



Protecting, Maintaining and Improving the Health of All Minnesotans

April 30, 2019

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Re: In The Matter of the Proposed Rules of the Department of Health Governing Radioactive Materials; Revisor's ID Number 4477

Dear Librarian:

The Minnesota Department of Health intends to adopt rules governing radioactive materials. We plan to publish a Notice of Intent to Adopt Rules without a Public Hearing in the May 6, 2019 State Register.

The Department has prepared a Statement of Need and Reasonableness. As required by Minnesota Statutes, sections 14.131 and 14.23, the Department is sending the Library an electronic copy of the Statement of Need and Reasonableness at the same time we are mailing our Notice of Intent to Adopt Rules.

If you have questions, please contact me at 651-201-4526

Yours very truly,

A handwritten signature in black ink that reads 'Brandon Juran'.

Brandon Juran
Industrial Hygienist 3

Enclosure: Statement of Need and Reasonableness

Minnesota Department of Health

STATEMENT OF NEED AND REASONABLENESS

Proposed Amendment to Rules Governing Radioactive Materials, Minnesota Rules, Chapter 4731 and Part 4717.7000 Governing Variance Request; Revisor's ID Number RD4477

The Minnesota Department of Health (MDH or Department) proposes to amend Minnesota Rules, Chapter 4731 to reflect the U.S. Nuclear Regulatory Commission's (NRC) recent regulation changes and Minnesota Rules, part 4717.7000. The proposed changes conform MDH's rules to U.S. Nuclear Regulatory Commission-mandated regulations.

The proposed changes also include MDH-initiated changes to clarify existing requirements and make editorial corrections.

INTRODUCTION

The NRC and the State of Minnesota signed an agreement in March 2006 (Agreement), where the NRC gave regulatory authority of byproduct; source; and some, but not all, special nuclear materials to the State. These byproduct, source and special nuclear materials are radioactive materials, which have research, medical, industrial, and manufacturing uses. Essentially, this means that Minnesota now regulates radioactive material within the state. As a result, the licensees, which include hospitals and clinics, manufacturing facilities, engineering companies, and universities and colleges in Minnesota, benefit from reduced fees. The agreement does *not* cover nuclear-power-plant regulation, radioactive material used at facilities under exclusive federal jurisdiction, exempt-quantities distribution, or evaluation of either sealed-sources or devices. The NRC still performs these functions exclusively.

Minnesota and other states that have signed such agreements are known as "Agreement States." The Agreement requires Minnesota to maintain rules that are compatible with NRC regulations. When the NRC makes regulation changes, the Agreement States have a deadline to bring their rules likewise up to date. The NRC categorizes their regulations by level of compatibility required. Some categories require strict adherence while others allow states flexibility in their rules.

The following summaries explain the NRC's five federal regulation changes that MDH proposes to incorporate into its rules:

1. **Domestic Licensing of Special Nuclear Material**—Written Reports and Clarifying Amendments 10 CFR Part 70, 79 FR 57721 and 80 FR 143. MDH removed references to NRC reporting requirements that apply only to licensees for special nuclear materials that the NRC still regulates, but Minnesota does not. Minnesota rules have no equivalent requirements so these federal regulation citations are unnecessary. MDH has no discretion over these changes.

2. **Safeguards Information—Modified Handling Categorization, Change for Materials Facilities**, 10 CFR Parts 30, 37, 73, and 150, 79 FR 58664 and 80 FR 3865. The NRC removed the Safeguards Information—Modified Handling (SGI–M) designation for the security-related information from large irradiators, manufacturers, and distributors. It also removed the SGI–M designation of security-related information for transporting both category 1 quantities of radioactive material and irradiated reactor fuel that weighs 100 grams or less in net weight within the state. These regulations are reserved for NRC; there are no equivalent requirements in Minnesota rules. Instead of the SGI–M designation, the security-related information will be protected under the information protection requirements that apply to other materials licensees that possess category 1 and category 2 quantities of radioactive material. These requirements appear in Minnesota rules 4731.8000 to 4731.8140 adopted in August of 2015. MDH is not aware of any Minnesota’s licensees that had information designated as SGI-M.

