

OHIO DEPARTMENT OF HEALTH

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BOB TAFT
Governor

J. NICK BAIRD, M.D.
Director of Health

March 11, 2002

Catherine Mattsen
Office of State and Tribal Programs
United States Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Ms. Mattsen,

I am writing you with Ohio's comments on the draft rulemaking plan, "10 CFR Parts 30,31, and 32, Exemptions from Licensing and Distribution of Byproduct Material; Licensing and Reporting Requirements." These comments were requested in a letter dated February 14, 2002.

We are commenting on the NRC staff recommended approach, Option 2. Ohio's comments on Option 2 are below:

1. Option 2 - # 2

Ohio's comment – We agree that the registration requirement be made more specific in the regulations. Ohio also believes that Section 32.210 should be amended to provide for mandatory versus voluntary registration for specifically licensed products. The NRC and many Agreement States already consider the registration of products an important enough issue that licensee's are required by license condition to obtain products that are registered.

2. Option 2 - #5

Ohio's comment – Ohio disagrees with this recommendation as it pertains to manufacturers located in Agreement States. Ohio believes that the issuance of separate licenses by the NRC and an Agreement State to manufacturers of products containing exempt quantities of byproduct material is a regulatory burden on licensees. We believe that instead of the NRC increasing their regulatory authority in Agreement States, 10 CFR 150.15(a)(6) should be amended to give regulatory authority over distribution of this material to Agreement States. Agreement States have regulatory authority over the distribution of specific and generally licensed products and can better regulate and serve licensees in their own states.

3. Option 2 - #7

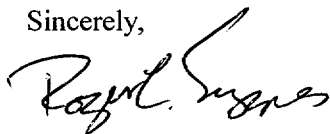
Ohio's comment – Ohio does not believe that generally licensed devices containing quantities of radionuclides meeting the criterion for immediate notification if lost or stolen should have the notification requirement changed to thirty days. Many generally licensed devices contain quantities

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of radioactive material, which can present a significant hazard to the general public or the environment if lost or stolen. The issue is whether these devices should be generally licensed to begin with.

Please feel free to contact Marcia Howard or myself at 614-644-2727 if there are any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger L. Suppes". The signature is written in a cursive style with a large, sweeping initial "R".

Roger L. Suppes, Chief
Bureau of Radiation Protection

cc: James L. Lynch, State Agreements Officer