

November 10, 2005

Mr. Robert E. Owen, Chief  
Bureau of Radiation Protection  
Ohio Department of Health  
P.O. Box 118  
Columbus, OH 43216-0118

Dear Mr. Owen:

We have reviewed the Ohio proposed Order and corresponding license condition to implement increased controls for certain licensees that possess certain radioactive materials in quantities of concern, received by our office on November 7, 2005. This Order and corresponding license condition was reviewed by comparison to the equivalent NRC requirements that were transmitted from this office on September 2, 2005. We discussed our review of the Order and corresponding license condition with Mr. Michael Snee on November 7, 2005.

We have determined that the proposed Ohio Order and corresponding license condition, if issued without significant change, would meet the compatibility category 'B' designation in NRC Order EA-05-090.

We appreciate receiving the final Order and corresponding license condition issued to effected Ohio licensees.

The SRS Data Sheet summarizes our knowledge of the status of other Ohio regulations and legal binding requirements, 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, will be posted on the STP website:  
<http://www.hsr.d.ornl.gov/nrc/rulemaking.htm>.

If you have any questions regarding the review, the compatibility categories, or any of the NRC requirements used in the review, please contact Mr. Andrew Mauer of my staff at 301-415-3962 or e-mail: [anm@nrc.gov](mailto:anm@nrc.gov).

Sincerely,

***IRA By KNSchneider Forl***

Dennis K. Rathbun, Deputy Director  
Office of State and Tribal Programs

Enclosure:  
As stated

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Dennis K. Rathbun, Deputy Director  
Office of State and Tribal Programs

Enclosure:

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|--------|------------|--|------------|--|-----------|--|
| OFFICE | STP        |  | OGC        |  | STP:DD    |  |
| NAME   | ANMauer    |  | SATreby    |  | DKRathbun |  |
| DATE   | 11/08/05 * |  | 11/09/05 * |  | 11/10/05* |  |

ML053180026

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**STATE REGULATION STATUS**

State: OHIO

[1 Order and license condition reviewed is identified by a ★  
at the beginning of the equivalent NRC requirement.]

Tracking Ticket Number:5-342

Date: November 10, 2005

| NRC Chronology Identification  | FR Notice (Date Due for State Implementation)  | RATS ID | Proposed (P) / Final (F) <sup>1</sup> Rule / ML # <sup>4</sup> | NRC Review / Y, N <sup>1</sup> / Date / ML # <sup>4</sup> | Final State Regulation <sup>1</sup> (Effective Date) |
|--|--|---------|--|---|--|
| Safety Requirements for Radiographic Equipment-Part 34   | 55 FR 843;<br>(1/10/94)  | 1991-1  | F<br>ML023250117   | N 1/9/03<br>ML030060349                                   | 10/20/02   |
| ASNT Certification of Radiographers-Part 34  | 56 FR 11504;<br>(none)   | 1991-2  | F<br>ML023250117   | N 1/9/03<br>ML030060349                                   | 10/20/02   |
| Standards for Protection Against Radiation-Part 20   | 56 FR 23360;<br>56 FR 61352;<br>57 FR 38588;<br>57 FR 57877;<br>58 FR 67657;<br>59 FR 41641;<br>60 FR 20183;<br>(1/1/94) | 1991-3  | F<br>ML040920160   | N 4/14/04<br>ML041060011                                  | 7/22/01  |
| Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70   | 56 FR 64980;<br>(10/15/94)   | 1991-4  | P  | Y 7/26/00   |  |
| Quality Management Program and Misadministrations-Part 35  | 56 FR 34104;<br>(1-7/95)   | 1992-1  | P<br>ML042230062   | N 10/14/2004<br>ML042890002                               |  |
| Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions-Parts 30,35                         | 57 FR 45566;<br>(none)   | 1992-2  | P<br>ML042230062   | N 10/14/2004<br>ML042890002                               | 10/9/98 <sup>6</sup>                                 |
| Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]-Parts 30, 40 | 58 FR 39628;<br>(10/25/96)   | 1993-1  | P  | Y 7/26/00   | 10/9/98 <sup>5</sup>                                 |
| Licensing and Radiation Safety Requirements for Irradiators-Part 36  | 58 FR 7715;<br>(7/1/96)  | 1993-2  | F<br>ML023250117   | N 1/19/03<br>ML030060349                                  | 10/20/02   |
| Definition of Land Disposal and Waste Site QA Program-Part 61  | 58 FR 33886;<br>(7/22/96)  | 1993-3  |  |   | 10/9/98 <sup>6</sup>                                 |
| Self-Guarantee as an Additional Financial Mechanism-Parts 30, 40, 70   | 58 FR 68726;<br>59 FR 1618<br>(none)   | 1994-1  |  |   | 10/9/98 <sup>6</sup>                                 |
| Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards-Part 40  | 59 FR 28220;<br>(7/1/97)   | 1994-2  |  |   | 10/9/98 <sup>5</sup>                                 |

