



Protecting, maintaining and improving the health of all Minnesotans

January 26, 2009

Mr. Terrence Reis, Deputy Director
Division 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 Mr. Reis:

The Minnesota Department of Health (MDH) had hoped to have the proposed revision to the *Radioactive Materials Rules*, which includes rules concerning the National Source Tracking System (NSTS), in place by mid-January. Regretfully, it now seems that the rules will be adopted sometime in February. To remain compatible with the US Nuclear Regulatory Commission and the other Agreement States, a license condition addressing the requirements for the NSTS was added to the applicable licenses. The license condition references a portion of 10 CFR 20.2207; therefore, a copy of that regulation was also included in the material sent to the licensees.

The legally binding requirement for the National Source Tracking System is as follows:

The licensee must comply with the initial inventory reporting requirement in 10 CFR 20.2207(h) for nationally tracked sources by the dates imposed in that paragraph. The licensee must also comply with the reporting requirements for transactions involving nationally tracked sources in 10 CFR § 20.2207. This section includes the requirement to report any manufacture, transfer, receipt, disassembly, or disposal of a nationally tracked source, otherwise allowed by this license, by the close of the next business day after the transaction. A nationally tracked source, as defined in 10 CFR § 20.1003, refers to a sealed source containing a quantity equal to or greater than Category 1 or Category 2 levels of any radioactive material listed in Appendix E to 10 CFR Part 20 - "Nationally Tracked Source Thresholds."

The legally binding requirements correspond to the following equivalent amendments to 10 CFR 20.2207:

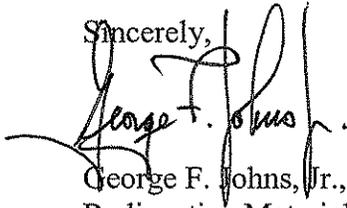
<u>Rats ID</u>	<u>Title</u>	<u>State Section</u>
2006-3	National Source Tracking System	License Condition

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The imposition of the license condition should satisfy 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 concerning this matter, please contact me at (651) 201-4530.

Sincerely,

A handwritten signature in black ink, appearing to read "George F. Johns, Jr.", written over a horizontal line.

George F. Johns, Jr., Supervisor
Radioactive Materials Unit
625 Robert Street North
PO Box 64975
St. Paul, Minnesota 55164-0975

cc: Kathleen Schneider