

August 15, 2022

Theresa Clark, Deputy Director
 Division of Materials Safety, Security, State, Tribal, and Rulemaking Programs
 Office of Nuclear Material Safety and Safeguards
 U.S. Nuclear Regulatory Commission (NRC)
 T8-E18
 Washington, DC 20555-0001

Dear Ms. Clark:

Enclosed is a copy of the revisions to the proposed North Dakota Radiological Health Rules as identified below. The proposed revisions will be made available for public comment on August 22, 2022, with a request for comments by October 10, 2022. We request NRC's comments by October 10, 2022. The proposed regulations are identified by red line corrections and correspond to the following equivalent amendments to NRC's regulations.

RATS ID: 2020-1

<u>NRC Section</u>	<u>Title</u>	<u>State Section</u>
§ 34.47	Personnel monitoring	33.1-10-05.1-01
§ 34.83	Records of personnel monitoring	33.1-10-05.1-01
§ 36.55	Personnel monitoring	33.1-10-14.1-01
§ 39.65	Personnel monitoring devices	33.1-10-12.1-01

RATS ID: 2020-2

<u>NRC Section</u>	<u>Title</u>	<u>State Section</u>
§ 35.3045(g)(1)(ii)	Report and notification of a medical event	33.1-10-07.2-01

§ 35.3047(f)(1)(ii)	Report and notification of a dose to an embryo/fetus or a nursing child	33.1-10-07.2-01
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RATS ID: 2020-3

<u>NRC Section</u>	<u>Title</u>	<u>State Section</u>
§ 19.8(b)	Information collection requirement: OMB approval	33.1-10-10.1-01
§ 20.1906(d)	Procedures for receiving and opening packages	33.1-10-04.2-01
§ 20.2201(a)(2)(ii)	Reports of theft or loss of licensed material	33.1-10-04.2-01
§ 20.2202(d)(2)	Notification of incidents	33.1-10-04.2-01
§ 30.50(c)(1)	Reporting requirements	33.1-10-03.1-01
§ 35.390(a)(1)	Training for use of unsealed byproduct material or which a written directive is required	33.1-10-07.2-01
§ 35.490	Training for use of manual brachytherapy sources	33.1-10-07.2-01
§ 35.690	Training for use of remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units	33.1-10-07.2-01
§ 40.60(c)(1)	Reporting requirements	33.1-10-16-01
§ 70.50(c)(1)	Reporting requirements	33.1-10-17-01
§ 71.97(c)(3)(i)	Advance notification of shipment of irradiated reactor fuel and nuclear waste	33.1-10-13.1-01

Appendix A to
Part 71, Table A-1

A1 and A2 Values for Radionuclides 33.1-10-13.1-01

Exempt Material Activity
Concentrations and Exempt
Consignment Activity Limits for
Radionuclides

RATS ID: 2021-1

<u>NRC Section</u>	<u>Title</u>	<u>State Section</u>
§ 20.2207(h) Remove	Reports of transactions involving involving nationally tracked sources	33.1-10-04.2-01
§ 35.50(c)(3)	Training for Radiation Safety Officer and Associate Radiation Safety Officer	33.1-10-07.2-01
§ 35.55(a)(1)	Training for authorized nuclear pharmacist	33.1-10-07.2-01
§ 35.57(b)(2)	Training for experienced Radiation Safety Officer, teletherapy or medical physicist, authorized medical physicist, authorized user, nuclear pharmacist, and authorized nuclear pharmacist	33.1-10-07.2-01
§ 37.27(c)(1)	Requirements for criminal history record checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material	33.1-10-22-01
§ 70.32(a)(9)(i) (B) and (C)	Conditions of licenses	33.1-10-17-01

RATS ID: 2021-2

<u>NRC Section</u>	<u>Title</u>	<u>State Section</u>
Appendix A to Part 37	Category 1 and Category 2 Radioactive Materials	33.1-10-22-01
§ 71.4	Definitions	33.1-10-13.1-01

RATS ID: 2022-1

<u>NRC Section</u>	<u>Title</u>	<u>State Section</u>
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None of NRC Sections referenced in this RATS ID were adapted by North Dakota.

In addition, these proposed revisions address the comment in the NRC's letter dated July 23, 2021, (ML 21203A330) "In Section 33.1-10-07.2-01, North Dakota states in part that, "Any references to the Commission.....should be replaced with the department...". However, there are multiple references to the Commission throughout Part 35 where this replacement does not apply, e.g., 35.50, 35.51, 35.57, when referencing a master materials license, etc. North Dakota needs to revise the statement in Section 33.1-10-07.2-01 as indicated above to meet the Compatibility Category B, C, or H&S designations assigned to 10 CFR Part 35."

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 701-328-6410 or dstradinger@nd.gov.

Sincerely,



David Stradinger, Manager
Radiation Control Program
Department of Environmental Quality

DWS/rmh
Enclosures