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|---|---|---------|--|---|--|
| Timeliness in Decommissioning Material Facilities-Parts 30, 40, 70  | 59 FR 36026; (8/15/97)                        | 1994-3  | P  | N 7/26/00   | 10/9/98 <sup>5</sup>                                 |
| Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use-Parts 30, 32, 35 | 59 FR 61767; 59 FR 65243 60 FR 322; (1/1/98)  | 1995-1  | F ML023180373  | N 1/9/03 ML030220061                                      | 10/20/02   |
| Frequency of Medical Examinations for Use of Respiratory Protection Equipment- Part 20                            | 60 FR 7900; (3/13/98)                         | 1995-2  | F ML041240504  | N 6/14/04 ML041670402                                     | 10/9/98 <sup>5</sup>                                 |
| Low-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61  | 60 FR 15649; 60 FR 25983 (3/1/98)             | 1995-3  | F ML040920160  | N 4/14/04 ML041060011                                     | 7/22/01  |
| Performance Requirements for Radiography Equipment-Part 34  | 60 FR 28323; (6/30/98)                        | 1995-4  | P ML012500056  | N 1/14/02 ML020170450                                     | 10/20/02   |
| Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20                                  | 60 FR 36038; (8/14/98)                        | 1995-5  | F ML040920160  | N 4/14/04 ML041060011                                     | 7/22/01  |
| Clarification of Decommissioning Funding Requirements-Parts 30, 40, 70  | 60 FR 38235; (11/24/98)                       | 1995-6  | P  | N 7/26/00   | 10/9/98 <sup>5</sup>                                 |
| Medical Administration of Radiation and Radioactive Materials-Parts 20, 35  | 60 FR 48623; (10/20/98)                       | 1995-7  | P ML042230062  | N 10/14/2004 ML042890002L                                 | 10/9/98 <sup>5</sup>                                 |
| 10 CFR Part 71: Compatibility with the International Atomic Energy Agency-Part 71                                 | 60 FR 50248; 61 FR 28723 (4/1/99)             | 1996-1  | P ML010380259 ML010870344                                      | Y 9/25/01 ML012710319                                     | 10/9/98 <sup>5</sup>                                 |
| One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses-Parts 30, 40, 70           | 61 FR 1109; (none)                            | 1996-2  |  |   | 10/9/98 <sup>6</sup>                                 |

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|---|---|---------|--|---|--|
| Termination or Transfer of Licensed Activities: Recordkeeping Requirements-Parts 20, 30, 40, 61, 70                               | 61 FR 24669; (6/17/99)                        | 1996-3  | P  | N 7/26/00   | 10/9/98 <sup>5</sup>                                 |
| Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act-Part 20                               | 61 FR 65120; (1/9/00)                         | 1997-1  | F<br>ML041240504<br>F<br>ML041900134                           | N 6/14/04<br>ML041670402<br>N 8/9/04<br>ML042220269       | 07/26/01   |
| Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State-Part 150          | 62 FR 1662; (2/27/00)                         | 1997-2  | F<br>ML041240504   | N 6/14/04<br>ML041670402                                  | 11/27/02   |
| Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35  | 62 FR 4120; (5/29/00)                         | 1997-3  | P<br>ML042230062   | N 10/14/2004<br>ML042890002                               | 10/9/98 <sup>5</sup>                                 |
| Fissile Material Shipments and Exemptions-Part 71   | 62 FR 5907; (none)                            | 1997-4  |  |   | 10/9/98 <sup>6</sup>                                 |
| Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations-Parts 30, 34, 71, 150 | 62 FR 28948; (6/27/00)                        | 1997-5  | P<br>ML023250117   | N 1/9/03<br>ML030060349                                   | 10/20/02 <sup>5</sup>                                |
| Radiological Criteria for License Termination-Parts 20, 30, 40, 70  | 62 FR 39058; (8/20/00)                        | 1997-6  |  |   | 10/9/98 <sup>5</sup>                                 |
| Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea-Part 30                                     | 62 FR 63634; (1/02/01)                        | 1997-7  | F<br>ML041240504   | 6/14/04<br>ML041670402                                    | 10/18/02   |
| Deliberate Misconduct by Unlicensed Persons-Parts 30, 40, 61, 70, 71, 150   | 63 FR 1890; 63 FR 13773 (2/12/01)             | 1998-1  | P<br>ML010380259<br>ML010870344                                | N 12/12/01<br>ML013530072                                 | 10/9/98 <sup>5</sup>                                 |
| Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees- Parts 30, 40, 70                           | 63 FR 29535; (none)                           | 1998-2  |  |   | 10/9/98 <sup>6</sup>                                 |
| License Term for Medical Use Licenses-Part 35   | 63 FR 31604; (none)                           | 1998-3  |  |   | 10/9/98 <sup>6</sup>                                 |

