



**MISSISSIPPI STATE DEPARTMENT OF HEALTH**

July 8, 2015

Pamela J. Henderson, Deputy Director  
Division of Materials Safety and State Agreements  
Office of Federal and State Materials and  
Environmental Management 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 legal binding requirements correspond to the following equivalent amendments to 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.

If you have any questions, please feel free to contact me at 601-987-6893 or [Bobby.Smith@msdh.ms.gov](mailto:Bobby.Smith@msdh.ms.gov).

Sincerely,

B.J. Smith, Director  
Mississippi State Department of Health  
Division of Radiological Health

Enclosures:  
As stated

Proposed License Condition:

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

- (a) 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.
- (b) Any reference to the Commission or NRC shall be deemed to be a reference to the Mississippi State Department of Health, 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 Mississippi State Department of Health, 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 the Mississippi State Board of Health Regulations for Control of Radiation:

<u>NRC Regulation (10 CFR)</u>	<u>MSBOH Regulation (Title 15: Part 21: Subpart 78:)</u>
30.41(d)	Rule 1.3.24(4)
- (e) License required reports of events or notifications in 37.41, 37.45, 37.57, 37.77(a)-(d), 37.81, shall use Division of Radiological Health contact information in Rule 1.1.14.