



DIVISION OF PUBLIC HEALTH

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January 24, 2014

Pamela J. Henderson, 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, D.C. 20555-0001

Dear Ms. Henderson:

Enclosed is a copy of the proposed license condition to address implementation of 10 CFR Part 37, Physical Protection of Byproduct Material. Revisions have been made in response to compatibility comments included with your December 23, 2013 letter. 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>
20013-1	Physical Protection of Byproduct Material, Part 37	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.

If you have any questions, please feel free to contact Cheryl Rogers at 608-266-8135 or Cheryl.Rogers@dhs.wisconsin.gov.

Sincerely,

Paul Schmidt, Chief
Radiation Protection Section

Enclosures:
As stated

Proposed License Condition:

The licensee shall comply with Title 10 Code of Federal Regulations, Part 37 except as follows:

- (a) Sections 37.1, 37.3, 37.7, 37.9, 37.11(a-b), 37.13, 37.43(d)(9), 37.77(f), 37.105, 37.107, and 37.109 are excluded.
- (b) Any reference to the Commission or NRC shall be deemed to be a reference to the Wisconsin Department of Health Services, except:
 - a. 37.5 Definitions: *Agreement State, Byproduct material, Commission, Fingerprint orders, Person,*
 - b. 37.25(b),
 - c. 37.27(a) and (c),
 - d. 37.29(a),
 - e. 37.71 referring to NRC's license verification system.
 - f. 37.71 "licensee of the Commission or an Agreement State" shall be deemed to be a reference to "licensee of the Wisconsin Department of Health Services, NRC or an Agreement State."
- (c) In lieu of the address given in 37.27(c), licensees shall submit fingerprint cards or records to Director, Division of Facilities and Security, U.S. NRC, 11545 Rockville Pike, Rockville, Maryland 20852-2738, ATTN: Criminal History Program, Mail Stop T-03B46M.
- (d) Reference in Part 37 to the following NRC regulation shall be deemed a reference to the identified section(s) in s. DHS 157:

<u>NRC Regulation (10 CFR)</u>	<u>DHS regulation (DHS 157)</u>
30.41(d)	DHS 157.13(15)
- (e) License required reports of events or notifications in 37.41, 37.45, 37.57, 37.77(a)-(d), 37.81, shall use DHS contact information in DHS 157.13(17).

Highlighted changes in response to compatibility comments on the proposed license condition:

The licensee shall comply with Title 10 Code of Federal Regulations, Part 37 except as follows:

(a) Sections 37.1, 37.3, 37.7, 37.9, 37.11(a-b), 37.13, 37.43(d)(9), 37.77(f), 37.105, 37.107, and 37.109 are excluded.

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b. 37.25(b),

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<u>NRC Regulation (10 CFR)</u>	<u>DHS regulation (DHS 157)</u>
30.41(d)	DHS 157.13(15)

(d)(e) For making License required reports of events or notifications in 37.41, 37.45, 37.57, 37.77(a)-(d), 37.81, shall use DHS contact information in DHS 157.13(17).