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|--|---|---------|--|---|--|
| Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations-Part 34                 | 63 FR 37059; (7/9/01)                         | 1998-4  | F<br>ML041240504   | N 6/14/04<br>ML041670402                                  | 10/18/02   |
| Minor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20, 35, 36  | 63 FR 39477; 63 FR 45393 (10/26/01)           | 1998-5  |  |   | 10/9/98 <sup>5</sup>                                 |
| Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20  | 63 FR 50127; (11/20/01)                       | 1998-6  | F<br>ML041240504<br>N<br>ML041900134                           | Y 6/14/04<br>ML041670402<br>N 8/9/04<br>ML042220269       | 7/26/01  |
| Radiological Criteria for License Termination of Uranium Recovery Facilities-Part 40   | 64 FR 17506; (6/11/02)                        | 1999-1  |  |   |  |
| Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information-Part 31 | 64 FR 42269; (none)                           | 1999-2  |  |   | Not required <sup>3</sup>                            |
| Respiratory Protection and Controls to Restrict Internal Exposure-Part 20  | 64 FR 54543; 64 FR 55524 (2/2/03)             | 1999-3  | F<br>ML040920160   | N 4/14/04<br>ML041060011                                  | 7/22/01  |
| Energy Compensation Sources for Well Logging and Other Regulatory Clarifications-Part 39   | 65 FR 20337; (5/17/03)                        | 2000-1  | F<br>ML012500049   | N 1/9/03<br>ML030060349                                   | 10/20/02   |
| New Dosimetry Technology-Parts 34, 36, 39  | 65 FR 63749; (1/8/04)                         | 2000-2  | F<br>ML023250117   | N 1/9/03<br>ML030060349                                   | 10/20/02   |
| Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material - Parts 30, 31, 32                      | 65 FR 79162; (2/16/04)                        | 2001-1  | F<br>ML041240504<br>F<br>ML041900134                           | Y 6/14/04<br>ML041670402<br>N 8/9/04<br>ML042220269       | 10/18/02   |
| Revision of the Skin Dose Limit-Part 20  | 67 FR 1629; (4/5/05)                          | 2002-1  | P<br>ML042230062   | N 10/14/2004<br>ML042890002                               |  |
| Medical Use of Byproduct Material-Parts 20, 32, 35   | 67 FR 20249; (4/24/05)                        | 2002-2  | P<br>ML042230062   | N 10/14/2004<br>ML042890002                               |  |
| Financial Assurance for Materials Licensees – Parts 30, 40, 70   | 68 FR 57327 12/3/06                           | 2003-1  |  |   |  |

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|---|---|---------|--|---|--|
| Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments – Part 71. | 69 FR 3697; (10/01/07)                        | 2004-1  | P<br>ML052020573   | Y 9/23/2005<br>ML052660013                                |  |
| Security Requirements for Portable Gauges Containing Byproduct Material - Part 30                             | 70 FR 2001; (7/11/08)                         | 2005-1  |  |   |  |
| Medical Use of Byproduct Material - Recognition of Specialty Boards - Part 35                                 | 70 FR 16336; (4/29/08)                        | 2005-2  |  |   |  |
| ★ Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) <sup>7</sup>              | 70 FR 72128; (12/1/05)                        | 2005-3  | ML053120143  | 11/10/05<br>ML053180026                                   |  |

1. For other generic Legally Binding Requirements.
2. (Y/N) Y means "Yes," there are comments in the review letter that the State needs to address. N means "No," there are no comments in the review letter.
3. Not required means these regulations are not required for purposes of compatibility.
4. ADAMS ML Number
5. Ohio became an Agreement State effective 08/31/99. The State incorporated NRC regulations by reference 10/9/98 and therefore, these regulations were found compatible.
6. Although these items are not required for purposes of compatibility, the State incorporated NRC regulations by reference on 10/9/98 which included these items.
7. By letter dated September 2, 2005, from Paul H. Lohaus, Director, Office of State and Tribal Programs, Agreement States were given 90 days to issue legally binding requirements satisfying the requirements of NRC Order EA-05-090.