



Protecting, maintaining and improving the health of all Minnesotans

August 21, 2015

Pamela Henderson, Deputy Director
Division of Materials Safety, State, Tribal, and Rulemaking Programs
Office of Nuclear Material Safety and Safeguards
US Nuclear Regulatory Commission
T8-E18
Washington, D.C. 20555-0001

Dear Ms. Henderson:

Enclosed is a copy of the final revisions to the Minnesota Radioactive Materials Rules, Minnesota Rules Chapter 4731 dated August 10, 2015. The adopted rules do not identify the changes that were made to the rules. In order to easily identify by underlined and stricken text, I have included the December 15, 2014 draft showing all changes to that date, and the Notice of Adoption dated July 20, 2015 showing all changes made since the December 15, 2014 draft. I am also including a table that correlates the Minnesota Rules to the equivalent NRC regulations. The rules correspond to the following equivalent amendments to NRC's regulations.

<u>Rats ID</u>	<u>Title</u>
2011-1	Decommissioning Planning, Parts 20, 30, 40, and 70
2011-2	Licenses, Certifications, and Approvals for Materials Licensees
2012-1	Change of Compatibility of 10 CFR 31.5 and 31.6 in the Withdrawal of Proposed Rule and Closure of Petition for Rulemaking: Organization of Agreement States and Florida Department of Health, Bureau of Radiation Control
2012-2	Advance Notification to Native American tribes of Transportation of Certain Types of Nuclear Waste
2012-3	Technical Corrections - Parts 30, 34, 40, and 71
2012-4	Requirements for Distribution of Byproduct Material, Parts 30, 31, 32, 40, and 70
2013-1	Physical Protection of Byproduct Material, 10 CFR Parts 20, 30, 32, 33, 34, 35, 36, 37, 39, 51, 71, and 73

2013-2 Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions

In addition we are proposing some minor changes not associated with the RATS listed above. The changes are:

<u>Rule Part</u>	<u>Change</u>
4731.0355	Rearranging the reciprocity section to make it easier to read and changing the reciprocity period from in a “one year period” to a “calendar year.”
4731.1010	Changing the required postings from “notice of violation” and “civil penalty” to “correction order” and “administrative penalty order” to match the terminology used in our statutory enforcement authority.
4731.2620	Removing the social security number from the occupationally overexposed individual reporting requirement.
4731.2650	Removing the annual individual monitoring reporting requirement to MDH.
4731.3065	Removing the requirement to submit license applications “in duplicate.”
4731.3145	Deleting the exempt quantities for Carbon-11, Nitrogen-13, Oxygen-15, and Radium-226. This was not compatible with NRC’s lack of exempt quantities for these nuclides and was contradictory with some general license language.
4731.3215	Reference fix.
4731.3250	Reference fix
4731.3520	Removing the requirement to submit license applications “in duplicate.”
4731.4010	Removing the requirement to submit license applications “in duplicate.”
4731.4421	Changing the wording for survey meter calibration from “annually” to “not to exceed 12 months.”
4731.4612	Removing “on nuclear medicine” from the continuing education requirement for grandfathered nuclear medicine technologists.

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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.

If you have any questions, please feel free to contact me at 651-201-4522 or Brandon Juran of my staff at 651-201-4526 or Brandon.juran@state.mn.us.

Sincerely,



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Radioactive Materials Unit
PO Box 64975
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Enclosures: Correlation of MDH Rules to NRC Regulations and Compatibility Classification
Rules as adopted dated August 10, 2015
Rules draft dated December 15, 2014
Notice of adoption dated July 20, 2015

Correlation of MDH Rules to NRC Regulations and Compatibility Classification

MN Rule Part	Title	10 CFR	Compatibility
4731.0100	Definitions		
Subp. 4b	Access Control	37.5	C
Subp. 9a	Aggregated	37.5	C
Subp. 16a	Approved individual	37.5	B
Subp. 24a	Background investigation	37.5	C
Subp. 33a	Category 1 quantity of radioactive material	37.5	B
Subp. 33b	Category 2 quantity of radioactive material	37.5	B
Subp. 33c	Certificate holder	71.4	B
Subp. 33d	Certificate of compliance	71.4	B
Subp. 40	Commencement of construction	30.4, 36.2	D
Subp. 44a	Construction	30.4, 36.2	D
Subp. 44b	Containment system	71.4	D
Subp. 63a	Diversion	37.5	C
Subp. 75a	Escorted access	37.5	B
Subp. 83a	Fingerprint orders	37.5	C
Subp. 100a	Indian tribe	71.4	B
Subp. 118a	License issuing authority	37.5	D
Subp. 121b	Local law enforcement agency or LLEA	37.5	C
Subp. 144a	Mobile device	37.5	B
Subp. 146a	Movement control center	37.5	B
Subp. 152a	No-later-than arrival time	37.5	B
Subp. 205a	Reviewing official	37.5	C
Subp. 207a	Sabotage	37.5	C
Subp. 207b	Safe haven	37.5	B
Subp. 210a	Security zone	37.5	C
Subp. 237a	Telemetric position monitoring system	37.5	B
Subp. 247a	Tribal official	71.4	B
Subp. 248a	Trustworthiness and reliability	37.5	B
Subp. 253a	Unescorted access	37.5	B
Subp. 253b	Unirradiated uranium	71.4	B
Subp. 255	Unrefined and unprocessed ore	40.4	B
4731.0355	Reciprocity	150.20	C
Subp. 1	Application; recognition		