These rule changes also exempt commercial vehicle drivers of category 1 quantities of radioactive material from needing a background investigation. Currently commercial vehicle drivers of category 2 quantities of radioactive material are exempt from a background investigation. The rule amendments also add requirements for protecting information about the shipment of category 1 quantities of radioactive material.

3. **Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements: Including Corrections**, 10 CFR Part 71, 80 FR 33988 and 80 FR 48683. This change addresses packaging and transporting radioactive material. The amendments make conforming changes to the NRC’s regulations based on the International Atomic Energy Agency’s (IAEA) 2009 standards for the international transportation of radioactive material and maintain consistency with the DOT’s regulations. In addition, the amendments re-establish restrictions on materials that qualify for the fissile material exemption, clarify requirements, update administrative procedures, and make editorial changes. MDH has no discretion over these changes.
4. **Miscellaneous Corrections**, 10 CFR Parts 37 and 40, 80 FR 45841. The miscellaneous housekeeping changes include updating the name and the phone number of the U.S. Government Publishing Office, updating the address for the National Technical Information Service, correcting typographical errors, correcting misspellings, and correcting references. MDH was not required to amend its rules based on the NRC’s changes to parts 10 CFR Parts 37 and 40, 80 FR 45841.
5. **Miscellaneous Corrections**, 10 CFR Parts 19, 20, 30, 32, 37, 40, 61, 70, 71, and 150, 80 FR 74974. These miscellaneous housekeeping changes include renaming the Office of Information Services, capitalizing the words “Tribe,” “Tribes,” and “Tribal,” correcting a web site address, and updates on where to find contact information of governors’ designees and Tribal officials’ designees. MDH is amending its rules to comply with the NRC’s updates in this paragraph.

The Department is also incorporating changes that the NRC required following MDH's last rules revision. These requirements appear in the final regulations for Physical Protection of Byproduct Material, 10 CFR Parts 20, 30, 32, 33, 34, 35, 36, 37, 39, and 71, and 78 FR 16922.

A detailed summary and discussion of the NRC changes can be found in the Federal Register pages listed above in paragraphs 1 through 5. To see this document online, go to the Government Printing Office, Federal Register website at <http://www.gpo.gov/fdsys/search/submitcitation.action?publication=FR>. [From the main page select the desired volume (number preceding FR), and enter the page number (number following FR)].

In addition to the above, the Department proposes changes that clarify existing requirements and make editorial corrections. Those proposed changes are listed below in the Rule-by-Rule Analysis section.

ALTERNATIVE FORMAT

Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact:

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STATUTORY AUTHORITY

Minnesota Statutes, sections 144.1201 through 144.1205 authorize the Department to enter into an agreement with the NRC to assume regulatory authority over certain nuclear materials. These sections also authorize rulemaking to allow Minnesota to assume regulatory authority under the agreement with the NRC. This rulemaking amends rules adopted since 1995. Previous rulemaking satisfied the requirements of *Minnesota Statutes*, section 14.125, so the Department retains its rulemaking authority for making these amendments.

REGULATORY ANALYSIS

The Department is amending its rules to correct errors, address inconsistencies, remove redundant language, and reflect recent NRC regulation changes. These changes maintain standards necessary to promote and protect the radiological health and safety of the public, employees' health and safety, and the safety of the environment. The proposed rule changes establish requirements that are an integral element in the Agreement State process. *Minnesota Statutes*, section 14.131, sets out eight factors for a regulatory analysis that must be included in the SONAR. Paragraphs (1) through (8) below quote these factors and then give the agency's response.

“(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule”

The rules in general affect MDH radioactive material licensees. The extent to which the proposed changes will affect a licensee will depend on the type of license the licensee has and the material it possesses.

Ultimately, the largest group affected by these rules is the Minnesota general public since the purpose of the rules is to protect both licensees and the general public from unwanted or unsafe exposures to radioactive materials.

