MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

PO Box 64620
Saint Paul, MN 55164-0620
mn.gov/oah

PH (651) 361-7900

December 23, 2021

VIA EMAIL ONLY
Nancy Breems
Secretary of State, Elections Division
180 State Office Building
100 Rev Dr Martin Luther King Jr Blvd
St. Paul, Minnesota 55155-1299
official.documents@state.mn.us

Re: ***In the Matter of Minn. R. 4731, Possible Amendment to Rules Governing Radiation Safety, Revisor's ID No. R-4671***
OAH 82-9000-37774; Revisor R4671

Dear Ms. Breems:

Enclosed for filing is an electronic copy of the above-entitled adopted rules.

Please send the agency copy of the rules to:

Josh Skaar
Attorney at Law
Minnesota Department of Health
625 N Robert St
Saint Paul, MN 55164
Josh.skaar@state.mn.us

If you have any questions regarding this matter, please contact me at (651) 361-7875, denise.collins@state.mn.us or via facsimile at (651) 539-0310.

Sincerely,

Denise S. Collins

Denise S. Collins
Court Administrator

Enclosures
cc: Josh Skaar (via email)
Jacqueline Cavanagh (via email)

Department of Health

Adopted Permanent Rules Relating to Radioactive Materials

4731.0100 DEFINITIONS.

[For text of subparts 1 to 19, see Minnesota Rules]

Subp. 19a. **Associate radiation safety officer.** "Associate radiation safety officer" means an individual who:

A. meets the requirements in parts 4731.4411 and 4731.4415; and

B. is currently identified as an associate radiation safety officer for the types of use of radioactive material for which the individual has been assigned duties and tasks by the radiation safety officer on:

(1) a specific medical use license issued by the commissioner, NRC, or an agreement state; or

(2) a medical use permit issued by an NRC master material licensee.

[For text of subparts 20 to 157, see Minnesota Rules]

Subp. 157a. **Ophthalmic physicist.** "Ophthalmic physicist" means an individual who:

A. meets the requirements in parts 4731.4456, item A, subitem (2), and 4731.4415; and

B. is identified as an ophthalmic physicist on a:

(1) specific medical use license issued by the commissioner, NRC, or an agreement state;

(2) permit issued by a commissioner, NRC, or agreement state broad scope medical use licensee;

(3) medical use permit issued by an NRC master material licensee; or

(4) permit issued by an NRC master material licensee broad scope medical use permittee.

[For text of subparts 158 to 173, see Minnesota Rules]

Subp. 174. **Preceptor.** "Preceptor" means an individual who provides, directs, or verifies the training and experience required for an individual to become an authorized user, authorized medical physicist, authorized nuclear pharmacist, a radiation safety officer, or an associate radiation safety officer.

[For text of subparts 175 to 269, see Minnesota Rules]

4731.0406 GENERAL LICENSE; NRC-APPROVED PACKAGE.

[For text of subparts 1 and 2, see Minnesota Rules]

Subp. 3. **Compliance with conditions.** Each licensee issued a general license under subpart 1 must:

[For text of items A and B, see Minnesota Rules]

C. submit in writing to the NRC, before the licensee's first use of the package, the licensee's name and license number and the package identification number specified in the package approval. For the submittal to the NRC, the licensee must use an approved method listed in the Code of Federal Regulations, title 10, section 71.1(a), addressed to: ATTN: Document Control Desk, Director, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards.

[For text of subparts 4 and 5, see Minnesota Rules]

4731.0419 ADVANCE NOTIFICATION OF SHIPMENT OF IRRADIATED REACTOR FUEL AND NUCLEAR WASTE.

[For text of subparts 1 and 2, see Minnesota Rules]

Subp. 3. **Procedures for submitting notification.**

A. The notification required under this part must:

(1) be made in writing to the commissioner, the office of each appropriate state governor or governor's designee, the office of each appropriate Tribal official or Tribal official's designee, and to the director, Office of Nuclear Security and Incident Response, NRC;

[For text of subitems (2) and (3), see Minnesota Rules]

B. Contact information, including telephone and mailing addresses of the governors' designees and Tribal officials' designees of participating Tribes is available on the NRC website at: https://scp.nrc.gov/special/designee.pdf. The information is also available on request from the Director, Division of Materials Safety, Security, State, and Tribal Programs, Office of Nuclear Material Safety and Safeguards, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

[For text of item C, see Minnesota Rules]

[For text of subparts 4 to 5a, see Minnesota Rules]

Subp. 6. **Cancellation notice.**

A. A licensee who cancels an irradiated reactor fuel or nuclear waste shipment for which advance notification has been sent must send a cancellation notice to the commissioner, the governor of each state or the governor's designee previously notified, each Tribal official or the Tribal official's designee previously notified, and the director, Office of Nuclear Security and Incident Response, NRC.

[For text of items B and C, see Minnesota Rules]

4731.0422 A_1 AND A_2 VALUES FOR RADIONUCLIDES.

Subpart 1. [Repealed, 32 SR 831]

[For text of subpart 1a, see Minnesota Rules]

Subp. 2. **Specific activity.** This subpart specifies specific activity for individual radionuclides.

Element and Atomic Number and Symbol of Radionuclide	Specific Activity (TBq/g)	Specific Activity (Ci/g)

[For text of Actinium (89) to Silicon (14), see Minnesota Rules]

Samarium (62)		
Sm-145	9.8×10^{1}	2.6×10^{3}
Sm-147	8.5×10^{-10}	2.3×10^{-8}
Sm-151	9.7×10^{-1}	2.6×10^{1}
Sm-153	1.6×10^{4}	4.4×10^{5}

[For text of Tin (50) to Zirconium (40), see Minnesota Rules]

[For text of subpart 3, see Minnesota Rules]

4731.2750 ANNUAL LIMITS ON INTAKE AND DERIVED AIR CONCENTRATIONS.

[For text of subparts 1 to 6, see Minnesota Rules]

Subp. 7. **Table of ALIs and DACs.**

	Table 1			Table 2		Table 3
Atomic Number (AN), Radionuclide, and Class	1	2	3	1	2	

[For text of Atomic Numbers 1 to 55 (AN 1 to AN 55), see Minnesota Rules]

AN 56

Barium-126[2]

5.1	D, all compounds	6E+3	2E+4	6E-6	2E-8	8E-5	8E-4
5.2	Barium-128						
5.3	D, all compounds	5E+2	2E+3	7E-7	2E-9	7E-6	7E-5
5.4	Barium-131m[2]						
5.5	D, all compounds	4E+5	1E+6	6E-4	2E-6	---	---
5.6 5.7		Stom (5E+5)	---	---	---	7E-3	7E-2
5.8	Barium-131						
5.9	D, all compounds	3E+3	8E+3	3E-6	1E-8	4E-5	4E-4
5.10	Barium-133m						
5.11	D, all compounds	2E+3	9E+3	4E-6	1E-8	---	---
5.12 5.13		LLI (3E+3)	---	---	---	4E-5	4E-4
5.14	Barium-133						
5.15	D, all compounds	2E+3	7E+2	3E-7	9E-10	2E-5	2E-4
5.16	Barium-135m						
5.17	D, all compounds	3E+3	1E+4	5E-6	2E-8	4E-5	4E-4
5.18	Barium-139[2]						
5.19	D, all compounds	1E+4	3E+4	1E-5	4E-8	2E-4	2E-3
5.20	Barium-140						
5.21	D, all compounds	5E+2	1E+3	6E-7	2E-9	---	---
5.22 5.23		LLI (6E+2)	---	---	---	8E-6	8E-5
5.24	Barium-141[2]						

D, all compounds	2E+4	7E+4	3E-5	1E-7	3E-4	3E-3
Barium-142[2]						
D, all compounds	5E+4	1E+5	6E-5	2E-7	7E-4	7E-3

[For text of Atomic Numbers 57 to 101 (AN 57 to AN 101), see Minnesota Rules]

FOOTNOTES:

[1] "Submersion" means that values given are for submersion in a hemispherical semi-infinite cloud of airborne material.

[2] These radionuclides have radiological half-lives of less than two hours. The total effective dose equivalent received during operations with these radionuclides might include a significant contribution from external exposure. The DAC values for all radionuclides, other than those designated Class "Submersion," are based upon the committed effective dose equivalent due to the intake of the radionuclide into the body and do not include potentially significant contributions to dose equivalent from external exposures. The licensee may substitute 1E-7 μCi/ml for the listed DAC to account for the submersion dose prospectively, but must use individual monitoring devices or other radiation measuring instruments that measure external exposure to demonstrate compliance with the limits according to part 4731.2040.

[3] For soluble mixtures of U-238, U-234, and U-235 in air, chemical toxicity may be the limiting factor according to part 4731.2020, subpart 5. If the percent by weight (enrichment) of U-235 is not greater than five, the concentration value for a 40-hour work week is 0.2 milligrams uranium per cubic meter of air average. For any enrichment, the product of the average concentration and time of exposure during a 40-hour work week must not exceed 8E-3 (SA) μCi-hr/ml, where SA is the specific activity of the uranium inhaled. The specific activity for natural uranium is 6.77E-7 curies per gram U. The specific activity for other mixtures of U-238, U-235, and U-234, if not known, is:

SA = 3.6E-7 curies/gram U U-depleted

SA = [0.4 + 0.38 (enrichment) + 0.0034 (enrichment) ^{2}] E-6, enrichment > 0.72

where enrichment is the percentage by weight of U-235, expressed as percent.

[For text of subpart 8, see Minnesota Rules]

4731.3075 TERMS AND CONDITIONS OF LICENSES.

[For text of subparts 1 to 6, see Minnesota Rules]

Subp. 7. **Generator testing.** A licensee preparing technetium-99m radiopharmaceuticals from molybdenum-99 / technetium-99m generators or rubidium-82 from strontium-82/rubidium-82 generators must test the generator eluates for molybdenum-99 breakthrough or strontium-82 and strontium-85 contamination, respectively, according to part 4731.4435. The licensee must record the results of each test and retain each record for three years after the record is made. The licensee must report the results of any test that exceeds the permissible concentration listed in part 4731.4435, item A, at the time of generator elution, in accordance with part 4731.4528.

