December 18, 2008

Robert E. Owen, Chief
Bureau of Radiation Protection
Ohio Department of health
246 North High Street
Columbus, OH 43215

Dear Mr. Owen:

We have reviewed the final revisions to the Ohio regulations amendment to rule 3701:1-38-01 and new rules 3701:1-38-25 and 3701:1-46-50 of the Ohio Administrative Code, received by our office on October 27, 2008. These regulations were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) rules in 10 CFR Part 20 and 32 and the requirements of the two amendments identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with Michael Snee on December 16, 2008.

As a result of our review, we have no comments. Please note that we have limited our review to regulations required for compatibility and/or health and safety. We have determined that the regulations, as adopted, meet the compatibility and health and safety categories established in the Office of Federal and State Materials and Environmental Management Programs (FSME) Procedure SA-200.

The SRS Data Sheet summarizes our knowledge of the status of other Ohio regulations, as indicated. 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 FSME website: http://nrc-stp.ornl.gov/rulemaking.html.

If you have any questions regarding the review results, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact Kathleen Schneider, State Regulation Review Coordinator at (301)415-2320 (kathleen.schneider@nrc.gov) or Karen Meyer at (301)415-0113 (karen.meyer@nrc.gov).

Sincerely,

***/RA/***

Terrence Reis, Deputy Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

Enclosures:
As stated

Robert E. Owen, Chief
Bureau of Radiation Protection
Ohio Department of health
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Columbus, OH 43215

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Terrence Reis, Deputy Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

Enclosures: As stated
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**SUNSI Review Complete**

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|---|---|---|---|---|---|---|---|---|---|---|
| NAME | KMeyer | | KSchneider | | BJones | | DWhite | | TReis | |
| DATE | 12/ 05 /08 | | 12/ 05 /08 | | 12/ 12 /08 | | 12/ 18 /08 | | 12/ 18 /08 | |

## STATE REGULATION STATUS

**State: Ohio**
**[2 amendment(s) reviewed is identified by a ★**
**at the beginning of the equivalent NRC requirement.]**

**Tracking Ticket Number: 8-100**
**Date: December 18, 2008**

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Package | Outgoing Package | Notes |
|---|---|---|---|---|---|
| 1991-1 | Safety Requirements for Radiographic Equipment<br>Part 34<br>55 FR 843<br>(**Superceded by 1997-5)** | 01/10/1994 | Final<br>ML023250117 | No Comments<br>01/09/2003<br>ML030060349 | Ohio has adopted Final Regulations equivalent to RATS ID: 1997-5. |
| 1991-2 | ASNT Certification of Radiographers<br>Part 34<br>56 FR 11504<br>(**Superceded by 1997-5)** | none | Final<br>ML023250117 | No Comments<br>01/09/2003<br>ML030060349 | Ohio has adopted Final Regulations equivalent to RATS ID: 1997-5. |
| 1991-3 | Standards for Protection Against Radiation<br>Part 20<br>56 FR 23360; 56 FR 61352; 57 FR 38588; 57 FR 57877; 58 FR 67657; 59 FR 41641; 60 FR 20183; | 01/01/1994 | Final<br>ML040920160 | No Comments<br>04/14/2004<br>ML041060011 | |
| 1991-4 | Notification of Incidents<br>Parts 20, 30, 31, 34, 39, 40, 70<br>56 FR 64980; | 10/15/1994 | Final<br>ML083200007 | No Comments<br>12/10/2008<br>ML083220971 | |
| 1992-1 | Quality Management Program and Misadministrations<br>Part 35<br>56 FR 34104<br>**(Superceded by 2002-2)** | 01/27/1995 | Final<br>ML061440106 | No Comments<br>06/08/2006<br>ML061590424 | Ohio has adopted Final Regulations equivalent to RATS ID: 2002-2. |
| 1992-2 | Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions<br>Parts 30, 35<br>57 FR 45566 | none | Final<br>ML061440106 | No Comments<br>06/08/2006<br>ML061590424 | These regulation changes are not required to be adopted for purposes of Compatibility. |
| 1993-1 | Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]<br>Parts 30, 40<br>58 FR 39628 | 10/25/1996 | Final<br>ML083200007 | No Comments<br>12/10/2008<br>ML083220971 | |