“(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues”

The increased cost of enforcement is negligible. The enforcement cost of the rules is already funded through annual statutory fees. The Department will require no additional revenues to enforce these rules.

“(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule”

The NRC requires that MDH adopt the proposed rules to be compatible with NRC's regulations. MDH has little or no discretion in considering methods that would be less restrictive to the regulated parties. The majority of the other changes are intended to make the requirements more understandable, thereby improving compliance.

“(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule”

Rather than amending the rules to maintain compatibility with the NRC and other Agreement States, the Department could terminate its agreement with the NRC, which would allow NRC to reclaim its regulatory role. If that action were taken, however, Minnesota would lose the control it holds at present and the state's licensees would pay higher fees.

“(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals”

Most of the proposed changes are minor in nature and will have a nominal cost for licensees.

“(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals”

If the State does not adopt the rule changes required for compatibility, our rules would not meet the NRC's compatibility requirements, which the State agreed to when it became an Agreement

State. The NRC could ultimately end the agreement and reclaim regulatory control, costing the State the annual fees that licensees would then pay to the federal government, which are typically higher than the Minnesota fees.

“(7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference”

The majority of the differences between the proposed rule changes and the federal regulations are those necessary to conform to Minnesota’s rulemaking format.

“(8) an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule. . . . ‘Cumulative effect’ means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules. Cumulative effects can result from individually minor but collectively significant rules adopted over a period of time.”

The Department is not aware of any other regulations related to the specific purpose of the rule.

The proposed rules must be compatible with the NRC’s regulation in the Code of Federal Regulations Chapter 10 (10 CFR). Though the proposed regulations are similar to corresponding regulations in 10 CFR, the effect is not cumulative. The material that falls under the agreement between the NRC and Minnesota is covered by Minnesota rules and not the NRC regulations, so licensees in the state follow Minnesota Rules Chapter 4731, not the corresponding parts of 10 CFR. For material not covered by the agreement (e.g. distribution of exempt material and the nuclear power plants) the opposite is true, they follow 10 CFR, not Chapter 4731.

PERFORMANCE-BASED RULES

As stated above, the proposed rules are based on federal regulations that the Department is contractually required to adopt. The Department thus has little flexibility in designing these rules.

ADDITIONAL NOTICE

The Department will provide all notices required by statute. The proposed rules and Notice of Intent to Adopt will be sent to everyone who has registered to be on the Department's rulemaking mailing list under Minnesota Statutes, section 14.14, subdivision 1a. We will also give notice to the Legislature per Minnesota Statutes, section 14.116.

Also, when the Department publishes the Notice of Intent to Adopt in the State Register, the Department will provide a copy of the Notice by US mail or email to the 150 facilities that have an MDH-specific radioactive materials license, and the 56 that have a general license that requires registration. The notice will also be posted on the Radioactive Materials page of the MDH website. The facilities that will receive a notice include medical facilities, colleges and universities, research facilities, and industrial users.

CONSULTATION WITH MMB ON LOCAL GOVERNMENT IMPACT

As required by Minnesota Statutes, section 14.131, the Department will consult with Minnesota Management and Budget (MMB). We will do this by sending MMB copies of the documents that we send to the Governor's Office for review and approval on the same day we send them to the Governor's office. We will do this before the Department's publishing the Notice of Intent to Adopt. The documents will include: the Governor's Office Proposed Rule and SONAR Form; the proposed rules; and the SONAR. The Department will submit a copy of the cover correspondence and any response received from Minnesota Management and Budget to OAH with the documents it submits for ALJ review.

DETERMINATION ABOUT RULES REQUIRING LOCAL IMPLEMENTATION

As required by Minnesota Statutes, section 14.128, subdivision 1, the agency has considered whether these proposed rules will require a local government to adopt or amend any ordinance or other regulation in order to comply with these rules. The agency has determined that they do not because these rules amend a regulatory framework for the Department's oversight of radioactive materials under its agreement with the NRC. All regulatory functions are performed within the Department of Health and do not require local government enforcement.

