

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

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, may apply for reciprocity. Once reciprocity is approved, the out-of-state licensee is granted a general license to conduct the activities authorized in the NRC or agreement state license within this state for a period not in excess of 180 days in a calendar year.

B. 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.

C. The application must be signed and dated by the radiation safety officer or the responsible management representative.

D. The applicant must submit a copy of the current licensing document. The licensing document must not limit the activity authorized by the document to specified installations or locations.

E. The applicant must pay the reciprocity fee under Minnesota Statutes, section 144.1205.

Subp. 2. Review and inspection.

A. The commissioner shall review applications for reciprocity for compliance with this chapter. 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.

B. Inspections by the commissioner may be performed on any licensee who has been granted a reciprocal license.

Subp. 3. Notification.

A. An out-of-state licensee approved for reciprocity must notify the commissioner in writing at least three days before engaging in activities in the state. The notification must include:

- (1) the name of the company for whom service will be performed;
- (2) the name and telephone number of the individual representing the company under subitem (1);
- (3) the location where services will be performed;
- (4) the start date;
- (5) the duration of the service;

- (6) the type of service to be performed;
- (7) the name of individuals performing the service; and
- (8) identification of the sources of radiation to be used.

B. The out-of-state licensee must:

- (1) notify the commissioner in advance 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.

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 144.1201; 144.1202; 144.1203; 144.1204; 144.1205*

History: *29 SR 755; 32 SR 831; 33 SR 1440; 40 SR 145; 44 SR 239*

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