[For text of subparts 8 and 9, see Minnesota Rules]

4731.3330 SPECIFIC LICENSE; CERTAIN DEVICES CONTAINING RADIOACTIVE MATERIALS; MANUFACTURE OR INITIAL TRANSFER.

[For text of subparts 1 to 3, see Minnesota Rules]

Subp. 4. **Transfer for use under general license; requirements.** If a device containing radioactive material is to be transferred for use under a general license issued under part 4731.3215, a person that is licensed under this part must provide the information specified in this subpart to each person to whom a device is to be transferred. The information must be provided before the device may be transferred. In case of a transfer through an intermediate person, the information must also be provided to the intended user before the initial transfer to the intermediate person. The required information includes:

[For text of item A, see Minnesota Rules]

B. a copy of parts 4731.2600, 4731.2610, 4731.3115, and 4731.3200, item B;

[For text of items C to E, see Minnesota Rules]

[For text of subparts 5 to 11, see Minnesota Rules]

4731.3395 SPECIFIC LICENSE; RADIOACTIVE DRUGS FOR MEDICAL USE; MANUFACTURE, PREPARATION, OR TRANSFER.

Subpart 1. **Approval criteria.** An application for a specific license to manufacture, prepare, or transfer for commercial distribution radioactive drugs containing radioactive material for use by persons authorized according to parts 4731.4400 to 4731.4527 shall be approved if the applicant:

[For text of items A to C, see Minnesota Rules]

D. commits to the following labeling requirements:

[For text of subitems (1) and (2), see Minnesota Rules]

Subp. 2. **Pharmacy licensees.**

[For text of items A to C, see Minnesota Rules]

D. No later than 30 days after the date that a licensee described in subpart 1, item B, subitem (3) or (4), allows an individual to work as an authorized nuclear pharmacist under item A, subitem (2), unit (a) or (c), the licensee must provide to the commissioner a copy of:

(1) the individual's certification by a specialty board whose certification process has been recognized as specified in part 4731.4413, subpart 1; or

[For text of subitems (2) to (4), see Minnesota Rules]

[For text of subpart 3, see Minnesota Rules]

Subp. 3a. **Labeling requirements.** A licensee must satisfy the labeling requirements of subpart 1, item D.

[For text of subpart 4, see Minnesota Rules]

4731.4170 PERSONNEL MONITORING.

Subpart 1. **Monitoring requirements.**

A. A licensee may not permit an individual to act as a radiographer or a radiographer's assistant unless, at all times during radiographic operations, each individual wears, on the trunk of the body, a combination of direct reading dosimeter, an operating alarm ratemeter, and a personnel dosimeter.

[For text of items B to D, see Minnesota Rules]

E. Film badges must be replaced at periods not to exceed one month and other personnel dosimeters that require replacement must be replaced at periods not to exceed three months. All personnel dosimeters must be evaluated at periods not to exceed three months or promptly after replacement, whichever is more frequent.

[For text of subparts 2 and 3, see Minnesota Rules]

Subp. 4. **High readings.** If an individual's pocket chamber is found to be off-scale, or if the individual's electronic personal dosimeter reads greater than 200 millirems (2 mSv), and the possibility of radiation exposure cannot be ruled out as the cause, the individual's personnel dosimeter that requires processing must be sent for processing and evaluation within 24 hours. For personnel dosimeters that do not require processing, evaluation of the dosimeter must be started within 24 hours. The individual may not resume work associated with licensed material use until a determination of the individual's radiation exposure has been made. The determination must be made by the radiation safety officer or the radiation safety officer's designee. The results of the determination must be included in the records maintained according to part 4731.4310.

[For text of subpart 5, see Minnesota Rules]

Subp. 6. **Report retention.** Dosimetry results must be retained according to part 4731.4310.

[For text of subpart 7, see Minnesota Rules]

4731.4310 RECORDS; PERSONNEL MONITORING.

According to part 4731.4170, a licensee must maintain records of:

[For text of items A and B, see Minnesota Rules]

C. personnel dosimeter results until the commissioner terminates the license; and

[For text of item D, see Minnesota Rules]

4731.4403 SPECIFIC LICENSE; MEDICAL USE OF RADIOACTIVE MATERIALS.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Application for license, amendment, or renewal.**

[For text of item A, see Minnesota Rules]

B. An application for a license for medical use of radioactive materials as described in parts 4731.4404, 4731.4432, 4731.4434, 4731.4440, 4731.4450, 4731.4460, and 4731.4463 must include:

(1) an original application for radioactive material license form prescribed by the commissioner that includes the facility diagram, equipment, and training and experience qualifications of the radiation safety officer, associate radiation safety officers, authorized users, authorized medical physicists, ophthalmic physicists, and authorized nuclear pharmacists; and

[For text of subitem (2), see Minnesota Rules]

C. A request for a license amendment or renewal must include:

(1) an original of the form prescribed by the commissioner under item B or a letter requesting the amendment or renewal containing all the information in the form prescribed by the commissioner under item B; and

[For text of subitem (2), see Minnesota Rules]

D. In addition to the requirements under items B and C, an application for a license or amendment for medical use of radioactive material under part 4731.4404 must include:

(1) information regarding any radiation safety aspects of the medical use of the material that is not addressed in, or differs from, parts 4731.4400 to 4731.4427 and 4731.4500 to 4731.4528;

(2) identification of and commitment to follow the applicable radiation safety program requirements in parts 4731.4432 to 4731.4479 that are appropriate for the specific medical use;

(3) any additional specific information on:

(a) radiation safety precautions and instructions;

(b) methodology for measurement of dosages or doses to be administered to patients or human research subjects; and

(c) calibration, maintenance, and repair of instruments and equipment necessary for radiation safety; and

(4) any other information requested by the commissioner for review of the application.

[For text of item E, see Minnesota Rules]

Subp. 3. **License amendments.** A licensee must apply for and receive a license amendment:

[For text of item A, see Minnesota Rules]

B. before the licensee permits anyone to work as an authorized user, authorized nuclear pharmacist, authorized medical physicist, or ophthalmic physicist under the license,

except that the licensee may permit an individual to work as an authorized user, authorized nuclear pharmacist, authorized medical physicist, or ophthalmic physicist for 60 days before being authorized on a license if the individual is an authorized user, authorized nuclear pharmacist, authorized medical physicist, or ophthalmic physicist for the same type of use:

(1) on a license issued by the commissioner, the NRC, or an agreement state or on an equivalent permit or license recognized by the commissioner, the NRC, or an agreement state that authorizes the use of radioactive material in medical use or in the practice of nuclear pharmacy;

(2) on a permit issued by a commissioner, NRC, or agreement state specific licensee of broad scope that is authorized to permit the use of radioactive material in medical use or in the practice of nuclear pharmacy;

(3) on a permit issued by an NRC master material licensee that is authorized to permit the use of radioactive material in medical use or in the practice of nuclear pharmacy; or

(4) by a commercial nuclear pharmacy that has been authorized to identify authorized nuclear pharmacists;

[For text of item C, see Minnesota Rules]

D. before the licensee permits anyone to work as an associate radiation safety officer, or before the radiation safety officer assigns duties and tasks to an associate radiation safety officer that differ from those for which this individual is authorized on the license;

E. before the licensee receives radioactive material in excess of the amount or in a form different than authorized in the license or before the licensee receives a radionuclide that is different than the radionuclide authorized in the license;

F. before the licensee adds or changes the areas of use identified in the application or in the license, except for areas of use where radioactive material is used only according to part 4731.4432 or 4731.4434;

G. before the licensee changes an address identified in the application or on the license;

H. before the licensee revises procedures required under parts 4731.4466 and 4731.4472 to 4731.4474, as applicable, when the revision reduces radiation safety; and

I. before the licensee receives a sealed source from a different manufacturer or of a different model number than authorized by its license unless the sealed source is used for manual brachytherapy, is listed in the Sealed Source and Device Registry, and is in a quantity and for an isotope authorized by the license. If a licensee obtains a sealed source in accordance with this item, the licensee must submit an amendment request to add the sealed source to their radioactive materials license within 30 days after receiving the source.

Subp. 4. **Notifications of changes.**

A. A licensee must notify the commissioner by letter no later than 30 days after:

(1) an authorized user, authorized nuclear pharmacist, radiation safety officer, associate radiation officer, authorized medical physicist, or ophthalmic physicist has a name change;

[For text of subitems (2) and (3), see Minnesota Rules]

(4) the licensee has added to or changed the areas of use identified in the application or license where radioactive material is used according to part 4731.4432 or 4731.4434;

(5) the licensee permits an individual qualified to be a radiation safety officer under parts 4731.4411 and 4731.4415, to function as a temporary radiation safety officer

and to perform the functions of a radiation safety officer as described under part 4731.4405, subpart 1, item C; or

(6) the licensee permits an individual to work under the provisions of subpart 3, item B, as an authorized user, authorized medical physicist, ophthalmic physicist, or authorized nuclear pharmacist prior to being added to the license. The notification must include a copy of the commissioner, NRC, or agreement state license, the permit issued by an NRC master material licensee, the permit issued by a commissioner, NRC, or agreement state licensee of broad scope, or the permit issued by an NRC master material license broad scope permittee.