Furthermore, the affected licensees are parties such as hospitals and clinics, manufacturing facilities, engineering companies, and universities and colleges in Minnesota. These parties are almost exclusively privately owned entities or individuals. While there are publicly owned entities, any action required by these parties' governing boards would be administrative in nature and not require a local government to adopt or amend an ordinance or other regulation. During the rulemaking process, the Department received no comments that suggested that the rule would be affected in such a way that would require local governments to adopt or amend any ordinance or other regulation.

COST OF COMPLYING FOR SMALL BUSINESS OR CITY

As required by Minnesota Statutes, section 14.127, MDH has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed \$25,000 for any small business or small city. MDH has determined that it will not. This determination mirrors the probable costs of complying with the proposed rule, as described in the Regulatory Analysis section of this SONAR on page 4.

LIST OF WITNESSES

MDH does not plan to call non-agency witnesses to testify if these rules were to go to a public hearing. In that event, Sherrie Flaherty, Supervisor of the Radioactive Materials Unit, Minnesota Department of Health would testify briefly about the rule amendments' development and content.

RULE-BY-RULE ANALYSIS

As previously stated, the NRC requires most proposed rule changes to meet the compatibility requirements with its regulations. The NRC categorizes rules that the states adopt as A, B, C, D, or Health and Safety (H&S) compatibility. The following describes the NRC's various categories:

- A = Basic radiation protection standard or related definitions, signs, labels, or terms necessary for the common understanding of radiation protection principles. The state program element should be essentially identical to that of the NRC.
- B = Program element with significant direct trans-boundary implications. The state program element should be essentially identical to that of NRC.
- C = Program element, the essential objectives of which should be adopted by the state to avoid conflicts, duplications, or gaps. The manner in which the essential objectives are addressed need not be the same as NRC, provided the essential objectives are met.
- D = Not required for compatibility purposes.
- H&S = Program element with a particular health and safety significance. The state should adopt the essential objectives of such program elements in order to maintain an adequate program.

A table correlating the NRC rules to the proposed changes to MDH's rules and indicating the compatibility level of each rule is included as Exhibit 1 of this SONAR.

The following changes are MDH-initiated rather than being NRC-driven.

4717.7000 Variance Request.

The amendment essentially adds a cross-reference. It lists the radioactive materials rules citation with the list environmental health rules parties may request the commissioner of health to grant a variance to. Although part 4731.0200, subpart 2, states the authority for a licensee to request a variance, part 4717.7000 has never been similarly brought up to date to include the radioactive material rule parts on the list. Amending the rule part necessary and reasonable.

4731.0200 General Applications.

A few places in the rule require telephone notifications to the Department. This amendment clarifies, in one location, where to make the telephone notifications both during business hours and after hours. The amendments to rule parts below include a reference to this part.

4731.0620, subpart 3;
4731.0820, subpart 3;
4731.2350, subpart 4;
4731.2600, subpart 1;
4731.2610, subpart 4;

4731.3110, subpart 3;
4731.4350, subpart 3; and
4731.7280 subparts 1 and 3.

4731.0355 Reciprocity.

In subpart 3, item B (1) the Department added “in advance.” For public safety and inspection purposes, the Department needs to know beforehand when or if out-of-state licensees are doing the work. The existing rule requires that licensees notify the commissioner of changes in their intended work locations, schedule, radioactive material, or work activities. The proposed amendment makes it clear that the licensee must notify the commissioner before any of these changes to its schedules for its planned work take effect. After-the-fact notice does not suffice. The change is necessary and reasonable.

4731.0400 Scope; Enforcement Notice.

The Department is eliminating a redundant 4731.0400, subpart 4. This existing subpart merely notifies those regulated by this rule that they are subject to enforcement action for violation of deliberate misconduct. Because the regulated parties are already subject to 4631.0280, there is no need to provide this notice here, especially since it creates potential ambiguity in enforcement measures. Also, as part of the NRC’s compatibility requirements, the Department is adding the NRC’s definitions of “contamination,” “fixed contamination,” and “nonfixed contamination” verbatim. These definitions appear here because they apply only within 4731.0400 to 4731.0424, and not the entire chapter 4731.

