



Department of Health
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October 23, 2015

Pamela J. Henderson, Deputy Director
Division of Materials Safety, State, Tribal and
Rulemaking Programs (MSTR)
Office of Nuclear Material Safety and Safeguards (NMSS)
U.S. Nuclear Regulatory Commission, T8-E24
Washington, DC 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 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 Federal and State materials and Environmental Management Programs ((FSME) Procedure SA-200.

If you have any questions, please feel free to contact Charma Waring at (401) 222-4249 or charma.waring@health.ri.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Seema Dixit", is written over a horizontal line.

Seema Dixit, MS, MPH, Chief
Center for Facilities and Regulations
Radiation Control Program

Enclosures:
As stated

Electronically sent to: AgreementStateRegs.Resource@nrc.gov
Michelle.Beardsley@nrc.gov

Proposed License Condition

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

- (a) §§ 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 Rhode Island Department of Health, Radiation Control Agency, except:
 - (1) § 37.5 Definitions: *Agreement State, Byproduct material, Commission, Fingerprint orders, Person;*
 - (2) § 37.25(b);
 - (3) § 37.27(a) and (c);
 - (4) § 37.29(a);
 - (5) § 37.71 referring to NRC's license verification system.
 - (6) § 37.71 "licensee of the Commission or an Agreement State" shall be deemed to be a reference to "licensee of the Rhode Island Radiation Control Agency, 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 Rhode Island *Rules and Regulations for the Control of Radiation*.

<u>NRC Regulation</u>	<u>Rhode Island Regulation</u>
10 CFR 30.41(d)	§ C.5.14
- (e) License required reports of events or notifications in §§ 37.41, 37.45, 37.57, 37.77(a)-(d), 37.81, shall use RCA contact information in § A.5.13 of the Rhode Island *Rules and Regulations for the Control of Radiation*.