State of Minnesota

State Register

Proposed, Adopted, & Expedited Rules; Executive Orders; Appointments;
Commissioners' Orders; Revenue Notices; Official Notices;
State Grants & Loans; State Contracts; Non-State Public Bids, Contracts &Grants

Published every Monday (Tuesday when Monday is a holiday)

Monday 13 September 2010
Volume 35, Number 11
Pages 417 - 454

State Register

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota's Executive Branch of government, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes*, Chapter 14, and *Minnesota Rules*, Chapter 1400. The *State Register* contains:

- **Proposed Rules**
- **Adopted Rules**
- **Exempt Rules**
- **Expedited Rules**
- **Withdrawn Rules**
- **Vetoed Rules**
- **Executive Orders of the Governor**
- **Appointments**
- **Proclamations**
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- **State Grants and Loans**
- **Contracts for Professional, Technical and Consulting Services**
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Printing Schedule and Submission Deadlines

Vol. 35 Issue Number	PUBLISH DATE (**BOLDFACE** shows altered publish date)	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for Proposed, Adopted and Exempt RULES
# 10	**TUESDAY 7 SEPTEMBER**	Noon Tuesday 31 August	Noon Wednesday 25 August
# 11	Monday 13 September	Noon Tuesday 7 September	Noon Wednesday 1 September
# 12	Monday 20 September	Noon Tuesday 14 September	Noon Wednesday 8 September
# 13	Monday 27 September	Noon Tuesday 21 September	Noon Wednesday 15 September

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USPS Publication Number: 326-630 (ISSN: 0146-7751)

THE *STATE REGISTER* IS PUBLISHED by Plant Management Division, Department of Administration, State of Minnesota, pursuant to *Minnesota Statutes* § 14.46 and is available at main branch county libraries in Minnesota and all "State Depository Libraries:" State University and Community College libraries; University of Minnesota libraries; St. Paul, Minneapolis and Duluth Public Libraries; Legislative Reference Library; State Law Library; Minnesota Historical Society Library; and Library Development Service at the State Department of Education.

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Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules,** along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules, and withdrawn proposed rules, are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules.** These final adopted rules are not printed in their entirety, but only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive (issue #26 cumulative for issues #1-26); issues #27-38 inclusive (issue #39, cumulative for issues #1-39); issues #40-52 inclusive, with final index (#1-52, or 53 in some years). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register,* contact Minnesota's Bookstore, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155, phone: (612) 297-3000, or toll-free 1-800-657-3757.

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TUESDAY 6 July 2010 - Monday 13 September 2010

Proposed Rules

Comments on Planned Rules or Rule Amendments. An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

Rules to be Adopted After a Hearing. After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

Rules to be Adopted Without a Hearing. Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Minnesota Department of Health (MDH)

Division of Environmental Health, Radioactive Materials Unit

Proposed Permanent Rules Relating to Radiation Safety

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Amendment to Rules Governing Radioactive Materials, *Minnesota Rules,* Chapter 4731.

Introduction. The Minnesota Department of Health (MDH) intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310 (2009), and the Administrative Procedures Act, Minnesota Statutes, sections 14.22 to 14.28 (2008). You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until October 13, 2010.

Agency Contact Person. You must submit comments or questions on the rules and written requests for a public hearing to the agency contact person. The agency contact person is: Sherrie Flaherty, Supervisor at MDH, Radioactive Materials Unit, P.O. Box 64975, 625 Robert Street North, St. Paul, Minnesota 55164-0975; **phone number:** (651) 201-4522; **fax number:** (651) 201-3999; and **e-mail address:** *health.ram@state.mn.us* **TTY** users may call the Department of Health at (651) 2010-5797.

Subject of Rules and Statutory Authority. The proposed rules reflect changes the U.S. Nuclear Regulatory Commission made to its regulations and the MDH-initiated changes described below.

The following changes are required to be compatible with NRC and other agreement state regulations:

- Medical Use of Byproduct Material - Authorized User Clarification (published in the Federal Register, 74 FR 33901, the effective date confirmed in FR 74 43619). These regulations clarified the training requirements for an Authorized User.
- Radiation Safety Officer Training.
- Authorized medical physicist training.
- Training: experienced radiation safety officer, teletherapy or medical physicist, authorized user, and nuclear pharmacist.
- Uptake, dilution, and excretion studies; training.
- Imaging and localization studies; training.
- Unsealed radioactive materials; written directive required; training.
- Oral administration of Sodium Iodide I-131; quantities less than or equal to 33 millicuries (1.22 GBq); written directive quired.

- Oral administration of Sodium Iodide I-131; quantities greater than 33 millicuries (1.22 GBq); written directive required.
- Parenteral administration of unsealed radioactive material; written directive required.
- Manual Brachytherapy training.
- Opthlalmic use of Strontium-90; training.
- Remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units; training.

The following changes are MDH-initiated:

- Exceptions to posting requirements. The exemption is being extended to include postings for medical therapy treatment devices other than teletherapy.
- Leak test requirements. The amendment clarifies the reporting requirements by eliminating reference to another rule. It also relaxes that reporting requirements and indicates the specific information required.
- Survey records. MDH is changing this rule part because the current language fails to appropriately address both uses of survey meters (i.e., measurement of radiation and contamination). The change makes the requirement more explicit.
- Determination of Prior Occupational Dose. This corrects an issue from the last rulemaking process by deleting redundant verbiage.
- Individual monitoring reports. This change eliminates annual reporting that can be addressed during frequent, routine inspections.
- Notifications of accidents. This change clarifies the process for notification and response.
- Control of aerosols and gases. MDH re-incorporated language that had been eliminated by the NRC. Without specific requirements, necessary safety precautions may not be appropriately executed.
- Medical event; report and notification. This is an editorial change only.
- Dose to an embryo-fetus or child; report and notification. This is an editorial change only.
- Definitions added; Nuclear medicine technologist and Accredited. These were added to define the new qualifications for those individuals administer radiopharmaceuticals and related drugs to human beings.
- Minimum standards for nuclear medicine technologists. This amendment was added to define the standards and qualifications for individuals dealing with radiopharmaceuticals.
- Training for individuals functioning as nuclear medicine technologists before January 1, 2011 who are not accredited. This amendment was added to clarify training for these individuals.
- Documentation of competency. This amendment is added to ensure that qualifications and training are maintained.
- Requirements for operators of fusion imaging devices. This amendment is added to clarify qualifications and responsibilities for these individuals in this modality.

The statutory authority to adopt the rules is *Minnesota Statutes*, section 144.1202 and 144.1203 (2008). A copy of the proposed rules is available on the MDH Radioactive Materials web page at *http://www.health.state.mn.us/ram/index.htm*. A free copy of the rules on CD or hardcopy is also available upon request from the agency contact person listed above.

Comments. You have until 4:30 p.m. on October 13, 2010 to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and the agency contact person must receive it by the due date. The Department encourages comment. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. You must also make any comments about the legality of the proposed rules during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Department hold a hearing on the rules. Your request must be in writing and the agency contact person must receive it by 4:30 p.m. on October 13, 2010. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, the Department will hold a public hearing unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to affect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota*

Statutes, sections 14.131 to 14.20.

Modifications. The Department may modify the proposed rules as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules, unless the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Department encourages you to participate in the rulemaking process.

Statement of Need and Reasonableness. The statement of need and reasonableness statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies the cost of reproduction by contacting the agency contact person.

Lobbyist Registration. Minnesota Statues, chapter 10A, requires each lobbyist to register with the State Champaign Finance and Public Disclosure Board. You should direct questions about this requirement to Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 296-5148 or 1-800-657-3889.

Adoption and Review of Rules. If no hearing is required, the agency may adopt the rules after the end of the comment period. The agency will then submit the rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date of the Department submits the rules to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: 26 August 2010

Sanne Magnan, MD, Commissioner
Minnesota Department of Health

4731.2320 EXCEPTIONS TO POSTING REQUIREMENTS.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Hospital; teletherapy, remote afterloader, or gamma stereotactic radiosurgery units.** A room in a hospital or clinic that is used for teletherapy, remote afterloader, or gamma stereotactic radiosurgery units is exempt from the requirement to post a caution sign if:

[For text of items A and B, see M.R.]

4731.2360 LEAK TEST REQUIREMENTS.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Level of detection.** The leak test must be capable of detecting the presence of 0.005 microcurie (185 becquerel) of radioactive material on the test sample.

A. If the test reveals the presence of 0.005 microcurie (185 becquerel) or more of removable contamination, ~~a report must be filed with the Department of Health according to part 4731.3110 and~~ the source must be removed immediately from service and decontaminated, repaired, or disposed of according to ~~Department of Health regulations~~ this chapter.

B. The licensee must file a report with the commissioner within five days. The report must include:

(1) the model number and serial number, if assigned, of the leaking source;

(2) the identity of the radionuclide and its estimated activity;

(3) the results of the test;

(4) the date of the test; and

(5) the action taken.

[For text of subps 6 to 8, see M.R.]

4731.2510 RECORDS; SURVEYS.

Subpart 1. **Record maintenance; three years.** A licensee must maintain records showing the results of surveys and calibrations required under parts 4731.2200 and 4731.2350, subpart 2, for three years after the record is made. The record must include:

A. the date of the measurements;

B. the manufacturer's name, model number, and serial number for the instrument used to measure radiation or contamination levels;

C. the radiation or contamination level; and

D. the name or initials of the individual who performed the surveys or calibrations.

[For text of subp 2, see M.R.]

Subp. 3. **Instrument identification.** To satisfy the requirements in subpart 1, item B, licensees may assign a unique identification to an instrument provided:

A. the manufacturer's name, model number, and serial number for each instrument is maintained and available for inspection by the department; and

B. the unique identification is indicated on each instrument.

4731.2520 DETERMINATION OF PRIOR OCCUPATIONAL DOSE.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Record keeping.**

~~A.~~ A licensee must record the exposure history of each individual, as required by subpart 1 or 2, on a cumulative occupational exposure record form prescribed by the commissioner, or other clear and legible record including all of the information required by the commissioner's form. The form or record must show each period in which the individual received occupational exposure to radiation or radioactive material and must be signed by the individual who received the exposure. For each period for which the licensee obtains reports, the licensee must use the dose shown in the report in preparing the exposure record. For any period in which the licensee does not obtain a report, the licensee must place a notation on the record indicating the periods and time for which data are not available.