4731.0455 Quality Assurance for Transportation Packages.

The Department is repealing this part. The existing 4731.0455 requires that a licensee, certificate holder, and applicant for a certificate of compliance must comply with the provisions contained in 10 CFR 71, subpart H. Subpart H spells out the quality-assurance programs that these regulated parties must have for using type B packages for transporting radioactive materials. To meet compatibility requirements, MDH is removing this reference to 10 CFR 71, subpart H, from its rules.

Under these changes, the NRC continues to oversee certificate holders and applicants for a certificate of compliance. MDH oversees licensees who must comply with the requirements for quality assurance for transportation packages. Therefore, MDH’s adding these quality assurance requirements for transportation packages contained 10 CFR 71, subpart H, to Minnesota Rules 4731.0420 is necessary and reasonable.

Transportation rules – parts 4731.0400 to 4731.0424

Previously, the transportation rule parts comprised parts 4731.0400 to 4731.0455. With the repeal of part 4731.0455, the rule part range now becomes 4731.0400 to 4731.0424. MDH is amending the internal references to this rule part range in the rule parts listed below.

- 4731.0100, subpart 84;
- 4731.0400, subparts 1, 2, and 3;
- 4731.0401;
- 4731.0403, subparts 1a and 2;
- 4731.0409, subpart 2;

- 4731.0415;
- 4731.0416, subpart 1;
- 4731.0419, subpart 2;
- 4731.3075, subpart 3;
- 4731.4030, subpart 2;
- 4731.4110, subpart 2;
- 4731.4140, subparts 1 and 2; and
- 4731.7050, subpart 1.

4731.0565 Application; Filing

The Department is eliminating item B, a provision that permits an applicant for a radioactive materials license to incorporate information that was provided in a previous application by reference into the current application. Licensees must renew a radioactive materials license every five years to ensure that the licensee reviews their radioactive materials program and submits updated procedures with the application. The Department needs applications to contain all the required information to support the issuance of a license, both initially and at the time of renewal. Allowing existing license holders to simply reference their previous application is not adequate evidence of meeting the requisite criteria. Doing so could lead to lax situations where licensees refer inspectors to outdated procedures that do not reflect the current status of their radioactive materials program. Any policies or procedures that a licensee would reference on renewal applications must be submitted as part of the license application.

The Department is also eliminating a licensing provision, which was designed for the NRC's administration, that MDH erroneously incorporated into state rules. The NRC provision allows the NRC to recognize the material submitted in an application for a radioactive materials license as having been submitted for an application for other NRC-licensed activities. This recognition is reasonable because the NRC only regulates activities related to radioactive materials. The unintended consequence in MDH's rules is that this incorporated language requires the commissioner to recognize application submitted for radioactive material licenses to be applied to other MDH licenses under the commissioner's jurisdiction. Within the Department's environmental health division, the commissioner regulates many activities that are unrelated to radioactive materials. Having the commissioner recognize a radioactive materials license application as satisfying requirements for any other activities is obviously indefensible. MDH has never had such a practice and will therefore simply delete this aberration from its rules.

MDH is also striking these same provisions from parts 4731.0760 and 4731.3065.

4731.0580 Application; Financial Assurance and Record Keeping for Decommissioning.

MDH is correcting an oversight. When it initially adopted the rule in December 2004, the Department omitted these provisions and are adding them here.

When licensees terminate their licenses, they must arrange for the proper disposal of the radioactive materials, a process called "decommissioning." Because this disposal requires future funding, the Department is requiring a "decommissioning funding plan" when licensees possess and use unsealed special nuclear material in quantities exceeding 10^5 times the applicable quantities in part 4731.3160. This is a compatibility H&S with the NRC's regulations. This requirement ensures that users of high activity, unsealed special nuclear material have the funds

to decommission their facilities when they are no longer using radioactive material. Not only is this necessary and reasonable, the NRC requires it.

The Department is also updating a reference for the calculation of the sum of ratios to reference this rule chapter instead of referencing NRC's regulations.

