



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

January 13, 2016

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 final revisions to the Ohio regulations in the Ohio Administrative Code Chapter 3701:1-44, received by our office on December 10, 2015. These regulations were reviewed by comparison to the equivalent U.S. Nuclear Regulatory Commission (NRC) rules and the requirements of the amendment identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with you on January 11, 2016.

As a result of our review, we have one comment that has been identified in the enclosure. Please note that we have limited our review to regulations required for compatibility and/or health and safety. We have determined that if these regulations are revised, incorporating our comment and without other significant change, they would 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."

We request that when you revise your regulations to address our comment, a copy of the "as published" regulations be provided to us for review. As requested in NMSS Procedure SA-201, "Review of State Regulatory Requirements," please highlight the location of any changes made by Ohio, in response to our comment, and provide a copy to Division of Material Safety, State, Tribal, and Rulemaking Programs, NMSS.

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 Communication Portal: <https://scp.nrc.gov/rulemaking.html>.

M. Snee

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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 (610) 337-6942 (Michelle.Beardsley@nrc.gov) or Jim Lynch at (630) 829-9661 (James.Lynch@nrc.gov).

Sincerely,

/RA/

PMichalak for PHenderson

Pamela J. Henderson, Deputy Director
Division of Materials Safety, State, Tribal
And Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. Compatibility Comment
2. Ohio SRS Data Sheet

COMPATIBILITY COMMENT ON OHIO FINAL REGULATIONS

| STATE SECTION | | NRC SECTION | RATS ID | CATEGORY | SUBJECT and COMMENTS |
|---------------|--------------------|-------------|---------|----------|--|
| 1 | 3701:1-44-12(B)(4) | 40.22(b)(5) | 2013-2 | B | <p>Small quantities of source material</p> <p>Ohio should delete the text “, January 1, 2014” from 3701:1-44-12(B)(4) so that the Ohio regulation always references the most current version of 10 CFR 110.</p> <p>Ohio needs to address the comment above to meet the Compatibility Category B designation assigned to 10 CFR 40.22(b)(5).</p> |

STATE REGULATION STATUS

State: Ohio

Tracking Ticket Number: 16-30

Date: 01/13/2016

[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 Part 34 55 FR 843 (Superceded by 1997-5) | 01/10/1994 | Final ML023250117 | No Comments 01/09/2003 ML030060349 | Ohio has adopted Final Regulations equivalent to RATS ID: 1997-5. |
| 1991-2 | ASNT Certification of Radiographers Part 34 56 FR 11504 (Superceded by 1997-5) | none | Final ML023250117 | No Comments 01/09/2003 ML030060349 | Ohio has adopted Final Regulations equivalent to RATS ID: 1997-5. |
| 1991-3 | Standards for Protection Against Radiation Part 20 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 ML040920160 | No Comments 04/14/2004 ML041060011 | |
| 1991-4 | Notification of Incidents Parts 20, 30, 31, 34, 39, 40, 70 56 FR 64980 | 10/15/1994 | Final ML083200007 | No Comments 12/10/2008 ML083220971 | |
| 1992-1 | Quality Management Program and Misadministrations Part 35 56 FR 34104 (Superceded by 2002-2) | 01/27/1995 | Final ML061440106 | No Comments 06/08/2006 ML061590424 | Ohio has adopted Final Regulations equivalent to RATS ID: 2002-2. |

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|---------|--|-----------------------------|----------------------|--|--|
| 1992-2 | Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions Parts 30, 35 57 FR 45566 | none | Final ML061440106 | No Comments 06/08/2006 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] Parts 30, 40 58 FR 39628 | 10/25/1996 | Final ML083200007 | No Comments 12/10/2008 ML083220971 | |
| 1993-2 | Licensing and Radiation Safety Requirements for Irradiators Part 36 58 FR 7715 | 07/01/1996 | Final ML023250117 | No Comments 01/09/2003 ML030060349 | |
| 1993-3 | Definition of Land Disposal and Waste Site QA Program Part 61 58 FR 33886 | 07/22/1996 | Final | No Comments 10/09/1998 | |
| 1994-1 | Self-Guarantee as an Additional Financial Mechanism Parts 30, 40, 70 58 FR 68726; 59 FR 1618 | none | Final | No Comments 10/09/1998 | |
| 1994-2 | Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards Part 40 59 FR 28220 | 07/01/1997 | Final | No Comments 10/09/1998 | |

