



DIVISION OF PUBLIC HEALTH

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August 13, 2009

Terrence Reis, Deputy Director
Division of 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. Reis;

Enclosed is a copy of the proposed revisions to the State of Wisconsin radiological health rules, Chapter DHS 157 'Radiation Protection'. The proposed revisions will be made available for public comment effective August 13, 2009 with a request for comments by October 21, 2009. We have also scheduled two public hearings in Milwaukee and Madison on October 13 and 14, respectively. We request NRC's written comments on the proposed revision to DHS 157 by October 21, 2009.

The proposed revisions are identified by line-in / line-out and red highlighting, except where Chapter DHS 157 'Radiation Protection' was repealed or repealed/recreated, and correspond to the following equivalent amendments to NRC's regulations:

RATS ID	Title	State Action
2006-1	Minor Amendments – Parts 20, 30, 32, 35, 40, and 70	Incorporated in proposed rule
2006-2	National Source Tracking System – Serialization Requirements Part 32 (with Reference to Part 20 Appendix E)	Incorporated in proposed rule
2006-3	National Source Tracking System Part 20	Incorporated in proposed rule (Note: Currently addressed with license condition)

2007-1	Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35	Incorporated in proposed rule
2007-2	Exemptions from Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements Parts 30, 31, 32, and 150	Incorporated in proposed rule
2007-3	Requirements for Expanded Definition of Byproduct Material Parts 20, 30, 31, 32, 33, 35, 61, and 150	Incorporated in proposed rule
2007-4	Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material	Not in proposed rule (Implemented by license conditions)
2008-1	Occupational Dose Records, Labeling Containers, and the Total Effective Dose Equivalent Parts 19 and 20	Incorporated in proposed rule

In addition, Chapter DHS 157 'Radiation Protection' was also amended to address the comments from NRC in letters dated August 31, 2006 and March 13, 2007.

DHS 157 is based upon the Suggested State Regulations for the Control of Radiation (SSRCR) developed by the Conference of Radiation Control Program Directors (CRCPD). Since the SSRCR may not incorporate all NRC regulations required for purposes of compatibility, we have reviewed current federal regulations in 10 CFR Parts 19, 20, 31, 33-36, 39, 40, 70, 71 and 150 and incorporated additional components of these regulations, required for compatibility, into the proposed DHS 157 revision. In lieu of a state section organized by RATS ID, we are providing the enclosed comparison chart that identifies the indicated federal regulations and the corresponding reference in DHS 157.

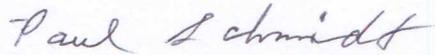
We would like the NRC to address the following issue during the review:

Issue: During the rule development process, a portion of 10 CFR 30.32 (j) was mistakenly omitted from the draft rule. The corresponding language in the proposed rule was supposed to be under DHS 157.13 (1) (j). Although the DHS 157.13 (1) (j) paragraph was mistakenly omitted from the rule, sections (1) – (4) are included. The omitted language is indicated in the draft rule. The comparison chart also highlights this omission. Please evaluate and comment, as appropriate.

We believe that adoption of these revisions satisfies the compatibility and health and safety categories established in the Office of Federal and State Materials and Environmental Programs (FSME) Procedure SA-200. However, we are prepared to modify DFS 157 in response to NRC comments, if necessary, in order to meet NRC compatibility requirements.

If you have any questions, please feel free to contact me at (608) 267-2792 or paul.schmidt@dhs.wisconsin.gov.

Sincerely,



Paul Schmidt, Chief
Radiation Protection Section

cc: Kathleen Schneider, Senior Project Officer
Jim Lynch, NRC Region III

Enclosures: Proposed Chapter DHS 157 'Radiation Protection'
10 CFR / DHS 157 Comparison