

4731.0355 RECIPROCITY.**Subpart 1. Application; recognition.**

A. Applications for reciprocal recognition of licenses issued by the NRC or other agreement states may be made by completing a report of proposed activity reciprocity form prescribed by the commissioner. The form may be obtained by contacting the Radioactive Materials Unit, Minnesota Department of Health, 625 Robert Street N, P.O. Box 64975, St. Paul, MN 55164-0975.

B. The commissioner shall reciprocally recognize radioactive materials licenses issued by the NRC or another agreement state according to this part. The NRC maintains jurisdiction in nonagreement states, areas of exclusive federal jurisdiction within agreement states, and offshore waters.

Subp. 2. Review and inspection.

A. The commissioner shall review applications for reciprocity for compliance with this chapter in the same manner as applications from within the state. The application must be signed and dated by the radiation safety officer or the responsible management representative.

B. Inspections by the commissioner may be performed on any licensee who has been granted a reciprocal license. Considerations for selecting reciprocal licensees for inspection include:

- (1) potential risk to employees, the public, or the environment;
- (2) activities that are new or unusual for the state;
- (3) the frequency of the licensee entering the state to perform activities;
- (4) the length of time to complete the intended activity; and
- (5) the concern expressed by the public about a specific activity.

C. The frequency of inspection for any particular licensee is dependent on the considerations listed in item B.

Subp. 3. Licenses of radioactive material, source and special nuclear material in quantities not sufficient to form a critical mass.

A. Subject to this chapter, a person who holds a specific license from the NRC or an agreement state, and issued by the agency having jurisdiction where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained, is granted a general license to conduct the activities authorized in

such licensing document within this state for a period not in excess of 180 days in a one-year period if:

(1) the out-of-state licensee notifies the commissioner in writing at least three days before engaging in the activities in the state. The notification must include:

(a) the name of the company for whom service will be performed;
(b) the name and telephone number of the individual representing the company under unit (a);

(c) the location where services will be performed;

(d) the start date;

(e) the duration of the service;

(f) the type of service to be performed;

(g) the name of individuals performing the service; and

(h) identification of the sources of radiation to be used;

(2) the notification is accompanied by a copy of the current licensing document;

(3) the licensing document does not limit the activity authorized by the document to specified installations or locations; and

(4) the licensee pays the reciprocity fee under Minnesota Statutes, section 144.1205.

B. The out-of-state licensee must:

(1) notify the commissioner of any changes in the work location, schedule, radioactive material, or work activities;

(2) comply with this chapter and with all the terms and conditions of the licensing document, except any terms and conditions that may be inconsistent with this chapter; and

(3) supply any other information requested by the commissioner.

C. The out-of-state licensee must not transfer or dispose of radioactive material possessed or used under the general license under this part except by transfer to a person who is specifically licensed by the NRC or an agreement state to receive the material.

D. If, for a specific case, the three-day notification period would impose an undue hardship on the out-of-state licensee, the licensee may, upon written application to the commissioner, obtain permission to proceed sooner.

E. Failure to provide the required information or fee may result in denial of reciprocity privileges.

F. Notwithstanding item A, a person who holds a specific license issued by the NRC or an agreement state authorizing the holder to manufacture, transfer, install, or service a device described in parts 4731.3200 to 4731.3245 within areas subject to the jurisdiction of the licensing body is granted a general license to install, transfer, demonstrate, or service the device if:

(1) the person files a report with the commissioner within 30 days after the end of each calendar quarter in which any device is transferred to or installed in this state. The report must identify each general licensee to whom the device is transferred by name and address, the type and model number of devices transferred, and the quantity and type of radioactive material contained in the device;

(2) the device has been manufactured, labeled, installed, and serviced under applicable provisions of the specific license issued to the person by the NRC or an agreement state;

(3) the person provides assurance that any labels required to be affixed to the device under rules of the authority that licensed manufacture of the device bear the statement "Removal of this label is prohibited"; and

(4) the holder of the specific license furnishes to each general licensee to whom the device is transferred or on whose premises the device is installed a copy of the general license issued under this item, or under equivalent rules of the agency having jurisdiction over the manufacture and distribution of the device.

G. The commissioner may withdraw, limit, or qualify acceptance of a specific license or equivalent licensing document issued by the NRC or an agreement state or a product distributed under the licensing document upon determining that the action is necessary to prevent undue hazard to public health and safety or property.

Subp. 4. Jurisdictional status.

A. A licensee must determine the jurisdictional status of a temporary job site before radioactive materials may be used at a job site at any federal facility within the state. If the jurisdictional status is unknown, the licensee must contact the federal agency that controls the site to determine if the job site is under exclusive federal jurisdiction.

B. A licensee must obtain authorization from the NRC or an agreement state before radioactive material may be used at a temporary job site in another state. Authorization may be obtained by applying for reciprocity or a specific license from the state or the NRC in areas of exclusive federal jurisdiction.

Statutory Authority: *MS s 144.1202; 144.1203*

History: *29 SR 755; 32 SR 831; 33 SR 1440*

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