

Tony Evers
Governor

Kirsten L. Johnson
Secretary



State of Wisconsin
Department of Health Services

DIVISION OF PUBLIC HEALTH

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March 30, 2023

Theresa Clark, Deputy Director
Division of Materials Safety, Security, State,
and Tribal Programs
Office of Nuclear Material Safety
And Safeguards
U.S. Nuclear Regulatory Commission
T8-E18
Washington, D.C. 20555-0001

Dear Ms. Clark:

Enclosed is a copy of proposed legally binding requirements to address changes to rulemaking due for State adoption. We are proposing two license conditions. License Condition 1 addresses gaps from RATS-IDs 2019-1 through 2021-2 as compared to Wisconsin regulations currently in force. This license condition is being prepared to address timeliness issues related to RATS-ID 2020-1 and will only be used until the proposed rule package currently waiting with our legislature becomes final. NRC previously reviewed comments on this proposed rule package in 2022.

License Condition 2 addresses regulatory changes in RATS-ID 2021-2. RATS-ID 2021-2 was not included in our previous (2022) rule package. Therefore License Condition 2 fulfills legally binding requirements for RATS-ID 2021-2.

The legally binding requirements correspond to the following equivalent amendments to NRC's regulations:

RATS ID	Title	State Section
2019-1	Miscellaneous Corrections to 10 CFR Parts 2, 21, 37, 50, 52, 73, and 110	License Condition 1
2019-2	Organizational Changes and Conforming Amendments to 10 CFR Parts 1, 2, 37, 40, 50, 51, 52, 55, 71, 72, 73, 74, 100, 140, and 150	License Condition 1
2020-1	Individual Monitoring Devices 10 CFR Parts 34, 36, and 39	License Condition 1
2020-2	Social Security Number Fraud Prevention 10 CFR Parts 9 and 35	License Condition 1
2020-3	Miscellaneous Corrections 10 CFR Parts 1, 2, 19, 20, 21, 30, 34, 35, 40, 50, 51, 52, 60, 61, 62, 63, 70, 71, 72, 73, 74, 75, 76, 110, and 140	License Condition 1
2021-1	Miscellaneous Corrections, 10 CFR Parts 2, 11, 20, 25, 32, 35, 37, 50, 52, 55, 70, 72, 73, 95, and 110	License Condition 1

2021-2	Miscellaneous Corrections, 10 CFR Parts 9, 37, 40, 50, 51, 52, 55, 71, 73, and 110	License Conditions 1 and 2
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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 contact Megan Shober by telephone at 608 287-4422 or by email at megan.shober@dhs.wisconsin.gov.

Sincerely,



Mark Paulson
Radiation Protection Section
State of Wisconsin

Enclosures: As stated

Proposed License Condition 1:

In lieu of s. DHS 157.44(6); s. DHS 157.45(11)(c); s. DHS 157.53(3)(a); s. DHS 157.71(4)(b)3.; s. DHS 157.72(2)(f)1.b.; s. DHS 157.73(14)(a); s. DHS 157.94(6)(c); s. DHS 157.9703(3); ch. DHS 157 Appendix O, Determination Of A₁ And A₂; and ch. DHS 157 Appendix U, Category 1 and Category 2 Quantity of Radioactive Material Thresholds, the licensee shall comply with Title 10, Code of Federal Regulations as it exists on March 23, 2023:

- (a) Part 34 sections 34.47, 34.83(c); and
- (b) Part 35 section 35.3045(g)(1)(ii), 35.3047(g)(1)(ii); and
- (c) Part 36 section 36.55(a); and
- (d) Part 37 sections 37.27(c), Appendix A, Category 1 and Category 2 Radioactive Materials; and
- (e) Part 39 section 39.65(a); and
- (f) Part 71 section 71.101(c)(1), and Appendix A, Determination of A₁ and A₂.

Except as follows:

- (a) Any reference to the Commission or NRC shall be deemed to be a reference to the Wisconsin Department of Health Services, except:
 - a. References to the NRC Web site; and
 - b. References to U.S. Nuclear Regulatory Commission as part of a mailing address.
- (b) Licensee request for approval of package quality assurance program in 71.101(c)(1) shall be submitted to DHS using the contact information in DHS 157.13(17).

Proposed License Condition 2:

In lieu of ch. DHS 157, Appendix U, Category 1 and Category 2 Quantity of Radioactive Material Thresholds, the licensee shall comply with Title 10, Code of Federal Regulations, Part 37 Appendix A, Category 1 and Category 2 Radioactive Materials, as it exists on March 23, 2023.