



October 4, 2016

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

Dear Ms. Beardsley:

Attached is a copy of the North Dakota Radiological Health Rules as identified below which have been revised in accordance with RATS ID 2011-2, 2012-1, 2012-4, 2013-1 and 2013-2. Because North Dakota adopts the NRC rules by reference, the attachments reflect the changes made to those sections of the rules that have been previously adopted. The tracking changes are shown in the text of the final rules and are effective as of October 1, 2016 and correspond to the following NRC regulations.

| <u>RATSID</u> | <u>TITLE</u> | <u>Section</u> |
|----------------------|---------------------|-------------------------------------------------------------------------------------------------------|
| 2011-2 | 36.13(a) | Specific Licenses for Irradiators |
| | § 39.13 | Specific Licenses for Well Logging |
| | § 40.4, 40.32 | Definition: Commencement Of Construction |
| | § 150.31(b)(3)(iv) | Requirements for Agreement State regulation of byproduct material |
| 2012-1 | §31.5 & §31.6 | Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material |
| 2012-4 | § 30.15(a)(2) | Certain items containing byproduct Material |
| | § 30.19(b) | Self-luminous products containing tritium, krypton-85, or promethium-147 |
| | § 30.20 | Gas and aerosol detectors containing byproduct material |

| <u>RATSID</u> | | <u>TITLE</u> | <u>Section</u> |
|---------------|------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| | § 30.22 | Certain industrial devices | 33-10-03.1 |
| | § 30.32(g) | Application for specific licenses | 33-10-03.1 |
| | § 31.3 | Certain devices and equipment | 33-10-18 |
| | § 32.51(a)(6) | Byproduct material contained in devices for use under§ 31.5; requirements for license to manufacture, or initially transfer | 33-10-20 |
| 2013-1 | 10 CFR Part 37 | In its entirety | 33-10-22 |
| | §30.13 | Carriers | 33-10-03.1 |
| | § 71.97 | Advance notification of shipments of irradiated reactor fuel and Nuclear waste | 33-10-13.1 |
| 2013-2 | § 40.4 | Definitions | 33-10-16 |
| | § 40.13(c), (c)(2)(i), (c)(2)(iii) (c)(S)(i), (c)(S)(ii)-(iv), (c)(S)(v), (c)(7), (c)(10), (d), Footnote 2 | Unimportant quantities of source material | 33-10-16 |
| | § 40.22(a), (a)(1)-(4), (b), (b)(1)-(3), (b)(4), (b)(S), (c), (d), (e) | Small quantities of source material | 33-10-16 |
| | § 40.54 | Requirements for license to initially transfer source material for use under the 'small quantities of source material' general license | |
| | § 40.55(a), (b), (c), (d), (e) | Conditions of licenses to initially transfer source material for use under the 'small quantities of source material' general license: Quality control, labeling, safety instructions, and records and reports | |
| | § 32.53(b)(5), (d)(4) (e)&(t) | Luminous safety devices for use in Aircraft: Requirements for license to manufacture, assemble, repair or initially transfer | 33-10-20 |

| <u>RATSID</u> | <u>TITLE</u> | <u>Section</u> |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|----------------|
| § 32.55 | Same: Quality assurance, prohibition of transfer | 33-10-20 |
| § 32.56 | Same: Material transfer reports | 33-10-20 |
| § 32.57(d)(2)&(e) | Calibration or reference sources containing americium-241 or radium-226: Requirements for license to manufacture or initially transfer | 33-10-20 |
| § 32.59 | Same: Leak testing of each source | 33-10-20 |
| § 32.61(e)(4), (t) | Ice detection devices containing strontium-90; requirements for license to manufacture or initially transfer | 33-10-20 |
| § 32.62(c), (d)&(e) | Same: Quality assurance; prohibition of transfer | 33-10-20 |
| § 32.74(a)(4) | Manufacture and distribution of sources or devices containing byproduct material for medical use | 33-10-20 |
| § 32.101, 32.102, 32.103 & 32.110 | These sections have been removed | 33-10-20 |

We believe adoption of these sections 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 dpatrick@nd.gov.

Sincerely,



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

TLO/DPP:saj
Enc: