

March 12, 2002

Mr. Roger L. Suppes, Chief
Bureau of Radiation Protection
Ohio Department of Health
P. O. Box 118
Columbus, OH 43266-0118

Dear Mr. Suppes:

We have reviewed your January 10, 2002 response to our December 11, 2001 comment letter on the proposed regulations in Ohio Rule 3701:1-46, "General Licenses and Licenses for Manufacturing and Distribution" dated August 9, 2001. Mr. Dennis Sollenberger discussed your response with Ms. Marcia Howard on February 20, 2002. Based on that conversation, we understand that Ohio desires to apply an essentially identical regulatory program for exempt distribution of non-AEA material in Ohio. Furthermore, the current Ohio regulations will be modified to identify explicitly those sections of your regulations that apply to the regulation of non-AEA material and not to activities reserved to the NRC. Our understanding is that this clarification will be reflected in the final version of your regulations. This clarifies the first three comments in your letter.

The fourth comment in your letter addresses the qualifier "at the time of purchase" which you added to the requirement to provide disposal information to general licensees. We agree with your comments and conclude that the Ohio requirement in 1-46-31(A)(4) and (B)(3) is essentially identical to the NRC requirement in 10 CFR 32.51(9). Our previous comment is withdrawn.

We request that when the proposed regulations are adopted and published as final regulations, a copy of the "as published" regulations be provided to us for review. As requested in STP Procedure SA-201, *Review of State Regulations* (November 10, 1998), please highlight any changes and send one hard copy to STP.

Sincerely,

/RA/

Josephine M. Piccone, Deputy Director
Office of State and Tribal Programs

Roger L. Suppes

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