[For text of item B, see Minnesota Rules]

Subp. 5. **Exemptions; broad scope license.** A licensee possessing a Type A specific license of broad scope for medical use, issued under parts 4731.3500 to 4731.3580, is exempt from:

[For text of items A and B, see Minnesota Rules]

C. subpart 3, item F, regarding additions to or changes in the areas of use at the addresses identified in the application or license;

D. subpart 4, item A, subitem (1), for an authorized user, authorized nuclear pharmacist, authorized medical physicist, or ophthalmic physicist;

[For text of items E and F, see Minnesota Rules]

[For text of subparts 6 and 7, see Minnesota Rules]

4731.4405 RADIATION PROTECTION PROGRAM.

Subpart 1. **Authority and responsibilities.**

[For text of item A, see Minnesota Rules]

B. A licensee's management must appoint a radiation safety officer, who agrees, in writing, to be responsible for implementing the radiation protection program. The licensee, through the radiation safety officer, must ensure that radiation safety activities are being performed according to licensee-approved procedures and this chapter. A licensee's management may appoint, in writing, one or more associate radiation safety officers to support the radiation safety officer. The radiation safety officer, with written agreement of the licensee's management, must assign the specific duties and tasks to each associate radiation safety officer. These duties and tasks are restricted to the types of use for which the associate radiation safety officer is listed on a license. The radiation safety officer may delegate duties and tasks to the associate radiation safety officer but shall not delegate the authority or responsibilities for implementing the radiation protection program.

C. For up to 60 days each year, a licensee may permit an individual qualified to be a radiation safety officer under parts 4731.4411 and 4731.4415 to function as a temporary radiation safety officer and to perform the functions of a radiation safety officer, as provided in item G, if the licensee takes the actions required by items B, E, G, and H, and notifies the commissioner according to part 4731.4403, subpart 4, item A.

[For text of items D to H, see Minnesota Rules]

[For text of subpart 2, see Minnesota Rules]

4731.4408 WRITTEN DIRECTIVES.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Content requirements.** The written directive under subpart 1 must contain the patient or human research subject's name and:

[For text of items A to D, see Minnesota Rules]

E. for high dose-rate remote afterloading brachytherapy, the radionuclide, treatment site, dose per fraction, number of fractions, and total dose;

F. for permanent implant brachytherapy:

(1) before implantation: the treatment site, radionuclide, and total source strength; and

(2) after implantation but before the patient leaves the post-treatment recovery area: the treatment site, number of sources implanted, total source strength implanted, and date; or

G. for all other brachytherapy, including low, medium, and pulsed dose-rate remote afterloaders:

(1) before implantation: the treatment site, radionuclide, and dose; and

(2) after implantation but before completion of the procedure: the radionuclide, treatment site, number of sources, total source strength and exposure time or the total dose, and date.

[For text of subparts 3 and 4, see Minnesota Rules]

4731.4409 PROCEDURES FOR ADMINISTRATIONS REQUIRING WRITTEN DIRECTIVE.

[For text of item A, see Minnesota Rules]

B. At a minimum, the procedures required by item A must address the following that are applicable to the licensee's use of radioactive material:

[For text of subitems (1) and (2), see Minnesota Rules]

(3) checking both manual and computer-generated dose calculations;

(4) verifying that any computer-generated dose calculations are correctly transferred into the consoles of therapeutic medical units authorized under part 4731.4404 or 4731.4463;

(5) determining if a medical event, as defined in part 4731.4525, has occurred; and

(6) determining, for permanent implant brachytherapy, within 60 calendar days from the date the implant was performed, the total source strength administered outside of the treatment site compared to the total source strength documented in the post-implantation portion of the written directive, unless a written justification of patient unavailability is documented.

[For text of item C, see Minnesota Rules]

4731.4411 RADIATION SAFETY OFFICER AND ASSOCIATE RADIATION SAFETY OFFICER TRAINING.

Subpart 1. **Training and education requirements.** Except as provided under part 4731.4414, a licensee must require an individual fulfilling the responsibilities of a radiation safety officer or an individual assigned duties and tasks as an associate radiation safety officer as provided under part 4731.4405, subpart 1, to be an individual who:

A. (1) is certified by a specialty board whose certification process has been recognized by the NRC or an agreement state. The names of board certifications that have been recognized by the NRC or an agreement state are posted on the NRC's Medical Use Licensee Toolkit web page; and

(2) has training in the radiation safety, regulatory issues, and emergency procedures for the types of use for which a licensee seeks approval. This training requirement may be satisfied by completing training that is supervised by a radiation safety officer, associate radiation safety officer, authorized medical physicist, authorized nuclear pharmacist, or authorized user, as appropriate, who is authorized for the types of use for which the licensee is seeking approval;

B. (1) has completed a structured educational program consisting of both:

[For text of unit (a), see Minnesota Rules]

(b) one year of full-time radiation safety experience under the supervision of an individual identified as the radiation safety officer on an NRC or agreement state license or permit issued by an NRC master material licensee that authorizes similar types of uses of radioactive material. An associate radiation safety officer may provide supervision for those areas for which the associate radiation safety officer is authorized on an NRC or agreement state license or permit issued by an NRC master material licensee. The full-time radiation safety experience must involve:

[For text of subunits i to vii, see Minnesota Rules]

(2) has obtained written attestation, signed by a preceptor radiation safety officer or associate radiation safety officer who has experience with the radiation safety aspects of similar types of use of radioactive material for which the individual is seeking approval as a radiation safety officer or an associate radiation safety officer. The written attestation must state that the individual has satisfactorily completed the requirements in this item and is able to independently fulfill the radiation safety-related duties as a radiation safety officer or as an associate radiation safety officer for a medical use licensee; and

(3) has training in the radiation safety, regulatory issues, and emergency procedures for the types of use for which a licensee seeks approval. This training requirement may be satisfied by completing training that is supervised by a radiation safety officer, associate radiation safety officer, authorized medical physicist, authorized nuclear pharmacist, or authorized user, as appropriate, who is authorized for the types of use for which the licensee is seeking approval;

C. (1) is a medical physicist who has been certified by a specialty board whose certification process has been recognized by the NRC or an agreement state under part 4731.4412, has experience in radiation safety for similar types of use of radioactive material

for which the licensee is seeking approval of the individual as radiation safety officer or associate radiation safety officer; and

(2) has training in the radiation safety, regulatory issues, and emergency procedures for the types of use for which a licensee seeks approval. This training requirement may be satisfied by completing training that is supervised by a radiation safety officer, associate radiation safety officer, authorized medical physicist, authorized nuclear pharmacist, or authorized user, as appropriate, who is authorized for the types of use for which the licensee is seeking approval;

D. (1) is an authorized user, authorized medical physicist, or authorized nuclear pharmacist identified on an NRC or agreement state license, a permit issued by an NRC master material licensee, a permit issued by an NRC or agreement state licensee of broad scope, or a permit issued by an NRC master material license broad scope permittee, has experience with the radiation safety aspects of similar types of use of radioactive material for which the individual has radiation safety officer responsibilities; and

(2) has training in the radiation safety, regulatory issues, and emergency procedures for the types of use for which a licensee seeks approval. This training requirement may be satisfied by completing training that is supervised by a radiation safety officer, associate radiation safety officer, authorized medical physicist, authorized nuclear pharmacist, or authorized user, as appropriate, who is authorized for the types of use for which the licensee is seeking approval; or

E. has experience with the radiation safety aspects of the types of use for which the individual is seeking simultaneous approval both as the radiation safety officer and the authorized user on the same new medical use license, and has training in the radiation safety, regulatory issues, and emergency procedures for the types of use for which a licensee seeks approval. This training requirement may be satisfied by completing training that is supervised by a radiation safety officer, associate radiation safety officer, authorized medical physicist,

authorized nuclear pharmacist, or authorized user, as appropriate, who is authorized for the types of use for which the licensee is seeking approval.

[For text of subpart 2, see Minnesota Rules]

4731.4412 AUTHORIZED MEDICAL PHYSICIST TRAINING.

Subpart 1. **Training and education requirements.** Except as provided in part 4731.4414, a licensee must require an authorized medical physicist to be an individual who:

A. (1) is certified by a specialty board whose certification process has been recognized by the NRC or an agreement state. The names of board certifications that have been recognized by the NRC or an agreement state are posted on the NRC's Medical Use Licensee Toolkit web page; and

[For text of subitem (2), see Minnesota Rules]

B. (1) holds a master's or doctor's degree in physics, medical physics, other physical science, engineering, or applied mathematics from an accredited college or university, and:

(a) has completed one year of full-time training in medical physics; and

[For text of unit (b), see Minnesota Rules]

(2) has obtained written attestation that the individual has satisfactorily completed the requirements in this item and is able to independently fulfill the radiation safety-related duties as an authorized medical physicist for each type of therapeutic medical unit for which the individual is requesting authorized medical physicist status. The written attestation must be signed by a preceptor authorized medical physicist who meets the requirements in this part, part 4731.4414, or equivalent NRC or agreement state requirements for an authorized medical physicist for each type of therapeutic medical unit for which the individual is requesting authorized medical physicist status; and

[For text of subitem (3), see Minnesota Rules]

Subp. 2. **Certification requirements.** A specialty board under subpart 1, item A, shall require all candidates for certification to:

[For text of item A, see Minnesota Rules]

B. have two years of full-time practical training or supervised experience in medical physics:

(1) under the supervision of a medical physicist who is certified in medical physics by a specialty board recognized by the NRC or an agreement state; or

[For text of subitem (2), see Minnesota Rules]

[For text of item C, see Minnesota Rules]

4731.4413 AUTHORIZED NUCLEAR PHARMACIST TRAINING.

Subpart 1. **Training and education requirements.** Except as provided in part 4731.4414, a licensee must require an authorized nuclear pharmacist to be a pharmacist who:

A. is certified by a specialty board whose certification process has been recognized by the NRC or an agreement state. The names of board certifications that have been recognized by the NRC or an agreement state are posted on the NRC's Medical Use Licensee Toolkit web page; or

B. (1) has completed 700 hours in a structured educational program consisting of both:

(a) 200 hours of classroom and laboratory training in the following areas:

i. radiation physics and instrumentation;

ii. radiation protection;

iii. mathematics pertaining to the use and measurement of radioactivity;

iv. chemistry of radioactive material for medical use; and

v. radiation biology; and

[For text of unit (b), see Minnesota Rules]

(2) has obtained written attestation signed by a preceptor authorized nuclear pharmacist, that the individual has satisfactorily completed the requirements in this item and is able to independently fulfill the radiation safety-related duties as an authorized nuclear pharmacist.