~~B. A licensee is not required to partition historical dose between external dose equivalents and internal committed dose equivalents. Occupational exposure histories obtained and recorded on the cumulative occupational exposure record form, or its equivalent, before January 1, 1994, might not have included effective dose equivalents, but may be used in the absence of specific information on the intake of radionuclides by the individual.~~

~~C. The form or record must:~~

~~(1) show each period in which the individual received occupational exposure to radiation or radioactive material; and~~

~~(2) be signed by the individual who received the exposure.~~

~~D. For each period for which a licensee obtains reports, the licensee must use the dose shown in the report in preparing the form or its equivalent.~~

~~E. For any period in which a licensee does not obtain a report, the licensee must place a notation on the form or its equivalent, indicating the periods of time for which data are not available.~~

[For text of subps 5 and 6, see M.R.]

4731.2650 REPORTS; INDIVIDUAL MONITORING.

A. This part applies to a person licensed by the commissioner to~~:~~

~~(1) possess or use radioactive material for purposes of radiography according to parts 4731.3000 to 4731.3175 and 4731.4000 to 4731.4360; or~~

~~(2)~~ possess or use at any time for processing or manufacturing for distribution according to parts 4731.3000 to 4731.3175, 4731.3300 to 4731.3580, or 4731.4400 to 4731.4527, radioactive material in quantities exceeding any one of the following quantities:

Radionuclide	**Quantity of Radionuclide in curies**

Cesium-137	1
Cobalt-60	1
Gold-198	100
Iodine-131	1
Iridium-192	10
Krypton-85	1,000
Promethium-147	10
Technetium-99m	1,000

B. The commissioner may require ~~as a license condition or by order according to part 4731.0200,~~ reports from licensees who are licensed to use radionuclides not listed under item A~~, subitem (2),~~ in quantities sufficient to cause comparable radiation levels.

C. A licensee under item A must submit an annual report of the results of individual monitoring carried out by the licensee for each individual for whom monitoring was required under part 4731.2210 during that year. The licensee may include additional data for individuals for whom monitoring was provided but not required. The licensee must use an NRC Form 5, or its equivalent, or electronic media containing all the information required by the NRC form, to file the report.

D. A licensee must file the report required under item C, covering the preceding year, on or before April 30 of each year. A licensee must submit the report to the commissioner.

4731.4070 LEAK TESTING, REPLACEMENT, AND OTHER MODIFICATIONS OF SEALED SOURCES.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Leaking source.**

[For text of items A and B, see M.R.]

C. A report must be filed with the commissioner, within five days~~, of any test with results that exceed the threshold in item A, describing the equipment involved, the test results, and corrective action taken.~~ and must include:

(1) the model number and serial number, if assigned, of the leaking source;

(2) the identity of the radionuclide and its estimated activity;

(3) the results of the test;

(4) the date of the test; and

(5) the action taken.

[For text of subp 4, see M.R.]

4731.4350 NOTIFICATIONS.

Subpart 1. **~~Reports~~ Immediate notification required.** ~~In addition to the reporting required under part 4731.3110 and under other parts of this chapter, a licensee must provide a written report to the commissioner within 30 days of the occurrence of any of the following incidents involving radiographic equipment:~~

~~A. unintentional disconnection of the source assembly from the control cable;~~

~~B. inability to retract the source assembly to its fully shielded position and secure it in the fully shielded position; or~~

~~C. failure of any component, critical to safe operation of the device, to properly perform its intended function.~~

A licensee must notify the commissioner as soon as possible but not later than four hours after the discovery of any event that prevents immediate protective actions necessary to avoid exposures to radiation or radioactive materials that could exceed regulatory limits or releases of licensed material that could exceed regulatory limits. Reportable events under this subpart include fires, explosions, toxic gas release, or similar hazards.

Subp. 2. **24-hour notification required ~~information~~.** ~~A licensee must include the following information in each report submitted under subpart 1 and in each report of overexposure submitted under part 4731.2620 that involves failure of safety components of radiography equipment:~~

~~A. a description of the equipment problem;~~

~~B. the cause of each incident, if known;~~

~~C. the name of the manufacturer and model number of equipment involved in the incident;~~

~~D. the place, date, and time of the incident;~~

~~E. the actions taken to establish normal operations;~~

~~F. the corrective actions taken or planned to prevent recurrence; and~~

~~G. the qualifications of personnel involved in the incident.~~

A licensee must notify the commissioner within 24 hours after discovery of any of the following events involving licensed material:

A. the occurrence of any of the following incidents involving radiographic equipment:

(1) unintentional disconnection of the source assembly from the control cable;

(2) inability to retract the source assembly to its fully shielded position and secure it in the fully shielded position; or

(3) failure of any component, critical to safe operation of the device, to properly perform its intended function;

B. an event in which equipment is disabled or fails to function as designed when:

(1) the equipment is required by rule or license condition to prevent releases exceeding regulatory limits, to prevent exposure to radiation and radioactive materials exceeding regulatory limits, or to mitigate the consequences of an accident;

(2) the equipment is required to be available and operable when it is disabled or fails to function; and

(3) no redundant equipment is available and operable to perform the required safety function;

C. an unplanned contamination event that:

(1) requires access to the contaminated area, by workers or the public, to be restricted for more than 24 hours by imposing additional radiological controls or by prohibiting entry into the areas;

(2) involves a quantity of material greater than five times the lowest annual limit on intake specified in part 4731.2750 for the material; and

(3) restricts access to the area for a reason other than to allow isotopes with a half-life of less than 24 hours to decay prior to decontamination;

D. an event that requires unplanned medical treatment at a medical facility of an individual with spreadable radioactive contamination on the individual's clothing or body; or

E. an unplanned fire or explosion that damages any licensed material or any device, container, or equipment containing licensed materials when:

(1) the quantity of material involved is five times the lowest annual limit on intake specified in part 4731.2750; and

(2) the damage affects the integrity of the licensed material or its container.

Subp. 3. **~~Reporting unlisted use~~ Preparation and submission of notifications.** A licensee ~~conducting radiographic operations or storing radioactive material at any location not listed on the license for a period in excess of 180 days in a calendar year must notify the~~

~~commissioner prior to exceeding the 180 days.~~ must make notifications required under subparts 1 and 2 by telephone to the commissioner. To the extent the information is available at the time of notification, the information provided must include:

A. the caller's name and call-back telephone number;

B. a description of the event, including date and time;

C. the exact location of the event;

D. the isotopes, quantities, and chemical and physical form of the licensed material involved; and

E. any personnel radiation exposure data available.

Subp. 4. **Reports required.** A licensee who makes a notification required under subpart 1 or 2 must submit a written follow-up report within 30 days of the notification. Written reports prepared as required by other rules may be submitted to fulfill this requirement if the reports contain all of the necessary information and the appropriate distribution is made. The reports must be sent to the commissioner and include:

A. a description of the incident;

B. the cause of each incident, if known;

C. the name of the manufacturer and model number of equipment involved in the incident;

D. the place, date, and time of the incident;

E. the actions taken to establish normal operations;

F. the corrective actions taken or planned to prevent recurrence;

G. the qualifications of personnel involved in the incident;

H. the isotopes, quantities, and chemical and physical form of the licensed material involved;

I. the results of any evaluations or assessments; and

J. the extent of exposure of individuals to radiation or to radioactive materials, without identification of the individuals by name.

Subp. 5. **Reporting unlisted use.** A licensee conducting radiographic operations or storing radioactive material at any location not listed on the license for a period in excess of 180 days in a calendar year must notify the commissioner prior to exceeding the 180 days.

4731.4411 RADIATION SAFETY OFFICER TRAINING.

[For text of subp 1, see M.R.]

Subp. 2. **Certification requirements.** A specialty board under subpart 1, item A, shall require all candidates for certification to:

[For text of item A, see M.R.]

B. (1) hold a master's or doctor's degree in physics, medical physics, other physical science, engineering, or applied mathematics from an accredited college or university;

(2) have two years of full-time practical training or supervised experience in medical physics:

(a) under the supervision of a medical physicist who is certified in medical physics by a specialty board recognized by the NRC or an agreement state; or

(b) in clinical nuclear medicine facilities providing diagnostic or therapeutic services under the direction of physicians who meet the requirements for authorized users in part 4731.4414, 4731.4436, or 4731.4443; and

(3) pass an examination, administered by diplomates of the specialty board, that assesses knowledge and competence in clinical diagnostic radiological or nuclear medicine physics and in radiation safety.

4731.4412 AUTHORIZED MEDICAL PHYSICIST TRAINING.

Subpart 1. **Training and education requirements.** Except as provided in part 4731.4414, a licensee must require an authorized medical physicist to be an individual who:

A. is certified by a specialty board whose certification process has been recognized by the NRC or an agreement state and:

(1) has obtained written attestation that the individual has satisfactorily completed the requirements in this item and subpart 2 and has achieved a level of competency sufficient to function independently as an authorized medical physicist for each type of therapeutic medical unit for which the individual is requesting authorized medical physicist status. The written attestation must be signed by a preceptor authorized medical physicist who meets the requirements in this part, part 4731.4414, or equivalent NRC or agreement state requirements for an authorized medical physicist for each type of therapeutic medical unit for which the individual is requesting authorized medical physicist status; and

[For text of subitem (2), see M.R.]

B.

(1) holds a master's or doctor's degree in physics, medical physics, other physical science, engineering, or applied mathematics from an accredited college or university, and:

[For text of units (a) and (b), see M.R.]

(2) has obtained written attestation that the individual has satisfactorily completed the requirements in this item and has achieved a level of competency sufficient to function independently as an authorized medical physicist for each type of therapeutic medical unit for which the individual is requesting authorized medical physicist status. The written attestation must be signed by a preceptor authorized medical physicist who meets the requirements in this part, part 4731.4414, or equivalent NRC or agreement state requirements for an authorized medical physicist for each type of therapeutic medical unit for which the individual is requesting authorized medical physicist status; and

[For text of subitem (3), see M.R.]

Subp. 2. **Certification requirements.** A specialty board under subpart 1, item A, shall require all candidates for certification to:

[For text of item A, see M.R.]

B. have two years of full-time practical training or supervised experience in medical physics:

(1) under the supervision of a medical physicist who is certified in medical physics by a specialty board recognized by the commissioner, the NRC, or an agreement state; or

(2) in clinical radiation facilities providing high-energy, external beam therapy (photons and electrons with energies greater than or equal to 1,000,000 electron volts) and brachytherapy services under the direction of physicians who meet the requirements ~~for authorized users~~ in part 4731.4414, 4731.4458, or 4731.4479; and

[For text of item C, see M.R.]

4731.4414 TRAINING; EXPERIENCED RADIATION SAFETY OFFICER, TELETHERAPY OR MEDICAL PHYSICIST, AUTHORIZED USER, AND NUCLEAR PHARMACIST.

