



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

June 27, 2017

Mr. Michael Snee  
Bureau of Radiation Protection  
Ohio Department of Health  
246 North High Street  
Columbus, OH 43215

Dear Mr. Snee:

We have reviewed the revisions to the final Ohio regulations in the Ohio Administrative Code Chapter 3701:1-46-36, received by our office on June 20, 2017. These regulations were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) rules and the requirements of the Regulation Amendment Tracking System Identification Number (RATS ID) 2012-4 as identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed the results of our review with you on June 27, 2017.

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 Nuclear Material Safety and Safeguards (NMSS) Procedure SA-200, "Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements."

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 NMSS State Communications Portal: <https://scp.nrc.gov/rulemaking.html>.

If you have any questions regarding the review, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact Michelle Beardsley, State Regulation Review Coordinator, at (267) 884-2305 ([Michelle.Beardsley@nrc.gov](mailto:Michelle.Beardsley@nrc.gov) ).

Sincerely,

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***J. O'Hahara for KWilliams***

Kevin Williams, Deputy Director  
Division of Material Safety, State, Tribal  
and Rulemaking Programs  
Office of Nuclear Material Safety  
and Safeguards

Enclosure:  
Ohio SRS Data Sheet

SUBJECT: Letter to M. Snee re: Ohio Revised Final Regulations to RATS ID 2012-4  
DATE: June 27, 2017.

DISTRIBUTION: SP 07  
DIR r/f (OH 17-49)  
Jim Lynch, RSAO  
Ohio File

| OFFICE | ASPB       | OGC                        | ASPB:BC                    | MSTR:DD                    |
|--------|------------|----------------------------|----------------------------|----------------------------|
| NAME   | MBeardsley | TCampbell NLO<br>via email | J. O'Hara for<br>PMichalak | J. O'Hara for<br>KWilliams |
| DATE   | 06/21/17   | 6/26/17                    | 6/27/2017                  | 6/27/2017                  |

**ML17174A566**

**OFFICIAL RECORD COPY**

**Package ML17173A404**

**STATE REGULATION STATUS**

State: Ohio

Tracking Ticket Number: 17-49

Date: June 27, 2017

[ # 1 amendment(s) reviewed identified by a \* at the beginning of the equivalent NRC requirement.]

| RATS ID | NRC Chronology Identification  | Date Due for State Adoption | Incoming Letter      | Outgoing Package                         | Notes  |
|---------|--|-----------------------------|----------------------|--|--|
| 1991-1  | Safety Requirements for Radiographic Equipment<br>Part 34<br>55 FR 843<br><b>(Superceded by 1997-5)</b>  | 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><b>(Superceded by 1997-5)</b>   | 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 and 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><b>(Superceded by 2002-2)</b>                                       | 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 and 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. |

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|---------|--|-----------------------------|----------------------|--|-------|
| 1993-1  | Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]<br>Parts 30 and 40<br>58 FR 39628            | 10/25/1996                  | Final<br>ML083200007 | No Comments<br>12/10/2008<br>ML083220971 |       |
| 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 and 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 and 70<br>59 FR 36026  | 08/15/1997                  | R <sup>1</sup>       | 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 and 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 |       |

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|---------|---|-----------------------------|-------------------------|--|---|
| 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 and 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><b>(Superceded by 1997-5)</b>                               | 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. |
| 1995-5  | Radiation Protection Requirements: Amended Definitions and Criteria<br>Parts 19 and 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 and 70<br>60 FR 38235   | 11/24/1998                  | R <sup>1</sup>          | No Comments<br>07/26/2000                |   |
| 1995-7  | Medical Administration of Radiation and Radioactive Materials<br>Parts 20 and 35<br>60 FR 48623<br><b>(Superceded by 2002-2 and 2005-2)</b> | 10/20/1998                  | Proposed<br>ML042230062 | No Comments<br>10/14/2004<br>ML042890002 |   |
| 1996-1  | Compatibility with the International Atomic Energy Agency<br>Part 71<br>60 FR 50248; 61 FR 28724<br><b>(Superceded by 2004-1)</b>           | 04/01/1999                  | Not Required            | Not Required                             | Ohio has adopted Final Regulations equivalent to RATS ID: 2004-1. |