[For text of subpart 2, see Minnesota Rules]

4731.4414 TRAINING; EXPERIENCED RADIATION SAFETY OFFICER, TELETHERAPY OR MEDICAL PHYSICIST, AUTHORIZED USER, AND NUCLEAR PHARMACIST.

A. An individual identified as a radiation safety officer, a teletherapy or medical physicist, or a nuclear pharmacist on a license issued by the NRC or an agreement state; a permit issued by an NRC or agreement state broad scope licensee; a master material license permit; or a permit issued by a master material license permittee of broad scope before January 14, 2019, need not comply with the training requirements under parts 4731.4411, 4731.4412, or 4731.4413, respectively, except a radiation safety officer or authorized medical physicist identified in this item must meet the training requirements in part 4731.4411, subpart 1, item A, subitem (2), or 4731.4412, subpart 1, item A, subitem (2), as appropriate, for any material or uses for which they were not authorized prior to this date.

B. An individual certified by the American Board of Health Physics in Comprehensive Health Physics; American Board of Radiology; American Board of Nuclear Medicine; American Board of Science in Nuclear Medicine; Board of Pharmaceutical

Specialties in Nuclear Pharmacy; American Board of Medical Physics in radiation oncology physics; Royal College of Physicians and Surgeons of Canada in nuclear medicine; American Osteopathic Board of Radiology; or American Osteopathic Board of Nuclear Medicine before October 24, 2005, need not comply with the training requirements of part 4731.4411 to be identified as a radiation safety officer or as an associate radiation safety officer on a commission or an agreement state license or commission master material license permit for those materials and uses that these individuals performed before October 24, 2005.

C. An individual certified by the American Board of Radiology in therapeutic radiological physics, roentgen ray and gamma ray physics, x-ray and radium physics, or radiological physics, or certified by the American Board of Medical Physics in radiation oncology physics before October 24, 2005, need not comply with the training requirements for an authorized medical physicist in part 4731.4412 for those materials and uses that these individuals performed before October 24, 2005.

D. Physicians, dentists, or podiatrists identified as authorized users for the medical use of radioactive material on a license issued by the NRC or an agreement state; a permit issued by an NRC master material licensee; a permit issued by an NRC or agreement state broad scope licensee; or a permit issued by an NRC master material license broad scope permittee before January 14, 2019, who perform only those medical uses for which they were authorized on that date, need not comply with the training requirements of parts 4731.4432 to 4731.4479.

E. Physicians, dentists, or podiatrists not identified as authorized users for the medical use of radioactive material on a license issued by the NRC or an agreement state, a permit issued by an NRC master material licensee, a permit issued by an NRC or agreement state broad scope licensee, or a permit issued by an NRC master material license broad scope permittee before October 24, 2005, need not comply with the training requirements

of parts 4731.4432 to 4731.4479 for those materials and uses that these individuals performed before October 24, 2005, as follows:

(1) for uses authorized under part 4731.4432 or 4731.4434, or oral administration of sodium iodide I-131 requiring a written directive for imaging and localization purposes, a physician who was certified before October 24, 2005, in nuclear medicine by the American Board of Nuclear Medicine, diagnostic radiology by the American Board of Radiology, diagnostic radiology or radiology by the American Osteopathic Board of Radiology, nuclear medicine by the Royal College of Physicians and Surgeons of Canada, or the American Osteopathic Board of Nuclear Medicine in nuclear medicine;

(2) for uses authorized under part 4731.4440, a physician who was certified before October 24, 2005, by the American Board of Nuclear Medicine; the American Board of Radiology in radiology, therapeutic radiology, or radiation oncology; nuclear medicine by the Royal College of Physicians and Surgeons of Canada; or the American Osteopathic Board of Radiology after 1984;

(3) for uses authorized under part 4731.4450 or 4731.4463, a physician who was certified before October 24, 2005, in radiology, therapeutic radiology, or radiation oncology by the American Board of Radiology; radiation oncology by the American Osteopathic Board of Radiology; radiology, with specialization in radiotherapy, as a British "Fellow of the Faculty of Radiology" or "Fellow of the Royal College of Radiology"; or therapeutic radiology by the Canadian Royal College of Physicians and Surgeons; and

(4) for uses authorized under part 4731.4460, a physician who was certified before October 24, 2005, in radiology, diagnostic radiology, therapeutic radiology, or radiation oncology by the American Board of Radiology; nuclear medicine by the American Board of Nuclear Medicine; diagnostic radiology or radiology by the American Osteopathic Board of Radiology; or nuclear medicine by the Royal College of Physicians and Surgeons of Canada.

F. Individuals who need not comply with training requirements described in this part may serve as preceptors for, and supervisors of, applicants seeking authorization on licenses issued under this chapter for the same uses for which these individuals are authorized.

4731.4423 AUTHORIZATION FOR CHECK, CALIBRATION, TRANSMISSION, AND REFERENCE USE.

Subpart 1. **Check, calibration, transmission, and reference use.** A person authorized under part 4731.4403, subpart 1, for medical use of radioactive material may receive, possess, and use the following radioactive material for check, calibration, transmission, and reference use:

[For text of items A to E, see Minnesota Rules]

Subp. 2. **Restriction of use.** Radioactive material in sealed sources authorized by this part must not be:

A. used for medical use as defined in part 4731.0100 except in accordance with the requirements in part 4731.4460; or

B. combined (i.e., bundled or aggregated) to create an activity greater than the maximum activity of any single sealed source authorized under this part.

Subp. 3. **Listing on license.** A licensee using calibration, transmission, and reference sources in accordance with subpart 1 or 2 need not list these sources on a specific medical use license.

4731.4433 UPTAKE, DILUTION, AND EXCRETION STUDIES; TRAINING.

Subpart 1. **Training and education requirements.** Except as provided under part 4731.4414, a licensee must require the authorized user of unsealed radioactive material for the uses authorized under part 4731.4432 to be a physician who:

A. is certified by a medical specialty board whose certification process has been recognized by the NRC or an agreement state. The names of board certifications that have been recognized by the NRC or an agreement state are posted on the NRC's Medical Use Licensee Toolkit web page;

[For text of item B, see Minnesota Rules]

C. has:

[For text of subitem (1), see Minnesota Rules]

(2) obtained written attestation that the individual has satisfactorily completed the requirements in this item and is able to independently fulfill the radiation safety-related duties as an authorized user for the medical uses authorized under part 4731.4432. The attestation must be obtained from either:

(a) a preceptor authorized user who meets the requirements in part 4731.4414, 4731.4433, 4731.4436, or 4731.4443, or equivalent requirements of the NRC or an agreement state; or

(b) a residency program director who affirms in writing that the attestation represents the consensus of the residency program faculty where at least one faculty member is an authorized user who meets the requirements in part 4731.4414, 4731.4433, 4731.4436, or 4731.4443, or equivalent requirements of the NRC or an agreement state, and concurs with the attestation provided by the residency program director. The residency training program must be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Council on Postdoctoral Training of the American Osteopathic Association and must include training and experience specified in this item.

[For text of subpart 2, see Minnesota Rules]

4731.4435 PERMISSIBLE MOLYBDENUM-99, STRONTIUM-82, AND STRONTIUM-85 CONCENTRATION.

A. A licensee may not administer to humans a radiopharmaceutical that contains:

(1) more than 0.15 microcurie of molybdenum-99 per millicurie of technetium-99m (0.15 kilobecquerel of molybdenum-99 per megabecquerel of technetium-99m);

[For text of subitems (2) and (3), see Minnesota Rules]

B. A licensee that uses molybdenum-99/technetium-99m generators for preparing a technetium-99m radiopharmaceutical must measure the molybdenum-99 concentration in each eluate from a generator to demonstrate compliance with item A.

[For text of items C and D, see Minnesota Rules]

E. The licensee must report any measurement that exceeds the limits in item A at the time of generator elution, in accordance with part 4731.4528.

4731.4436 IMAGING AND LOCALIZATION STUDIES; TRAINING.

Subpart 1. **Training and education requirements.** Except as provided under part 4731.4414, a licensee must require an authorized user of unsealed radioactive material for the uses authorized under part 4731.4434 to be a physician who:

A. is certified by a medical specialty board whose certification process has been recognized by the NRC or an agreement state. The names of board certification that have been recognized by the NRC or an agreement state are posted on the NRC's Medical Use Licensee Toolkit web page;

B. is an authorized user under part 4731.4443 and meets the requirements in item C, subitem (1), unit (b), subunit vii, or equivalent requirements of the NRC or an agreement state; or

C. has:

(1) completed 700 hours of training and experience, including a minimum of 80 hours of classroom and laboratory training, in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material for imaging and localization studies. The training and experience must include, at a minimum:

[For text of unit (a), see Minnesota Rules]

(b) work experience, under the supervision of an authorized user who meets the requirements in this part, part 4731.4414, or in subunit vii and part 4731.4443, or equivalent requirements of the NRC or an agreement state. An authorized nuclear pharmacist who meets the requirements in part 4731.4413 or 4731.4414 may provide the supervised work experience for subunit vii. Work experience must involve:

[For text of subunits i to vii, see Minnesota Rules]

(2) obtained written attestation that the individual physician has satisfactorily completed the requirements in this item and is able to independently fulfill the radiation safety-related duties as an authorized user for the medical uses authorized under parts 4731.4432 and 4731.4434. The attestation must be obtained from either:

(a) a preceptor authorized user who meets the requirements in this part, part 4731.4414, or in subitem (1), unit (b), subunit vii, and part 4731.4443, or equivalent requirements of the NRC or an agreement state; or

(b) a residency program director who affirms in writing that the attestation represents the consensus of the residency program faculty where at least one faculty member is an authorized user who meets the requirements in this part, part 4731.4414, or in subitem (1), unit (b), subunit vii, and part 4731.4443, or equivalent requirements of the NRC or an agreement state, and concurs with the attestation provided by the residency program director. The residency training program must be approved by the Residency Review Committee of

the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Council on Postdoctoral Training of the American Osteopathic Association and must include training and experience specified in this item.