4731.0600 License Expiration and Termination; Decommissioning.

The Department is eliminating outdated provisions in items B and C because they retain what the NRC intended as a temporary license expiration extension from the mid-1990s.

In 1996, the NRC extended certain types of licenses then in effect for an additional five years beyond their existing expiration date. The NRC never intended that licenses issued after that 2001 date would have an automatic 5-year extension beyond the expiration dates listed on the licenses. The NRC removed these allowances from their regulations in 2008. The Department's practice is that newly issued radioactive materials licenses are valid for five years and expire on the date indicated on the license.

The Department is also making formatting changes to be consistent with similar provisions in parts 4731.0790 and 4731.3085.

4731.0760 Specific License; Application.

These changes mirror those made in part 4731.0565.

4731.0790 License Expiration and Termination; Decommissioning.

The Department is making formatting changes only to be consistent with similar provisions in parts 4731.0600 and 4731.3085. The changes are not substantive.

4731.3065 Specific License Application.

These changes mirror those made in part 4731.0565.

4731.3085. License Expiration and Termination; Decommissioning.

These changes mirror those made in part 4731.0565.

LIST OF EXHIBITS

1. Correlation of Department Rules to NRC Regulations and Compatibility Classification

CONCLUSION

Based on the foregoing, the proposed rules are both needed and reasonable.

April 18, 2019

Jan K. Malcolm
Commissioner of Health

Attachment 1: Cross Reference and Compatibility Table

MN Rule Part	Title	10 CFR	Compatibility
4731.0100	Definitions		
Subp. 50a	Criticality safety index	71.4	B
Subp. 84	Fissile material	71.4	B
Subp. 100a	Indian Tribe	71.4	B
Subp. 129	Low specific activity material	71.4	B
Subp. 130	Low specific activity material group I	71.4	B
Subp. 131	Low specific activity material group II	71.4	B
Subp. 132	Low specific activity material group III	71.4	B
Subp. 149	Natural Uranium	71.4	B
Subp. 224	Special form radioactive material	71.4	B
Subp. 247a	Tribal Official	71.4	B
4731.0200	General Applications		
Subp. 5	Telephone notifications		
4731.0355	Reciprocity	150.20	C
Subp. 3	Notification		
4731.0400	Scope; Enforcement Notice	71.0	D (except as noted)
Subp. 1	Scope	71.0(a)	D
Subp. 2	Application of other law	71.0(b)	D
Subp. 3	Applicability	71.0(c)	B
Subp. 4	Definitions	71.4	B
4731.0401	Requirement for license	71.3	B
4731.0403	Specific Exemptions	71.12	D
Subp. 1a	Grounds	71.12	D
Subp. 2	Low-level materials	71.14(a)	B
Subp. 3	Exemption from classification as fissile material	71.15	B
4731.0406	General license; NRC-approved package	71.17	B
Subp. 2	Approved quality assurance program	71.17(b)	B
Subp. 3	Compliance with conditions	71.17(c)	B
Subp. 4	Package approval	71.17(d)	B
Subp. 5	Type B or fissile material package	71.17(e)	B
4731.0407	Previously approved packages	71.19	NRC (Deleted)
4731.0409	General license; foreign-approved package	71.21	B
Subp. 1	License for foreign-approved package	71.21(a)	B
Subp. 2	Approved quality assurance program	71.21(b)	B