[For text of items A to D, see M.R.]

E. Individuals who need not comply with training requirements described in this part may serve as preceptors for, and supervisors of, applicants seeking authorization on licenses issued under this chapter for the same uses for which these individuals are authorized.

4731.4430 CONTROL OF AEROSOLS AND GASES.

Subpart 1. **Collection system.** A licensee who administers radioactive aerosols or gases must do so with a system that will keep airborne concentrations within the limits prescribed by parts 4731.2020 and 4731.2090.

Subp. 2. **System vented or system collection.** The system must either be directly vented to the atmosphere through an air exhaust or provide for collection and decay or disposal of the aerosol or gas in a shielded container.

Subp. 3. **Negative pressure required.** A licensee must only administer radioactive gases in rooms that are at negative pressure compared to surrounding rooms.

Subp. 4. **Calculation of time needed after a release.** Before receiving, using, or storing a radioactive gas, the licensee must calculate the amount of time needed after a release to reduce the concentration in the area of use to the occupational limit listed in part 4731.2750. The calculation must be based on the highest activity of gas handled in a single container and the measured available air exhaust rate.

Subp. 5. **Posting time needed after a release.** A licensee must post the time needed after a release to reduce the concentration to the occupational limit calculated for the area of use and require that, in case of a gas spill, individuals evacuate the room until the posted time has elapsed.

Subp. 6. **Monthly check on collection system.** A licensee must check the operation of collection systems monthly and measure the ventilation rates in areas of use at intervals not to exceed six months.

Subp. 7. **Records retention.** Records of these checks and measurements must be maintained for three years.

4731.4433 UPTAKE, DILUTION, AND EXCRETION STUDIES; TRAINING.

Subpart 1. **Training and education requirements.** Except as provided under part 4731.4414, a licensee must require the authorized user of unsealed radioactive material for the uses authorized under part 4731.4432 to be a physician who:

A. is certified by a medical specialty board whose certification process has been recognized by the NRC or an agreement state and has obtained written attestation, signed by a preceptor authorized user who meets the requirements of this part, part 4731.4414, 4731.4436, or 4731.4443, or equivalent requirements of the NRC or an agreement state, that the individual has satisfactorily completed the requirements in subpart 2 and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under part 4731.4432;

B. is an authorized user under part 4731.4436 or 4731.4443 or under equivalent requirements of the NRC or an agreement state; or

C. has:

(1) completed 60 hours of training and experience, including a minimum of eight hours of classroom and laboratory training, in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material for uptake, dilution, and excretion studies. The training and experience must include:

[For text of unit (a), see M.R.]

(b) work experience, under the supervision of an authorized user who meets the requirements ~~under~~ in this part, part 4731.4414, 4731.4436, or 4731.4443, or equivalent requirements of the NRC or an agreement state, involving:

[For text of subunits i to vi, see M.R.]

(2) obtained written attestation, signed by a preceptor authorized user who meets the requirements of this part, part 4731.4414, 4731.4436, or 4731.4443, or equivalent requirements of the NRC or an agreement state, that the individual has satisfactorily completed the requirements in this item and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under part 4731.4432.

[For text of subp 2, see M.R.]

4731.4436 IMAGING AND LOCALIZATION STUDIES; TRAINING.

Subpart 1.**Training and education requirements.** Except as provided under part 4731.4414, a licensee must require an authorized user of unsealed radioactive material for the uses authorized under part 4731.4434 to be a physician who is qualified as follows under item A, B, or C:

A. The physician must:

(1) ~~is~~ be certified by a medical specialty board whose certification process has been recognized by the NRC or an agreement state ~~and has~~;

(2) must also have obtained written attestation~~, signed by a preceptor authorized user who meets the requirements in this part; or in item C, subitem (1), unit (b), subunit vii, and part 4731.4443; or equivalent requirements of the NRC or an agreement state,~~ that the individual physician has satisfactorily completed the requirements in subpart 2 and has achieved a level of competency sufficient to

function independently as an authorized user for the medical uses authorized under parts 4731.4432 and 4731.4434~~;~~. The attestation must be signed by a preceptor authorized user who meets:

(a) the requirements in this part; or

(b) the requirements in item C, subitem (1), unit (b), subunit vii, and part 4731.4443;

(c) the requirements in part 4731.4414; or

(d) equivalent requirements of the NRC or an agreement state.

B. ~~is~~ The physician must be an authorized user under part 4731.4443 and ~~meets~~ meet the requirements in item C, subitem (1), unit (b), subunit vii, or equivalent requirements of the NRC or an agreement state; or

C. ~~has~~ The physician must have:

(1) completed 700 hours of training and experience, including a minimum of 80 hours of classroom and laboratory training, in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material for imaging and localization studies.

The training and experience must include, at a minimum:

[For text of unit (a), see M.R.]

(b) work experience, under the supervision of an authorized user who meets the requirements ~~under~~ in this part~~;~~, part 4731.4414, or in subunit vii and part 4731.4443~~;~~, or equivalent requirements of the NRC or an agreement state, involving:

[For text of subunits i to vii, see M.R.]

(2) obtained written attestation~~, signed by a preceptor authorized user who meets the requirements in this part; or in subitem (1), unit (b), subunit vii, and part 4731.4443; or equivalent requirements of the NRC or an agreement state~~, that the individual physician has satisfactorily completed the requirements in this item and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under parts 4731.4432 and 4731.4434. The attestation must be signed by a preceptor authorized user who meets:

(a) the requirements in this part; or

(b) the requirements in subitem (1), unit (b), subunit vii, and part 4731.4443;

(c) the requirements in part 4731.4414; or

(d) equivalent requirements of the NRC or an agreement state.

Subp. 2. **Certification requirements.** A specialty board shall require all candidates for certification to:

A. complete 700 hours of training and experience in basic radionuclide handling techniques and radiation safety applicable to the medical use of unsealed radioactive material for imaging and localization studies that include the topics listed in subpart 1, item C, subitem (1), units (a) and (b); and

B. pass an examination administered by diplomates of the specialty board, which assesses knowledge and competence in radiation safety, radionuclide handling, and quality control.

4731.4443 UNSEALED RADIOACTIVE MATERIAL; WRITTEN DIRECTIVE REQUIRED; TRAINING.

Subpart 1. **Training and education requirements.** Except as provided under part 4731.4414, a licensee must require an authorized user of unsealed radioactive material for the uses authorized under part 4731.4440 to be a physician who:

A. is certified by a medical specialty board whose certification process has been recognized by the NRC or an agreement state, meets the requirements in item B, subitem (1), unit (b), subunit vi, and has obtained written attestation that the individual has satisfactorily completed the requirements in this item and subpart 2 and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under part 4731.4440. The written attestation must be signed by a preceptor authorized user who meets the requirements of this part, part 4731.4414, or equivalent requirements of the NRC or an agreement state. A preceptor authorized user who meets the requirements in item B must also have experience in administering dosages in the same dosage category or

categories under item B, subitem (1), unit (b), subunit vi, as the individual requesting authorized user status; or

B. has:

(1) completed 700 hours of training and experience, including a minimum of 200 hours of classroom and laboratory training, in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material requiring a written directive. The training and experience must include:

[For text of unit (a), see M.R.]

(b) work experience, under the supervision of an authorized user who meets the requirements in this part, part 4731.4414, or equivalent requirements of the NRC or an agreement state. A supervising authorized user who meets the requirements in this item must also have experience in administering dosages in the same dosage category or categories under subunit vi as the individual requesting authorized user status. The work experience must involve:

[For text of subunits i to vi, see M.R.]

(2) obtained written attestation that the individual has satisfactorily completed the requirements in this item and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under part 4731.4440. The written attestation must be signed by a preceptor authorized user who meets the requirements of this part, part 4731.4414, or equivalent requirements of the NRC or an agreement state. A preceptor authorized user who meets the requirements in this item must also have experience in administering dosages in the same dosage category or categories under subitem (1), unit (b), subunit vi, as the individual requesting authorized user status.

[For text of subp 2, see M.R.]

4731.4444 ORAL ADMINISTRATION OF SODIUM IODIDE I-131; QUANTITIES LESS THAN OR EQUAL TO 33 MILLICURIES (1.22 GBq); WRITTEN DIRECTIVE REQUIRED; TRAINING.

Except as provided under part 4731.4414, a licensee must require an authorized user for the oral administration of sodium iodide (I-131) requiring a written directive in quantities less than or equal to 33 millicuries (1.22 GBq) to be a physician who:

A. is certified by a medical specialty board whose certification process has been recognized by the NRC or an agreement state and includes all of the requirements of item C, subitems (1) and (2), and who has obtained written attestation that the individual has satisfactorily completed the requirements of item C, subitems (1) and (2), and has achieved a level of competency sufficient to function independently as an authorized user for medical uses authorized under part 4731.4440. The written attestation must be signed by a preceptor authorized user who meets the requirements of this part, part 4731.4414, 4731.4443, or 4731.4445, or equivalent requirements of the NRC or an agreement state. A preceptor authorized user who meets the requirement in part 4731.4443, subpart 1, item B, must also have experience in oral administration of less than or equal to 33 millicuries (1.22 GBq) of sodium iodide (I-131) for which a written directive is required or oral administration of greater than 33 millicuries (1.22 GBq) of sodium iodide (I-131) as specified in part 4731.4443, subpart 1, item B, subitem (1), unit (b), subunit vi;

[For text of item B, see M.R.]

C. has:

[For text of subitem (1), see M.R.]

(2) work experience under the supervision of an authorized user who meets the requirements of this part, part 4731.4414, 4731.4443, or 4731.4445, or equivalent requirements of the NRC or an agreement state. A supervising authorized user who meets the requirements in part 4731.4443, subpart 1, item B, must also have experience in oral administration of less than or equal to 33 millicuries (1.22 GBq) of sodium iodide (I-131) for which a written directive is required or oral administration of greater than 33 millicuries (1.22 GBq) of sodium iodide (I-131) as specified in part 4731.4443. The work experience must involve:

[For text of units (a) to (f), see M.R.]

(3) obtained written attestation that the individual has satisfactorily completed the requirements of this item and has achieved a level of competency sufficient to function independently as an authorized user for medical uses authorized under part 4731.4440. The written attestation must be signed by a preceptor authorized user who meets the requirements of this part, part 4731.4414, 4731.4443, or 4731.4445, or equivalent requirements of the NRC or an agreement state. A preceptor authorized user who meets the requirement in part 4731.4443, subpart 1, item B, must also have experience in oral administration of less than or equal to 33 millicuries (1.22 GBq) of sodium iodide (I-131) for which a written directive is required or oral administration of greater than 33 millicuries (1.22 GBq) of sodium iodide (I-131) as specified in part 4731.4443.

