

February 1, 2007

Paul Schmidt, Manager
Radiation Protection Section-Division of Public Health
Department of Health and Family Services
P.O. Box 2659
Madison, WI 53701-2659

Dear Mr. Schmidt:

We received Wisconsin's email response dated December 21, 2006 to our All Agreement State letter (FSME-06-110) dated December 12, 2006, regarding the implementation of the National Source Tracking System (NSTS) requirement to assign serial numbers to each nationally tracked source. According to FSME 06-110 any State that has licensees that are authorized to manufacture sources subject to tracking in the NSTS will need to take appropriate action to implement this requirement on or before February 6, 2007. From your response we understand that Wisconsin does not have any licensees which meet these conditions and, therefore, Wisconsin does not need to implement this requirement at this time. However, should Wisconsin in the future, acquire a licensee which is authorized to manufacture sources subject to the tracking in the NSTS, Wisconsin would need to take actions to implement these requirements at that time.

Thank you for your quick and timely response to this matter.

The State Regulation Status (SRS) Summary Sheet, summarizes our knowledge of other Wisconsin regulations and legally binding requirements as indicated. Please let us know if you note any inaccuracies, or have any comments on the information contained in the SRS summary sheet. This letter including your SRS summary sheet is posted on the Office of Federal and State Materials and Environmental Management Programs (FSME) website: <http://www.hrsd.ornl.gov/nrc/rulemaking.htm>.

If you have any questions regarding this letter or the attached SRS summary sheet please contact Kathleen Schneider, State Regulation Review Coordinator at 301-415-2320 (email: kxs@nrc.gov), Ernesto Quiñones at 301-415-0271 (email: eqp@nrc.gov), or Monica Orendi at 301-415-3938 (email: mlo1@nrc.gov).

Sincerely,

IRA By S.W. Moore

Scott W. Moore, Deputy Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials and
Environmental Management Programs

Enclosure:
As stated

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Enclosure: As stated

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STATE REGULATION STATUS

State: Wisconsin

[1 amendment reviewed identified by a ★
at the beginning of the equivalent NRC requirement.]

Tracking Ticket Number: 7-4

Date: February 1, 2007

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed (P) / Final (F) ¹ Rule / ML # ⁵	NRC Review / Y, N ² / Date / ML # ⁵	Final State Regulation ¹ (Effective Date)
Safety Requirements for Radiographic Equipment-Part 34	55 FR 843; (1/10/94)	1991-1			08/01/02 ⁶
ASNT Certification of Radiographers-Part 34	56 FR 11504; (none)	1991-2			08/01/02 ⁶
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			08/01/02 ⁶
Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980; (10/15/94)	1991-4			08/01/02 ⁶
Quality Management Program and Misadministrations-Part 35	56 FR 34104; (1/27/95)	1992-1			08/01/02 ⁶
Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions- Parts 30, 35	57 FR 45566; (none)	1992-2			08/01/02 ⁶
Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]-Parts 30, 40	58 FR 39628; (10/25/96)	1993-1			08/01/02 ⁶
Licensing and Radiation Safety Requirements for Irradiators-Part 36	58 FR 7715; (7/1/96)	1993-2			08/01/02 ⁶
Definition of Land Disposal and Waste Site QA Program-Part 61	58 FR 33886; (7/22/96)	1993-3			08/01/02 ⁶
Self-Guarantee as an Additional Financial Mechanism-Parts 30, 40, 70	58 FR 68726; 59 FR 1618; (none)	1994-1			08/01/02 ⁶
Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards-Part 40	59 FR 28220; (7/1/97)	1994-2			Not required ³
Timeliness in Decommissioning Material Facilities-Parts 30, 40, 70	59 FR 36026; (8/15/97)	1994-3			08/01/02 ⁶
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			08/01/02 ⁶
Frequency of Medical Examinations for Use of Respiratory Protection Equipment-Part 20	60 FR 7900; (3/13/98)	1995-2			08/01/02 ⁶
Low-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61	60 FR 15649; 60 FR 25983; (3/1/98)	1995-3			08/01/02 ⁶

