

PRIORITY ROUTING



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UNITED STATES
REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

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August 21, 1998

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FILE HAS

The Honorable George V. Voinovich
Governor of Ohio
Columbus, Ohio 43266-0601

Dear Governor Voinovich:

I have received your letter with enclosures, dated June 22, 1998, in which you request an agreement between the Nuclear Regulatory Commission (NRC) and the State of Ohio pursuant to section 274b of the Atomic Energy Act of 1954, as amended (AEA). In your request, Ohio would assume regulatory authority over the acquisition, possession, use, transfer, and disposal of source material, byproduct material as defined in section 11e.(1) of the AEA, byproduct material as defined in Section 11e.(2) of the AEA, i.e., tailings from uranium or thorium milling, and special nuclear material in quantities not sufficient to form a critical mass. The regulatory authority to be assumed would also include conducting safety-related evaluations of sealed sources and devices.

As required by the AEA, the NRC staff is preparing an assessment of the compatibility of the Ohio program with the NRC's program and the adequacy of Ohio's program to protect public health and safety. NRC will publish a summary of the assessment along with the proposed agreement in the Federal Register for public comment. The AEA requires that the notice be published once each week for four consecutive weeks. A press release concerning your request will also be issued at that time. After the expiration of the comment period, the Commission will consider any comments received and make a final decision on your request. We will promptly inform you of our decision. As we complete the review of your application and the public comment process, NRC staff will coordinate with Ohio staff to develop a revised schedule for the effective date of the future agreement.

We are pleased with your continued interest in becoming an Agreement State and look forward to the continued excellent relationship we have enjoyed in the past.

Sincerely,

Shirley Ann Jackson

Shirley Ann Jackson

Originated by: [RBlanton, SP]

AUG 31 1998



GEORGE V. VOINOVICH
GOVERNOR

STATE OF OHIO
OFFICE OF THE GOVERNOR
COLUMBUS 43266-0601

JUN 22 1998

REC'D BY SDOF Shirley Ann Jackson, Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
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Dear Chairman Jackson:

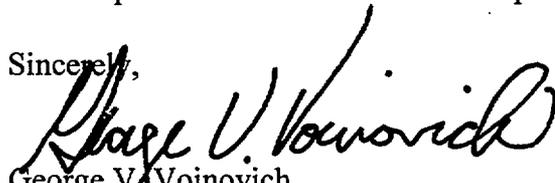
I am writing to formally request that an agreement be established between the United States Nuclear Regulatory Commission and the State of Ohio as authorized under Section 274b of the Atomic Energy Act of 1954, as amended, and the Ohio Revised Code, Chapter 3748.03. Under this agreement the Commission will discontinue and the State of Ohio will assume certain regulatory authority for radioactive materials now under federal jurisdiction. As provided by R.C. Section 3748.03(B), the Department of Health is the agency responsible for the implementation of the agreement. The specific authority requested is for the following:

- A. Byproduct materials as defined in Section 11e(1) of the Act,
- B. Byproduct materials as defined in Section 11e(2) of the Act,
- C. Source materials,
- D. Special nuclear materials in quantities not sufficient to form a critical mass,
- E. Commercial disposal of low-level radioactive waste, and
- F. Sealed source and device review.

I certify that the State of Ohio wants to assume regulatory authority and oversight responsibility for such materials, and that the State of Ohio has an adequate program for the control of radiation hazards covered by this proposed agreement. Enclosed is information describing Ohio's radiation control program and regulatory capabilities, as well as a copy of our radiation control laws and rules.

Your expeditious consideration of this proposed agreement is most appreciated.

Sincerely,


George V. Voinovich
Governor

William Ryan, Director, Ohio Department of Health
Roger Suppes, Chief, Bureau of Radiation Protection, Ohio Department of Health