4731.4445 ORAL ADMINISTRATION OF SODIUM IODIDE; QUANTITIES GREATER THAN 33 MILLICURIES (1.22 GBq); WRITTEN DIRECTIVE REQUIRED; TRAINING.

Except as provided under part 4731.4414, a licensee must require an authorized user for the oral administration of sodium iodide (I-131) requiring a written directive in quantities greater than 33 millicuries (1.22 GBq) to be a physician who:

A. is certified by a medical specialty board whose certification process has been recognized by the NRC or an agreement state and includes all the requirements in item C, subitems (1) and (2), and who has obtained written attestation that the individual has satisfactorily completed the requirements of this item and has achieved a level of competency sufficient to function independently as an authorized user for medical uses authorized under part 4731.4440. The written attestation must be signed by a preceptor authorized user who meets the requirements in this part, part 4731.4414 or 4731.4443, or equivalent requirements of the NRC or an agreement state. A preceptor authorized user who meets the requirements in part 4731.4443, subpart 1, item B, must also have experience in the oral administration of I-131 in quantities greater than 33 millicuries as specified in part 4731.4443, subpart 1, item B, subitem (1), unit (b), subunit vi;

[For text of item B, see M.R.]

C. has:

[For text of subitem (1), see M.R.]

(2) has work experience, under the supervision of an authorized user who meets the requirements ~~under~~ of this part, part 4731.4414 or 4731.4443, subpart 1, item A or B, or equivalent requirements of the NRC or an agreement state. A supervising authorized user who meets the requirements in part 4731.4443, subpart 1, item B, must also have experience in the oral administration of I-131 in quantities greater than 33 millicuries under part 4731.4443, subpart 1, item B, subitem (1), unit (b), subunit vi. The work experience must involve:

[For text of units (a) to (f), see M.R.]

(3) obtained written attestation that the individual has satisfactorily completed the requirements of this item and has achieved a level of competency sufficient to function independently as an authorized user for medical uses authorized under part 4731.4440. The written attestation must be signed by a preceptor authorized user who meets the requirements in this part, part 4731.4414 or 4731.4443, or equivalent requirements of the NRC or an agreement state. A preceptor authorized user who meets the requirements in part 4731.4443, subpart 1, item B, must also have experience in the oral administration of I-131 in quantities greater than 33 millicuries under part 4731.4443, subpart 1, item B, subitem (1), unit (b), subunit vi.

4731.4446 PARENTERAL ADMINISTRATION OF UNSEALED RADIOACTIVE MATERIAL; WRITTEN DIRECTIVE REQUIRED; TRAINING.

[For text of item A, see M.R.]

B. The physician under item A, subitems (2) and (3), must have:

[For text of subitem (1), see M.R.]

(2) work experience, under the supervision of an authorized user who meets the requirements in this part ~~or,~~ part 4731.4414 or 4731.4443, or equivalent requirements of the NRC or agreement state, in the parenteral administration, for which a written directive is required, of any beta emitter, or any photon-emitting radionuclide with a photon energy less than 150 keV or parenteral administration of any other radionuclide for which a written directive is required. A supervising authorized user who meets the requirements in part 4731.4443 must have experience in parenteral administration of any beta emitter, or a photon-emitting radionuclide with a photon energy less than 150 kilo electron volts for which a written directive is required or parenteral administration of any other radionuclide for which a written directive is required as specified in part 4731.4443, subpart 1, item B, subitem (1), unit (b), subunit vi. The work experience must involve:

[For text of units (a) to (f), see M.R.]

(3) obtained written attestation that the individual has satisfactorily completed the requirements in this item and item A, subitem (2) or (3), and has achieved a level of competency sufficient to function independently as an authorized user for the parenteral administration of unsealed radioactive material requiring a written directive. The written attestation must be signed by a preceptor authorized user who meets the requirements in this part, part 4731.4414, or 4731.4443, or equivalent requirements of the NRC or agreement state. A preceptor authorized user who meets the requirements in part 4731.4443 must have experience in parenteral administration of any beta

emitter, or a photon-emitting radionuclide with a photon energy less than 150 kilo electron volts for which a written directive is required or parenteral administration of any other radionuclide for which a written directive is required as specified in part 4731.4443, subpart 1, item B, subitem (1), unit (b), subunit vi.

4731.4458 MANUAL BRACHYTHERAPY TRAINING.

Subpart 1. **Training and education requirements.** Except as provided under part 4731.4414, a licensee must require an authorized user of a manual brachytherapy source for the uses authorized under part 4731.4450 to be a physician who:

A. is certified by a medical specialty board whose certification has been recognized by the NRC or an agreement state and has obtained written attestation, signed by a preceptor authorized user who meets the requirements of this part, part 4731.4414, or equivalent requirements of the NRC or an agreement state, that the individual has satisfactorily completed the requirements of subpart 2 and has achieved a level of competency sufficient to function independently as an authorized user of manual brachytherapy sources for the medical uses authorized under part 4731.4450; or

B. has:

(1) completed a structured educational program in basic radionuclide handling techniques applicable to the use of manual brachytherapy sources that includes:

[For text of unit (a), see M.R.]

(b) 500 hours of work experience, under the supervision of an authorized user who meets the requirements ~~under~~ in this part, part 4731.4414, or equivalent requirements of the NRC or an agreement state at a medical institution, involving:

[For text of subunits i to vi, see M.R.]

(2) completed three years of supervised clinical experience in radiation oncology, under an authorized user who meets the requirements of this part, part 4731.4414, or equivalent requirements of the NRC or an agreement state, as part of a formal training program approved by the Residency Review Committee for Radiation Oncology of the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, or the Committee on ~~Postgraduate~~ Postdoctoral Training of the American Osteopathic Association. This experience may be obtained concurrently with the supervised work experience required under subitem (1), unit (b); and

(3) obtained written attestation, signed by a preceptor authorized user who meets the requirements of this part, part 4731.4414, or equivalent requirements of the NRC or an agreement state, that the individual has satisfactorily completed the requirements of this item and has achieved a level of competency sufficient to function independently as an authorized user of manual brachytherapy sources for the medical uses authorized under part 4731.4450.

[For text of subp 2, see M.R.]

4731.4459 OPHTHALMIC USE OF STRONTIUM-90; TRAINING.

Except as provided under part 4731.4414, a licensee must require an authorized user of strontium-90 for ophthalmic radiotherapy to be a physician who:

A. is an authorized user under part 4731.4458 or equivalent requirements of the NRC or an agreement state; or

B. has:

[For text of subitems (1) and (2), see M.R.]

(3) obtained written attestation, signed by a preceptor authorized user who meets the requirements of this part, part 4731.4414, or 4731.4458, or equivalent requirements of the NRC or an agreement state, that the individual has satisfactorily completed the requirements in this item and has achieved a level of competency sufficient to function independently as an authorized user of strontium-90 for ophthalmic use.

4731.4479 REMOTE AFTERLOADER UNITS, TELETHERAPY UNITS, AND GAMMA STEREOTACTIC RADIOSURGERY UNITS; TRAINING.

Subpart 1.**Training and education requirements.** Except as provided under part 4731.4414, a licensee must require an authorized user of a sealed source for a use authorized under part 4731.4463 to be a physician who:

A. is certified by a medical specialty board whose certification process has been recognized by the NRC or an agreement state, meets

the requirements in item B, subitem (4), and has obtained written attestation that the individual has satisfactorily completed the requirements in this item and subpart 2 and has achieved a level of competency sufficient to function independently as an authorized user of each type of therapeutic medical unit for which the individual is requesting authorized user status. The written attestation must be signed by a preceptor authorized user who meets the requirements of this part, part 4731.4414, or equivalent requirements of the NRC or an agreement state for an authorized user for each type of therapeutic medical unit for which the individual is requesting authorized user status; or

B. has:

(1) completed a structured educational program in basic radionuclide techniques applicable to the use of a sealed source in a therapeutic medical unit that includes:

[For text of unit (a), see M.R.]

(b) 500 hours of work experience, under the supervision of an authorized user who meets the requirements of this part, part 4731.4414, or equivalent requirements of the NRC or an agreement state, at a medical institution involving:

[For text of subunits i to vi, see M.R.]

(2) completed three years of supervised clinical experience in radiation therapy, under an authorized user who meets the requirements of this part, part 4731.4414, or equivalent requirements of the NRC or an agreement state, as part of a formal training program approved by the Residency Review Committee for Radiation Oncology of the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, or the Committee on ~~Postgraduate~~ Postdoctoral Training of the American Osteopathic Association. The experience may be obtained concurrently with the supervised work experience required under subitem (1), unit (b);

(3) obtained written attestation that the individual has satisfactorily completed the requirements in this item and has achieved a level of competency sufficient to function independently as an authorized user of each type of therapeutic medical unit for which the individual is requesting authorized user status. The written attestation must be signed by a preceptor authorized user who meets the requirements of this part, part 4731.4414, or equivalent requirements of the NRC or an agreement state for an authorized user for each type of therapeutic medical unit for which the individual is requesting authorized user status; and

[For text of subitem (4), see M.R.]

[For text of subp 2, see M.R.]

4731.4525 MEDICAL EVENT; REPORT AND NOTIFICATION.

[For text of subps 1 and 2, see M.R.]

Subp. 3. ~~**Telephone**~~ **24-hour notification required.** A licensee must notify the commissioner ~~by telephone no later than the next calendar day~~ within 24 hours after discovery of a medical event.

[For text of subps 4 to 7, see M.R.]

4731.4526 DOSE TO AN EMBRYO/FETUS OR CHILD; REPORT AND NOTIFICATION.

[For text of subps 1 and 2, see M.R.]

Subp. 3. ~~**Telephone**~~ **24-hour notification required.** A licensee must notify the commissioner ~~by telephone no later than the next calendar day~~ within 24 hours after discovery of a dose to an embryo/fetus or nursing child that requires a report under subpart 1 or 2.

[For text of subps 4 to 6, see M.R.]

4731.4600 DEFINITIONS.

Subpart 1. **Scope.** The following definitions apply to parts 4731.4605 to 4731.4620.

Subp. 2. **Accredited.** "Accredited" means an individual who has satisfactorily completed a nationally recognized examination in nuclear medicine and who maintains the registration or certification of the examining organization. Nationally recognized examinations are provided by the following organizations:

A. the American Registry of Radiologic Technologists (N) (ARRT);

B. the Nuclear Medicine Technology Certification Board (NMTCB); or

C. the American Society of Clinical Pathologists (NM) (ASCP).

Subp. 3. **Nuclear medicine technologist.** "Nuclear medicine technologist" means a person other than a licensed practitioner of the healing arts who administers radiopharmaceuticals and related drugs to human beings for diagnostic purposes, performs in vivo and in vitro detection and measurement of radioactivity, and administers radiopharmaceuticals to human beings for therapeutic purposes. A nuclear medicine technologist may perform such procedures only while under the general supervision of a licensed practitioner of the healing arts who is licensed to possess and use radioactive materials.