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Performance Requirements for Radiography Equipment-Part 34	60 FR 28323; (6/30/98)	1995-4			08/01/02 ⁶
Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20	60 FR 36038; (8/14/98)	1995-5			08/01/02 ⁶
Clarification of Decommissioning Funding Requirements-Parts 30, 40, 70	60 FR 38235; (11/24/98)	1995-6			08/01/02 ⁶
Medical Administration of Radiation and Radioactive Materials-Parts 20, 35	60 FR 48623; (10/20/98)	1995-7			08/01/02 ⁶
10 CFR Part 71: Compatibility with the International Atomic Energy Agency-Part 71	60 FR 50248; 61 FR 28724; (4/1/99)	1996-1			08/01/02 ⁶
One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses- Parts 30, 40, 70	61 FR 1109; (none)	1996-2			08/01/02 ⁶
Termination or Transfer of Licensed Activities: Recordkeeping Requirements-Parts 20, 30, 40, 61, 70	61 FR 24669; (6/17/99)	1996-3			08/01/02 ⁶
Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act- Part 20	61 FR 65120; (1/9/00)	1997-1			08/01/02 ⁶
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			08/01/02 ⁶
Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35	62 FR 4120; (5/29/00)	1997-3			08/01/02 ⁶
Fissile Material Shipments and Exemptions-Part 71	62 FR 5907; (none)	1997-4			08/01/02 ⁶
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations-Parts 30, 34, 71, 150	62 FR 28947; (6/27/00)	1997-5			08/01/02 ⁶
Radiological Criteria for License Termination-Parts 20, 30, 40, 70	62 FR 39057; (8/20/00)	1997-6			08/01/02 ⁶
Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea- Part 30	62 FR 63634; (1/02/01)	1997-7			08/01/02 ⁶
Deliberate Misconduct by Unlicensed Persons-Parts 30, 40, 61, 70, 71, 150	63 FR 1890; 63 FR 13773; (2/12/01)	1998-1			08/01/02 ⁶
Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees- Parts 30, 40, 70	63 FR 29535; (none)	1998-2			08/01/02 ⁶
License Term for Medical Use Licenses-Part 35	63 FR 31604; (none)	1998-3			08/01/02 ⁶

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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			08/01/02 ⁶
Minor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20, 35, 36	63 FR 39477; 63 FR 45393; (10/26/01)	1998-5			08/01/02 ⁶
Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20	63 FR 50127; (11/20/01)	1998-6			08/01/02 ⁶
Radiological Criteria for License Termination of Uranium Recovery Facilities-Part 40	64 FR 17506; (6/11/02)	1999-1			08/01/02 ⁶
Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information-Part 31	64 FR 42269; (none)	1999-2			08/01/02 ⁶
Respiratory Protection and Controls to Restrict Internal Exposure-Part 20	64 FR 54543; 64 FR 55524; (2/2/03)	1999-3			08/01/02 ⁶
Energy Compensation Sources for Well Logging and Other Regulatory Clarifications-Part 39	65 FR 20337; (5/17/03)	2000-1			08/01/02 ⁶
New Dosimetry Technology-Parts 34, 36, 39	65 FR 63750; (1/8/04)	2000-2			08/01/02 ⁶
Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material - Parts 30, 31, 32	65 FR 79162; (2/16/04)	2001-1	P ⁸ ML012770029	Y 8/31/06 ML062410002	08/01/02 ⁶
Revision of the Skin Dose Limit-Part 20	67 FR 1629; (4/5/05)	2002-1	F ML063120323	N 1/09/07 ML070090076	08/01/02 ⁶
Medical Use of Byproduct Material-Parts 20, 32, 35	67 FR 20249; (10/24/05)	2002-2	P ML060740270	Y 05/11/06 ML061310350	
Financial Assurance for Materials Licensees – Parts 30, 40, 70	68 FR 57327; (12/3/06)	2003-1	F ML063120323	N 1/09/07 ML070090076	
Compatibility with IAEA Transportation Safety Standards and Other Transportation Safety Amendments - Part 71	69 FR 3697; (10/01/07)	2004-1	F ML063120323	Y 1/09/07 ML070090076	
Security Requirements for Portable Gauges Containing Byproduct Material - Part 30	70 FR 2001; (7/11/08)	2005-1	F ML063120323	N 1/09/07 ML070090076	
Medical Use of Byproduct Material - Recognition of Specialty Boards - Part 35	70 FR 16336; 71 FR 1926 (4/29/08)	2005-2	F ML063120323	Y 1/09/07 ML070090076	

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Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) ⁷	70 FR 72128; (12/1/05)	2005-3	LC ML052560315	N 09/14/05 ML052580010	
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			Not Applicable 02/01/07 ML 70310335
National Source Tracking System - Part 20	71 FR 65865 (11/15/07) & (11/30/07)	2006-3			

1. Or 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. A State need not adopt a specific regulation if the State has no licensees that would be subject to the regulation. See: "Final Policy Statement on Adequacy and Compatibility of Agreement State Programs," III.1.Time From For Adoption of Compatible State Regulations, p. 6, SECY-95-112, May 3, 1995.
5. ADAMS ML Number.
6. Wisconsin became an Agreement State effective 08/11/03. The State incorporated NRC regulations 08/01/02 and these regulations were found compatible.
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
8. A re-review was completed on this item due to the change in compatibility category of 31.5 and 31.6. More information can be found in the All Agreement States letter STP 05-072.