Subp. 2. **Certification requirements.** A specialty board under subpart 1, item A, shall require all candidates for certification to:

[For text of items A and B, see Minnesota Rules]

4731.4440 UNSEALED RADIOACTIVE MATERIAL; WRITTEN DIRECTIVE REQUIRED.

A licensee may use any unsealed radioactive material identified in part 4731.4443, subpart 1, item B, subitem (1), unit (b), subunit vi, prepared for medical use and for which a written directive is required that is:

[For text of items A to D, see Minnesota Rules]

4731.4443 UNSEALED RADIOACTIVE MATERIAL; WRITTEN DIRECTIVE REQUIRED; TRAINING.

Subpart 1. **Training and education requirements.** Except as provided under part 4731.4414, a licensee must require an authorized user of unsealed radioactive material for the uses authorized under part 4731.4440 to be a physician who:

A. is certified by a medical specialty board whose certification process has been recognized by the NRC or an agreement state, and meets the requirements in item B, subitem (1), unit (b), subunit vi. The names of board certifications that have been recognized by the NRC or an agreement state are posted on the NRC's Medical Use Licensee Toolkit web page; or

B. has:

(1) completed 700 hours of training and experience, including a minimum of 200 hours of classroom and laboratory training, in basic radionuclide handling techniques

applicable to the medical use of unsealed radioactive material requiring a written directive. The training and experience must include:

[For text of unit (a), see Minnesota Rules]

(b) work experience, under the supervision of an authorized user who meets the requirements in this part, part 4731.4414, or equivalent requirements of the NRC or an agreement state. A supervising authorized user who meets the requirements in this item must also have experience in administering dosages in the same dosage category or categories under subunit vi as the individual requesting authorized user status. The work experience must involve:

i. ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;

[For text of subunits ii to v, see Minnesota Rules]

vi. administering dosages of radioactive drugs to patients or human research subjects from the three categories in this subunit. Radioactive drugs containing radionuclides in categories not included in this subunit are regulated under part 4731.4404. This work experience must involve a minimum of three cases in each of the following categories for which the individual is requesting authorized user status: oral administration of less than or equal to 33 millicuries (1.22 GBq) of sodium iodide (I-131) for which a written directive is required; oral administration of greater than 33 millicuries (1.22 GBq) of sodium iodide (I-131) (experience with at least three cases also satisfies the requirement of oral administration of less than or equal to 33 millicuries of I-131); parenteral administration of any radioactive drug that contains a radionuclide that is primarily used for its electron emission, beta radiation characteristics, alpha radiation characteristics, or a photon energy of less than 150 kilo electron volts for which a written directive is required; and

(2) obtained written attestation that the individual has satisfactorily completed the requirements in this item and is able to independently fulfill the radiation safety-related duties as an authorized user for the medical uses authorized under part 4731.4440 for which the individual is requesting authorized user status. The attestation must be obtained from either:

(a) a preceptor authorized user who meets the requirements of this part, part 4731.4414, or equivalent requirements of the NRC or an agreement state and has experience in administering dosages in the same dosage category or categories as the individual requesting authorized user status; or

(b) a residency program director who affirms in writing that the attestation represents the consensus of the residency program faculty where at least one faculty member is an authorized user who meets the requirements of this part, part 4731.4414, or equivalent requirements of the NRC or an agreement state; has experience in administering dosages in the same dosage category or categories as the individual requesting authorized user status; and concurs with the attestation provided by the residency program director. The residency training program must be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Council on Postdoctoral Training of the American Osteopathic Association and must include training and experience specified in subitem (1).

Subp. 2. **Certification requirements.** A specialty board under subpart 1, item A, shall require all candidates for certification to:

A. successfully complete residency training in a radiation therapy or nuclear medicine training program or a program in a related medical specialty. These residency training programs must include 700 hours of training and experience as described in subpart 1, item B, subitem (1), units (a) and (b), subunits i to v. Eligible training programs must be approved by the Residency Review Committee of the Accreditation Council for Graduate

Medical Education, the Royal College of Physicians and Surgeons of Canada, or the Council on Postdoctoral Training of the American Osteopathic Association; and

[For text of item B, see Minnesota Rules]

4731.4444 ORAL ADMINISTRATION OF SODIUM IODIDE I-131; QUANTITIES LESS THAN OR EQUAL TO 33 MILLICURIES (1.22 GBq); WRITTEN DIRECTIVE REQUIRED; TRAINING.

Except as provided under part 4731.4414, a licensee must require an authorized user for the oral administration of sodium iodide (I-131) requiring a written directive in quantities less than or equal to 33 millicuries (1.22 GBq) to be a physician who:

A. is certified by a medical specialty board whose certification process has been recognized by the NRC or an agreement state and includes all of the requirements of item C, subitems (1) and (2). The names of board certifications that have been recognized by the NRC or an agreement state are posted on the NRC's Medical Use Licensee Toolkit web page;

[For text of item B, see Minnesota Rules]

C. has:

[For text of subitems (1) and (2), see Minnesota Rules]

(3) obtained written attestation that the individual has satisfactorily completed the requirements of this item and is able to independently fulfill the radiation safety-related duties as an authorized user for oral administration of less than or equal to 33 millicuries (1.22 GBq) of sodium iodide I-131 for medical uses authorized under part 4731.4440. The written attestation must be obtained from either:

(a) a preceptor authorized user who meets the requirements of this part, part 4731.4414, 4731.4443, or 4731.4445, or equivalent requirements of the NRC or an agreement state and has experience in oral administration of less than or equal to 33

millicuries (1.22 GBq) of sodium iodide (I-131) for which a written directive is required or oral administration of greater than 33 millicuries (1.22 GBq) of sodium iodide (I-131) as specified in part 4731.4443; or

(b) a residency program director who affirms in writing that the attestation represents the consensus of the residency program faculty where at least one faculty member is an authorized user who meets the requirements of this part, part 4731.4414, 4731.4443, or 4731.4445, or equivalent requirements of the NRC or an agreement state, has experience in oral administration of less than or equal to 33 millicuries (1.22 GBq) of sodium iodide (I-131) for which a written directive is required or oral administration of greater than 33 millicuries (1.22 GBq) of sodium iodide (I-131) as specified in part 4731.4443, subpart 1, item B, subitem (1), unit (b), subunit vi, and concurs with the attestation provided by the residency program director. The residency training program must be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Council on Postdoctoral Training of the American Osteopathic Association and must include training and experience specified in subitems (1) and (2).

4731.4445 ORAL ADMINISTRATION OF SODIUM IODIDE; QUANTITIES GREATER THAN 33 MILLICURIES (1.22 GBq); WRITTEN DIRECTIVE REQUIRED; TRAINING.

Except as provided under part 4731.4414, a licensee must require an authorized user for the oral administration of sodium iodide (I-131) requiring a written directive in quantities greater than 33 millicuries (1.22 GBq) to be a physician who:

A. is certified by a medical specialty board whose certification process has been recognized by the NRC or an agreement state and includes all the requirements in item C, subitems (1) and (2). The names of board certifications that have been recognized by the NRC or an agreement state are posted on the NRC's Medical Use Licensee Toolkit web page;

B. is an authorized user for the oral administration of I-131 in quantities greater than 33 millicuries under part 4731.4443, subpart 1, item B, subitem (1), unit (b), subunit vi; or equivalent requirements of the NRC or an agreement state; or

C. has:

[For text of subitem (1), see Minnesota Rules]

(2) has work experience, under the supervision of an authorized user who meets the requirements of this part, part 4731.4414 or 4731.4443, or equivalent requirements of the NRC or an agreement state. A supervising authorized user who meets the requirements in part 4731.4443, subpart 1, item B, must also have experience in the oral administration of I-131 in quantities greater than 33 millicuries under part 4731.4443, subpart 1, item B, subitem (1), unit (b), subunit vi. The work experience must involve:

[For text of units (a) to (f), see Minnesota Rules]

(3) obtained written attestation that the individual has satisfactorily completed the requirements of this item and is able to independently fulfill the radiation-related duties as an authorized user for oral administration of greater than 33 millicuries (1.22 GBq) of sodium iodide I-131 for medical uses authorized under part 4731.4440. The written attestation must be obtained from either:

(a) a preceptor authorized user who meets the requirements in this part, part 4731.4414 or 4731.4443, or equivalent requirements of the NRC or an agreement state, and has experience in the oral administration of I-131 in quantities greater than 33 millicuries (1.22 GBq) as specified in part 4731.4443, subpart 1, item B, subitem (1), unit (b), subunit vi; or

(b) a residency program director who affirms in writing that the attestation represents the consensus of the residency program faculty where at least one faculty member is an authorized user who meets the requirements in this part, part 4731.4414 or 4731.4443,

or equivalent requirements of the NRC or an agreement state, has experience in the oral administration of I-131 in quantities greater than 33 millicuries (1.22 GBq) as specified in part 4731.4443, subpart 1, item B, subitem (1), unit (b), subunit vi, and concurs with the attestation provided by the residency program director. The residency training program must be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Council on Postdoctoral Training of the American Osteopathic Association and must include training and experience specified in subitems (1) and (2).