4731.4605 MINIMUM STANDARDS FOR NUCLEAR MEDICINE TECHNOLOGISTS.

Subpart 1. **General requirements.** Except as specified in part 4731.4610, any individual working as a nuclear medicine technologist in Minnesota must meet the following minimum eligibility requirements:

A. graduation from high school or its equivalent;

B. attainment of 18 years of age; and

C. ability to adequately perform necessary duties without posing a hazard to the health or safety of patients, other employees, or members of the public.

Subp. 2. **Accreditation required.** Except as specified in part 4731.4610, any individual working as a nuclear medicine technologist in Minnesota after January 1, 2011, must be accredited.

Subp. 3. **Record retention.** The licensee must retain documentation of accreditation for five years and make it available for inspection by the department.

4731.4610 EXCEPTIONS.

The individuals in items A to E are exempt from the examination requirement in part 4731.4600, subpart 3:

A. a licensed practitioner of the healing arts who is listed as an authorized user on an agreement state or United States Nuclear Regulatory Commission radioactive materials license;

B. individuals working as nuclear medicine technologists under the direct supervision of an individual who is accredited in nuclear medicine or by a physician who appears as an authorized user on an agreement state or United States Nuclear Regulatory Commission radioactive materials license;

C. students enrolled in and participating in an accredited program for nuclear medicine technology or a school of medicine, osteopathy, podiatry, or chiropractic who, as a part of the students' course of study, administers radioactive material during supervised clinical experience; or

D. an individual working as a nuclear medicine technologist before January 1, 2011, who is not accredited, provided the individual has completed the training in part 4731.4612.

4731.4612 TRAINING FOR INDIVIDUALS FUNCTIONING AS A NUCLEAR MEDICINE TECHNOLOGIST BEFORE JANUARY 1, 2011, WHO ARE NOT ACCREDITED.

Subpart 1. **Training program.** Individuals working as a nuclear medicine technologist before January 1 , 2011, who are not accredited must complete a training program designed to demonstrate competency in the following areas:

A. patient and personnel protection including:

(1) biological effects of radiation;

(2) basic concepts of radiation protection; and

(3) Minnesota Department of Health rules for radiation exposure;

B. radiopharmaceutical characteristics including:

(1) half-life;

(2) method of localization; and

(3) biodistribution;

C. proper handling of radioactive materials including:

(1) inspection and survey of packages;

(2) storage of radioactive material;

(3) disposal of radioactive waste; and

(4) United States Department of Transportation training requirements for shippers;

D. factors affecting image quality including:

(1) equipment;

(2) patient and detector orientation;

(3) patient anatomical factors;

(4) anatomical landmarks;

(5) immobilization techniques; and

(6) radiopharmaceuticals;

E. facility monitoring including:

(1) survey equipment operation and uses; and

(2) radioactive spill responses; and

F. administration of radiopharmaceuticals as determined during supervised clinical experience.

Subp. 2. **Clinical experience.** Clinical experience must be supervised by an individual who is accredited in nuclear medicine or by a physician who appears as an authorized user on an agreement state or United States Nuclear Regulatory Commission radioactive materials license.

Subp. 3. **Restrictions during training.** Individuals in a training program indicated in subpart 1 cannot work as a nuclear medicine technologist before obtaining documentation of competency as required in part 4731.4615 unless the individual works under the direct supervision of:

A. an individual who is accredited in nuclear medicine; or

B. a physician who appears as an authorized user on an agreement state or United States Nuclear Regulatory Commission radioactive materials license.

Subp. 4. **Continuing education.** Individuals working as nuclear medicine technologists before January 1, 2011, who are not accredited must:

A. obtain 24 hours of continuing education on nuclear medicine every 24 months;

B. have the continuing education training approved by any of the organizations listed in part 4731.4600, subpart 3; and

C. retain documentation of continuing education for five years and make it available for inspection by the department.

4731.4615 DOCUMENTATION OF COMPETENCY.

Subpart 1. **Nuclear medicine technologist; January 1, 2011.** An individual functioning as a nuclear medicine technologist prior to January 1, 2011, and who is not accredited must obtain documentation that the individual is competent to applying ionizing radiation to human beings.

Subp. 2. **Who can document competency.** The documentation of competency must be provided by a licensed practitioner of the healing arts under whose general supervision the individual is employed or has been employed.

Subp. 3. **Procedures and equipment.** The documentation of competency must specify the nature of procedures and the equipment the individual is competent to utilize and must be limited to work performed before January 1, 2011.

Subp. 4. **Record retention.** The documentation of competency must be retained by the individual for inspection by the department.

4731.4620 REQUIREMENTS FOR OPERATORS OF FUSION IMAGING DEVICES.

Subpart 1. **Accreditation required.** When a unit is operated as a fusion imaging device or in a dual mode such as a SPECT/CT or PET/CT device, the operator must be accredited or must meet the requirements in chapter 4732.

Subp. 2. **Diagnostic CT imaging device.** When the unit is operated as a stand-alone diagnostic CT imaging device, the operator must meet the requirements in chapter 4732.

Withdrawn Rules

An agency may choose to withdraw rules it has proposed, thus cancelling any time-sensitive schedule for public comment, hearing, or further movement toward the rules' adoption. These rules will be listed as withdrawn by their individual rules numbers in the *State Register's* index to rulemaking activity, **Minnesota Rules: Amendments and Additions**. An agency that so chooses to withdraw proposed rules, may reintroduce those same rules at a later date.

Minnesota Racing Commission

Notice of Withdrawal: Rule 7890.0150 Disclosure of Approved Medications to the Public

The Minnesota Racing Commission withdraws the proposed rule change to *Minnesota Rule* 7890.0150 as published in the *State Register* on April 26, 2010 on page 1451. This withdrawal is a modification to the Notice of Intent to Adopt published in the *State Register* Volume 34, number 43, pages 1445-1451, on April 26, 2010 (34 SR 1445).

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

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Department of Agriculture

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond under *Minnesota Statutes*, Chapter 41C, for the Purchase of 80 Acres of Farm Land with Buildings in Section 22, Quincy Township, Olmsted County

NOTICE IS HEREBY GIVEN that a public hearing will be held on October 4, 2010, at 9:00 A.M., at the Department of Agriculture Building, Rural Finance Authority, 625 Robert Street North, Saint Paul, Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of 80 acres of farm land with buildings located six miles north of Dover, MN on County Road 107; Section 22, Quincy Township, Olmsted County; Minnesota on behalf of Cory J. and Erin M. Henry, (the Borrower/s).

The maximum aggregate face amount of the proposed bond issue is $217,300.00. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due.

All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 1 September 2010

Peter Scheffert
RFA Director

Department of Employment and Economic Development (DEED)
Minnesota Housing Finance Agency (MHFA)
Minnesota Department of Human Services (DHS)

Notice of Public Hearings and Draft Availability of the 2011 Action Plan of the State of Minnesota's 2007-2011 Consolidated Housing and Community Development Plan and Consolidated Annual Performance and Evaluation Report (CAPER) for 2010

The State of Minnesota announces its process for developing its 2011 Action Plan of the 2007-2011 Consolidated Housing and Community Development Plan (Consolidated Plan), and the 2010 Consolidated Annual Performance and Evaluation Report (CAPER). The State encourages citizens to attend the public hearings and review and comment on the draft reports.

The Consolidated Plan is a report that the State submits annually to the U.S. Department of Housing and Urban Development (HUD) in order to receive federal housing and community development funding through the Community Development Block Grant (CDBG), HOME Investment Partnerships, Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA) programs. The Consolidated Plan examines the housing and community development needs of the State, sets priorities for allocation of the HUD funds, and establishes an annual Action Plan for meeting current and future needs in the coming year.

The State submits its CAPER to HUD annually as one of the conditions of receiving federal funds under the programs identified above. The CAPER provides information to measure the State's progress during the past year in meeting assistance goals and priorities identified in the Consolidated Plan. The CAPER includes a summary and analysis of progress made on identified actions that State agencies have elected to undertake to affirmatively further fair housing and overcome impediments to fair housing.

The State will hold its first public hearing about the Action Plan on Monday, September 27, 2010, to gather citizen input on housing and community development needs and how federal funding should be allocated in the State. The hearing will be held at 4:00 p.m. at the Minnesota Department of Employment and Economic Development, 332 Minnesota Street, 2nd floor, E200 St. Paul.

A second public hearing on the Action Plan will be held on Monday, November 18, 2010. This public hearing will be for review and comment on the draft Action Plan and will be held at 4:00 p.m. at the Minnesota Department of Employment and Economic Development, 332 Minnesota Street, 2nd floor, E200 St. Paul. **Call:** 1-800-657-3858 or (651) 259-7462, or **TTY** 1-800-282-5909 or (651) 296-3900 for more information about these hearings.

Drafts of the 2011 Action Plan and the CAPER for 2010 will be available for public review and comment between October 18, 2010, and the close of business November 19, 2010. The draft Action Plan and CAPER will be available on the Internet at:

www.mnhousing.gov and *www.deed.state.mn.us*

and in state depositories identified in the Citizen Participation Plan, which may be viewed at the same internet locations. Hard copies of the Action Plan can be obtained by calling Gloria Stiehl, Department of Employment and Economic Development, 1-800-657-3858 or (651) 259-7462, or **TTY** 1-800-282-5909 or (651) 296-3900. Hard copies of the CAPER can be obtained by calling Minnesota Housing Finance Agency at 1-800-657-3769 or (651) 296-7608, or **TTY** (651) 297-2361.

Written public comments on the Action Plan can be submitted to:

Action Plan, Attn: Gloria Stiehl
Minnesota Department of Employment and Economic Development
First National Bank Building
332 Minnesota Street, Suite E200
St. Paul, MN 55101-1351

Written comments may also be submitted by fax to (651) 296-1290 or by email to gloria.stiehl@state.mn.us. To ensure consideration of your comments, type "Action Plan" in the subject line of your e-mail.

Written public comments on the 2010 CAPER can be submitted to:

CAPER
Minnesota Housing Finance Agency
400 Sibley Street, Suite 300
St. Paul, MN 55101

Written comments may also be submitted by fax to (651) 296-8139 or by e-mail to *mn.housing@state.mn.us*. To ensure consideration of your comments, type "CAPER" in the subject line of your e-mail.

