September 11, 2019

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 the final revisions to the Minnesota Radioactive Materials Rules, Minnesota Rules Chapter 4731. The Notice of Adoption was published in the State Register on August 19, 2019, with an effective date of August 26, 2019. Attached are the adopted rules dated May 6, 2019, which does not contain strikeout/underscore text. For your convenience, we have also attached the proposed rules dated April 9, 2019; this is the last version of the rules that contain strikeout/underscore text. There were no changes from the April 9, 2019 proposed rules to the adopted rules. We have also included a cross reference table listing the Minnesota rule parts to the corresponding NRC regulations. The rule changes correspond to the following equivalent amendments to NRC's regulations.

Rats ID	**Title**
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

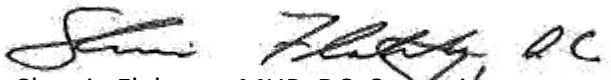
In addition, we are proposing some minor changes not associated with the RATS listed above. The changes are:

Rule Part	Change
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 – this was not a requirement, just gave notice of a different part of the rule.
4731.0455	Delete this part – covered in 4731.0420. Also, change references to this part.
4731.0565	Remove the allowance to incorporate by reference documents in previous applications. Also, delete the language that the application is also an application for other things the department regulates.
4731.0580	Add the funding plan requirement for greater than 105 quantities under part 4731.3160. Also, modify the language in the default financial assurance amounts to reference Minnesota Rules instead of NRC Regulations.
4731.0600	Delete Subpart 1 items B and C because these rule provisions are outdated, and format changes to be consistent with similar provisions in parts 4731.0790 and 4731.3085.
4731.0760	These changes mirror those made in part 4731.0565.
4731.0790	Format changes to be consistent with similar provisions in parts 4731.0790 and 4731.3085.
4731.3065	These changes mirror those made in part 4731.0565.
4731.3085	Delete Subpart 1 items C and D because these rule provisions are outdated.
4717.7000	This rule part is part of the larger Minnesota Department of Health rules listing the radioactive materials rules with the other environmental health rules parties may request the commissioner of health to grant a variance to. A similar provision was already in 4731.0200, subpart 2.

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.

Sincerely,



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Enclosures: Adopted rules dated May 6, 2019
Proposed rules dated April 9, 2019
Correlation of MDH Rules to NRC Regulations and Compatibility Classification