4731.4446 PARENTERAL ADMINISTRATION OF UNSEALED RADIOACTIVE MATERIAL; WRITTEN DIRECTIVE REQUIRED; TRAINING.

A. Except as provided in part 4731.4414, the licensee must require an authorized user for the parenteral administration requiring a written directive to be a physician who is:

(1) an authorized user under part 4731.4443 for the parenteral administration of any radioactive drug that contains a radionuclide that is primarily used for its electron emission, beta radiation characteristics, alpha radiation characteristics, or a photon-energy of less than 150 kilo electron volts for which a written directive is required, or equivalent requirements of the NRC or an agreement state;

[For text of subitems (2) and (3), see Minnesota Rules]

B. The physician under item A, subitems (2) and (3), must have:

(1) successfully completed 80 hours of classroom and laboratory training, applicable to parenteral administrations of any radioactive drug that contains a radionuclide that is primarily used for its electron emission, beta radiation characteristics, alpha radiation characteristics, or a photon-energy of less than 150 kilo electron volts for which a written directive is required. The training must include:

[For text of units (a) to (e), see Minnesota Rules]

(2) work experience, under the supervision of an authorized user who meets the requirements in this part, part 4731.4414 or 4731.4443, or equivalent requirements of the NRC or agreement state, in the parenteral administration of any radioactive drug that contains a radionuclide that is primarily used for its electron emission, beta radiation characteristics, alpha radiation characteristics, or a photon-energy of less than 150 kilo electron volts for which a written directive is required. A supervising authorized user who meets the requirements in this part or part 4731.4443, or equivalent requirements of the NRC or agreement state, must have experience in administering dosages in the same category or categories as the individual requesting authorized user status. The work experience must involve:

[For text of units (a) to (e), see Minnesota Rules]

(f) administering dosages to patients or human research subjects, that include at least three cases involving the parenteral administration, for which a written directive is required, of any radioactive drug that contains a radionuclide that is primarily used for its electron emission, beta radiation characteristics, alpha radiation characteristics, or a photon-energy of less than 150 kilo electron volts; and

(3) obtained written attestation that the individual has satisfactorily completed the requirements in this item and item A, subitem (2) or (3), and is able to independently fulfill the radiation safety-related duties as an authorized user for the parenteral administration of unsealed radioactive material requiring a written directive. The written attestation must be obtained from either:

(a) a preceptor authorized user who meets the requirements in this part, part 4731.4414, or 4731.4443, or equivalent requirements of the NRC or agreement state. A preceptor authorized user who meets the requirements in this part or part 4731.4443, or equivalent requirements of the NRC or agreement state, must have experience in

administering dosages in the same category or categories as the individual requesting authorized user status; or

(b) a residency program director who affirms in writing that the attestation represents the consensus of the residency program faculty where at least one faculty member is an authorized user who meets the requirements in this part, part 4731.4414 or 4731.4443, or equivalent requirements of the NRC or agreement state, has experience in administering dosages in the same dosage category or categories as the individual requesting authorized user status, and concurs with the attestation provided by the residency program director. The residency training program must be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Council on Postdoctoral Training of the American Osteopathic Association and must include training and experience specified in subitems (1) and (2).

4731.4450 USE OF BRACHYTHERAPY SOURCES.

A licensee must use only brachytherapy sources:

A. as approved in the sealed source and device registry for manual brachytherapy medical use. The manual brachytherapy sources may be used for manual brachytherapy uses that are not explicitly listed in the sealed source and device registry, but must be used in accordance with the radiation safety conditions and limitations described in the sealed source and device registry; or

B. in research to deliver therapeutic doses for medical use, according to an active investigational device exemption application accepted by the Food and Drug Administration, provided the requirements of part 4731.4410, item A, are met.

4731.4456 DECAY OF STRONTIUM-90 SOURCES FOR OPHTHALMIC TREATMENTS.

A. Licensees who use strontium-90 for ophthalmic treatments must ensure that certain activities as specified in item B are performed by either:

(1) an authorized medical physicist; or

(2) an individual who:

(a) is identified as an ophthalmic physicist on a:

i. specific medical use license issued by the commissioner, the NRC, or an agreement state;

ii. permit issued by a commissioner, NRC, or agreement state broad scope medical use licensee;

iii. medical use permit issued by an NRC master material licensee; or

iv. permit issued by an NRC master material licensee broad scope medical use permittee; and

(b) holds a master's or doctor's degree in physics, medical physics, other physical sciences, engineering, or applied mathematics from an accredited college or university; and

(c) has successfully completed one year of full-time training in medical physics and an additional year of full-time work experience under the supervision of a medical physicist; and

(d) has documented training in:

i. the creation, modification, and completion of written directives;

ii. procedures for administrations requiring a written directive; and

iii. performing the calibration measurements of brachytherapy sources as detailed in part 4731.4455.

B. The individuals who are identified in item A must:

(1) calculate the activity of each strontium-90 source that is used to determine the treatment times for ophthalmic treatments. The decay must be based on the activity determined under part 4731.4455; and

(2) assist the licensee in developing, implementing, and maintaining written procedures to provide high confidence that the administration is in accordance with the written directive. These procedures must include the frequencies that the individual meeting the requirements in item A will observe treatments, review the treatment methodology, calculate treatment time for the prescribed dose, and review records to verify that the administrations were in accordance with the written directives.

C. A licensee must maintain a record of the activity of each strontium-90 source according to part 4731.4514.

4731.4458 MANUAL BRACHYTHERAPY TRAINING.

Subpart 1. **Training and education requirements.** Except as provided under part 4731.4414, a licensee must require an authorized user of a manual brachytherapy source for the uses authorized under part 4731.4450 to be a physician who:

A. is certified by a medical specialty board whose certification has been recognized by the NRC or an agreement state. The names of board certifications that have been recognized by the NRC or an agreement state are posted on the NRC's Medical Use Licensee Toolkit web page; or

B. has:

(1) completed a structured educational program in basic radionuclide handling techniques applicable to the use of manual brachytherapy sources that includes:

[For text of unit (a), see Minnesota Rules]

(b) 500 hours of work experience, under the supervision of an authorized user who meets the requirements in this part, part 4731.4414, or equivalent requirements of the NRC or an agreement state at a medical institution authorized to use radioactive materials under part 4731.4450, involving:

[For text of subunits i to vi, see Minnesota Rules]

(2) completed three years of supervised clinical experience in radiation oncology, under an authorized user who meets the requirements of this part, part 4731.4414, or equivalent requirements of the NRC or an agreement state, as part of a formal training program approved by the Residency Review Committee for Radiation Oncology of the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, or the Council on Postdoctoral Training of the American Osteopathic Association. This experience may be obtained concurrently with the supervised work experience required under subitem (1), unit (b); and

(3) obtained written attestation that the individual has satisfactorily completed the requirements of this item and is able to independently fulfill the radiation safety-related duties as an authorized user of manual brachytherapy sources for the medical uses authorized under part 4731.4450. The attestation must be obtained from either:

(a) a preceptor authorized user who meets the requirements of this part, part 4731.4414, or equivalent requirements of the NRC or an agreement state; or

(b) a residency program director who affirms in writing that the attestation represents the consensus of the residency program faculty where at least one faculty member is an authorized user who meets the requirements of this part, part 4731.4414, or equivalent

requirements of the NRC or an agreement state, and concurs with the attestation provided by the residency program director. The residency training program must be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Council on Postdoctoral Training of the American Osteopathic Association and must include training and experience specified in subitems (1) and (2).

Subp. 2. **Certification requirements.** A specialty board under subpart 1, item A, shall require all candidates for certification to:

A. successfully complete a minimum of three years of residency training in a radiation oncology program approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, or the Council on Postdoctoral Training of the American Osteopathic Association; and

[For text of item B, see Minnesota Rules]

4731.4459 OPHTHALMIC USE OF STRONTIUM-90; TRAINING.

Except as provided under part 4731.4414, a licensee must require an authorized user of strontium-90 for ophthalmic radiotherapy to be a physician who:

[For text of item A, see Minnesota Rules]

B. has:

[For text of subitems (1) and (2), see Minnesota Rules]

(3) obtained written attestation, signed by a preceptor authorized user who meets the requirements of this part, part 4731.4414, or 4731.4458, or equivalent requirements of the NRC or an agreement state, that the individual has satisfactorily completed the

requirements in subitems (1) and (2) and is able to independently fulfill the radiation safety-related duties as an authorized user of strontium-90 for ophthalmic use.

4731.4460 USE OF SEALED SOURCES AND MEDICAL DEVICES FOR DIAGNOSIS.

A. A licensee must use only sealed sources that are not in medical devices for diagnostic medical uses if the sealed sources are approved in the sealed source and device registry for diagnostic medicine. The sealed sources may be used for diagnostic medical uses that are not explicitly listed in the sealed source and device registry but must be used in accordance with the radiation safety conditions and limitations described in the sealed source and device registry.

B. A licensee must only use medical devices containing sealed sources for diagnostic medical uses if both the sealed sources and medical devices are approved in the sealed source and device registry for diagnostic medical uses. The diagnostic medical devices may be used for diagnostic medical uses that are not explicitly listed in the sealed source and device registry but must be used in accordance with the radiation safety conditions and limitations described in the sealed source and device registry.

C. Sealed sources and devices for diagnostic medical uses may be used in research in accordance with an active Investigational Device Exemption (IDE) application accepted by the U.S. Food and Drug Administration provided the requirements of part 4731.4410, item A, are met.