The Action Plan and CAPER will be submitted to HUD on or before December 30, 2010. The State will consider any comments from individuals or groups received in writing or at public hearings. A summary of the written and public hearing comments and the State's responses will be included in the final Action Plan.

Minnesota Department of Human Services (DHS)

Minnesota Board on Aging

CANCELLATION of Alzheimer's Disease Working Group Meeting Previously Announced for September 14, 2010

NOTICE IS HEREBY GIVEN that the meeting of the Alzheimer's Disease Working Group, established by *Laws of Minnesota 2009*, Chapter 159, Section 110, **will NOT** be held from 2:30 to 4:30 p.m. Tuesday, September 14, 2010 as previously announced. A replacement meeting will be posted at a later time.

For additional information, please call John Selstad at (651) 431-2558.

Minnesota Board of Nursing

REQUEST FOR COMMENTS on Possible Amendment to and Repeal of Rules Governing Professional and Practical Licensure, Professional and Practical Registration, *Minnesota Rules*, Chapters 6305 and 6310

- **Chapter 6305**
  - **Definitions**
  - **Purpose and Authority**
  - **Authorization to Practice Nursing**
  - **Requirements for Licensure by Examination**
  - **Requirements for Licensure Without Examination**
  - **Application Nullification**
- **Chapter 6310**
  - **Definitions**
  - **Purpose**
  - **Registration Renewal Requirements**
  - **Fetal Alcohol Education**
  - **Registration Renewal Procedures**
  - **Substantiation of Participation in Continuing Education**
  - **Reregistration Requirements**
  - **Reregistration Procedures**
  - **Change of name and Address on Records**
  - **Duplicate and Replacement Documents**
  - **Verification of Minnesota License**
  - **Registration Fees**
  - **Dishonored Checks**

Subject of Rules. The Minnesota Board of Nursing requests comments on its proposed repeal and revision of rules governing professional and practical licensure and registration. Proposed licensure and registration rules would include repealing or revising rules that are ambiguous, incongruent with other rules and statutes or obsolete because of changes such as advancements in electronic technology or development of and access to national data bases.

Persons Affected. The proposed repeal and revision of obsolete, incongruent, and ambiguous licensure and registration rules would likely affect those individuals who apply for licensure by examination, licensure without examination, registration, reregistration, and registration as a public health nurse.

Statutory Authority. The statutory authority for the repeal and revision of obsolete, incongruent, and ambiguous licensure and registration rules is *Minnesota Statutes* 148.191 subdivision 2(a) authorizing the Board to examine, license, and renew the license of duly qualified applicants. It shall hold examinations at least once in each year at such time and place as it may determine. It shall by rule adopt, evaluate, and periodically revise, as necessary, requirements for licensure and for registration and renewal of registration as defined in section 148.231. *Minnesota Statutes* section 214.06 requires all health-related licensing boards to adjust any fee which the board is empowered to assess at a sufficient amount so that the total fees collected by each board will as closely as possible equal anticipated expenditures during a fiscal biennium. *Minnesota Statutes* 16A.1283 stipulates that an executive branch state agency may not impose a new fee or increase an existing fee unless the new fee or increase is approved by law.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing or orally until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. The Minnesota Board of Nursing will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The Department does not plan to appoint an advisory committee to comment on the possible rules because a program approval review task composed of members affected by the program approval rules recommended the changes.

Rules Drafts. The Board of Nursing has not yet prepared a draft of the possible rules and does not anticipate a draft of the rules will be available before the publication of the proposed rules.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to: Sheryl Meyer at Minnesota Board of Nursing, 2829 University Avenue S.E. #200, Minneapolis, MN 55414; **phone:** (612) 617-2290, **e-mail:** *sheryl.meyer@state.mn.us*, and **fax:** (612) 617-2190. **TTY** users may call the Department at 1-800-627-3529.

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: 25 August 2010

Shirley A. Brekken, Executive Director
Minnesota Board of Nursing

Minnesota Board of Nursing

REQUEST FOR COMMENTS on Proposed Amendment to and Repeal of Rules Governing Program Approvals, *Minnesota Rules*, Chapter 6301

Definitions
Purpose
Scope of Rules
Restrictions before Approval

Conditions for Program Approval
Application for Program Approval
Director's Responsibilities
Rule Compliance Survey
Experimental Program; Exemption from Certain Rules
Program Closure
Academic Records
Verification of Completion
Advanced Standing
Faculty
Learning Materials
Student Clinical Activities
Evidence of Student Clinical Activities
Clinical Settings
Nursing Abilities to be Evaluated
Additional Professional Nursing Abilities to be Evaluated
Preparation for Evaluation
Evaluation of Nursing Abilities
Evaluation of Combining Nursing Categories

Subject of Rules. The Minnesota Board of Nursing requests comments on its proposed repeal and amending of rules governing program approval. Proposed program approval rules would include accreditation by a national nursing education accreditation agency officially recognized by the U.S. Department of Education as one of the requirements for final new program approval and renewal of program approval. Such rules would continue to include the necessary terminology to reflect the continuing need for Board oversight for compliance with all additional applicable program approval rules.

Persons Affected. The proposed revision of program approval rules would affect applicants for approval and renewal of approval of nursing programs and nursing students in approved nursing programs.

Statutory Authority. The statutory authority for revision of program approval rules are:

· *Minnesota Statutes*, section 148.191, subdivision 2 authorizing the board to adopt and, from time to time, revise rules not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of sections 148.171 to 148.285. The board shall prescribe by rule curricula and standards for schools and courses preparing persons for licensure under sections 148.171 to 148.285. It shall conduct or provide for surveys of such schools and courses at such times as it may deem necessary. It shall approve such schools and courses as meet the requirements of sections 148.171 to 148.285 and board rules.

· *Minnesota Statutes*, section 148.251, subdivision 1 to subdivision 6 outlines the Board's authority to grant initial approval, continuing approval, loss of approval, reinstatement of approval, and require associate degree programs to provide for advanced standing for licensed practical nurses.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing or orally until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. The Minnesota Board of Nursing will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The Department does not plan to appoint an advisory committee to comment on the possible rules because a program approval review task force composed of members affected by the program approval rules recommended the changes.

Rules Drafts. The Board of Nursing has not yet prepared a draft of the possible rules and does not anticipate a draft of the rules will be available before the publication of the proposed rules.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to: Sharon Ridgeway at Minnesota Board of Nursing, 2829 University Avenue S.E. #200, Minneapolis, MN 55414; **phone:** (612) 617-2294, **e-mail:** *nursing.education@state.mn.us*, and **fax:** (612) 617-2190. **TTY** users may call the Department at 1-800-627-3529.

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: 25 August 2010

Shirley A. Brekken, Executive Director
Minnesota Board of Nursing

Minnesota Pollution Control Agency (MPCA)

Public Notice to Request Comments on Proposed Revisions to the Metropolitan Solid Waste Management Policy Plan

Public Notice Issued: **September 13, 2010**
Last Day to Submit Comments: **November 15, 2010**

The Minnesota Pollution Control Agency (MPCA) has completed the process of preparing revisions to the Metropolitan Solid Waste Management Policy Plan (Policy Plan). This plan would revise the current plan adopted by the MPCA on January 15, 2004. Revisions to the Policy Plan were prepared in accordance with *Minnesota Statutes* § 473.149.

The Policy Plan must be followed in the 7-county Twin Cities Metropolitan Area (TCMA). The Policy Plan contains goals and policies for solid waste management, including recycling and household hazardous waste management. *Minnesota Statutes* § 473.149 requires that the Policy Plan contain objectives to abate the landfilling of mixed municipal solid waste and of specific components of the solid waste stream, including residuals and ash, to the greatest extent feasible and prudent.

In accordance with *Minnesota Statutes* § 473.149, subdivision 3, the MPCA will hold a public meeting regarding the Policy Plan. The meeting will be held on Thursday, October 14, 2010 from 5:00 to 7:00 p.m. at the MPCA Office, 520 Lafayette Road North, St. Paul. The purpose of the meeting is to present information and collect feedback on the proposed Policy Plan revisions. The comment period will remain open for 30 days following the public meeting.

The proposed Policy Plan and its revisions continue to follow requirements of the Waste Management Act (*Minnesota Statutes* chapter 115A), as well as *Minnesota Statutes* chapter 473. The proposed Policy Plan takes into account recommendations from the 2009 Integrated Solid Waste Management Stakeholder Process conducted by the MPCA to achieve greenhouse gas reduction, energy conservation, and environmental protection based on recommendations of the Minnesota Climate Change Advisory Group.

This revised version:

- Places more emphasis on environmental outcomes, such as greenhouse gas reduction;
- Holds stakeholders accountable for achieving the goals and objectives in the Policy Plan;
- Promotes a regional approach to solid waste management;
- Contains numerical objectives against which to measure progress;
- Provides a list of strategies to achieve the objectives;
- Estimates regional solid waste management system costs;
- Identifies MPCA initiatives which will support the Policy Plan; and
- Updates review criteria, including those for solid waste facility permits, certificate of need, and county certification reports.

In addition, the Policy Plan updates the information and data on the TCMA solid waste management system that is in the current Policy Plan.

The updated Policy Plan is available for review on the MPCA Web site at the following location: www.pca.state.mn.us/public-notices.

For more information, to request a paper copy of the Policy Plan or to submit comments on the proposed Policy Plan revisions, contact

Tina Patton at

- *tina.patton@state.mn.us* (preferred), or

- Tina Patton
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4100
(651) 757-2642 or 1-800-657-3864

Comments will also be accepted at the public meeting on Thursday, October 14, 2010 from 5:00 to 7:00 p.m. in the MPCA's St. Paul office, 520 Lafayette Road North, St. Paul.

Comments on the Policy Plan must be received by 4:30 p.m. central standard time on Monday, November 15, 2010.

Department of Transportation (Mn/DOT)
Engineering Services Division, Office of Construction and Innovative Contracting
Notices of Suspension and Debarment

NOTICE OF SUSPENSION

NOTICE IS HEREBY GIVEN that the Department of Transportation (Mn/DOT) has ordered that the following vendors be suspended effective December 28, 2009, until final disposition of the hearing or hearing appeal:

Riley Bros. Companies Inc. and its affiliates, Morris MN
Riley Bros. Construction Inc. and its affiliates, Morris MN
Riley Bros. Properties, LLC, and its affiliates, Morris MN
Riley Bros. Utilities, Inc. dba/Chris Riley Utilities, Inc. and its affiliates, Morris MN

NOTICE OF DEBARMENT

NOTICE IS HEREBY GIVEN that the Department of Transportation (Mn/DOT) has ordered that the following vendors be debarred for a period of three (3) years effective February 24, 2010 until February 24, 2013:

Joseph Edward Riley, Morris, MN
John Thomas Riley, Morris, MN

Minnesota Statutes, Section 161.315, prohibits the Commissioner, counties, towns or home rule or statutory cities from awarding or approving the award of a contract for goods or services to a person who is suspended or debarred; including

1) any contract under which a debarred or suspended person will serve as a subcontractor or material supplier,
2) any business or affiliate which the debarred or suspended person exercises substantial influence or control, and
3) any business or entity which is sold or transferred by a debarred person remains ineligible during the period of the seller's or transfer's debarment.

