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DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH

Radiation Control Program  
675 Fairview Drive, Suite 218  
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Telephone: (775) 687-7550 · Fax: (775) 687-7552

October 20, 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 proposed license condition to address implementation of 10 CFR Part 37, Physical Protection of Byproduct Material. Amendment of Nevada Administrative Code 459 to include 10 CFR Part 37 is pending adoption of R144-13 which was reviewed for compatibility in your letter date September 11, 2013. 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>
• 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 Nuclear Material Safety and Safeguards (NMSS) Procedure SA-200.

If you have any questions, please feel free to contact Michael Schmidt, Radiation Control Specialist III at (775) 687-7530 or at [mschmidt@health.nv.gov](mailto:mschmidt@health.nv.gov).

Sincerely,

A handwritten signature in black ink that reads "Karen K. Beckley".

Karen K. Beckley, M.P.A., M.S.  
Manager, Radiation Control Program

Enclosure: Proposed License Condition

MWS/nm

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, 37.105, 37.107, and 37.109 are excluded.

- (b) Any reference to the Commission or NRC shall be deemed to be a reference to the Nevada Radiation Control Program, 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 Nevada Radiation Control Program, 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 Nevada Administrative Code (NAC) 459:  
NRC Regulation 10 CFR 30.41(d) = NAC 459.312
- (e) License required reports of events or notifications in 37.41, 37.45, 37.57, 37.77(a)-(d), 37.81, shall use Nevada Radiation Control Program contact information in NAC 459.134.