



Environmental Health Division

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Amendments and Repeal of Rules Governing Radiation Safety,
Minnesota Rules, Chapter 4731; Revisor's ID Number RD-4793; OAH 21-9000-40152

Introduction.

The Department of Health (MDH) intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings (OAH), Minnesota Rules, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, Minnesota Statutes, sections 14.22 to 14.28. The specific rule parts to be amended are 4731.0590; 4731.3395; 4731.4413; 4731.4414; 4731.8025; and 4731.8140, The rule part to be repealed is 4731.2705, subpart 9.

Subject of Rules and Statutory Authority.

Minnesota Statutes, sections 144.1202 and 144.1203, authorize MDH to adopt rules that allow the state to assume regulatory authority under an agreement with the U.S. Nuclear Regulatory Commission (NRC), including licensing and regulation of radioactive materials, and to ensure that individuals handling or using radioactive materials have proper training and qualifications.

Minnesota Rules, Chapter 4731, which the proposed rules are amending, is where the rules adopted pursuant to this statutory authority are contained. MDH proposes to amend this chapter, as noted above, to reflect NRC's recent regulation changes. The proposed changes conform MDH's rules to NRC-mandated regulations. The proposed changes also include revisions to clarify existing requirements and to correct editorial issues. The current rule can be accessed at <https://www.revisor.mn.gov/rules/4731/>. A free copy of the rule is also available upon request from the agency contact person listed below.

MDH proposes to revise chapter 4731 as follows:

- In 4731.0590, subpart 2, MDH is updating a reference to the United States Code regarding the filing of a voluntary or involuntary petition for bankruptcy under any chapter of United States Code, title 11.
- In 4731.2705, subpart 9, MDH is repealing an outdated reporting requirement.
- In 4731.3395, MDH is updating a reference to the United States Code of Federal Regulations by replacing section "207.20(a)" with "207.17(a)" as directed by NRC.
- In 4731.4413, subpart 2, MDH is updating the name change of the American Council on Pharmaceutical Education to the Accreditation Council for Pharmacy Education (ACPE).

- In 4731.4414, item E, MDH is amending the phrase “or a permit issued by a Commission master material license of broad scope on or before October 24, 2005,” to “*or a permit issued in accordance with a Commission master material broad scope license on or before October 24, 2005,*”. The department is also amending 12 instances where the modifier “on or” was omitted in reference to dates in which certain licensed professionals had to obtain their licensure were exempt from additional training requirements.
- In part 4731.8025, subpart 3, MDH is updating the mailstop number where licensees must submit their fingerprinting information for background checks.
- Finally, in part 4731.8140, subpart 2, MDH is revising the mathematical formula to correct a sum of fractions formula. An ellipsis and a plus sign are added at the appropriate locations, and the summation sign (sigma) and brackets are deleted as they are unnecessary.

Proposed Rule Revision Language and Statement of Need and Reasonableness.

The rule amendments and the Statement of Need and Reasonableness (SONAR) can be reviewed at <https://www.health.state.mn.us/communities/environment/radiation/monitor/rule/index.html>.

The SONAR contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review it or obtain copies for the cost of reproduction by contacting the agency contact person.

Agency Contact Person.

You may submit questions on the rules and written requests for a public hearing to the agency contact person. The agency contact person is:

Brandon Juran
Minnesota Department of Health
P.O. Box 64975
St. Paul, MN 55164-0975
Phone: (651) 201-4526
Fax: (651) 201-4606
brandon.juran@state.mn.us.

Comments.

MDH encourages comment. You have until 4:30 p.m. on December 19, 2024, to submit written comments in support of or in opposition to the proposed rules and any part or subpart of the rules. You must submit all written comments via the [OAH Rulemaking e-comments website \(https://minnesotaoah.granicusideas.com\)](https://minnesotaoah.granicusideas.com), where you may also review the proposed rule and SONAR. Your comments must be in writing. Your comments should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

Request for a Hearing.

In addition to submitting comments, you may also request that MDH hold a hearing on the rules. Your request must be in writing, and the agency contact person must receive it by 4:30 p.m. on

December 19, 2024. Your written request for a public hearing must include your name and address. You must identify the portion or portions of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and MDH cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests.

If 25 or more persons submit a valid written request for a hearing, MDH will hold a public hearing unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in Minnesota Statutes, sections 14.131 to 14.20.

Alternative Format.

Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Modifications.

MDH may modify the proposed rules as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules, unless the agency follows the procedure under Minnesota Rules, part 1400.2110. If the proposed rules affect you in any way, MDH encourages you to participate in the rulemaking process.

Lobbyist Registration.

Minnesota Statutes, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions about this requirement to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

Adoption and Review of Rules.

If no hearing is required, MDH may adopt the rules after the end of the comment period. MDH will then submit the rules and supporting documents to OAH for review for legality. You may ask to be notified of the date MDH submits the rules to OAH. If you want to be so notified, receive a copy of the adopted rules, or register with MDH to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Date: October 30, 2024

/s/ Wendy Underwood
Deputy Commissioner
Department of Health