| RATS ID | NRC Chronology Identification  | Date Due for State Adoption | Incoming Letter      | Outgoing Package                         | Notes   |
|---------|--|-----------------------------|----------------------|--|---|
| 1996-2  | One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses<br>Parts 30, 40, and 70<br>61 FR 1109                           | 02/15/1999                  | R <sup>1</sup>       | No Comments<br>07/26/2000                |   |
| 1996-3  | Termination or Transfer of Licensed Activities:<br>Record keeping Requirements<br>Parts 20, 30, 40, 61 and 70<br>61 FR 24669                           | 06/17/1999                  | R <sup>1</sup>       | 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 |   |
| 1997-3  | Criteria for the Release of Individuals Administered Radioactive Material<br>Parts 20 and 35<br>62 FR 4120   | 05/29/2000                  | R <sup>1</sup>       | No Comments<br>07/26/2000                |   |
| 1997-4  | Fissile Material Shipments and Exemptions<br>Part 71<br>62 FR 5907<br><b>(Superseded by 2004-1)</b>  | 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 and 150<br>62 FR 28947 | 06/27/2000                  | Final<br>ML083020271 | No Comments<br>12/05/2008<br>ML083150069 |   |

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|---------|--|-----------------------------|--|--|---|
| 1997-6  | Radiological Criteria for License Termination<br>Parts 20, 30, 40 and 70<br>62 FR 39057  | 08/20/2000                  | Final  | No Comments<br>10/09/1998                |   |
| 1997-7  | Exempt Distribution of a Radioactive Drug<br>Containing One Microcurie 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 and 150<br>63 FR 1890; 63 FR 13773                                   | 02/12/2001                  | R <sup>1</sup><br>ML010380259<br>ML010870344 | No Comments<br>12/12/01<br>ML013530072   |   |
| 1998-2  | Self-Guarantee of Decommissioning Funding by<br>Nonprofit and Non-Bond-Issuing Licensees<br>Parts 30, 40 and 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><b>(Superceded by 2002-2)</b>   | 07/10/2001                  | Not Required                                 | Not Required                             | These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-98-074) Ohio has adopted Final Regulations equivalent to RATS ID: 2002-2. |
| 1998-4  | Licenses for Industrial Radiography and Radiation<br>Safety Requirements for Industrial Radiographic<br>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<br>Policy Change<br>Parts 20, 32, 35, 36 and 39<br>63 FR 39477; 63 FR 45393               | 10/26/2001                  | Final  | No Comments<br>10/09/1998                |   |



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|---------|--|-----------------------------|----------------------|--|--|
| 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 and 39<br>65 FR 63750   | 01/08/2004                  | Final<br>ML023250117 | No Comments<br>01/09/2003<br>ML030060349 |  |
| 2001-1  | Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material<br>Parts 30, 31 and 32<br>65 FR 79162                     | 02/16/2004                  | Final<br>ML12361A139 | No Comments<br>02/06/2013<br>ML13011A272 |  |

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|----------------|---|------------------------------------|-------------------------------------|--|--------------|
| 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 and 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 and 70<br>68 FR 57327   | 12/03/2006                         | Final<br>ML090120129                | No Comments<br>02/06/2009<br>ML090150553 |              |
| 2004-1         | Compatibility With IAEA Transportation Safety<br>Standards and Other Transportation Safety<br>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<br>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<br>Specialty Boards<br>Part 35<br>70 FR 16336; 71 FR 1926                      | 04/29/2008                         | Final<br>ML090120129                | No Comments<br>02/06/2009<br>ML090150553 |              |
| 2005-3         | Increased Controls for Risk-Significant Radioactive<br>Sources (NRC Order EA-05-090)<br>70 FR 72128                               | 12/01/2005                         | License<br>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                         | Final<br>ML103120326                | No Comments<br>01/12/2011<br>ML103360248 |              |

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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                         | Final<br>ML103120326             | No Comments<br>01/12/2011<br>ML103360248 |              |
| 2007-2         | Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements<br>Parts 30, 31, 32 and 150<br>72 FR 58473                   | 12/17/2010                         | Final<br>ML091380031             | No Comments<br>07/02/2009<br>ML091600466 |              |
| 2007-3         | Requirements for Expanded Definition of Byproduct Material<br>Parts 20, 30, 31, 32, 33, 35, 61 and 150<br>72 FR 55864  | 11/30/2010                         | R <sup>1</sup><br>ML120100267    | No Comments<br>02/21/2012<br>ML120370416 |              |
| 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 and 20<br>72 FR 68043  | 02/15/2011                         | Final<br>ML091380048             | No Comments<br>07/07/2009<br>ML091600652 |              |

