

August 15, 2022

Ms. Jill Grossman  
Assistant Code Revisor  
North Dakota Legislative Council  
State Capitol  
600 East Boulevard, 2nd Floor  
Bismarck, ND 58505-0360

Dear Ms. Grossman:

The Notice of Intent to Amend Administrative Rules and a copy of the proposed rules are enclosed as required by N.D.C.C. § 28-32-10(1).

Sincerely,



David Stradinger, Manager  
Radiation Control Program  
Department of Environmental Quality

DS:

Enclosures

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:

2<sup>nd</sup> Floor Meeting Room 223  
North Dakota Department of Environmental Quality  
4201 Normandy Street  
Bismarck, ND 58503  
September 27, 2022  
1:00 pm 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 (adopted by reference)</u></b>	<b><u>Title</u></b>	<b><u>State Section</u></b>
§ 19.8(b)	Information collection requirements: OMB approval	33.1-10-10.1-01
§ 20.1906(d)	Procedures for receiving and opening packages	33.1-10-04.2-01
§ 20.2201(a)(2)(ii)	Reports of theft or loss of licensed material	33.1-10-04.2-01
§ 20.2202(d)(2)	Notification of incidents	33.1-10-04.2-01
§ 20.2207(h) (remove)	Reports of transactions involving nationally tracked sources	33.1-10-04.2-01
§ 30.50(c)(1)	Reporting requirements	33.1-10-03.1-01
§ 34.47	Personnel monitoring	33.1-10-05.1-01
§ 34.83	Records of personnel monitoring	33.1-10-05.1-01
§ 35.50(c)(3)	Training for Radiation Safety Officer and Associate Radiation Safety Officer	33.1-10-07.2-01
§ 35.55(a)(1)	Training for authorized nuclear pharmacist	33.1-10-07.2-01
§ 35.57(b)(2)	Training for experienced Radiation Safety Officer, teletherapy or medical physicist, authorized medical	33.1-10-07.2-01

	physicist, authorized user, nuclear pharmacist, and authorized nuclear pharmacist	
§ 35.390(a)(1)	Training for use of unsealed byproduct material for which a written directive is required	33.1-10-07.2-01
§ 35.490	Training for use of manual brachytherapy sources	33.1-10-07.2-01
§ 35.690	Training for use of remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units	33.1-10-07.2-01
§ 35.3045(g)(1)(ii)	Report and notification of a medical event	33.1-10-07.2-01
§ 35.3047(f)(1)(ii)	Report and notification of a dose to an embryo/fetus or a nursing child	33.1-10-07.2-01
§ 36.55	Personnel monitoring	33.1-10-14.1-01
§ 37.27(c)(1)	Requirements for criminal history record checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material	33.1-10-22-01
Appendix A to Part 37	Category 1 and Category 2 Radioactive Materials	33.1-10-22-01
§ 39.65	Personnel monitoring devices	33.1-10-12.1-01
§ 40.60(c)(1)	Reporting requirements	33.1-10-16-01
§ 70.32(a)(9)(i)(B) and (C)	Conditions of licenses	33.1-10-17-01
§ 70.50(c)(1)	Reporting requirements	33.1-10-17-01
§ 71.4	Definitions	33.1-10-13.1-01
§ 71.97(c)(3)(i)	Advance notification of shipment of irradiated reactor fuel and nuclear waste	33.1-10-13.1-01
Appendix A to Part 71, Table A-1	A1 And A2 Values for Radionuclides Exempt Material Activity Concentrations and Exempt Consignment Activity Limits for Radionuclides	33.1-10-13.1-01

The proposed amendments also revise the Department's office address in chapters 33.1-10-01, 33.1-10-11, and 33.1-10-18.

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 4201 Normandy Street, Bismarck, ND 58503-1324 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 October 10, 2022 will be fully considered.

The Department will consider every request for reasonable accommodation to provide an accessible meeting facility or other accommodation for people with disabilities, language interpretation for people with limited English proficiency (LEP), and translations of written material necessary to access programs and information. To request accommodations, contact Jennifer Skjod, Acting Non-discrimination Coordinator at 701-328-5226 or [jskjod@nd.gov](mailto:jskjod@nd.gov). TTY users may use Relay North Dakota at 711 or 1-800-366-6888.

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.

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 15th day of August, 2022.

David Stradinger  
Manager  
Radiation Control Program