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Package | Outgoing Package | Notes |
|---|---|---|---|---|---|
| 1993-2 | Licensing and Radiation Safety Requirements for Irradiators<br>Part 36<br>58 FR 7715 | 07/01/1996 | Final<br>ML023250117 | No Comments<br>01/09/2003<br>ML030060349 | |
| 1993-3 | Definition of Land Disposal and Waste Site QA Program<br>Part 61<br>58 FR 33886 | 07/22/1996 | Final | No Comments<br>10/09/1998 | |
| 1994-1 | Self-Guarantee as an Additional Financial Mechanism<br>Parts 30, 40, 70<br>58 FR 68726; 59 FR 1618 | none | Final | No Comments<br>10/09/1998 | |
| 1994-2 | Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards<br>Part 40<br>59 FR 28220 | 07/01/1997 | Final | No Comments<br>10/09/1998 | |
| 1994-3 | Timeliness in Decommissioning Material Facilities<br>Parts 30, 40, 70<br>59 FR 36026 | 08/15/1997 | R[1] | No Comments<br>7/26/00 | |
| 1995-1 | Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use<br>Parts 30, 32, 35<br>59 FR 61767; 59 FR 65243; 60 FR 322 | 01/01/1998 | Final<br>ML061440106 | No Comments<br>06/08/2006<br>ML061590424 | |
| 1995-2 | Frequency of Medical Examinations for Use of Respiratory Protection Equipment<br>Part 20<br>60 FR 7900 | 03/13/1998 | Final<br>ML041240504 | No Comments<br>06/14/2004<br>ML041670402 | |
| 1995-3 | Low-Level Waste Shipment Manifest Information and Reporting<br>Parts 20, 61<br>60 FR 15649; 60 FR 25983 | 03/01/1998 | Final<br>ML040920160 | No Comments<br>04/14/2004<br>ML041060011 | |
| 1995-4 | Performance Requirements for Radiography Equipment<br>Part 34<br>60 FR 28323<br>**(Superceded by 1997-5)** | 06/30/1998 | Final<br>ML023250117 | No Comments<br>01/09/2003<br>ML030060349 | Ohio has adopted Final Regulations equivalent to RATS ID: 1997-5. |

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Package | Outgoing Package | Notes |
|---|---|---|---|---|---|
| 1995-5 | Radiation Protection Requirements: Amended Definitions and Criteria<br>Parts 19, 20<br>60 FR 36038 | 08/14/1998 | Final<br>ML040920160 | No Comments<br>04/14/2004<br>ML041060011 | |
| 1995-6 | Clarification of Decommissioning Funding Requirements<br>Parts 30, 40, 70<br>60 FR 38235 | 11/24/1998 | R[1] | No Comments<br>07/26/2000 | |
| 1995-7 | Medical Administration of Radiation and Radioactive Materials<br>Parts 20, 35<br>60 FR 48623<br>**(Superceded by 2002-2 and 2005-2)** | 10/20/1998 | Proposed<br>ML042230062 | No Comments<br>10/14/2004<br>ML042890002 | Ohio has not yet adopted Final Regulations equivalent to RATS ID: 2005-2. |
| 1996-1 | Compatibility with the International Atomic Energy Agency<br>Part 71<br>60 FR 50248; 61 FR 28724<br>**(Superceded by 2004-1)** | 04/01/1999 | Not Required | Not Required | Ohio has adopted Final Regulations equivalent to RATS ID: 2004-1. |
| 1996-2 | One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses<br>Parts 30, 40, 70<br>61 FR 1109 | 02/15/1999 | R[1] | No Comments<br>07/26/2000 | |
| 1996-3 | Termination or Transfer of Licensed Activities: Record keeping Requirements<br>Parts 20, 30, 40, 61, 70<br>61 FR 24669 | 06/17/1999 | R[1] | No Comments<br>07/26/2000 | |
| 1997-1 | Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act<br>Part 20<br>61 FR 65120 | 01/9/2000 | Final<br>ML041900134 | No Comments<br>08/09/2004<br>ML042220269 | |
| 1997-2 | Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State<br>Part 150<br>62 FR 1662 | 02/27/2000 | Final<br>ML041240504 | No Comments<br>06/14/2004<br>ML041670402 | |

