

April 25, 2007

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 final revisions to the Ohio regulations 3701:1-40-16 of the Ohio Administrative Code, received by our office on April 11, 2007. These regulations were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) rules in 10 CFR Part 30 and the requirements of the one amendment identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with Michael Snee on April 24, 2007.

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://www.hsrdo.org/nrc/rulemaking.htm>.

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 (email: kxs@nrc.gov) or Monica Orendi at 301-415-3938 (email: mlo1@nrc.gov).

Sincerely,

IRA KNSchneider For

Scott W. Moore, 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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| NAME | MOrandi | KSchneider | FCameron | DWhite | SMoore |
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STATE REGULATION STATUS

State: OHIO

[1 Amendment reviewed is identified by a ★
at the beginning of the equivalent NRC regulation]

Tracking Ticket Number: 7-38

Date: APRIL 25, 2007

| NRC Chronology Identification | FR Notice (Date Due for State Implementation) | RATS ID | Proposed (P) / Final (F) ¹ Rule / License Condition (LC) ML # ⁴ | NRC Review / Y, N ¹ / Date / ML # ⁴ | Final State Regulation ¹ (Effective Date) |
|--|--|------------|---|---|--|
| Safety Requirements for Radiographic Equipment-Part 34 | 55 FR 843; (1/10/94) | 1991-1 | F ML023250117 | N 1/9/03 ML030060349 | 10/20/02 |
| ASNT Certification of Radiographers-Part 34 | 56 FR 11504; (none) | 1991-2 | F ML023250117 | N 1/9/03 ML030060349 | 10/20/02 |
| 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; (1/1/94) | 1991-3 | F ML040920160 | N 4/14/04 ML041060011 | 7/22/01 |
| Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70 | 56 FR 64980; (10/15/94) | 1991-4 | P | Y 7/26/00 | |
| Quality Management Program and Misadministrations-Part 35 | 56 FR 34104; (1/27/95) | 1992-1 | F ML061440106 | N 6/8/06 ML061590424 | |
| Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions-Parts 30,35 | 57 FR 45566; (none) | 1992-2 | F ML061440106 | N 6/8/06 ML061590424 | 10/9/98 ⁶ |
| Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]-Parts 30, 40 | 58 FR 39628; (10/25/96) | 1993-1 | P | Y 7/26/00 | 10/9/98 ⁵ |
| Licensing and Radiation Safety Requirements for Irradiators-Part 36 | 58 FR 7715; (7/1/96) | 1993-2 | F ML023250117 | N 1/9/03 ML030060349 | 10/20/02 |
| Definition of Land Disposal and Waste Site QA Program-Part 61 | 58 FR 33886; (7/22/96) | 1993-3 | | | 10/9/98 ⁵ |
| Self-Guarantee as an Additional Financial Mechanism-Parts 30, 40, 70 | 58 FR 68726; 59 FR 1618 (none) | 1994-1 | | | 10/9/98 ⁶ |
| Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards-Part 40 | 59 FR 28220; (7/1/97) | 1994-2 | | | 10/9/98 ⁵ |

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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 ⁵ |
| 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 ML061440106 | N 6/8/06 ML061590424 | 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 ⁵ |
| 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 | F ML023250117 | N 1/9/03 ML030060349 | 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 ⁵ |
| Medical Administration of Radiation and Radioactive Materials-Parts 20, 35 | 60 FR 48623; (10/20/98) | 1995-7 | P ML042230062 | N 10/14/2004 ML042890002 | 10/9/98 ⁵ |
| 10 CFR Part 71: Compatibility with the International Atomic Energy Agency-Part 71 | 60 FR 50248; 61 FR 28723 (4/1/99) | 1996-1 | | | superceded by 2004-1 |
| One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses-Parts 30, 40, 70 | 61 FR 1109; (none) | 1996-2 | P | N 07/26/00 | 10/9/98 ⁶ |
| Termination or Transfer of Licensed Activities: Record Keeping Requirements-Parts 20, 30, 40, 61, 70 | 61 FR 24669; (6/17/99) | 1996-3 | P | N 07/26/00 | 10/9/98 ⁵ |
| Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act-Part 20 | 61 FR 65120; (1/9/00) | 1997-1 | F ML041900134 | N 8/9/04 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 ML041240504 | N 6/14/04 ML041670402 | 11/27/02 |

