

# OHIO DEPARTMENT OF HEALTH

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BOB TAFT  
Governor

J NICK BAIRD, M.D.  
Director of Health

February 6, 2002

Paul H. Lohaus  
Director  
Office of State and Tribal Programs  
United States Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Mr. Lohaus,

I am writing you in response to your letter dated January 14, 2002. The letter contained United States Nuclear Regulatory Commission, USNRC, comments on Ohio rule 3701:1-48, which is Ohio's version of 10 CFR 34.

The letter contains eight comments and one editorial change concerning the compatibility to USNRC regulations of Ohio chapter 3701:1-48. Six of the comments and the editorial change were incorporated into the appropriate rule as recommended by the USNRC. The remaining two comments and Ohio's response are outlined below:

1. Rule 48-16(E) – 10 CFR 34.43(e)

NRC's comment - The term designee was replaced by other qualified individual. These terms have different meanings. This sentence should be changed to meet the compatibility requirement.

Ohio's response – The term in 3701:1-48-16(E) was changed to "qualified designee". We feel that this change meets the compatibility requirement.

2. 10 CFR 34 Appendix A

NRC's comment – This Appendix was deleted from the Ohio rules. It should be added to meet the compatibility requirement.

Ohio's response – Rule 3701:1-48-16(A) includes 10 CFR 34 Appendix A by reference.

Please feel free to contact Marcia Howard or myself at 614-644-2727 if there are any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger L. Suppes".

Roger L. Suppes, Chief  
Bureau of Radiation Protection

STATE OF OHIO  
Ohio Department of Health  
Bureau of Radiation Protection  
Dr. J. Nick Baird, M.D., Director of Health

Date: 2/28/02	From: Roger Supper
To: Paul Lohaus	Agency/Co.: ODH
Company: USNRC	Phone #: 614-644-2727
Fax #: 301-415-3502	No. of Pages (Including this Cover): 2
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COMMENTS: \_\_\_\_\_

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