CROSS REFERENCE AND COMPATIBILITY TABLE

MN Rule Part	Title	10 CFR	Compatibility
Subp. 3	Use outside United States	71.21(c)	B
Subp. 4	Certificate conditions	71.21(d)	B
4731.0414	Preliminary Determinations	71.85(d)	B
4731.0415	Routine Determinations	71.87	B
4731.0416	Air transport of plutonium	71.88	B
Subp. 1	Limitations for plutonium transport	71.88(a)	B
4731.0418	Records and Reports	71.91, 71.95	C
Subp. 1	Record of shipment	71.91(a)	C
Subp. 2	Record availability	71.91(c)	C
Subp. 3	Record of package quality	71.91(d)	C
Subp. 4	Reports	71.95	D
4731.0419	Advance Notification of Shipment of Irradiated Fuel and Nuclear Waste	71.97	B
Subp. 1	Notice required	71.97(a)	B
Subp. 2	Shipments requiring notice	71.97(b)	B
Subp. 3	Procedures for submitting notification	71.97(c)	B
Subp. 4	Information to be furnished in advance notification of shipment	71.97(d)	B
Subp. 5	Revision notice	71.97(e)	B
Subp. 6	Cancellation notice	71.97(f)	B
4731.0420	Quality Assurance Requirements	71.101	C, D, or NRC
Subp. 1	Program requirement	71.101(a), (b) and (c)(1)	C
Subp. 2	Quality assurance organization	71.103 (a) and (b)	C
Subp. 3	Quality assurance program	71.105	C
Subp. 4	Changes to quality assurance program	71.106	C
Subp. 5	Handling, storage, and shipping control	71.127	C
Subp. 6	Inspection, test, and operating status	71.129	C
Subp. 7	Nonconforming materials, parts, or components	71.131	C
Subp. 8	Corrective actions	71.133	C
Subp. 9	Quality assurance records	71.135	C
Subp. 10	Audits	71.137	C
4731.0421	Quality Assurance Organization	71.103 (a) and (b)	(Deleted – covered in 4731.0420)
4731.0422	A1 and A2 Values for Radionuclides	Part 71 Appendix A	B

CROSS REFERENCE AND COMPATIBILITY TABLE

MN Rule Part	Title	10 CFR	Compatibility
Subp. 1a	A1 and A2 values	Table A-1	B
Subp. 2	Specific activity	Table A-1	B
Subp. 3	Exempt material activity concentrations and exempt consignment activity limits	Table A-2	B
4731.0423	Determination of A1 and A2	Part 71 Appendix A	B
Subp. 4	Radionuclide mix	IV	B
Subp. 5	Activities unknown	V	B
Subp. 6	General values for A1 and A2	Table A-3	B
4731.0455	Quality assurance for transportation packages		(Deleted – covered in 4731.0420)
4731.0565	Application; Filing	70.21	D
Subp. 1	Generally	70.21 (a)(3), (b), & (d)	D
4731.0580	Application; Financial Assurance and Record Keeping for Decommissioning	70.25	D
Subp. 1	Requirements	70.25(a)(2)&(b)	H&S
Subp. 3	Financial assurance; amounts	70.25(d)	C
4731.0600	License Expiration and Termination; Decommissioning	70.38	D or H&S
Subp. 1	Expiration	70.38(a)	D
Subp. 1a	Revocation	70.38(b)	D
Subp. 1b	Termination Notice	70.38(c)	H&S
Subp. 2	Decommissioning	70.38(d) to (k)	H&S
Subp. 3	Required records		(Deleted – covered in Subp. 2)
4731.0610	Authorized use of special nuclear material	70.41	C
Subp. 1	Authority under license	70.41(a)	C
4731.0620	Reporting Requirements	70.50	C
Subp. 3	Preparation and submission of reports	70.50(c)	C
4731.0760	Specific License; Application	40.31	D, H&S, or NRC
Subp. 1	Application generally	40.31(a), (b), (d), & (e)	D
4731.0790	License Expiration and Termination; Decommissioning	40.42	D or H&S
Subp. 1	Expiration	40.42(a)	D
4731.0820	Reporting Requirements	40.60	C or D