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|----------------|--|------------------------------------|---|--|--------------|
| 2009-1         | Medical Use of Byproduct Material – Authorized User Clarification<br>Part 35<br>74 FR 33901                                  | 09/28/2012                         | Final<br>ML120100267                                | No Comments<br>02/21/2012<br>ML120370416   |              |
| 2011-1         | Decommissioning Planning<br>Parts 20, 30, 40 and 70<br>76 FR 35512   | 12/17/2015                         | Final<br>ML13330A553                                | No Comments<br>12/23/2013<br>ML13330A097   |              |
| 2011-2         | Licenses, Certifications, and Approvals for Materials Licensees<br>Parts 30, 36, 39, 40, 70 and 150<br>76 FR 56951           | 11/14/2014                         | Final<br>ML13228A018                                | No Comments<br>09/18/2013<br>ML13228A016   |              |
| 2012-1         | Change of Compatibility<br>Parts 31.5 and 31.6<br>(See RATS ID: 2001-1 for Rule text)<br>77 FR 3640                          | 01/25/2015                         | Final<br>ML12361A139                                | No Comments<br>02/06/2013<br>ML13011A272   |              |
| 2012-2         | Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste<br>Part 71<br>77 FR 34194 | 08/10/2015                         | Final<br>ML12361A139                                | No Comments<br>02/06/2013<br>ML13011A272   |              |
| 2012-3         | Technical Corrections<br>Parts 30, 34, 40 and 71<br>77 FR 39899  | 08/06/2015                         | Proposed<br>ML14352A073<br><br>Final<br>ML15176A551 | No Comments<br>01/16/2015<br>ML14352A062<br><br>No Comments<br>07/23/2015<br>ML15176A515 |              |

| RATS ID | NRC Chronology Identification  | Date Due for State Adoption | Incoming Letter   | Outgoing Package  | Notes                      |
|---------|--|-----------------------------|---|---|----------------------------|
| *2012-4 | Requirements for Distribution of Byproduct Material Parts 30, 31, 32, 40 and 70<br>77 FR 43666   | 10/23/2015                  | Proposed<br>ML15097A046<br><br>Final<br>ML15314A591<br><br>Revised Final<br>ML17173A405 | No Comments<br>05/04/2015<br>ML15097A044<br><br>Comment<br>12/9/2015<br>ML15314A562<br><br>No Comments<br>06/27/2017<br>ML17173A404 |                            |
| 2013-1  | Physical Protection of Byproduct Material Parts 20, 30, 32, 33, 34, 35, 36, 37, 39 and 71<br>78 FR 16922   | 03/19/2016                  | Final<br>ML14161A337  | No Comments<br>07/30/2014<br>ML14157A0700   |                            |
| 2013-2  | Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions Parts 30, 40 and 70<br>78 FR 32310 | 08/27/2016                  | Proposed<br>ML15091A243<br><br>Final<br>ML15355A134<br><br>Final<br>ML16015A278         | No Comments<br>04/28/2015<br>ML15091A235<br><br>Comment<br>01/13/2016<br>ML15355A129<br><br>Comment<br>02/04/2016<br>ML16015A270    | Request to rescind comment |
| 2015-1  | Domestic Licensing of Special Nuclear Material – Written Reports and Clarifying Amendments Part 70<br>79 FR 57721, 80 FR 143                                 | 01/26/2018                  | Proposed<br>ML15336A030<br><br>Final<br>ML16137A688                                     | No Comments<br>12/15/2015<br>ML15336A029<br><br>No Comments<br>08/26/2016<br>ML16137A662  |                            |

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|---------|--|-----------------------------|---|---|-------|
| 2015-2  | Safeguards Information - Modified Handling Categorization, Change for Materials Facilities Parts 30, 37, 73 and 150<br>79 FR 58664, 80 FR 3865               | 01/28/2018                  | Proposed<br>ML15181A443<br><br>Final<br>ML15327A068 | No Comments<br>07/21/2015<br>ML15181A434<br><br>No Comments<br>12/10/2015<br>ML15327A060    |       |
| 2015-3  | Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements Part 71<br>80 FR 33987 | 07/13/2018                  |   |   |       |
| 2015-4  | Miscellaneous Corrections Parts 37 and 40<br>80 FR 45841   | 09/02/2018                  | Proposed<br>ML15308A488<br><br>Final<br>ML16137A688 | No Comments<br>11/25/2015<br>ML15308A487<br><br>No Comments<br>DATE 06/13/16<br>ML16145A404 |       |
| 2015-5  | Miscellaneous Corrections Parts 19, 20, 30, 32, 37, 40, 61, 70, 71 and 150<br>80 FR 74974  | 12/31/2018                  |   |   |       |

<sup>1</sup>R stands for proposed changes to a final rule.