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|---------|--|-----------------------------|----------------------|--|--|
| 1994-3 | Timeliness in Decommissioning Material Facilities Parts 30, 40, 70 59 FR 36026 | 08/15/1997 | R ¹ | No Comments 7/26/00 | |
| 1995-1 | 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 | 01/01/1998 | Final ML061440106 | No Comments 06/08/2006 ML061590424 | |
| 1995-2 | Frequency of Medical Examinations for Use of Respiratory Protection Equipment Part 20 60 FR 7900 | 03/13/1998 | Final ML041240504 | No Comments 06/14/2004 ML041670402 | |
| 1995-3 | Low-Level Waste Shipment Manifest Information and Reporting Parts 20, 61 60 FR 15649; 60 FR 25983 | 03/01/1998 | Final ML040920160 | No Comments 04/14/2004 ML041060011 | |
| 1995-4 | Performance Requirements for Radiography Equipment Part 34 60 FR 28323 (Superceded by 1997-5) | 06/30/1998 | Final ML023250117 | No Comments 01/09/2003 ML030060349 | Ohio has adopted Final Regulations equivalent to RATS ID: 1997-5. |
| 1995-5 | Radiation Protection Requirements: Amended Definitions and Criteria Parts 19, 20 60 FR 36038 | 08/14/1998 | Final ML040920160 | No Comments 04/14/2004 ML041060011 | |

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|---------|--|-----------------------------|-------------------------|--|---|
| 1995-6 | Clarification of Decommissioning Funding Requirements Parts 30, 40, 70 60 FR 38235 | 11/24/1998 | R ¹ | No Comments 07/26/2000 | |
| 1995-7 | Medical Administration of Radiation and Radioactive Materials Parts 20, 35 60 FR 48623 (Superceded by 2002-2 and 2005-2) | 10/20/1998 | Proposed ML042230062 | No Comments 10/14/2004 ML042890002 | |
| 1996-1 | Compatibility with the International Atomic Energy Agency Part 71 60 FR 50248; 61 FR 28724 (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 Parts 30, 40, 70 61 FR 1109 | 02/15/1999 | R ¹ | No Comments 07/26/2000 | |
| 1996-3 | Termination or Transfer of Licensed Activities: Record keeping Requirements Parts 20, 30, 40, 61, 70 61 FR 24669 | 06/17/1999 | R ¹ | No Comments 07/26/2000 | |
| 1997-1 | Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act Part 20 61 FR 65120 | 01/9/2000 | Final ML041900134 | No Comments 08/09/2004 ML042220269 | |

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|---------|---|-----------------------------|----------------------|--|---|
| 1997-2 | Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State Part 150 62 FR 1662 | 02/27/2000 | Final ML041240504 | No Comments 06/14/2004 ML041670402 | |
| 1997-3 | Criteria for the Release of Individuals Administered Radioactive Material Parts 20, 35 62 FR 4120 | 05/29/2000 | R ¹ | No Comments 07/26/2000 | |
| 1997-4 | Fissile Material Shipments and Exemptions Part 71 62 FR 5907 (Superseded 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 Parts 30, 34, 71, 150 62 FR 28947 | 06/27/2000 | Final ML083020271 | No Comments 12/05/2008 ML083150069 | |
| 1997-6 | Radiological Criteria for License Termination Parts 20, 30, 40, 70 62 FR 39057 | 08/20/2000 | Final | No Comments 10/09/1998 | |
| 1997-7 | Exempt Distribution of a Radioactive Drug Containing One Micro curie of Carbon-14 Urea Part 30 62 FR 63634 | 01/02/2001 | Final ML041240504 | No Comments 06/14/2004 ML041670402 | |