Department of Transportation (Mn/DOT)
State Aid for Local Transportation Division
Notice of Appointment and Meeting of a State Aid Variance Committee

NOTICE IS HEREBY GIVEN that the Commissioner of Transportation has appointed a State Aid Variance Advisory Committee who

will meet on Thursday, September 16, 2010 at 9:00 a.m. at the Mn/DOT Arden Hills Training Center, located at 1900 West County Road I, in Shoreview, Minnesota, 55126. This notice is given pursuant to *Minnesota Statute* 14.46. The purpose of this open meeting is to investigate and determine recommendations for variance requests from minimum State Aid roadway standards and administrative procedures as governed by *Minnesota Rules* for State Aid Operations 8820 adopted pursuant to *Minnesota Statutes* Chapters 161 and 162.

The agenda will include the following:

1. Petition of City of Red Wing for a variance from *Minnesota Rules* 8820.9936, **Design Standards, Urban; New or Reconstruction Projects** as they apply to Old TH 19 located approximately 550east of the intersection of Trunk Highway 19 and Leeson Lane, so as to allow a 20 mph horizontal design curve in lieu of the 30 mph horizontal curve as required by law.

2. Petition of County of St. Louis for a variance from *Minnesota Rules* 8820.9936, **Design Standards, Urban; New or Reconstruction Projects** as they apply to Haines Road (CSAH 91) between Skyline Parkway and Patterson Street, so as to allow a 25 mph horizontal design curve in lieu of the 30 mph horizontal curve as required by law.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, 395 John Ireland Boulevard, Mailstop 500, St. Paul, MN 55155. If a written objection is received within 7 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 3 September 2010

Julie A. Skallman, State Aid Engineer
State Aid for Local Transportation
Minnesota Department of Transportation

State Contracts

Informal Solicitations: Informal soliciations for professional/technical (consultant) contracts valued at over $5,000 through $50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Web site at *www.mmd.admin.state.mn.us* for informal solicitation announcements.

Formal Solicitations: Department of Administration procedures require that formal soliciations (announcements for contracts with an estimated value over $50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

Requirements: There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements:

$0 - $5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600
$5,000 - $25,000 should be advertised in the *State Register* for a period of at least seven calendar days;
$25,000 - $50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and
anything above $50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days

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Minnesota State Colleges and Universities (MnSCU)

Saint Paul College

Notice of Request for Proposal for Designer Selection for Parking Ramp

NOTICE IS HEREBY GIVEN that Saint Paul College Request for Proposal (RFP) for architectural and engineering consulting services for the construction of a new parking ramp structure.. To receive a copy of the full RFP, please go to website:

www.saintpaul.edu/RFPforparkingramp

Proposals are due by 4:00 p.m. CDT, Wednesday, September 29, 2010 and are to be addressed to Thomas Doody, Saint Paul College, 235 Marshall Avenue, St. Paul, MN 55102.

Any questions should be in the form of an RFI and directed to Thomas Doody at e-mail: *thomas.doody@saintpaul.edu*

A mandatory informational meeting will be held in the Fireside Room of 317 Marshall Avenue which is the single-story building located at the west end of the campus. Parking is available on the west end of the building for participants.

Late responses will not be considered.

Minnesota State Colleges and Universities is not obligated to complete the proposed project and reserves the right to cancel the solicitation.

Department of Natural Resources (DNR)
Division of Fish & Wildlife
Request for Information in Researching the Siting of a New Shooting Range Complex in the Seven County Metropolitan Area

1. INTRODUCTION

The purpose of the Request for Information (RFI) is for the Department of Natural Resources to determine interest in, and obtain information from local units of government and other vendors that might be interested in researching the siting of a new shooting range complex on either public or privately owned lands in the seven county metropolitan area: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties.

2. OBJECTIVE

The objective of the Department of Natural Resources is to work with a non-state agency or other vendor(s) to determine the potential or feasibility of one or more sites throughout the seven county metropolitan area to serve as the location of a new shooting sports complex, that will provide a home site for the Minnesota Trap Association's annual shooting competitions, as well as providing a variety of additional users the opportunity for safe shooting sports training, as well as personal and competitive shooting usage. Trap, skeet, center and rim-fire, and archery shooters would be provided safe, state of the art facilities. The 2007-8 Legislatures provided $300,000 in funding for the planning, design and site placement of a shooting sports complex, within the seven county metro area of Minnesota. A preliminary plan and design for such a facility had been complete, using a small portion of the appropriation. Additional funding will be available for interested and eligible applicants to use, to investigate and determine the feasibility of placing the range complex, including an RV camping facility, tent camping, and a variety of support buildings (including a classroom, dining hall, lavatory facilities, storage buildings, etc.) on a minimum of 530 acres of land.

3. TECHNICAL CONSIDERATIONS

All local units of government within the metropolitan area are being contacted, to determine their interest and capability in providing land under their control, to serve as the host site for the shooting range complex. Non-governmental organizations are also encouraged to consider this request for information, and respond if interested. Funding will be provided to assist respondents showing interest and capacity via an affirmative written response, to study and chronicle the feasibility of one or more selected sites. Again, total acres required are, at a minimum, 530 acres.

4. INFORMATION BEING REQUESTED

- Vendor Qualifications
  - Provide a general description of land under your control, and potential sites for a shooting range complex of 530 or more acres. Please provide maps of your potential site(s).
- Would your agency be interested in operating or maintaining all or part of this facility?
- Provide information regarding potential impediments to the placement of this complex on land under your control.

5. RFI RESPONSES:

Four (4) copies of the response should be submitted to the address shown below no later than **4:00 PM Central Time, Tuesday, September 7, 2010** . Questions may be addressed to Chuck Niska at (612) 756-4165 or by e-mail at *chuck.niska@state.mn.us*.

Chuck Niska, Shooting Range Coordinator
Minnesota Department of Natural Resources
Division of Enforcement
500 Lafayette Road
St. Paul, MN 55155-4047

State Contracts

State Court Administration

Fourth Judicial District, Hennepin County Court

Request for Proposals – Court Records Digitization Project

The State is seeking a vendor to digitize case and non-case records to include, but not limited to, paper documents, microfilm, microfiche, court ledgers, receipt books and various sized hand written documents/ledgers. The chosen vendor will provide the following services, working with the State's Civil Division, Probate and Mental Health, Family Court, Psychological Services, Juvenile Justice, Criminal Division, Public Safety Service Division, Research/Business Process Unit, Facilities, and Administrative Support Services including Executive Office Support, Human Resources, Accounting, Budget and other State approved internal business partners to create processes for digital microfilm and microfiche conversion, document scanning, and indexing.

Announcement date is September 10, 2010. A **mandatory site visit** is scheduled for September 17, 2010. Proposal Submission Deadline: September 29, 2010, 4PM CST, with possible interviews and subsequent selection as soon thereafter as possible.

The full version of this RFP includes Appendixes I-VI and is available at the main State Court website at *www.mncourts.gov* and at *http://www.mncourts.gov/district/4/* .

The main point of contact for this RFP:

John F. Erar, Chief Information Officer
4th Judicial District, C-1250 Government Center
300 South Sixth Street
Minneapolis, MN 55487-0421
E-mail: *John.Erar@courts.state.mn.us*

Department of Transportation (Mn/DOT)

Engineering Services Division

Notice of Potential Availability of Contracting Opportunities for a Variety of General Organizational Related Activities

This document is available in alternative formats for persons with disabilities by calling Melissa McGinnis at (651) 366-4644; for persons who are hearing or speech impaired by calling the Minnesota Relay Service at 1-800-627-3529.

Mn/DOT, in conjunction with the Department of Administration, have developed a streamlined approach for fast-tracking select general organization service projects. These general organizational projects may include, but are not limited to, work in the following categories: 1) Develop, implement and summarize internal and external surveys; 2) Recommend best practices in an organizational structure; 3) Assist with organizational health structure; 4) Provide marketing support; 5) Develop, implement and provide support of ad hoc forums; 6) Establish and facilitate collaborative groups, including cross-organization and public-private teams; 7) Provide project management for non-technical initiatives; and 8) Facilitate non-technical activities and events.

This streamlined approach includes developing an email list of firms that are interested in receiving direct notification of general organizational projects. Firms will be added on an on-going basis. Fast-tracked projects will have a shorter advertising period and turn-around time. Firms will be asked to submit responses within 5 business days and will be required to work diligently with Mn/DOT toward establishing a contract upon selection. All projects will be advertised to the public. Your firm will be directly notified that there is a project posted on the Consultant Services Website (*www.dot.state.mn.us/consult*) that requires general organizational skills. Please note that this notice is not a solicitation or request for proposals of any kind. Being placed on the list does not guarantee work nor does it obligate Mn/DOT to provide any contracting opportunities under this program

Interested firms should send the following information to the email address below: Firm name, firm contact person, phone number, and email address.

Department of Transportation (Mn/DOT)
Engineering Services Division
Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities ("Consultant Pre-Qualification Program")

This document is available in alternative formats for persons with disabilities by calling Kelly Arneson at (651) 366-4774; for persons who are hearing or speech impaired by calling Minnesota Relay Service at (800) 627-3529.

Mn/DOT, worked in conjunction with the Consultant Reform Committee, the American Council of Engineering Companies of Minnesota (ACEC/MN), and the Department of Administration, to develop the Consultant Pre-Qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT awards most of its consultant contracts for highway-related technical activities using this method, however, Mn/DOT also reserves the right to use Request for Proposal (RFP) or other selection processes for particular projects.