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| Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35 | 62 FR 4120; (5/29/00) | 1997-3 | P ML042230062 | N 10/14/2004 ML042890002 | 10/9/98 ⁵ |
| Fissile Material Shipments and Exemptions-Part 71 | 62 FR 5907; (none) | 1997-4 | | | superseded by 2004-1 |
| 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 | F ML023250117 | Y 1/9/03 ML030060349 | 10/20/02 |
| Radiological Criteria for License Termination-Parts 20, 30, 40, 70 | 62 FR 39058; (8/20/00) | 1997-6 | | | 10/9/98 ⁵ |
| Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea-Part 30 | 62 FR 63634; (1/02/01) | 1997-7 | F ML041240504 | 6/14/04 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 ML010380259 ML010870344 | N 12/12/01 ML013530072 | 10/9/98 ⁵ |
| 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 ⁶ |
| License Term for Medical Use Licenses-Part 35 | 63 FR 31604; (none) | 1998-3 | | | 10/9/98 ⁶ |
| Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations-Part 34 | 63 FR 37059; (7/9/01) | 1998-4 | F ML041240504 | N 6/14/04 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 ⁵ |
| Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20 | 63 FR 50127; (11/20/01) | 1998-6 | F ML041900134 | N 8/9/04 ML042220269 | 7/26/01 |
| Radiological Criteria for License Termination of Uranium Recovery Facilities-Part 40 | 64 FR 17506; (6/11/02) | 1999-1 | F ML060580024 | N 4/13/06 ML061030457 | |
| 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 ³ |

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| Respiratory Protection and Controls to Restrict Internal Exposure-Part 20 | 64 FR 54543; 64 FR 55524 (2/2/03) | 1999-3 | F ML040920160 | N 4/14/04 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 ML023250117 | N 1/9/03 ML030060349 | 10/20/02 |
| New Dosimetry Technology-Parts 34, 36, 39 | 65 FR 63749; (1/8/04) | 2000-2 | F ML023250117 | N 1/9/03 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 ⁸ ML041900134 | Y 8/31/06 ML062370212 | 10/18/02 |
| Revision of the Skin Dose Limit-Part 20 | 67 FR 1629; (4/5/05) | 2002-1 | P ML042230062 | N 10/14/04 ML042890002 | |
| Medical Use of Byproduct Material-Parts 20, 32, 35 | 67 FR 20249; (4/24/05) | 2002-2 | F ML061440106 | N 6/8/06 ML061590424 | |
| Financial Assurance for Materials Licensees – Parts 30, 40, 70 | 68 FR 57327 12/3/06 | 2003-1 | | | |
| Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments – Part 71. | 69 FR 3697; (10/01/07) | 2004-1 | F ML063170453 | N 12/15/06 ML063490049 | |
| ★Security Requirements for Portable Gauges Containing Byproduct Material - Part 30 | 70 FR 2001; (7/11/08) | 2005-1 | F ML071010099 | N 4/25/07 ML071150005 | |
| Medical Use of Byproduct Material - Recognition of Specialty Boards - Part 35 | 70 FR 16336; 71 FR 1926 (4/29/08) | 2005-2 | | | |
| Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) ⁷ | 70 FR 72128; (12/1/05) | 2005-3 | LC ML053120143 | N 11/10/05 ML053180026 | 12/2/05 |
| Minor Amendments - Parts 20, 30, 32, 35, 40, and 70 | 71 FR 15005 (3/27/09) | 2006-1 | | | |
| National Source Tracking System - Serialization Requirements - Part 32 with reference to Part 20 Appendix E | 71 FR 65685 (2/6/07) | 2006-2 | P ML070380488 | N 03/06/07 ML070650102 | Not Applicable 02/01/07 ML070310347 |

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| National Source Tracking System - Part 20 | 71 FR 65865 (11/15/07) & (11/30/07) | 2006-3 | P ML070380488 | N 03/06/07 ML070650102 | |

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.
8. A re-review was completed on this item due to change in compatibility of 31.5 and 31.6. More information can be found in the All Agreement States letter STP 05-072.
9. R stands for proposed changes made to final regulations.