



**NORTH DAKOTA**  
DEPARTMENT of HEALTH

ENVIRONMENTAL HEALTH SECTION  
Gold Seal Center, 918 E. Divide Ave.  
Bismarck, ND 58501-1947  
701.328.5200 (fax)  
www.ndhealth.gov



September 25, 2015

Michelle R. Beardsley, Health Physicist  
State Regulation Review Coordinator  
U.S. Nuclear Regulatory Commission  
ASPB/MSTR/NMSS  
Washington, DC 20555-001

Dear Ms. Beardsley:

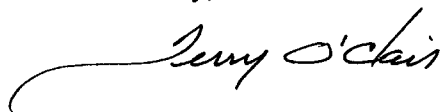
Attached is a copy of the proposed revision to the North Dakota Radiological Health Rules as identified below. Because North Dakota adopts the NRC rules by reference, the attachments reflect the changes being made to those sections of the rules that have been previously adopted. The changes as tracked in the attachments correspond to the following NRC regulations. Chapter 33-10-22, which incorporates Part 37, is a new section to the North Dakota Radiological Health Rules.

<u>RATS ID</u>	<u>Title</u>	<u>State Section</u>
2015-2      § 37.29(a)(10)	Relief from fingerprinting, identification, and criminal history records checks and other elements of background investigations for designated categories of individuals permitted unescorted access to certain radioactive materials	33-10-22
§ 37.43(d)(1)	General security program requirements	33-10-22
§ 37.77(f)	Advance notification of shipment of category 1 quantities of radioactive material	33-10-22

We believe adoption of these sections will satisfy the compatibility and health and safety categories established in the office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-200.

If you have any questions, please feel free to contact me at (701)328-5188 or Dale Patrick of my staff at (701)328-5199 or [dpatrik@nd.gov](mailto:dpatrik@nd.gov).

Sincerely,

A handwritten signature in cursive script that reads "Terry O'Clair". The signature is written in black ink and is positioned above the typed name.

Terry L. O'Clair, P.E.  
Director  
Division of Air Quality

TLO/DP:csc