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|---|---|---|---|---|---|
| 1997-3 | Criteria for the Release of Individuals Administered Radioactive Material<br>Parts 20, 35<br>62 FR 4120 | 05/29/2000 | R[1] | No Comments<br>07/26/2000 | |
| 1997-4 | Fissile Material Shipments and Exemptions<br>Part 71<br>62 FR 5907<br>**(Superceded by 2004-1)** | 02/10/2000 | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-97-078) |
| 1997-5 | Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations<br>Parts 30, 34, 71, 150<br>62 FR 28947 | 06/27/2000 | Final<br>ML083020271 | No Comments<br>12/05/2008<br>ML083150069 | |
| 1997-6 | Radiological Criteria for License Termination<br>Parts 20, 30, 40, 70<br>62 FR 39057 | 08/20/2000 | Final | No Comments<br>10/09/1998 | |
| 1997-7 | Exempt Distribution of a Radioactive Drug Containing One Micro curie of Carbon-14 Urea<br>Part 30<br>62 FR 63634 | 01/02/2001 | Final<br>ML041240504 | No Comments<br>06/14/2004<br>ML041670402 | |
| 1998-1 | Deliberate Misconduct by Unlicensed Persons<br>Parts 30, 40, 61, 70, 71, 150<br>63 FR 1890; 63 FR 13773 | 02/12/2001 | R[1]<br>ML010380259<br>ML010870344 | No Comments<br>12/12/01<br>ML013530072 | |
| 1998-2 | Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees<br>Parts 30, 40, 70<br>63 FR 29535 | 07/01/2001 | Final | No Comments<br>10/09/1998 | These regulation changes are not required to be adopted for purposes of Compatibility. |
| 1998-3 | License Term for Medical Use Licenses<br>Part 35<br>63 FR 31604<br>**(Superceded by 2002-2)** | 07/10/2001 | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-98-074)<br>Ohio has adopted Final Regulations equivalent to RATS ID: 2002-2. |

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Package | Outgoing Package | Notes |
|---|---|---|---|---|---|
| 1998-4 | Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations<br>Part 34<br>63 FR 37059 | 07/09/2001 | Final<br>ML041240504 | No Comments<br>06/14/2004<br>ML041670402 | |
| 1998-5 | Minor Corrections, Clarifying Changes, and a Minor Policy Change<br>Parts 20, 35, 36<br>63 FR 39477; 63 FR 45393 | 10/26/2001 | Final | No Comments<br>10/09/1998 | |
| 1998-6 | Transfer for Disposal and Manifests: Minor Technical Conforming Amendment<br>Part 20<br>63 FR 50127 | 11/20/2001 | Final<br>ML041900134 | No Comments<br>08/09/2004<br>ML042220269 | |
| 1999-1 | Radiological Criteria for License Termination of Uranium Recovery Facilities<br>Part 40<br>64 FR 17506 | 06/11/2002 | Final<br>ML060580024 | No Comments<br>04/13/2006<br>ML061030457 | |
| 1999-2 | Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information<br>Part 31<br>64 FR 42269 | 10/04/2002 | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. |
| 1999-3 | Respiratory Protection and Controls to Restrict Internal Exposure<br>Part 20<br>64 FR 54543; 64 FR 55524 | 02/02/2003 | Final<br>ML040920160 | No Comments<br>04/14/2004<br>ML041060011 | |
| 2000-1 | Energy Compensation Sources for Well Logging and Other Regulatory Clarifications<br>Part 39<br>65 FR 20337 | 05/17/2003 | Final<br>ML023250117 | No Comments<br>01/09/2003<br>ML030060349 | |
| 2000-2 | New Dosimetry Technology<br>Parts 34, 36, 39<br>65 FR 63750 | 01/08/2004 | Final<br>ML023250117 | No Comments<br>01/09/2003<br>ML030060349 | |

