Scott Walker
Governor

Linda Seemeyer
Secretary

DIVISION OF PUBLIC HEALTH

1 WEST WILSON STREET
PO BOX 2659
MADISON WI 53701-2659

Telephone: 608-267-4797
Fax: 608-267-3695
TTY: 711 or 800-947-3529

State of Wisconsin
Department of Health Services

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

December 20, 2016

Dear Ms. Henderson:

Enclosed is a copy of the proposed revisions to Wisconsin Chapter DHS 157 'Radiation Protection'. The proposed rulemaking notice was published on Wisconsin's legislative website for a public comment period on December 19, 2016. We request NRC's comments by February 22, 2017. The enclosed revisions are identified by line in/line out text and correspond to the following equivalent amendments to NRC's regulations. The RATS-ID numbers listed below are the first of four rule packages being submitted to the NRC as part of this draft revision.

Rats ID	Title	State Section
2009-1	Medical Use of Byproduct Material – Authorized User Clarification Part 35 74 FR 33901	DHS 157.61-.64
2011-1	Decommissioning Planning Parts 20, 30, 40 and 70 76 FR 35512	DHS 157.13; DHS 157.15; DHS 157.25; DHS 157.33
2011-2	Licenses, Certifications, and Approvals for Materials Licensees Parts 30, 36, 39, 40, 70 and 150 76 FR 56951	DHS 157.13(7) and (8)
2012-1	Change of Compatibility Parts 31.5 and 31.6 77 FR 3640	DHS 157.11(2)(b); DHS 157.12; DHS 157.14(2)(b)

We believe that adoption of these revisions satisfies the compatibility and health and safety categories established in the Office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-200.

1. With regard to RATS-ID 2009-1, the enclosed changes address NRC comments communicated via letter dated July 14, 2010. Note that we disagree with portions of several comments made in

the letter. We have included text from our existing rule to demonstrate that our rule text is compatible with the equivalent provision in 10 CFR 35.

2. With regard to RATS-ID 2011-1, Wisconsin does not allow termination of licenses under restricted conditions so changes to 10 CFR 20.1403 were not incorporated.

If you have any questions, please feel free to contact Mark Paulson of my staff at 608-264-6516 or mark.paulson@dhs.wisconsin.gov.

Sincerely,

Paul Schmidt
Chief, Radiation Protection Section
State of Wisconsin

Enclosures:

1. RATS ID 2009-1
2. RATS ID 2011-1
3. RATS ID 2011-2
4. RATS ID 2012-1
5. NRC-DHS compatibility chart (crosswalk)
6. Draft DHS 157

Cc: Jim Lynch