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May 18, 2010

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 final revision to the State of Wisconsin radiological health rules, Chapter DHS 157 'Radiation Protection'. The final changes to DHS 157 from the 2006 rule are identified by line-in/line-out text. Yellow highlighting shows the changes since the draft rule was submitted to you with letter dated August 13, 2009, 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 final rule
2006-2	National Source Tracking System – Serialization Requirements Part 32 (with Reference to Part 20 Appendix E)	Incorporated in final rule
2006-3	National Source Tracking System Part 20	Incorporated in final rule
2007-1	Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35	Incorporated in final rule
2007-2	Exemptions from Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements Parts	Incorporated in final rule

	30, 31, 32, and 150	
2007-3	Requirements for Expanded Definition of Byproduct Material Parts 20, 30, 31, 32, 33, 35, 61, and 150	Incorporated in final rule
2007-4	Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material	Not in final rule (Implemented by license conditions)
2008-1	Occupational Dose Records, Labeling Containers, and the Total Effective Dose Equivalent Parts 19 and 20	Incorporated in final rule

In addition, Chapter DHS 157 'Radiation Protection' was also amended to address the comments from the 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 final 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 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. The official State of Wisconsin Legislative Administrative code and appendices can be found at <http://www.legis.state.wi.us/>. Under Wisconsin Law, go to Administrative Code, double-click Wisconsin Administrative Code, and use the left hand menu to go through (1) Administrative Code Related; (2) Administrative Code; (3) Health Services; then (4) DHS 157.

The following are three issues we would like the NRC to note:

1. No action was taken in regard to NRC comment number 5 in your letter dated September 23, 2009 as 10 CFR 31.5 is currently under revision. The proposal will be evaluated during the next Rule revision. See attached 'Resolution of comments in Wisconsin final regulations, Effective Date May 1, 2010'.

2. Areas of the medical subchapter of DHS 157 were revised to match Federal Register Notice (74 FR 33901) dated July 14, 2009 to allow certain individuals already named on radioactive materials licenses to act as preceptors.
3. In DHS 157.61(10)(a) the word “authorized” was deleted prior to “nuclear pharmacist”.

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: Chapter DHS 157 'Radiation Protection'
'Resolution of comments in Wisconsin final regulations, Effective Date May 1, 2010'
10 CFR / DHS 157 Comparison Chart