Subp. 2	Review and inspection		
Subp. 3	Notification		
4731.0419	Advance Notification of Shipment of Irradiated Reactor Fuel and Nuclear Waste	71.97	B
Subp. 1	Notice required		
Subp. 2	Shipments requiring notice		
Subp. 3	Procedures for submitting notification		
Subp. 4	Information to be furnished in advance notification of shipment		
Subp. 5	Revision notice		
Subp. 6	Cancellation notice		
4731.0422	A1 and A2 Values for Radionuclides	Part 71 Appendix A	B
Subp. 1a	A1 and A2 values		
Subp. 2	Specific activity		
4731.0580	Application; Financial Assurance and Record Keeping for Decommissioning	70.25	D
Subp. 4	Funding plan requirements		
Subp. 4a	Resubmittal of decommissioning funding plan		
4731.0597	Inalienability of Licenses	70.36	C
4731.0725	Exemption; Unimportant Quantities of Source Material	40.13	B
Subp. 3	Certain items and materials		
4731.0745	General License; Small Quantities of Source Material	40.22	B (except as noted)
Subp. 1	General license issued		
Subp. 2	Other law		D (Item D only)
Subp. 2a	Contamination		C
Subp. 3	Exemption		
Subp. 4	Transfer authorization required		
4731.0780	Financial Assurance and Record Keeping for Decommissioning	40.36	H&S
Subp. 4	Funding plan requirements		
4731.0810	Inalienability of Licenses	40.46	C
4731.0816	License to transfer source material	40.54	B

4731.0817	Requirements for labeling source material; instructions	40.55	B (except as noted)
Subp. 1	Label required		
Subp. 2	Transfer records		
Subp. 3	Transfer information		
Subp. 4	Transfer report		
Subp. 5	Records retention		C
4731.1010	Posting worker notices	19.11	C
Subp. 1	Required postings		
Subp. 4	Correction order and APO		
4731.2100	Radiological Criteria for License Termination		
Subp. 3	Criteria for termination under restricted conditions	20.1403	C
Subp. 4	Alternative criteria for license termination	20.1404	C
4731.2150	Minimization of Contamination	20.1406	C
4731.2200	Surveys and Monitoring	20.1501	H&S
Subp. 1	Required surveys		
4731.2620	Reports; Radiation Exposures, Levels, and Concentrations Exceeding Constraints or Limits	20.2203	C
Subp. 3	Individual information		
4731.3020	Exemption; Carriers	30.13	B
4731.3030	Exemption; Certain Items Containing Radioactive Material	30.15	B
Subp. 1	Exempt products		
4731.3045	Exemption; self-luminous products Containing Tritium, Krypton-85, or Promethium-147	30.19	B
Subp. 2	Specific license required		
4731.3050	Exemption; Gas and Aerosol Detectors Containing Radioactive Material	30.20	B
Subp. 1	Specific license exemption		
Subp. 2	Specific license required		
4731.3056	Exemption; Certain Industrial Devices	30.22	B
Subp. 1	Specific license exemption		
Subp. 2	Specific license required		
4731.3065	Specific License; Application	30.32	D (except as noted)

Subp. 1	General requirements		
Subp. 2	Sealed source requirements		C
Subp. 3	Decommissioning requirements		
4731.3070	Specific License; Approval	30.33	D (except as noted)
Subp. 1	Application		C (Items B and C only)
Subp. 2	License		
4731.3075	Terms and Conditions of License	30.34	C (except as noted)
Subp. 2	Transfer prohibited		
Subp. 4	Bankruptcy		H&S
4731.3080	Financial Assurance and Record Keeping for Decommissioning	30.35	H&S
Subp. 5	Funding plan requirements		
4731.3145	Exempt Quantities	30.71	B
4731.3215	General License; Detecting, Measuring, Gauging, Controlling, and Other Devices	31.5	C
Subp. 3	Requirements		
Subp. 3a	Registration of generally licensed devices		
4731.3240	General License; Strontium-90 Ice Detection Devices	31.10	B
Subp. 2	Requirements		
4731.3250	General License; Certain Items and Self-Luminous Products Containing Radium-226	31.12	C
Subp. 2	Exempt provisions		
4731.3300	Specific Domestic Licenses to Manufacture or Transfer Certain Items Containing Radioactive Material	32.1	D
Subp. 1	Scope		
Subp. 2	Applicability		
4731.3330	Specific License; Certain Devices Containing Radioactive Materials; Manufacture or Initial Transfer	32.51	B
Subp. 1	Approval criteria		
4731.3345	Specific License; Luminous Safety Devices; Manufacture, Assemble, Repair, or Initial Transfer		
Subp. 1	Approval criteria	32.53	B

