

August 14, 2013

Pamela J. Henderson, 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 Ms. Henderson,

Ohio has amended rules in the Ohio Administrative Code. We are submitting the final rules to the NRC for your review to ensure that they are compatible with NRC regulations. The rules were amended in accordance with RATS ID number 2011-2 OAC rules 3701:1-38-01, 3701:1-40-14, 3701:1-40-15, 3701:1-44-15 and 3701:1-49-03 and comments you provided in your letter dated February 6, 2013. A chart to aid you in cross referencing the Ohio rules to the applicable NRC regulations is attached. The draft Ohio rules can be found at <http://www.odh.ohio.gov/rules/final/finalrules.aspx>.

We believe that these Ohio rules satisfy the compatibility and health and safety categories established in the Federal and State Materials and Environmental Management Programs procedure SA-200.

If you have any questions, please feel free to contact Mark Light of my staff at 614-644-2727 or [Mark.Light@odh.ohio.gov](mailto:Mark.Light@odh.ohio.gov).

Sincerely,

/RA/

Michael J. Snee, Chief  
Bureau of Radiation Protection

Enclosure: As stated

**SUBJECT and  
COMMENTS**

**Definitions:  
Construction**

3701:1-38-  
01(A)(36)(g)

Ohio's proposed definition of Construction needs to replace the word "portable" with "potable."

Ohio needs to make the above changes in order to meet the Compatibility Category C designation assigned to 10 CFR 40.4, Definitions: Construction.

**2    3701:1-44-  
18(B)    10 CFR 150.31    2011-2    C**

**Requirements for Agreement State  
regulation of byproduct material**

**The Ohio provision, 3701:1-44-18(B),  
needs to be revised to explicitly  
prohibit commencement of  
construction as stated in 10 CFR  
150.31(b)(3)(iv).**

Ohio needs to make the above changes in order to meet the Compatibility Category C designation assigned to 10 CFR 150.31(b)(3)(iv)

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