



STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF RADIOLOGICAL HEALTH  
WILLIAM R. SNODGRASS TENNESSEE TOWER, 15<sup>TH</sup> FLOOR  
312 ROSA L. PARKS AVENUE, NASHVILLE, TENNESSEE 37243

October 19, 2015

Pamela J. Henderson, 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, 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. The legal binding requirements correspond to the following equivalent amendments to the NRC's regulations.

<u>RATS ID</u>	<u>Title</u>	<u>State Section</u>
2013-1	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 me at 615-532-0364 or [Debra.Shults@tn.gov](mailto:Debra.Shults@tn.gov).

A handwritten signature in cursive script that reads "Debra G. Shults".

Debra G. Shults  
Director  
Department of Environment and Conservation  
Division of Radiological Health

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, 37.77(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 Division or Radiological Health, 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 Division of Radiological Health, 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 Tennessee "State Regulations for Protection Against Radiation" (SRPAR):

<u>NRC Regulation (10 CFR)</u>	<u>TDRH regulation (SRPAR)</u>
30.41(d)	0400-20-10-.22(4)

(e) License required reports of events or notifications in 37.41, 37.45, 37.57, 37.77(a)-(d), 37.81, shall use TDRH contact information in SRPAR 0400-20-04-.07.