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|---------|--|-----------------------------|--|--|---|
| 1998-1 | Deliberate Misconduct by Unlicensed Persons Parts 30, 40, 61, 70, 71, 150 63 FR 1890; 63 FR 13773 | 02/12/2001 | R ¹ ML010380259 ML010870344 | No Comments 12/12/01 ML013530072 | |
| 1998-2 | Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees Parts 30, 40, 70 63 FR 29535 | 07/01/2001 | Final | No Comments 10/09/1998 | These regulation changes are not required to be adopted for purposes of Compatibility. |
| 1998-3 | License Term for Medical Use Licenses Part 35 63 FR 31604 (Superseded 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) Ohio has adopted Final Regulations equivalent to RATS ID: 2002-2. |
| 1998-4 | Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations Part 34 63 FR 37059 | 07/09/2001 | Final ML041240504 | No Comments 06/14/2004 ML041670402 | |
| 1998-5 | Minor Corrections, Clarifying Changes, and a Minor Policy Change Parts 20, 32, 35, 36, 39 63 FR 39477; 63 FR 45393 | 10/26/2001 | Final | No Comments 10/09/1998 | |
| 1998-6 | Transfer for Disposal and Manifests: Minor Technical Conforming Amendment Part 20 63 FR 50127 | 11/20/2001 | Final ML041900134 | No Comments 08/09/2004 ML042220269 | |

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|---------|--|-----------------------------|----------------------|--|--|
| 1999-1 | Radiological Criteria for License Termination of Uranium Recovery Facilities Part 40 64 FR 17506 | 06/11/2002 | Final ML060580024 | No Comments 04/13/2006 ML061030457 | |
| 1999-2 | Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information Part 31 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 Part 20 64 FR 54543; 64 FR 55524 | 02/02/2003 | Final ML040920160 | No Comments 04/14/2004 ML041060011 | |
| 2000-1 | Energy Compensation Sources for Well Logging and Other Regulatory Clarifications Part 39 65 FR 20337 | 05/17/2003 | Final ML023250117 | No Comments 01/09/2003 ML030060349 | |
| 2000-2 | New Dosimetry Technology Parts 34, 36, 39 65 FR 63750 | 01/08/2004 | Final ML023250117 | No Comments 01/09/2003 ML030060349 | |
| 2001-1 | Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material Parts 30, 31, 32 65 FR 79162 | 02/16/2004 | Final ML12361A139 | No Comments 02/06/2013 ML13011A272 | |

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|---------|---|-----------------------------|----------------------------------|--|-------|
| 2002-1 | Revision of the Skin Dose Limit Part 20 67 FR 16298 | 04/05/2005 | Final ML061440106 | No Comments 06/08/2006 ML061590424 | |
| 2002-2 | Medical Use of Byproduct Material Parts 20, 32, 35 67 FR 20249 | 10/24/2005 | Final ML061440106 | No Comments 06/08/2006 ML061590424 | |
| 2003-1 | Financial Assurance for Materials Licensees Parts 30, 40, 70 68 FR 57327 | 12/03/2006 | Final ML090120129 | No Comments 02/06/2009 ML090150553 | |
| 2004-1 | Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments Part 71 69 FR 3697 | 10/01/2007 | Final ML063170453 | No Comments 12/15/2006 ML063490049 | |
| 2005-1 | Security Requirements for Portable Gauges Containing Byproduct Material Part 30 70 FR 2001 | 07/11/2008 | Final ML071010099 | No Comments 04/25/2007 ML071150005 | |
| 2005-2 | Medical Use of Byproduct Material - Recognition of Specialty Boards Part 35 70 FR 16336; 71 FR 1926 | 04/29/2008 | Final ML090120129 | No Comments 02/06/2009 ML090150553 | |
| 2005-3 | Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) 70 FR 72128 | 12/01/2005 | License Condition ML053120143 | No Comments 11/10/2005 ML053180026 | |

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|---------|---|-----------------------------|-------------------------------|--|-------|
| 2006-1 | Minor Amendments Parts 20, 30, 32, 35, 40 and 70 71 FR 15005 | 03/27/2009 | Final ML103120326 | No Comments 01/12/2011 ML103360248 | |
| 2006-2 | National Source Tracking System - Serialization Requirements Part 32 with reference to Part 20 Appendix E 71 FR 65685 | 02/06/2007 | Final ML083050030 | No Comments 12/18/2008 ML083400038 | |
| 2006-3 | National Source Tracking System Part 20 71 FR 65685, 72 FR 59162 | 01/31/2009 | Final ML083050030 | No Comments 12/18/2008 ML083400038 | |
| 2007-1 | Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35 72 FR 45147, 54207 | 10/29/2010 | Final ML103120326 | No Comments 01/12/2011 ML103360248 | |
| 2007-2 | Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements Parts 30, 31, 32, 150 72 FR 58473 | 12/17/2010 | Final ML091380031 | No Comments 07/02/2009 ML091600466 | |
| 2007-3 | Requirements for Expanded Definition of Byproduct Material Parts 20, 30, 31, 32, 33, 35, 61, 150 72 FR 55864 | 11/30/2010 | R ¹ ML120100267 | No Comments 02/21/2012 ML120370416 | |