Subp. 4	Quality assurance; transfer prohibition	32.55	B
Subp. 5	Transfer reports	32.56	B
4731.3365	Specific License; Calibration or Reference Sources; Manufacture or Initial Transfer		
Subp. 1	Approval criteria	32.57	B
Subp. 3	Leak testing	32.59	B
4731.3380	Specific License; Ice Detection Devices; Manufacture or Initial Transfer		
Subp. 1	Approval criteria	32.61	B
Subp. 2	Quality assurance; transfer prohibition	32.62	B
4731.3400	Specific License; Sources or Devices for Medical Use; Manufacture and Distribution	32.74	B
Subp. 1	Approval criteria		
4731.3520	Specific License of Broad Scope; Application	33.12	D
4731.4010	Specific License; Application	34.11	D
4731.4421	Calibration of Survey Instruments	35.61	H&S
4731.4612	Training for Individuals Functioning as a Nuclear Medicine Technologist Before January 1, 2011, Who Are Not Accredited	N/A	MDH Only
Subp. 4	Continuing education		
4731.6020	Specific License; Approval	36.13	H&S
4731.7020	Specific License; Well Logging	39.13	H&S
4731.8000	Applicability; Category 1 or Category 2 Quantities of Radioactive Material	37.3	D
4731.8005	Exemption for Waste	37.11	B
4731.8010	Personnel Access Authorization Requirements for Category 1 or Category 2 Quantities of Radioactive Material	37.21	B (except as noted)
Subp. 1	General		C
Subp. 2	General performance objective		
Subp. 3	Applicability		
4731.8015	Access Authorization Program Requirements	37.23	B (except as noted)
Subp. 1	Granting unescorted access authorization		
Subp. 2	Reviewing officials		C (Item C only)
Subp. 3	Informed consent		
Subp. 4	Personal history disclosure		

Subp. 5	Determination basis		
Subp. 6	Procedures		C
Subp. 7	Right to correct and complete information		
Subp. 8	Records		C
4731.8020	Background Investigations	37.25	B (except as noted)
Subp. 1	Initial investigation		
Subp. 2	Grandfathering		C
Subp. 3	Reinvestigations		
4731.8025	Requirements for Criminal History Records Checks of Individuals Granted Unescorted Access to Category 1 or Category 2 Quantities of Radioactive Material	37.27	B
Subp. 1	General performance objective and requirements		
Subp. 2	Prohibitions		
Subp. 3	Procedures for processing of fingerprint checks		
4731.8030	Relief From Fingerprinting, Identification, and Criminal History Records Checks and Other Elements of Background Investigations for Designated Categories of Individuals Permitted Unescorted Access to Certain Radioactive Materials	37.29	B
Subp. 1	Exemption to certain security checks		
Subp. 2	Additional exemption		
4731.8035	Protection of Information	37.31	B (except C for Item E)
4731.8040	Access Authorization Program Review	37.33	C
4731.8050	Security Program	37.41	B (except as noted)
Subp. 1	Applicability		
Subp. 2	General performance objective		
Subp. 3	Program features		C
4731.8055	General Security Program Requirements	37.43	B (except as noted)
Subp. 1	Security plan		
Subp. 2	Implementing procedures		C
Subp. 3	Training		C (Item D)

			only)
Subp. 4	Protection of information		C
4731.8060	Local Law Enforcement Agency (LLEA) Coordination	37.45	B (except C for Item C)
4731.8065	Security Zones	37.47	B
4731.8070	Monitoring, Detection, and Assessment	37.49	B
Subp. 1	Monitoring and detection		
Subp. 2	Assessment		
Subp. 3	Personnel communications and data transmission		
Subp. 4	Response		
4731.8075	Maintenance and Testing	37.51	C
4731.8080	Requirements for Mobile Devices	37.53	B
4731.8085	Security Program Review	37.55	C
4731.8090	Reporting of Events	37.57	C
4731.8100	Additional Requirements for Transfer of Category 1 and Category 2 Quantities of Radioactive Material	37.71	B (except C for Item D)
4731.8105	Applicability of Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material During Transit	37.73	B
4731.8110	Preplanning and Coordination of Shipment of Category 1 or Category 2 Quantities of Radioactive Material	37.75	B (except C for item E)
4731.8115	Advance Notification of Shipment of Category 1 Quantities of Radioactive Material	37.77	B (except as noted)
Subp. 1	Advanced notification required		
Subp. 2	Procedures for submitting advance notification		
Subp. 3	Information to be furnished in advance notification of shipment		
Subp. 4	Revision notice		
Subp. 5	Cancellation notice		
Subp. 6	Records		C
4731.8120	Requirements for Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material During Shipment	37.79	B
Subp. 1	Shipments by road		

Subp. 2	Shipments by rail		
Subp. 3	Investigations		
4731.8125	Reporting of Events	37.81	B (except C for Items G and H)
4731.8130	Form of Records	37.101	C
4731.8135	Records Retention	37.103	C
4731.8140	Category 1 and Category 2 Radioactive Materials	Part 37 Appendix A	B
Subp. 1	Table 1 – category 1 and category 2 threshold		
Subp. 2	Calculations concerning multiple sources or multiple radionuclides		