



OHIO DEPARTMENT OF HEALTH

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Ted Strickland/Governor

Alvin D. Jackson, M.D./Director of Health

October 27, 2008

James Luehman, Deputy Director
Division of Materials Safety and State Agreements
Federal and State Materials and Environmental Management Programs
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Mr. Luehman:

Attached is a copy of the final rule 3701:1-48-01 of the Ohio Administrative Code. This rule is being submitted to the NRC in order to clear an outstanding comment on Ohio's "State Regulations Status" sheet for RATS ID# 1997-5 dated January 9, 2003 (ML030060349). A copy of the letter is also attached.

The comment from the January 9, 2003 letter concerned the definition of "Certifying Entity" and has been addressed. The rules correspond to the following equivalent amendment to NRC's regulations.

Rule 3701:1-48-01 of the Ohio Administrative Code – 10 CFR 34.

The Ohio rule can also be found at <http://www.odh.ohio.gov/rules/final/finalRules.aspx>. I believe that this Ohio rule satisfies the compatibility and health and safety categories established in the FSME Procedure SA-200.

If you have any questions, please feel free to contact Michael Snee of my staff at 614-644-2727 or Michael.Snee@odh.ohio.gov.

Sincerely,

Robert E. Owen, Chief
Bureau of Radiation Protection

attachments

3701:1-48-01 Definitions.

Terms defined in rule 3701:1-38-01 of the Administrative Code shall have the same meaning when used in this chapter except terms redefined within a given rule for use within that rule only, and additionally, as used in this chapter:

(A) "Annual Refresher Safety Training" means a review conducted or provided by the licensee for its employees on radiation safety aspects of industrial radiography. The review may include, as appropriate, the results of internal inspections, new procedures or equipment, new or revised regulations, accidents or errors that have been observed, and should also provide opportunities for employees to ask safety questions.

(B) "Associated Equipment" means equipment that is used in conjunction with a radiographic exposure device to make radiographic exposures that drives, guides, or comes in contact with the source, (e.g., guide tube, control tube, control (drive) cable, removable source stop, "j" tube and collimator) when it is used as an exposure head.

(C) "Certifying Entity" means an independent certifying organization meeting the requirements in appendix A to rule 3701:1-48-16 of the Administrative Code or equivalent United States nuclear regulatory commission or agreement state regulations meeting the requirements in appendix A to rule 3701:1-48-16 of the Administrative Code.

(D) "Collimator" means a radiation shield that is placed on the end of the guide tube or directly onto a radiographic exposure device to restrict the size of the radiation beam when the sealed source is cranked into position to make a radiographic exposure.

(E) "Control (Drive) Cable" means the cable that is connected to the source assembly and used to drive the source to and from the exposure location.

(F) "Control Drive Mechanism" means a device that enables the source assembly to be moved to and from the exposure device.

(G) "Control Tube" means a protective sheath for guiding the control cable. The control tube connects the control drive mechanism to the radiographic exposure device.

(H) "Exposure Head" means a device that locates the gamma radiography sealed source in the selected working position. (An exposure head is also known as a source stop.)

(I) "Field Station" means a facility where licensed material may be stored or used and from which equipment is dispatched.

(J) "Guide Tube (Projection Sheath)" means a flexible or rigid tube (i.e. "j" tube) for guiding the source assembly and the attached control cable from the exposure device to the exposure head. The guide tube may also include the connections necessary for attachment to the exposure device and to the exposure head.

(K) "Hands-On Experience" means experience in all of those areas considered to be directly involved in

the radiography process.

(L) "Independent Certifying Organization" means an independent organization that meets all of the criteria of appendix A to rule 3701:1-48-16 of the Administrative Code.

(M) "Industrial Radiography (Radiography)" means an examination of the structure of materials by nondestructive methods, utilizing sealed sources of radioactive material.

(N) "Lay-Barge Radiography" means industrial radiography performed on any water vessel used for laying pipe.

(O) "Offshore Platform Radiography" means industrial radiography conducted from a platform over a body of water.

(P) "Permanent Radiographic Installation" means an enclosed shielded room, cell, or vault, not located at a temporary job site, in which radiography is performed.

(Q) "Practical Examination" means a demonstration through practical application of the safety rules and principles in industrial radiography including use of all appropriate equipment and procedures.

(R) "Radiation Safety Officer for Industrial Radiography" means an individual with the responsibility for the overall radiation safety program on behalf of the licensee and who meets the requirements of rule 3701:1-48-15 of the Administrative Code.

(S) "Radiographer" means any individual who performs or who, in attendance at the site where the sealed source or sources are being used, personally supervises industrial radiographic operations and who is responsible to the licensee for assuring compliance with the requirements of Chapter 3748. of the Revised Code and rules promulgated thereunder in addition to the conditions of the license.

