



Paul R. LePage, Governor

Mary C. Mayhew, Commissioner

Department of Health and Human Services
Maine Center for Disease Control and Prevention
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February 19, 2016

Pamela J. Henderson, Deputy Director
Division of Material Safety, State, Tribal and Rulemaking 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 legally binding requirements correspond to the following equivalent amendments to the NRC's regulations.

RATS ID
2013-1

Title
Physical Protection
of Byproduct Material,
Part 37

State Section
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. Maine intends to adopt rulemaking to address this regulatory change but since this process is taking longer than planned we have decided to address Part 37 by license condition for the present time.

If you have any questions, please feel free to contact me at 207-287-5677 or jay.hyland@maine.gov.

Sincerely,

Jay Hyland, Manager
Maine Radiation Control Program

Proposed License Condition:

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

- 1) 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.
- 2) Any reference to the Commission or NRC shall be deemed to be a reference to the Maine Department of Health and Human 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 Maine Department of Health and Human Services, NRC or an Agreement State."
- 3) 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.
- 4) Reference in Part 37 to the following NRC regulation shall be deemed a reference to the identified section(s) in the State of Maine Rules Relating to Radiation Protection (SMRRRP):

<u>NRC Regulation (10 CFR)</u>	<u>SMRRRP Regulation</u>
30.41 (d)	Part C.21.D
- 5) License required reports of events or notifications in 37.41, 37.45, 37.57, 37.77(a)-(d), 37.81, shall contact the Maine Radiation Control Program at 286 Water Street, 11 SHS, Augusta, Maine 04333-0011 or call 207-287-5676