

AGENCY MEMORANDUM OF RESPONSE

TO: Jacob Ritzenthaler, Regulatory Policy Advocate

CC: Carrie Kuruc
Director of the Common Sense Initiative Office Ohio Lieutenant Governor

FROM: Lisa Eschbacher
Deputy General Counsel
Ohio Department of Health

RE: Packaging and Transportation of Radioactive Material
(OAC Chapter Rules 3701:1-50-01 through 3701:1-50-07, 3701:1-50-10 through 3701:1-50-13, 3701:1-50-15 through 3701:1-50-20, and 3701:1-50-23 through 3701:1-50-26)

DATE: December 2, 2019

Thank you for permission to move forward with Original Filing O.A.C. Rules OAC 3701:1-50-01 through 3701:1-50-07, 3701:1-50-10 through 3701:1-50-13, 3701:1-50-15 through 3701:1-50-20, and 3701:1-50-23 through 3701:1-50-26 with JCARR. This rule package consists of thirteen amended rules and eight no-change rules proposed by the Ohio Department of Health (ODH). This rule package was submitted to the CSI Office on October 22, 2019 and the public comment period was held open through November 22, 2019. No comments were received during this time. The rules contained in this package establish regulations related to the packaging and transportation of radioactive material; set forth the definitions used throughout the Chapter, the scope of the regulations, record keeping and licensing requirements; state general transportation requirements and exemptions for materials with only low levels of radiation; establish general licenses for certain types of material transport, including packages approved by the United States Nuclear Regulatory Commission and fissile material; establish regulations regarding exemptions, determinations of shipped packages, and assumptions of unknown properties; describes the requirements for plutonium to be transported by air; and concern the remaining record keeping, notification, exemption, and quality assurance requirements for licensees. The amendments to the rules in this package are largely being made to update references to federal regulations. The business community impacted by these rules includes 720 radioactive material licensees currently operating in Ohio, as well as 69 other licensees regulated through reciprocity.