



*Protecting, Maintaining and Improving the Health of All Minnesotans*

January 29, 2018

Kevin Williams, 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 Mr. Williams:

Enclosed is a copy of proposed revisions to the Minnesota Radioactive Materials Rules, Minnesota Rules Chapter 4731 dated September 28, 2017. We request NRC's comments by April 2, 2018. The proposed regulations are identified by line in/line out text and correspond to the following equivalent amendments to NRC's regulations.

<b>Rats ID</b>	<b>Title</b>
2013-1	Physical Protection of Byproduct Material, Parts 20, 30, 32, 33, 34, 35, 36, 37, 39, 51, 71, and 73 [Addressing comments dated 10/15/2015]
2015-1	Domestic Licensing of Special Nuclear Material – Written Reports and Clarifying Amendments, Part 70
2015-2	Safeguards Information – Modified Handling Categorization, Change for Materials Facilities, Parts 30, 37, 73, and 150
2015-3	Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements, Part 71
2015-4	Miscellaneous Corrections, Parts 37 and 40
2015-5	Miscellaneous Corrections, Parts 19, 20, 30, 32, 37, 40, 61, 70, 71, and 150

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

<b>Rule Part</b>	<b>Change</b>
4731.0200	Add the Minnesota Duty Officer telephone number for after-hours notifications.

- 4731.0355 Add a requirement that changes to reciprocity notifications need to be made before the scheduled work.
- 4731.0400 Delete the enforcement notice – wasn't a requirement, just gave notice of a different part of the rule.
- 4731.0419 Delete the notification requirement to the NRC – notice should be to Minnesota.
- 4731.0455 Delete this part – covered in 4731.0420. Also, change references to this part.
- 4731.0580 Add the funding plan requirement for greater than 10<sup>5</sup> quantities under part 4731.3160. Also, modify the language in the default financial assurance amounts to reference Minnesota Rules instead of NRC Regulations.
- 4731.3065 Remove the allowance to incorporated by reference documents in previous applications. Also, delete the language that the application is also an application for other things the department regulates.
- 4731.3085 Delete Subpart 1 items C and D because these rule provisions are outdated.
- 4731.4504 Spelling fix.

We believe that adoption of these revisions will satisfy 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](mailto:brandon.juran@state.mn.us).

Sincerely,

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Enclosures: Correlation of MDH Rules to NRC Regulations and Compatibility Classification  
Proposed Rule Changes