



NEW YORK CITY DEPARTMENT OF
HEALTH AND MENTAL HYGIENE
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Commissioner

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September 22, 2015

Pamela J. Henderson, Deputy Director
Division Material Safety, State, Tribal, and Rulemaking Programs
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
T8-E18
Washington, D.C. 20555-0001

Dear Ms. Henderson:

Enclosed is a copy of the final revisions to the NYC legally binding requirements incorporating, Title 10 Code of Federal Regulations, Part 37, "Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material", March 19, 2013. The legally binding requirements are identified by line-in/line-out text (or similar identification) and correspond to the following equivalent amendments to NRC's regulations.

<u>Rats ID</u>	<u>Title</u>	<u>State Section</u>
2013-1	Title 10 Code of Federal Regulations, Part 37	License Condition

We believe that adoption of these revisions satisfies the compatibility and health and safety categories established in the Office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-200.

The following are two issues that we would like the NRC to address and/or confirm:

- 1) NYC Health Code 175.105 (d)(6) covers the specific requirements of 10 CFR 71.91.
- 2) NYC Health Code 175.101 and 175.102 covers the requirements of 10 CFR Part 30.

The attached NYC license condition for 10 CFR Part 37 will remain legally binding until promulgation of the final regulations either by incorporation by reference or with a new section in the NYC Health Code Article 175.

If you have any questions, please feel free to contact me at [347-396-6126] or [347-396-6000] or Hailu Tedla of my staff at [347-396-6134] or [htedla@health.nyc.gov].

Sincerely,



Geoffrey Korir, Ph.D.
Director, Office of Radiological Health
New York City

Enclosure: Implementing part 37 by license condition NYCDOHMH