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|---|---|---|---|---|---|
| 2001-1 | Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material<br>Parts 30, 31, 32<br>65 FR 79162 | 02/16/2004 | R[1]<br>ML070950457 | Comments<br>04/27/2007<br>ML071150004 | |
| 2002-1 | Revision of the Skin Dose Limit<br>Part 20<br>67 FR 16298 | 04/05/2005 | Final<br>ML061440106 | No Comments<br>06/08/2006<br>ML061590424 | |
| 2002-2 | Medical Use of Byproduct Material<br>Parts 20, 32, 35<br>67 FR 20249 | 10/24/2005 | Final<br>ML061440106 | No Comments<br>06/08/2006<br>ML061590424 | |
| 2003-1 | Financial Assurance for Materials Licensees<br>Parts 30, 40, 70<br>68 FR 57327 | 12/03/2006 | R[1]<br>ML081370130 | No Comments<br>06/30/2008<br>ML081820355 | |
| 2004-1 | Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments<br>Part 71<br>69 FR 3697 | 10/01/2007 | Final<br>ML063170453 | No Comments<br>12/15/2006<br>ML063490049 | |
| 2005-1 | Security Requirements for Portable Gauges Containing Byproduct Material<br>Part 30<br>70 FR 2001 | 07/11/2008 | Final<br>ML071010099 | No Comments<br>04/25/2007<br>ML071150005 | |
| 2005-2 | Medical Use of Byproduct Material - Recognition of Specialty Boards<br>Part 35<br>70 FR 16336; 71 FR 1926 | 04/29/2008 | Proposed<br>ML081370130 | Comments<br>06/30/2008<br>ML081820355 | |
| 2005-3 | Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090)<br>70 FR 72128 | 12/01/2005 | License Condition<br>ML053120143 | No Comments<br>11/10/2005<br>ML053180026 | |
| 2006-1 | Minor Amendments<br>Parts 20, 30, 32, 35, 40 and 70<br>71 FR 15005 | 03/27/2009 | Proposed<br>ML081370130 | Comments<br>06/30/2008<br>ML081820355 | |

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|---|---|---|---|---|---|
| ★2006-2 | National Source Tracking System - Serialization Requirements<br>Part 32 with reference to Part 20 Appendix E<br>71 FR 65685 | 02/06/2007 | Final<br>ML083050030 | No Comments<br>12/18/2008<br>ML083400038 | |
| ★2006-3 | National Source Tracking System<br>Part 20<br>71 FR 65685, 72 FR 59162 | 01/31/2009 | Final<br>ML083050030 | No Comments<br>12/18/2008<br>ML083400038 | |
| 2007-1 | Medical Use of Byproduct Material - Minor Corrections and Clarifications<br>Parts 32 and 35<br>72 FR 45147, 54207 | 10/29/2010 | Proposed<br>ML081370130 | Comments<br>06/30/2008<br>ML081820355 | |
| 2007-2 | Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements<br>Parts 30, 31, 32, 150<br>72 FR 58473 | 12/17/2010 | Proposed<br>ML081980659 | No Comments<br>09/05/2008<br>ML082320032 | |
| 2007-3 | Requirements for Expanded Definition of Byproduct Material<br>Parts 20, 30, 31, 32, 33, 35, 61, 150<br>72 FR 55864 | 11/30/2010 | | | |
| 2007-4 | Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material<br>NRC Order EA-07-305<br>72 FR 70901 | 06/05/2008 | License Condition<br>ML080460449 | No Comments<br>03/12/2008<br>ML080720077 | |
| 2008-1 | Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent<br>Parts 19, 20<br>72 FR 68043 | 02/15/2011 | Proposed<br>ML081980659 | No Comments<br>09/05/2008<br>ML082320032 | |

[1] R stands for proposed revisions to Final Regulations