(T) "Radiographer Certification" means written approval received from a certifying entity stating that an individual has satisfactorily met certain established radiation safety, testing, and experience criteria.

(U) "Radiographer's Assistant" means any individual who, under the personal supervision (physical presence of the radiographer) of a radiographer, uses radiographic exposure devices, sealed sources or related handling tools, or radiation survey instruments in industrial radiography.

(V) "Radiographic Exposure Device (also called a Camera, or a Projector)" means any instrument containing a sealed source fastened or contained therein, in which the sealed source or shielding thereof may be moved, or otherwise changed, from a shielded to unshielded position for purposes of making a radiographic exposure.

(W) "Radiographic Operations" means all activities associated with the presence of radioactive sources in a radiographic exposure device during use of the device or transport (except when being transported by a common or contract transport), to include surveys to confirm the adequacy of boundaries, setting up equipment and any activity inside restricted area boundaries.

(X) "S-Tube" means a tube through which the radioactive source travels when inside a radiographic

exposure device.

(Y) "Shielded Position" means the location within the radiographic exposure device or source changer where the sealed source is secured and restricted from movement.

(Z) "Source Assembly" means an assembly that consists of the sealed source and a connector that attaches the source to the control cable. The source assembly may also include a stop ball used to secure the source in the shielded position.

(AA) "Source Changer" means a device designed and used for replacement of sealed sources in radiographic exposure devices, including those also used for transporting and storage of sealed sources.

(BB) "Storage Area" means any location, facility, or vehicle which is used to store or to secure a radiographic exposure device, a storage container, or a sealed source when it is not in use and which is locked or has a physical barrier to prevent accidental exposure, tampering with, or unauthorized removal of the device, container, or source.

(CC) "Storage Container" means a container in which sealed sources are secured and stored.

(DD) "Temporary Job Site" means a location where radiographic operations are conducted and where licensed material may be stored other than those location(s) of use authorized on the license.

(EE) "Underwater Radiography" means industrial radiography performed when the radiographic exposure device and/or related equipment are beneath the surface of the water.

Effective: 03/22/2007

R.C. 119.032 review dates: 12/11/2006 and 12/01/2011

Promulgated Under: 119.03

Statutory Authority: 3748.04

Rule Amplifies: 3748.06, 3748.07

Prior Effective Dates: 10/20/2002



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

January 9, 2003

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

Dear Mr. Suppes:

As requested, we have reviewed the final regulations in Chapters 3701:1-48, "Radioactive Material Standards - Industrial Radiographers," 3701:1-52, "Radioactive Material Standards - Irradiators," and 3701:1-49 "Radioactive Material Standards - Well Logging," received by this office on November 14, 2002. The effective date for the three final regulations is October 20, 2002. The final regulations will replace the referenced NRC regulations currently in place. The final regulations are in response to the eight amendments identified in the enclosed State Regulation Status (SRS) Data Sheet. The regulations were reviewed by comparison to the equivalent NRC regulations in 10 CFR Parts 34, 36 and 39. We discussed our review of the regulations with Mike Snee of your Staff on January 2, 2003.

As a result of our review, we have one comment and four editorial suggestions identified in the enclosure. These changes may be incorporated during the next scheduled State revision of these rules. Please note that we have limited our review to regulations required for compatibility and/or health and safety. However, we have determined that if your regulations were adopted incorporating the comments and without other significant change, they would meet the compatibility and health and safety categories established in Office of State and Tribal Programs (STP) Procedure SA-200.

We request that when the comments are incorporated into your 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 copy to STP.

The SRS Data Sheet summarizes our knowledge of the status of other Ohio regulations. Please let us know if you note any inaccuracies or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on the STP Web Site: <http://www.hsrdo.org/nrc/rulemaking.htm>

If you have any questions regarding the comments, the compatibility and health categories, or any of the NRC regulations used in the review, please contact me or Kevin Hsueh of my staff at (301) 415-2598 or E-mail KPH@NRC.GOV.

Sincerely,

A handwritten signature in cursive script that reads "May hu Datt for".

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

Enclosures: As stated

**COMMENTS ON FINAL OHIO REGULATIONS
AGAINST COMPATIBILITY AND HEALTH AND SAFETY CATEGORIES**

State Regulation	NRC Regulation	RATS ID	Category	Subject and Comments
1-48-01 (C)	34.3	1997-5	B	<p>Definition of "Certifying Entity"</p> <p>The definition is missing a portion regarding an Agreement State being a certifying entity.</p> <p>"means an independent certifying organization meeting the requirements in Appendix A of rule 3701:1-48-16...<u>or an Agreement State meeting the requirements in Appendix A, parts II and III of rule 3701:1-48-16.</u></p> <p>The State needs to include this part of the definition.</p>