



August 21, 2015

Pamela 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

Dear Ms. Henderson:

Enclosed is a copy of the final revisions to the North Dakota Radiological Health Rules Chapter 33-10-20 entitled SPECIFIC DOMESTIC LICENSES TO MANUFACTURE OR TRANSFER CERTAIN ITEMS CONTAINING BYPRODUCT MATERIAL. The required change in the final regulations are identified by underline of the added text and correspond to the following equivalent amendments to NRC's regulations.

<u>Rats ID</u>	<u>Title</u>	<u>State Section</u>
• 2006-2	Serialization of nationally tracked sources	33-10-20

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 701-328-5199 or Dale Patrick of my staff at 701-328-5199 or [dpatrick@nd.gov](mailto:dpatrick@nd.gov) .

Sincerely,

Terry L. O'Clair, P.E.  
Director  
Division of Air Quality

TLO/DP  
Enclosures:  
As stated

**CHAPTER 33-10-20**  
**SPECIFIC DOMESTIC LICENSES TO MANUFACTURE OR TRANSFER**  
**CERTAIN ITEMS CONTAINING BYPRODUCT MATERIAL**

Section

33-10-20-01

Adoption by Reference of Several Sections in 10 Code of Federal Regulations Part 32

**33-10-20-01. Adoption by reference of several sections in 10 Code of Federal Regulations part 32.** 10 Code of Federal Regulations 32.1, 32.2, 32.3, 32.13, 32.17, 32.24, 32.51, 32.51(a), 32.52, 32.53, 32.54, 32.55, 32.56, 32.57, 32.58, 32.59, 32.61, 32.62, 32.71, 32.72, 32.74, 32.101, 32.102, 32.103, 32.110, 32.201, 32.210, and 32.301 are adopted by reference as they exist on January 1, 2010, with the following exceptions:

1. Not adopted by reference is 10 Code of Federal Regulations 32.1(c)(1).
2. Requirements in 10 Code of Federal Regulations 32 that apply to "byproduct material" also apply to naturally occurring or accelerator-produced radioactive material.
3. Where the words "NRC", "commission", "NRC regional office", or "director of nuclear material safety and safeguards" appear in 10 Code of Federal Regulations part 32, substitute the words "North Dakota state department of health" except when used in 32.51(a)(3)(iii), 32.54(a), 32.58, 32.71(d), 32.72(b)(5), and 32.74(a)(3).
4. North Dakota state form number 8418, "application for radioactive material license", must be used instead of nuclear regulatory commission form 313 as specified in 10 Code of Federal Regulations 32.
5. For references to 10 Code of Federal Regulations part 170, see chapter 33-10-11 for applicable fee schedules.

**History:** Effective January 1, 2011.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04