



NORTH DAKOTA
DEPARTMENT of HEALTH

ENVIRONMENTAL HEALTH SECTION
Gold Seal Center, 918 E. Divide Ave.
Bismarck, ND 58501-1947
701.328.5200 (fax)
www.ndhealth.gov



December 2, 2008

James Luehman, Deputy Director
Division Materials Safety and State Agreements
Office of Federal and State Materials and
Environmental Management Programs
U.S. Nuclear Regulatory Commission, T8-E24
Washington, DC 20555-0001

Dear Mr. Luehman:

Enclosed is a copy of the legally binding requirement for the National Source Tracking System Part 20 with an Implementation Date of 01/31/09. The legally binding requirements correspond to the following equivalent amendments to NRC's regulations.

| <u>Rats ID</u> | <u>Title</u> | <u>State Section</u> |
|----------------|--|----------------------|
| • 2006-3 | National Source Tracking System Part 20 | License Condition |

We believe that adoption of these legally binding requirements satisfies the compatibility and health and safety categories established in the Office of Federal and State Materials and Environmental Management Programs (FSME) Procedure SA-200.

We plan to use this license condition on our Increased Controls licensees.

If you have any questions, please feel free to contact me at 701-328-5188 or Louise Roehrich of my staff at 701-328-5188 or lrroehrich@nd.gov.

Sincerely,

Daniel E. Harman
Manager
Radiation Control Program

DEH:saj

Enc:

License Condition for Implementing the National Source Tracking System

To ensure nationwide implementation of the National Source Tracking System (NSTS), consistent with the startup of the NSTS computer database as imposed by 10 CFR Part 20.

The licensee must comply with the initial inventory reporting requirement in 10 CFR 20.2207(h) for nationally tracked sources by the dates imposed in that paragraph. The licensee must also comply with the reporting requirements for transactions involving nationally tracked sources in 10 CFR § 20.2207. This section includes the requirement to report any manufacture, transfer, receipt, disassembly, or disposal of a nationally tracked source, otherwise allowed by this license, by the close of the next business day after the transaction. A nationally tracked source, as defined in 10 CFR § 20.1003, refers to a sealed source containing a quantity equal to or greater than Category 1 or Category 2 levels of any radioactive material listed in Appendix E to 10 CFR Part 20 - "Nationally Tracked Source Thresholds."