

From: [Juran, Brandon \(MDH\)](#)
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Subject: [External_Sender] Clarification of Rule Changes
Date: Friday, June 25, 2021 3:30:44 PM

Michelle,

This is to clarify the changes we submitted for compatibility review on May 17, 2021 that are not associated with the RATS:

4731.2750 We are correcting a typo in the table of ALIs and DACs. NRC's equivalent is Appendix B to Part 20, compatibility A.

4731.3330 We are changing a reference in subpart 4. The equivalent NRC regulation for this subpart is 32.51a (a). In the cross reference table we provided, this was incorrectly labeled as 32.51(a). 4731.3330, subparts 1 to 3 are equivalent to 32.51, but there are no changes in these subparts. The incorrect reference we are correcting is in 4731.3330, subpart 4, item B – equivalent to 32.51a(a)(2). The references in that item with the equivalent NRC references are: 4731.2600 – 20.2201; 4731.2610 – 20.2202; 4731.3115 – 30.51; and 4731.3200, item B – 31.2. This is a compatibility B.

4731.4403 For the first item, we are getting rid of the requirement to submit a duplicate amendment or license application for medical use licenses. We have no need for the extra copy to be submitted. We deleted similar requirements for other types of licenses in the previous rulemaking. This change is reflected in 4731.4403, subpart 2 items B(1) and C(1). The equivalent NRC regulations would be 35.12 b(1) and c(1). This is a compatibility D.

4731.4403 For the second item, we are adding a notification requirement for licensees who allow an authorized user, authorized medical physicist, ophthalmic physicist, or authorized medical physicist to work on their license prior to being listed on the license if they are on another license or permit. This change is being added as 4731.4403, subpart 4, item A, subitem (6). The equivalent NRC regulation is 35.14(a). Our notification requirement does not have all the documents listed in the NRC regulations and is limited to what is listed in the first part of 35.14(a)(2). This is because our allowance to work prior to being listed on the license is limited to people on another license or permit. The NRC allows more users to use material before being listed on the license, and thus has more notification requirements to submit documentation of these users qualifications.

The allowance for the notification requirement is in 4731.4403, subpart 3, item B, with the equivalent NRC regulation being 35.13(b). Our allowance is limited to what is listed in 35.13(b)(4). In addition we have a limit that the person can only work for 60 days before being listed on the license. We believe this allows adequate time for a license amendment to add the user to be approved. Both the notification requirement (35.14(a)) and the allowance requiring the notification (35.13(b)) are listed as a

compatibility D.

4731.4403 For the third item, in 4731.4403, subpart 3, item I, we are adding the allowance to use a manual brachytherapy source before being listed on the license if it is listed in the Sealed Source and Device Registry, and is in a quantity and for an isotope authorized by the license. This is equivalent to NRC's new 35.13(i). The difference is, we are adding a requirement that the licensee submit an amendment to add the source to their license within 30 days of receiving the source. We believe this will allow licensees to get needed sources if their usual source is unavailable, but also allows us to keep the license up to date and accurately reflect the sources the licensee is using. The compatibility category for 35.13(i) is listed as D.

I hope this helps clarify what we are proposing. Please let me know if you have any questions. If you need to reference our existing rules, they can be found at: <https://www.revisor.mn.gov/rules/4731/>.

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