

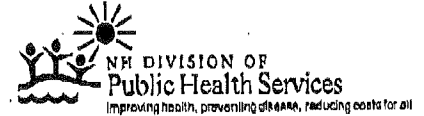


Jeffrey A. Meyers  
Acting Commissioner

Marcella Jordan Bobinsky  
Acting Director

STATE OF NEW HAMPSHIRE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES

29 HAZEN DRIVE, CONCORD, NH 03301-6503  
603-271-4588 1-800-852-3345 Ext. 4588  
Fax: 603-225-2325 TDD Access: 1-800-735-7964



January 20, 2016

Pamela J. Henderson, Deputy Director  
Division Material Safety, State, Tribal,  
and Rulemaking Programs  
U.S. Nuclear Regulatory Commission NMSS/NSTR  
Two White Flint North Building, T8-E18  
11545 Rockville Pike  
Rockville, Maryland 20852-2738

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 U.S. Nuclear Regulatory Commission's regulations.

<u>RATS ID</u>	<u>Title</u>	<u>State Section</u>
2013-1	Physical Protection of Byproduct Material	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.

Please do not hesitate to contact our Radioactive Materials' Program Manager, Twila M. Kenna, Ph.D., at (603) 271-4840 if you have any questions.

Sincerely,

*Original signed by Augustinus Ong*

Augustinus Ong, Administrator  
Radiological Health Section

AO/so

Enclosure

radiological health and materials (fully restored 2006-09-06)\rats - compliance with nrc/rats id 2013-1 physical protection of material (new he-p 4038)\license condition\2016-01-20 letter to nrc (proposed license condition).docx

### 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 New Hampshire Department of Health and Human Services' Radiological Health Section, 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 New Hampshire Department of Health and Human Services' Radiological Health Section, NRC or an Agreement State."
- (c) In lieu of the address 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 the New Hampshire Rules for the Control of Radiation.
- | <u>NRC Regulation</u> | <u>New Hampshire Regulation</u> |
|-----------------------|---------------------------------|
| 10 CFR 30.41(d)       | He-P 4030.16                    |
- (e) License required reports of events or notifications in §§ 37.41, 37.45, 37.57, 37.77(a)-(d), 37.81, shall use New Hampshire Department of Health and Human Services' Radiological Health Section contact information in He-P 4001.12, 4001.08, 4021.13 and 4021.14 of the New Hampshire Rules for the Control of Radiation.