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|---------|--|-----------------------------|----------------------------------|--|-------|
| 2007-4 | Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material NRC Order EA-07-305 72 FR 70901 | 06/05/2008 | License Condition ML080460449 | No Comments 03/12/2008 ML080720077 | |
| 2008-1 | Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19, 20 72 FR 68043 | 02/15/2011 | Final ML091380048 | No Comments 07/07/2009 ML091600652 | |
| 2009-1 | Medical Use of Byproduct Material – Authorized User Clarification Part 35 74 FR 33901 | 09/28/2012 | Final ML120100267 | No Comments 02/21/2012 ML120370416 | |
| 2011-1 | Decommissioning Planning Parts 20, 30, 40, 71 76 FR 35512 | 12/17/2015 | Final ML13330A553 | No Comments 12/23/2013 ML13330A097 | |
| 2011-2 | Licenses, Certifications, and Approvals for Materials Licensees Parts 30, 36, 39, 40, 70, and 150 76 FR 56951 | 11/14/2014 | Final ML13228A018 | No Comments 09/18/2013 ML13228A016 | |
| 2012-1 | Change of Compatibility of 10 CFR 31.5 and 31.6 (See RATS ID: 2001-1 for Rule text) 77 FR 3640 | 01/25/2015 | Final ML12361A139 | No Comments 02/06/2013 ML13011A272 | |

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|---------|--|-----------------------------|---|--|-------|
| 2012-2 | Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste Part 71 77 FR 34194 | 08/10/2015 | Final ML12361A139 | No Comments 02/06/2013 ML13011A272 | |
| 2012-3 | Technical Corrections Parts 30, 34, 40 and 71 77 FR 39899 | 08/06/2015 | Proposed ML14352A073 Final ML15176A551 | No Comments 01/16/2015 ML14352A062 No Comments 07/23/2015 ML15176A515 | |
| 2012-4 | Requirements for Distribution of Byproduct Material Parts 30, 31, 32, 40 and 70 77 FR 43666 | 10/23/2015 | Proposed ML15097A046 Final ML15314A591 | No Comments 05/04/2015 ML15097A044 Comment 12/19/15 ML15314A562 | |
| 2013-1 | Physical Protection of Byproduct Material Parts 20, 30, 32, 33, 34, 35, 36, 37, 39, and 71 78 FR 16922 | 03/19/2016 | Final ML14161A337 | No Comments 07/30/2014 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 78 FR 32310 | 08/27/2016 | Proposed ML15091A243 Final ML15355A134 | No Comments 04/28/2015 ML15091A235 Comment 01/13/2016 ML15355A129 | |

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|---------|---|-----------------------------|---|--|-------|
| 2015-1 | Domestic Licensing of Special Nuclear Material – Written Reports and Clarifying Amendments Part 70 79 FR 57721, 80 FR 143 | 01/26/2018 | Proposed ML15336A030 | No Comments 12/15/15 ML15336A029 | |
| 2015-2 | Safeguards Information - Modified Handling Categorization, Change for Materials Facilities Parts 30, 37, 73, and 150 79 FR 58664, 80 FR 3865 | 01/28/2018 | Proposed ML15181A443 Final ML15327A068 | No Comments 07/21/2015 ML15181A434 No Comments 12/10/15 ML15327A060 | |
| 2015-3 | Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements Part 71 80 FR 33987 | 07/13/2018 | | | |
| 2015-4 | Miscellaneous Corrections Parts 37 and 40 80 FR 45841 | 09/02/2018 | Proposed ML15308A488 | No Comments 11/25/15 ML15308A487 | |
| 2015-5 | Miscellaneous Corrections Parts 19, 20, 30, 32, 37, 40, 61, 70, 71, and 150 80 FR 74974 | 12/31/2018 | | | |

¹R stands for proposed changes to a final rule.