

FULL NOTICE OF INTENT TO  
AMEND ADMINISTRATIVE RULES  
RELATING TO RADIOLOGICAL HEALTH

TAKE NOTICE that the North Dakota Department of Environmental Quality (“Department”) will hold a public hearing to address proposed amendments to North Dakota Administrative Code Article 33.1-10 at the following time and location:

4th Floor Conference Room  
North Dakota Department of Environmental Quality  
918 E Divide Avenue  
Bismarck, ND 58501  
January 19, 2021  
8:30 am CST

The purpose of the proposed rule amendments is to comply with federal law. As a requirement of North Dakota’s Agreement State status, the State of North Dakota is required to adopt rules that are compatible with the U.S. Nuclear Regulatory Commission (NRC) rules. As a result of recent changes to the NRC rules, there are some changes/updates required to certain chapters of North Dakota Administrative Code Article 33.1-10. The proposed amendments address the following:

<b><u>NRC Section</u></b>	<b><u>Title</u></b>	<b><u>State Section</u></b>
§ 30.34 (g)	Terms and conditions of licenses	33.1-10-03.1-01 [§ 30.34]
§ 32.72 (a)(4) revised, (b)(5)(i) revised, (d) new	Manufacture, preparation, or transfer for commercial distribution of radioactive drugs containing byproduct material for medical use under part 35.	33.1-10-20-01 [§ 32.72]
§ 35.2	Definitions	33.1-10-07.2-01 [§ 35.2]
§ 35.12	Application for license, amendment, or renewal	33.1-10-07.2-01 [§ 35.12]
§ 35.13	License amendments	33.1-10-07.2-01 [§ 35.13]
§ 35.14	Notifications	33.1-10-07.2-01 [§ 35.14]
§ 35.15	Exemptions regarding Type A specific licenses	33.1-10-07.2-01 [§ 35.15]

	of broad scope	
§ 35.24 (b) and (c)	Authority and responsibilities for the radiation protection program	33.1-10-07.2-01 [§ 35.24]
§ 35.40	Written directives	33.1-10-07.2-01 [§ 35.40]
§ 35.41	Procedures for administrations requiring a written directive	33.1-10-07.2-01 [§ 35.41]
§ 35.50	Training for Radiation Safety Officer and Associate Radiation Safety Officer	33.1-10-07.2-01 [§ 35.50]
§ 35.51	Training for an authorized medical physicist	33.1-10-07.2-01 [§ 35.51]
§ 35.55	Training for an authorized nuclear pharmacist	33.1-10-07.2-01 [§ 35.55]
§ 35.57	Training for experienced Radiation Safety Officer, teletherapy or medical physicist, authorized medical physicist, authorized user, nuclear pharmacist, and authorized nuclear pharmacist	33.1-10-07.2-01 [§ 35.57]
§ 35.65	Authorization for calibration, transmission and reference sources	33.1-10-07.2-01 [§ 35.65]
§ 35.190	Training for uptake, dilution, and excretion studies	33.1-10-07.2-01 [§ 35.190]
§ 35.204	Permissible molybdenum-99, strontium-82, and strontium-85 concentrations	33.1-10-07.2-01 [§ 35.204]
§ 35.290	Training for imaging and localization studies	33.1-10-07.2-01 [§ 35.290]
§ 35.300	Use of unsealed byproduct material for which a written	33.1-10-07.2-01 [§ 35.300]

	directive is required	
§ 35.390	Training for use of unsealed byproduct material for which a written directive is required	33.1-10-07.2-01 § [35.390]
§ 35.392	Training for the oral administration of sodium iodide I-131 requiring a written directive in quantities less than or equal to 1.22 gigabecquerels (33 millicuries)	33.1-10-07.2-01 [§ 35.392]
§ 35.394	Training for the oral administration of sodium iodide I-131 requiring a written directive in quantities greater than 1.22 gigabecquerels (33 millicuries)	33.1-10-07.2-01 [§ 35.394]
§35.396	Training for the parenteral administration of unsealed byproduct material requiring a written directive	33.1-10-07.2-01 § [35.396]
§ 35.400	Use of sources for manual Brachytherapy	33.1-10-07.2-01 [§ 35.400]
§ 35.433	Strontium-90 sources for ophthalmic treatments	33.1-10-07.2-01 [§ 35.433]
§ 35.490	Training for use of manual brachytherapy sources	33.1-10-07.2-01 [§ 35.490]
§ 35.491	Training for ophthalmic use of strontium-90	33.1-10-07.2-01 [§ 35.491]
§ 35.500	Use of sealed sources and medical devices for diagnosis	33.1-10-07.2-01 [§ 35.500]
§ 35.590	Training for use of sealed sources and medical devices for diagnosis	33.1-10-07.2-01 [§ 35.590]