4731.4461 USE OF SEALED SOURCES FOR DIAGNOSIS; TRAINING.

Except as provided under part 4731.4414, a licensee must require an authorized user of a diagnostic sealed source or a device authorized under part 4731.4460 to be a physician, dentist, or podiatrist who:

A. is certified by a specialty board whose certification process includes all of the requirements of items C and D and whose certification has been recognized by the NRC or an agreement state. The names of board certifications that have been recognized by the NRC or an agreement state are posted on the NRC's Medical Use Licensee Toolkit web page;

B. is an authorized user for uses listed in part 4731.4434 or equivalent requirements of the NRC or an agreement state;

C. has completed eight hours of classroom and laboratory training in basic radionuclide handling techniques specifically applicable to the use of the device. The training must include:

(1) radiation physics and instrumentation;

(2) radiation protection;

(3) mathematics pertaining to the use and measurement of radioactivity; and

(4) radiation biology; and

D. completed training in the use of the device for the uses requested.

4731.4463 USE OF A SEALED SOURCE; REMOTE AFTERLOADER UNIT, TELETHERAPY UNIT, OR GAMMA STEREOTACTIC RADIOSURGERY UNIT.

A. A licensee must only use sealed sources:

(1) approved and as provided for in the sealed source and device registry in photon-emitting remote afterloader units, teletherapy units, or gamma stereotactic radiosurgery units to deliver therapeutic doses for medical uses; or

(2) in research involving photon-emitting remote afterloader units, teletherapy units, or gamma stereotactic radiosurgery units according to an active investigational device

exemption application accepted by the Food and Drug Administration, provided the requirements of part 4731.4410, item A, are met.

B. A licensee must use photon-emitting remote afterloader units, teletherapy units, or gamma stereotactic radiosurgery units:

(1) approved in the sealed source and device registry to deliver a therapeutic dose for medical use. These devices may be used for therapeutic medical treatments that are not explicitly provided for in the sealed source and device registry, but must be used in accordance with radiation safety conditions and limitations described in the sealed source and device registry; or

(2) in research according to an active investigational device exemption application accepted by the FDA provided the requirements of part 4731.4410, item A, are met.

4731.4466 REMOTE AFTERLOADER UNITS, TELETHERAPY UNITS, AND GAMMA STEREOTACTIC RADIOSURGERY UNITS; SAFETY PROCEDURES AND INSTRUCTIONS.

[For text of items A to D, see Minnesota Rules]

E. A licensee must:

(1) prior to the first use for patient treatment of a new unit or an existing unit with a manufacturer upgrade that affects the operation and safety of the unit, ensure that vendor operational and safety training is provided to all individuals who will operate the unit. The vendor operational and safety training must be provided by the device manufacturer or by an individual certified by the device manufacturer to provide the operational and safety training; and

(2) provide operational and safety instructions, initially and at least annually, to all individuals who operate the unit, as appropriate to the individual's assigned duties. The instructions must include instruction in:

(a) the procedures identified under item B, subitem (4); and

(b) the operating procedures of the unit.

[For text of items F and G, see Minnesota Rules]

H. A licensee must retain a copy of the procedures required under item B, subitem (4), and item E, subitem (2), unit (b), according to part 4731.4516.

4731.4477 TELETHERAPY AND GAMMA STEREOTACTIC RADIOSURGERY UNITS; FULL-INSPECTION SERVICING.

Subpart 1. **Inspection and servicing required.** A licensee must have each teletherapy unit and gamma stereotactic radiosurgery unit fully inspected and serviced during source replacement to assure proper functioning of the source exposure mechanism and other safety components. The interval between each full-inspection servicing must not exceed five years for each teletherapy unit, and must not exceed seven years for each gamma stereotactic radiosurgery unit.

Subp. 2. **Qualified inspectors.** The inspection and servicing must be performed by persons specifically licensed to do so by the commissioner, the NRC, or an agreement state.

[For text of subpart 3, see Minnesota Rules]

4731.4479 REMOTE AFTERLOADER UNITS, TELETHERAPY UNITS, AND GAMMA STEREOTACTIC RADIOSURGERY UNITS; TRAINING.

Subpart 1. **Training and education requirements.** Except as provided under part 4731.4414, a licensee must require an authorized user of a sealed source for a use authorized under part 4731.4463 to be a physician who:

A. is certified by a medical specialty board whose certification process has been recognized by the NRC or an agreement state, and meets the requirements in item B, subitem (4). The names of board certifications that have been recognized by the NRC or an agreement state are posted on the NRC's Medical Use Licensee Toolkit web page; or

B. has:

(1) completed a structured educational program in basic radionuclide techniques applicable to the use of a sealed source in a therapeutic medical unit that includes:

[For text of unit (a), see Minnesota Rules]

(b) 500 hours of work experience, under the supervision of an authorized user who meets the requirements of this part, part 4731.4414, or equivalent requirements of the NRC or an agreement state, at a medical institution that is authorized to use radioactive material in part 4731.4463, involving:

i. reviewing full calibration measurements and periodic spot checks;

[For text of subunits ii to vi, see Minnesota Rules]

(2) completed three years of supervised clinical experience in radiation therapy, under an authorized user who meets the requirements of this part, part 4731.4414, or equivalent requirements of the NRC or an agreement state, as part of a formal training program approved by the Residency Review Committee for Radiation Oncology of the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, or the Council on Postdoctoral Training of the American Osteopathic Association. The experience may be obtained concurrently with the supervised work experience required under subitem (1), unit (b);

(3) obtained written attestation that the individual has satisfactorily completed the requirements in subitems (1), (2), and (4), and is able to independently fulfill the radiation safety-related duties as an authorized user of each type of therapeutic medical unit for which

the individual is requesting authorized user status. The written attestation must be obtained from either:

(a) a preceptor authorized user who meets the requirements of this part, part 4731.4414, or equivalent requirements of the NRC or an agreement state for each type of therapeutic medical unit for which the individual is requesting authorized user status; or

(b) a residency program director who affirms in writing that the attestation represents the consensus of the residency program faculty where at least one faculty member is an authorized user who meets the requirements of this part, part 4731.4414, or equivalent requirements of the NRC or an agreement state, for the type(s) of therapeutic medical unit for which the individual is requesting authorized user status, and concurs with the attestation provided by the residency program director. The residency training program must be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Council on Postdoctoral Training of the American Osteopathic Association and must include training and experience specified in subitems (1) and (2); and

[For text of subitem (4), see Minnesota Rules]

Subp. 2. **Certification requirements.** A specialty board under subpart 1, item A, shall require all candidates for certification to:

A. successfully complete a minimum of three years of residency training in a radiation therapy program approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, or the Council on Postdoctoral Training of the American Osteopathic Association; and

B. pass an examination, administered by diplomates of the specialty board, that tests knowledge and competence in radiation safety, radionuclide handling, treatment

planning, quality assurance, and clinical use of stereotactic radiosurgery, remote afterloaders, and external beam therapy.

4731.4500 RADIATION PROTECTION PROGRAM RECORDS.

Subpart 1. **Records of authority and responsibilities; radiation protection programs.** A licensee must retain:

A. a record of actions taken by the licensee's management according to part 4731.4405, subpart 1, item A, for five years. The record must include a summary of the actions taken and a signature of licensee management;

B. a copy of the authorities, duties, and responsibilities of the radiation safety officer, as required under part 4731.4405, subpart 1, item E, and a signed copy of the radiation safety officer's agreement to be responsible for implementing the radiation safety program, as required under part 4731.4405, subpart 1, item B, for the duration of the license. The records must include the signature of the radiation safety officer and licensee management; and

C. for each associate radiation safety officer appointed under part 4731.4405, subpart 1, item B, the licensee shall retain, for five years after the associate radiation safety officer is removed from the license, a copy of the written document appointing the associate radiation safety officer signed by the licensee's management.

[For text of subpart 2, see Minnesota Rules]

4731.4510 SAFETY INSTRUCTION RECORDS.

A licensee must maintain a record of safety instructions required under parts 4731.4441 and 4731.4453, and the operational and safety instructions required by part 4731.4466 for three years. The record must include:

[For text of items A to D, see Minnesota Rules]

4731.4524 FULL-INSPECTION SERVICING RECORDS; TELETHERAPY AND GAMMA STEREOTACTIC RADIOSURGERY UNITS.

A licensee must maintain a record of the full-inspection servicing for teletherapy and gamma stereotactic radiosurgery units required under part 4731.4477 for the duration of use of the unit. The record must contain:

[For text of items A to E, see Minnesota Rules]

4731.4525 MEDICAL EVENT; REPORT AND NOTIFICATION.

Subpart 1. **Report required.** A licensee must report any event as a medical event, except for an event that results from patient intervention, in which:

A. the administration of radioactive material or radiation from radioactive material, except permanent implant brachytherapy, results in:

(1) a dose that differs from the prescribed dose or dose that would have resulted from the prescribed dose by more than five rems (0.05 Sv) effective dose equivalent, 50 rems (0.5 Sv) to an organ or tissue, or 50 rems (0.5 Sv) shallow dose equivalent to the skin and:

(a) the total dose delivered differs from the prescribed dose by 20 percent or more;

(b) the total dosage delivered differs from the prescribed dosage by 20 percent or more or falls outside the prescribed dosage range; or

(c) the fractionated dose delivered differs from the prescribed dose, for a single fraction, by 50 percent or more;

(2) a dose that exceeds five rems (0.05 Sv) effective dose equivalent, 50 rems (0.5 Sv) to an organ or tissue, or 50 rems (0.5 Sv) shallow dose equivalent to the skin from:

(a) an administration of a wrong radioactive drug containing radioactive material or the wrong radionuclide for a brachytherapy procedure;

(b) an administration of a radioactive drug containing radioactive material by the wrong route of administration;

(c) an administration of a dose or dosage to the wrong individual or human research subject;

(d) an administration of a dose or dosage delivered by the wrong mode of treatment; or

(e) a leaking sealed source; or

(3) a dose to the skin or an organ or tissue other than the treatment site that exceeds by:

(a) 50 rems (0.5 Sv) or more the expected dose to that site from the procedure if the administration had been given in accordance with the written directive prepared or revised before administration; and

(b) 50 percent or more the expected dose to that site from the procedure if the administration had been given in accordance with the written directive prepared or revised before administration.

B. for permanent implant brachytherapy, the administration of radioactive material or radiation from radioactive material excluding sources that were implanted in the correct site but migrated outside the treatment site that results in:

(1) the total source strength administered differing by 20 percent or more from the total source strength documented in the post-implantation portion of the written directive;

(2) the total source strength administered outside of the treatment site exceeding 20 percent of the total source strength documented in the post-implantation portion of the written directive; or

(3) an administration that includes any of the following:

(a) the wrong radionuclide;

(b) the wrong individual or human research subject;

(c) sealed source(s) implanted directly into a location discontiguous from the treatment site, as documented in the post-implantation portion of the written directive; or

(d) a leaking sealed source resulting in a dose that exceeds 50 rem (0.5 Sv) to an organ or tissue.

[For text of subparts 2 to 6, see Minnesota Rules]

Subp. 7. **Individual identification.** A licensee must:

A. annotate a copy of the report provided to the commissioner with:

(1) the name of the individual who is the subject of the event; and

(2) the identification number or if no other identification number is available, the Social Security number of the individual who is the subject of the event; and

B. provide a copy of the annotated report to the referring physician, if other than the licensee, no later than 15 days after the discovery of the medical event.

4731.4526 DOSE TO AN EMBRYO/FETUS OR CHILD; REPORT AND NOTIFICATION.

[For text of subparts 1 to 5, see Minnesota Rules]

Subp. 6. **Individual identification.** A licensee must:

A. annotate a copy of the report provided to the commissioner with:

(1) the name of the pregnant individual or the nursing child who is the subject of the event; and

(2) the identification number or if no other identification number is available, the Social Security number of the individual who is the subject of the event; and

B. provide a copy of the annotated report to the referring physician, if other than the licensee, no later than 15 days after the discovery of the event.

4731.4528 REPORT AND NOTIFICATION FOR AN ELUATE EXCEEDING PERMISSIBLE MOLYBDENUM-99, STRONTIUM-82, AND STRONTIUM-85 CONCENTRATIONS.

Subpart 1. **Telephone notification.** The licensee must notify, by telephone, the commissioner and the distributor of the generator, within seven days after discovery, that an eluate exceeded the permissible concentration listed in part 4731.4435, item A, at the time of generator elution. The telephone report to the commissioner must include the manufacturer, model number, and serial number (or lot number) of the generator; the results of the measurement; the date of the measurement; whether dosages were administered to patients or human research subjects, when the distributor was notified, and the action taken.

Subp. 2. **Written report.** The licensee must submit a written report to the commissioner within 30 days after discovery of an eluate exceeding the permissible concentration at the time of generator elution. The written report must include the action taken by the licensee; the patient dose assessment; the methodology used to make this dose assessment if the eluate was administered to patients or human research subjects; the probable cause and an assessment of failure in the licensee's equipment, procedures, or training that contributed to the excessive readings if an error occurred in the licensee's breakthrough determination; and the information in the telephone report as required by subpart 1.

4731.6180 PERSONNEL MONITORING.

Subpart 1. **Irradiator operators.** Irradiator operators must wear a personnel dosimeter while operating a panoramic irradiator or while in the area around the pool of an underwater irradiator. The personnel dosimeter must be capable of detecting high energy photons in the normal and accident dose ranges. Each personnel dosimeter must be assigned to and worn by only one individual. Film badges must be replaced at least monthly and other personnel dosimeters that require replacement must be replaced at least quarterly. All personnel dosimeters must be evaluated at least quarterly or promptly after replacement, whichever is more frequent.

[For text of subpart 2, see Minnesota Rules]

4731.7220 PERSONNEL MONITORING.

A. A licensee may not permit an individual to act as a logging supervisor or logging assistant unless the individual wears a personnel dosimeter at all times during the handling of licensed radioactive materials. Each personnel dosimeter must be assigned to and worn by only one individual. Film badges must be replaced at least monthly and other personnel dosimeters that require replacement must be replaced at least quarterly. All personnel dosimeters must be evaluated at least quarterly or promptly after replacement, whichever is more frequent.

[For text of items B and C, see Minnesota Rules]

4731.8015 ACCESS AUTHORIZATION PROGRAM REQUIREMENTS.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Reviewing officials.**

[For text of item A, see Minnesota Rules]

B. Each licensee must name one or more individuals to be reviewing officials. After completing the background investigation on the reviewing official, the licensee must provide, under oath or affirmation, a certification that the reviewing official is deemed trustworthy and reliable by the licensee. Provide oath or affirmation certifications to the Radioactive Materials Unit, Minnesota Department of Health, 625 Robert Street N, P.O. Box 64975, St. Paul, MN 55164-0975. The fingerprints of the named reviewing official must be taken by a law enforcement agency, federal or state agency that provides fingerprinting services to the public, or commercial fingerprinting services authorized by a state to take fingerprints. The licensee must recertify that the reviewing official is deemed trustworthy and reliable every ten years in accordance with part 4731.8020, subpart 3.

[For text of items C to E, see Minnesota Rules]

[For text of subparts 3 to 8, see Minnesota Rules]

4731.8025 REQUIREMENTS FOR CRIMINAL HISTORY RECORDS CHECKS OF INDIVIDUALS GRANTED UNESCORTED ACCESS TO CATEGORY 1 OR CATEGORY 2 QUANTITIES OF RADIOACTIVE MATERIAL.

[For text of subparts 1 and 2, see Minnesota Rules]

Subp. 3. **Procedures for processing of fingerprint checks.**

A. For the purpose of complying with parts 4731.8010 to 4731.8040, licensees must submit to the U.S. Nuclear Regulatory Commission, Director, Division of Physical and Cyber Security Policy, 11545 Rockville Pike, ATTN: Criminal History Program/Mail Stop T-8B20, Rockville, MD 20852, one completed, legible standard fingerprint card (Form FD-258, ORIMDNRCOOOZ), electronic fingerprint scan or, where practicable, other fingerprint record for each individual requiring unescorted access to category 1 or category 2 quantities of radioactive material. Copies of these forms may be obtained by emailing MAILSVS.Resource@nrc.gov. Guidance on submitting electronic fingerprints can be found at https://www.nrc.gov/security/chp.html.

B. Fees for the processing of fingerprint checks are due upon application. Licensees must submit payment with the application for the processing of fingerprints through corporate check, certified check, cashier's check, money order, or electronic payment, made payable to "U.S. NRC." For guidance on making electronic payments, contact the, Division of Physical and Cyber Security Policy by emailing crimhist.resource@nrc.gov. Combined payment for multiple applications is acceptable. The NRC publishes the amount of the fingerprint check application fee on the NRC public website. To find the current fee amount, go to the Licensee Criminal History Records Checks & Firearms Background Check information page at https://www.nrc.gov/security/chp.html and see the link for "How do I determine how much to pay for the request?".

[For text of item C, see Minnesota Rules]

4731.8055 GENERAL SECURITY PROGRAM REQUIREMENTS.

[For text of subparts 1 to 3, see Minnesota Rules]

Subp. 4. **Protection of information.**

[For text of item A, see Minnesota Rules]

B. Efforts to limit access must include the development, implementation, and maintenance of written policies and procedures for controlling access to, and for proper handling and protection against unauthorized disclosure of, the security plan, implementing procedures, and the list of individuals that have been approved for unescorted access.

C. Before granting an individual access to the security plan, implementing procedures, or the list of individuals that have been approved for unescorted access, licensees must:

(1) evaluate an individual's need to know the security plan, implementing procedures, or the list of individuals that have been approved for unescorted access; and

[For text of subitem (2), see Minnesota Rules]

[For text of item D, see Minnesota Rules]

E. The licensee must document the basis for concluding that an individual is trustworthy and reliable in order to be granted access to the security plan, implementing procedures, or the list of individuals that have been approved for unescorted access.

F. Licensees must maintain a list of persons currently approved for access to the security plan, implementing procedures, or the list of individuals that have been approved for unescorted access. When a licensee determines that a person no longer needs access to the security plan, implementing procedures, or the list of individuals that have been approved for unescorted access, or no longer meets the access authorization requirements for access to the information, the licensee must remove the person from the approved list as soon as possible, but no later than seven working days, and take prompt measures to ensure that the individual is unable to obtain the security plan, implementing procedures, or the list of individuals that have been approved for unescorted access.

G. When not in use, the licensee must store its security plan, implementing procedures, and the list of individuals that have been approved for unescorted access in a manner to prevent unauthorized access. Information stored in nonremovable electronic form must be password protected.

H. The licensee must retain as a record for three years after the document is no longer needed:

(1) a copy of the information protection procedures; and

(2) the list of individuals approved for access to the security plan, implementing procedures, or the list of individuals that have been approved for unescorted access.

4731.8115 ADVANCE NOTIFICATION OF SHIPMENT OF CATEGORY 1 QUANTITIES OF RADIOACTIVE MATERIAL.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Procedures for submitting advance notification.**

A. The notification must be made to the commissioner and to the office of each appropriate governor or governor's designee. The contact information, including telephone numbers and mailing addresses, of governors and governors' designees, is available on the NRC website at https://scp.nrc.gov/special/designee.pdf. A list of the contact information is also available upon request from the Director, Division of Materials Safety, Security, State, and Tribal Programs, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Notifications to the commissioner must be to the Radioactive Materials Unit, Minnesota Department of Health, 625 Robert Street N, P.O. Box 64975, St. Paul, MN 55164-0975, or e-mail at health.ram@state.mn.us.

[For text of items B and C, see Minnesota Rules]

[For text of subparts 3 to 7, see Minnesota Rules]

Office of the Revisor of Statutes
Administrative Rules

TITLE: Proposed Permanent Rules Relating to Radioactive Materials

AGENCY: Department of Health

REVISOR ID: R-4671

MINNESOTA RULES: Chapter 4731

The attached rules are approved for
publication in the State Register

Sandy Glass-Sirany
Senior Assistant Revisor