.

Adjourn: the meeting was adjourned at 11:50 AM.