CROSS REFERENCE AND COMPATIBILITY TABLE

MN Rule Part	Title	10 CFR	Compatibility
Subp. 3	Preparation and submission of reports	40.60(c)	C
4731.2350	Procedures for Receiving and Opening Packages	20.1906	H&S
Subp. 4	Immediate notification	20.1906(d)	H&S
4731.2600	Reports; Theft or Loss of Licensed Material	20.2201	C or D
Subp. 1	Telephone reports	20.2201(a)	C
Subp. 3	Exemption	20.2201(c)	D (Deleted)
4731.2610	Notification of Incidents	20.2202	C or D
Subp. 4	Reporting method	20.2202(d)	C
4731.2950	Low-level Radioactive Waste; Transfer and Disposal	Part 20 Appendix G	B
Subp. 2	Manifest	Part 20 Appendix G	B
4731.3030	Exemption; Certain Items Containing Radioactive Material	30.15	B
Subp. 1	Exempt products	30.15(a)	B
4731.3065	Specific License; Application	30.32	D (except as noted)
Subp. 1	General requirements	30.32 (a)(b)(c)(e)(f)	D
4731.3075	Terms and conditions of licenses	30.34	Various
Subp. 3	Scope of license	30.34(c)	C
4731.3085	License Expiration and Termination; Decommissioning	30.36	D (except as noted)
Subp. 1	Expiration	30.36(a)	D
4731.3110	Reporting Requirements	30.50	C or D
Subp. 3	Preparation and submission of reports	30.50(c)	C
4731.3395	Specific License; Radioactive Drugs for Medical Use; Manufacture, Preparation, or Transfer	32.72	B
Subp. 2	Pharmacy license	32.72(b)	B
4731.4030	Performance Requirements; Industrial Radiography Equipment	34.20	B
Subp. 1	ANSI standard	34.20(a)	B
Subp. 2	Additional requirements	34.20(b)	B
4731.4110	Labeling; packaging; security	34.35	B
Subp. 2	Required packaging	34.35(b)	B
4731.4140	Radiographer training	34.43	B
Subp. 1	Requirements; radiographer	34.43(a)&(b)	B

CROSS REFERENCE AND COMPATIBILITY TABLE

MN Rule Part	Title	10 CFR	Compatibility
Subp. 2	Requirements; radiographer's assistant	34.43(c)	B
4731.4350	Notifications	34.101	C
Subp. 3	Preparation and submission of notifications	34.101	C
4731.7050	Labels, security, and transportation precautions	39.31	C or D
Subp. 1	Labeling	39.31(a)	D
4731.7280	Notification of Incidents and Lost Sources; Abandonment Procedures	39.77	C or D
Subp. 1	Notification; ruptured source	39.77(a)	C
Subp. 3	Abandonment and sealing procedures	39.77(c)	C
4731.8025	Requirements for Criminal History Records Checks of Individuals Granted Unescorted Access to Category 1 or Category 2 Quantities of Radioactive Material	37.27	B
Subp. 3	Procedures for processing of fingerprint checks	37.27(c)	B
4731.8030	Relief From Fingerprinting, Identification, and Criminal History Records Checks and Other Elements of Background Investigations for Designated Categories of Individuals Permitted Unescorted Access to Certain Radioactive Materials	37.29	B
Subp. 1	Exemption to certain security checks	37.29(a)	B
4731.8100	Additional Requirements for Transfer of Category 1 and Category 2 Quantities of Radioactive Material	37.71	B (except C for Item D)
4731.8115	Advance Notification of Shipment of Category 1 Quantities of Radioactive Material	37.77	B (except as noted)
Subp. 2	Procedures for submitting advance notification	37.77(a)	B
Subp. 5	Cancellation notice	(d)	B
Subp. 7	Protection of information	(f)	C

The NRC categorizes rules that are adopted by agreement states as A, B, C, D, or H&S. The following describes the NRC's various categories:

- A = Basic radiation protection standard or related definitions, signs, labels, or terms necessary for the common understanding of radiation protection principles. The state program element should be essentially identical to that of NRC.
- B = Program element with significant direct trans-boundary implications. The state program element should be essentially identical to that of NRC.

CROSS REFERENCE AND COMPATIBILITY TABLE

- C = Program element, the essential objectives of which should be adopted by the state to avoid conflicts, duplications, or gaps. The manner in which the essential objectives are addressed need not be the same as NRC, provided the essential objectives are met.
- D = Not required for purposes of compatibility.
- H&S = Program element with a particular health and safety significance. The state should adopt the essential objectives of such program elements in order to maintain an adequate program.

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