

**4731.4405 RADIATION PROTECTION PROGRAM.****Subpart 1. Authority and responsibilities.**

A. In addition to the radiation protection program requirements under part 4731.2010, a licensee's management must approve in writing:

(1) requests for license application, renewal, or amendment before submission to the commissioner;

(2) any individual before allowing that individual to work as an authorized user, authorized nuclear pharmacist, or authorized medical physicist; and

(3) radiation protection program changes that do not require a license amendment and are permitted under subpart 2.

B. A licensee's management must appoint a radiation safety officer, who agrees, in writing, to be responsible for implementing the radiation protection program. The licensee, through the radiation safety officer, must ensure that radiation safety activities are being performed according to licensee-approved procedures and this chapter. A licensee's management may appoint, in writing, one or more associate radiation safety officers to support the radiation safety officer. The radiation safety officer, with written agreement of the licensee's management, must assign the specific duties and tasks to each associate radiation safety officer. These duties and tasks are restricted to the types of use for which the associate radiation safety officer is listed on a license. The radiation safety officer may delegate duties and tasks to the associate radiation safety officer but shall not delegate the authority or responsibilities for implementing the radiation protection program.

C. For up to 60 days each year, a licensee may permit an individual qualified to be a radiation safety officer under parts 4731.4411 and 4731.4415 to function as a temporary radiation safety officer and to perform the functions of a radiation safety officer, as provided in item G, if the licensee takes the actions required by items B, E, G, and H, and notifies the commissioner according to part 4731.4403, subpart 4, item A.

D. A licensee may simultaneously appoint more than one temporary radiation safety officer according to item C if needed to ensure that the licensee has a temporary radiation safety officer that satisfies the requirements to be a radiation safety officer for each of the different types of uses of radioactive material permitted by the license.

E. A licensee must establish in writing the authority, duties, and responsibilities of the radiation safety officer.

F. Licensees that are authorized for two or more different types of uses of radioactive materials under parts 4731.4440 to 4731.4459 and 4731.4463 to 4731.4479, or two or more types of units under parts 4731.4463 to 4731.4479 must establish a radiation safety committee to oversee all uses of radioactive material permitted by the license. The committee must include an authorized user of each type of use permitted by the license, the radiation safety officer, a representative of the nursing service, and a representative of management who is neither an authorized user nor a

radiation safety officer. The committee may include other members the licensee considers appropriate.

G. A licensee must provide the radiation safety officer sufficient authority, organizational freedom, time resources, and management prerogative to:

- (1) identify radiation safety problems;
- (2) initiate, recommend, or provide corrective actions;
- (3) stop unsafe operations; and
- (4) verify implementation of corrective actions.

H. A licensee must retain a record of actions taken under items A, B, and E, according to part 4731.4500, subpart 1.

**Subp. 2. Program changes.**

A. A licensee may revise its radiation protection program without commissioner approval if:

- (1) the revision does not require a license amendment under part 4731.4403, subpart 3;
- (2) the revision is in compliance with this chapter and the license;
- (3) the revision has been reviewed and approved by the radiation safety officer and licensee management; and
- (4) the affected individuals are instructed on the revised program before the changes are implemented.

B. A licensee must retain a record of each change according to part 4731.4500, subpart 2.

**Statutory Authority:** *MS s 144.1202; 144.1203*

**History:** *29 SR 755; 46 SR 791*

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