§ 35.600	Use of a sealed source in a remote afterloader unit, teletherapy unit, or gamma stereotactic radiosurgery unit	33.1-10-07.2-01 [§ 35.600]
§ 35.610	Safety procedures and instructions for remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units	33.1-10-07.2-01 [§ 35.610]
§ 35.655	Full-inspection servicing for teletherapy and gamma stereotactic radiosurgery units	33.1-10-07.2-01 [§ 35.655]
§ 35.690	Training for use of remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units	33.1-10-07.2-01 [§ 35.690]
§ 35.2024	Records of authority and responsibilities for radiation protection programs	33.1-10-07.2-01 [§ 35.2024]
§ 35.2310	Records of safety instruction	33.1-10-07.2-01 [§ 35.2310]
§ 35.2655	Records of full-inspection servicing for teletherapy and gamma stereotactic radiosurgery units	33.1-10-07.2-01 [§ 35.2655]
§ 35.3045	Report and notification of a medical event	33.1-10-07.2-01 [§ 35.3045]
§ 35.3204 new	Report and notification for an eluate exceeding permissible molybdenum-99, strontium-82, and strontium-85 concentrations	33.1-10-07.2-01 [§ 35.3204]
§ 37.7(a)	Communications	33.1-10-22-01 [§ 37.7(a)]
§ 37.77	Advance notification of shipment of category I quantities of radioactive	33.1-10-22-01 [§ 37.77]

	material	
§ 37.81(g)	Reporting of events	33.1-10-22-01 [§ 37.81(g)]
§ 70.5	Communications	33.1-10-17-01 [§ 70.5]
§ 70.32	Conditions of licenses	33.1-10-17-01 [§ 70.32]
§ 71.97	Advance notification of shipment of irradiated reactor fuel and nuclear waste	33.1-10-13.1-01 [§ 71.97]
§ 34.101(c)	Notifications	33.1-10-05.1-01 [§34.101(c)]
§ 37.23(b)(2)	Access authorization program requirements	33.1-10-22-01 [§ 37.23(b)(2)]
§ 37.43(d)(2), (d)(3) introductory text, (d)(3)(i), (d)(5) through (7), and (d)(8)(ii)	General security program requirements	33.1-10-22-01 [§ 37.43(d)(2), (d)(3) introductory text, (d)(3)(i), (d)(5) through (7), and (d)(8)(ii)]
§ 37.45(b)	LLEA coordination	33.1-10-22-01 [§ 37.45(b)]
§ 37.77(a)(1)	Advance notification of shipment of category I quantities of radioactive material	33.1-10-22-01 [§ 37.77(a)(1)]
§ 71.97(c)(3)	Advance notification of shipment of irradiated reactor fuel and nuclear waste	33.1-10-13.1-01 [§ 71.97(c)(3)]
§ 37.23(b)(2)	Access authorization program requirements	33.1-10-22-01 [§ 37.23(b)(2)]
§ 37.27(c)(1) and (2)	Requirements for criminal history records checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material	33.1-10-22-01 [§ 37.27(c)(1) and (2)]
§ 37.7(a)	Communications	33.1-10-22-01 [§ 37.7(a)]
§ 71.1	Communications and	33.1-10-13.1-01 [§ 71.1]

	records	
§ 71.17(c)(3)	General License: NRC approved package	33.1-10-13.1-01 [§ 71.17(c)(3)]
§ 71.95	Reports	33.1-10-13.1-01 [§ 71.95]
§ 71.101	Quality Assurance requirements	33.1-10-13.1-01 [§ 71.101]

The proposed rule amendments are not expected to have an impact on the regulated community in the excess of \$50,000.

The proposed rules may be reviewed at the Department's office located at 918 E Divide Avenue, Bismarck, ND 58501-1947 or on the Department's website at: <https://deq.nd.gov/PublicNotice.aspx>. A copy of the proposed rule amendments may be requested by writing to the North Dakota Department of Environmental Quality, Radiation Control Program at the above address, emailing [ram@nd.gov](mailto:ram@nd.gov) or calling (701)328-5166. Written or oral comments on the proposed rule amendments sent to the above mailing address, email address or telephone number and received by January 31, 2021 will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the Department at the above address or telephone number at least two days prior to the public hearing.

DUE TO COVID-19 and the limited number of people that can be accommodated due to limited capacity, we encourage written or oral comments be submitted as set forth above. There will be real time public streaming of the public hearing through a Microsoft Teams meeting. No testimony will be accepted through the Microsoft Teams meeting. Information concerning listening access by telephone or through Microsoft Teams can be obtained by calling (701)328-5166 or can be found on the Department's website at: <https://deq.nd.gov/PublicNotice.aspx>.

Dated this 14<sup>th</sup> day of December, 2020.

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 Manager  
 Radiation Control Program