Nothing in this solicitation requires Mn/DOT to use the Consultant Pre-Qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT's Consultant Services web site, indicated below, to see which highway related professional/technical services are available for application. Applications are accepted on a continual basis. All expenses are incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and applications forms are available on Mn/DOT's Consultant Services web site at: *http://www.dot.state.mn.us/consult.*

Send completed application material to:

Kelly Arneson
Consultant Services
Office of Technical Support
Minnesota Department of Transportation
395 John Ireland Blvd. Mail Stop 680
St. Paul, MN 55155

Department of Transportation (Mn/DOT)
Engineering Services Division
Notice Concerning Professional/Technical Contract Opportunities and Taxpayers' Transportation Accountability Act Notices

NOTICE TO ALL: The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT's Consultant Services **website** at: *www.dot.state.mn.us/consult*

New Public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice. Mn/DOT is also posting notices as required by the Taxpayers' Transportation Accountability Act on the above referenced website.

State Contracts

Department of Transportation (Mn/DOT)

Metro District

Notice of Request for Proposals for Property Management Services

The Minnesota Department of Transportation (Mn/DOT) requests proposals for Property Management services for 130,090 square foot office building (Waters Edge building) and 54,000 square foot office building (Regional Traffic Management Center) (RTMC) located at 1500 West County Road B2 in Roseville.

Work is proposed to start after January 31, 2011.

The request for proposal (RFP) may be requested by e-mail from the Contract Administrator at *julie.fiereck@.state.mn.us* or obtained from Mn/DOT Consultant Services website at: *http://www.dot.state.mn.us/consult/files/notices/notices.html* under "notices open to all consultants".

Proposals submitted in response to this RFP must be received no later than 1:00 p.m. Central Daylight Time on ***Monday, October 4, 2010. Late proposals will not be considered, no time extensions will be granted.***

Note that any questions regarding this RFP must be received by the Contract Administrator no later than ***Tuesday September 21, 2010*** Central Daylight Time. See the RFP for more information.

This request does not obligate the State of Minnesota, Mn/DOT to complete the work contemplated in this notice, and Mn/DOT reserves the right to cancel this solicitation. All expenses incurred in responding to this notice will be borne by the responder.

Minnesota Zoo

Request for Proposals for the Design, Fabrication and Installation of Interpretive Materials for "Heart of the Zoo"

The Minnesota Zoo requests proposals for the design, fabrication, and installation of interpretive materials related to our current improvement project known as Heart of the Zoo (phase I). In particular, this RFP relates to a new indoor penguin exhibit and a children's discovery area known as the Kids' Den.

Details are included in the complete Request for Proposals which is available by e-mailing Angie Guggisberg, Minnesota Zoo Project Manager at: *angie.guggisberg@state.mn.us* . The deadline for submitting a proposal is 11:00AM., CST, September 20, 2010.

This Request for Proposals does not obligate the State of Minnesota or the Minnesota Zoo to complete the work contemplated in this notice and the State reserves the right to cancel this solicitation. All expenses incurred in response to this notice are solely the responsibility of the responder.

Minnesota Zoo

Request for Proposals for the Hardware and Software Design, Integration, Acquisition for Video Projection that Reacts to Visitors

The Minnesota Zoo requests proposals for the hardware and software design, integration, acquisition, for a custom video projection that reacts to visitors. The subject of this projection is African black-footed penguins underwater.

Details are included in the complete Request for Proposals which is available by e-mailing Angie Guggisberg, Minnesota Zoo Project Manager at *angie.guggisberg@state.mn.us* . The deadline for submitting a proposal is 11:00AM., CST, September 13, 2010.

This Request for Proposals does not obligate the State of Minnesota or the Minnesota Zoo to complete the work contemplated in this notice and the State reserves the right to cancel this solicitation. All expenses incurred in response to this notice are solely the responsibility of the responder.

Non-State Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as $1,000. Contact editor for futher details.

Local Business Opportunities

The *State Register* offers one of the cheapest, yet far reaching methods, of notifying the public about your agency's bids, contracts and grants. It is available to any government, non-profit, or private agency. Space is charged at the current rate of $13.60 per each 1/10th of a page used in the *State Register*. Agencies are only billed for the space used in the *State Register.*

Agencies wishing to take advantage of this offer should submit what you want printed in the *State Register* via e-mail to: *robin.panlener@state.mn.us*. Attach to your entry a short note indicating when you wish the notice to be published (one, or many dates), if you want a copy of the issue your notice appears in (a TEAR SHEET will be sent free with your bill), and whether you want an "Affidavit of Publication."

Metropolitan Airports Commission (MAC)

Minneapolis-Saint Paul International Airport

Sealed Bid Proposals Sought for Terminal 1-Lindbergh South Baggage Screening Bid Package No.3 – Baggage Handling System (BHS)

MAC Contract No.: 106-2-605
Bids Close At: 2:00 p.m. October 12, 2010

Notice to Contractors: Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota, 55450, until the date and hour indicated. The work consists of provision and installation of baggage handling system equipment (including conveyor, associated controls, platforms, ladders, etc.) for a new Checked Baggage Inspection System (CBIS).

Disadvantaged Business Enterprises (DBEs): The goal of the MAC for the utilization of DBEs on this project is 2%.

Bid Security: Each Bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

Availability of Bidding Documents: Bidding documents are on file for inspection at the office of Architectural Alliance; at the Minneapolis and Saint Paul Builders Exchanges; McGraw Hill Construction Dodge; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from: Franz Reprographics; 2781 Freeway Boulevard, Suite 100; Brooklyn Center, MN 55430; phone: (763) 503-3401; fax: (763) 5033409. Make checks payable to Architectural Alliance. Deposit per set (refundable): $150.00. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids (Document 00021) for this project will be available at MAC's web address of www.metroairports.org/business/solicitations on September 13, 2010.

Minnehaha Creek Watershed District (MCWD)

Advertisement for Bids for Channel Repair at Minnehaha Falls Park

Minnehaha Creek Channel Repair at Minnehaha Falls Park

Owner:	Minnehaha Creek Watershed District
Class of Work:	Excavation; Riprap; Stone and Masonry; and Bituminous Paving
Project Location:	Hennepin County, Minnesota
Pre-Bid Meeting:	1:00 PM, October 1, 2010
Bids Close at:	1:00 PM, October 6, 2010

1.1 NOTICE TO CONTRACTORS

Sealed Bid Proposals for the furnishing of all labor, materials and all other items necessary to complete the work described herewith, will be received by Minnehaha Creek Watershed District at its office located at 18202 Minnetonka Blvd., Deephaven, MN, until 1:00 PM, October 6, 2010, at which time such bids will be opened and read aloud. The work, in accordance with drawings and specifications prepared by Wenck Associates, Inc. consists of the following major items of work:

- Excavation and Disposal of Material from the Creek Channel
- Construction of In-Channel Grade Control Structures
- Riprap
- Bituminous Paving
- Stone Walkway and Stone Channel Bank Protection

Contractors desiring a copy of the bid package, plans, specifications and proposal forms may obtain them from the offices of Minnehaha Creek Watershed District, the payment of a $65.00 **non-refundable** fee for each bid package. Bid packages are also available for examination at the District office. All communications relative to this project should be addressed to the ENGINEER prior to opening of the Bid.

Wenck Associates, Inc.
1800 Pioneer Creek Center
Maple Plain, Minnesota 55359
Attn: Mike Panzer
Project Engineer
E-mail: *mike.panzer@wenck.com*
Phone: (763) 479-4200

Bid Proposals shall be submitted on forms furnished for that purpose.

Each bid proposal shall be accompanied by a "Bid Security" in the form of a certified or cashier's check made payable to Minnehaha Creek Watershed District ("OWNER") in an amount not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the OWNER, with a surety company duly authorized to do business in the state of Minnesota, such Bid Security to be a guarantee that the bidder, if awarded a contract, will enter into a contract with Minnehaha Creek Watershed District; and the amount of the certified check will be retained or the bond enforced by the OWNER in case the bidder fails to do so. The OWNER will retain the deposits for the three lowest bidders until the contract has been awarded and executed but not longer than sixty (60) days. No bid may be withdrawn

for a period of sixty (60) days following the bid opening.

A mandatory PRE-BID meeting will be held at the Minnehaha Creek Watershed District office at 1:00 PM on October 1, 2010.

The bid of the lowest responsible bidder is intended to be accepted on or before the expiration of sixty (60) days after the date of the opening of bids. The OWNER, however, reserves the right to reject any or all bids and to wave any minor irregularities, informalities or discrepancies, and further reserves the right to award the contract in the best interest of Minnehaha Creek Watershed District.

Dated: August 26, 2010

University of Minnesota (U of M)

Subscribe to Bid Information Service (BIS)

The University of Minnesota offers 24-hour/day, 7-day/week access to all Request for Bids/Proposals through its web-based Bid Information Service (BIS). Subscriptions to BIS are free. Visit our website at *bidinfo.umn.edu* or call the BIS Coordinator at (612) 625-5534.

Request for Bids/Proposals are also available to the public each business day from 8:00 a.m. to 4:30 p.m. in the Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Minneapolis, Minnesota 55454.

Minnesota's Bookstore

Admin Minnesota
DEPARTMENT OF ADMINISTRATION

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- **Retail store** Open 8 a.m. - 5 p.m. Monday - Friday, 660 Olive Street, St. Paul
- **Phone** (credit cards): 8 a.m. - 5 p.m. Monday - Friday, 651.297.3000 (Twin Cities) or 1.800.657.3757 (nationwide toll-free)
- **On-line orders**: www.minnesotasbookstore.com
- **Minnesota Relay Service**: 8 a.m. - 5 p.m. Monday - Friday, 1.800.627.3529 (nationwide toll-free)
- **Fax** (credit cards): 651.215.5733 (fax line available 24 hours/day)
- **Mail orders**: Orders can be sent to Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155

PREPAYMENT REQUIRED. ***Prices and availability subject to change.***
Fax and phone orders: Credit card purchases ONLY (American Express/Discover/MasterCard/VISA). Please allow 1-2 weeks for delivery. Mail orders: Complete order blank and send to address above. Enclose check or include credit card information. Please allow 4-6 weeks for delivery. Please make checks payable to "Minnesota's Bookstore." A $20.00 fee will be charged for returned checks.

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Shipping Charges

If Product Subtotal is:	*Please Add:*
Up to $15.00	$ 5.00
$15.01-$25.00	$ 6.00
$25.01-$50.00	$ 9.00
$50.01-$100.00	$ 14.00
$100.01-$1,000	$ 17.00*
More than $1,000	Call

*$17 to an address in MN, WI, SD, ND, IA. If delivered to an address in other states, Canada or internationally, we will contact you if there are additional charges.

Product Subtotal _____
Shipping _____
Subtotal _____
Sales tax _____
(6.875% sales tax if shipped to MN address, 7.625% if shipped to St. Paul address. 7.125% MN transit tax or other local sales tax if applicable)

TOTAL _____

Credit card number: _____

Expiration date: _____ Signature: _____

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July 2009