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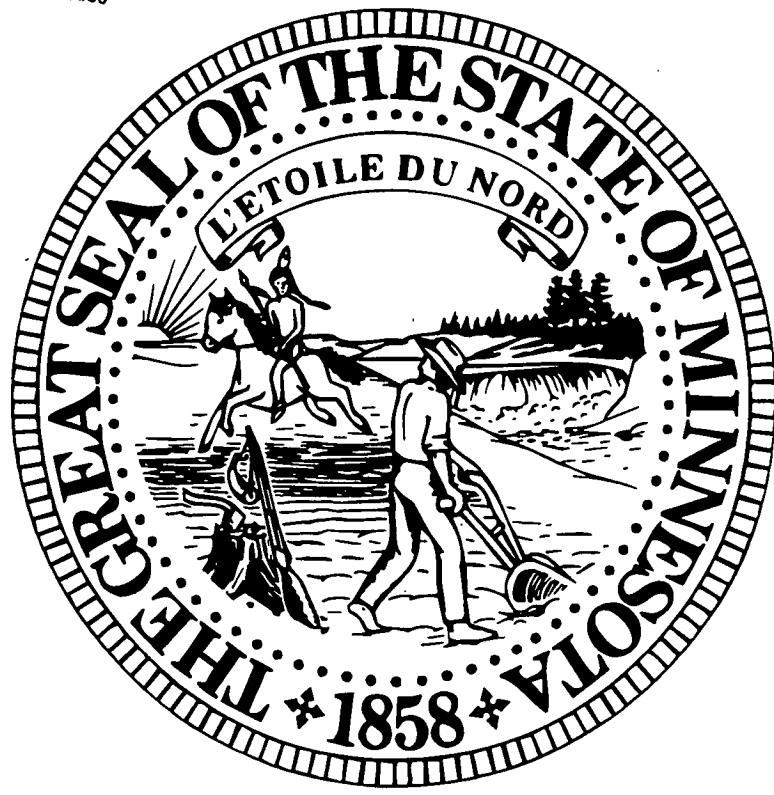
State Register

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State Register

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The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

Printing Schedule and Submission Deadlines

Vol. 21 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	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
# 44	Monday 28 April	Monday 14 April	Monday 21 April
# 45	Monday 5 May	Monday 21 April	Monday 28 April
# 46	Monday 12 May	Monday 28 April	Monday 5 May
# 47	Monday 19 May	Monday 5 May	Monday 12 May

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Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

Contact: Senate Public Information Office (612) 296-0504
Room 231 State Capitol, St. Paul, MN 55155

Contact: House Information Office (612) 296-2146
Room 175 State Office Building, St. Paul, MN 55155

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Professional, Technical and Consulting contract awards are published monthly in an *Awards Report*.

Individual copies and subscriptions for both publications are available through Minnesota's Bookstore, (612) 297-3000 or 1-800-657-3757.

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. The current 1995 set is a 13-volume bound collection of all adopted rules in effect at the time. 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 in the *State Register*, 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. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

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 #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). 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, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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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*.

Office of Environmental Assistance

Proposed Permanent Rules Relating to Environmental Assistance Grant and Loan Program

Notice of Intent to Adopt a Rule Without a Public Hearing.

Proposed Rule Governing Environmental Assistance Grant and Loan Program.

Proposed Repeal of Rules Governing Financial Assistance for Solid Waste Separation (*Minnesota Rules* parts 9210.0400 - 9210.0460); **Solid Waste Litter Prevention, Control, and Abatement** (*Minnesota Rules* parts 9210.0500 to 9210.0570); **Recyclable Material Market Development** (*Minnesota Rules* parts 9210.0600 - 9210.0645); **Solid Waste Reduction Loans** (*Minnesota Rules* part 9210.0700 - 9210.0770); **Waste Education** (*Minnesota Rules* parts 9210.1000 - 9210.1060); **Hazardous Waste Processing Facility Grants and Loans** (*Minnesota Rules* parts 9205.0100 - 9205.0290); and, **Pollution Prevention** (*Minnesota Rules* parts 9205.0400 -9205.0445).

Introduction. The Minnesota Office of Environmental Assistance (OEA) intends to adopt a rule and to repeal other rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You have 30 days to submit written comments on the proposed rule and rule repeals and may also submit a written request that a hearing be held on the rule and rule repeals.

OEA Contact Person. Comments or questions on the rule and rule repeals and written requests for a public hearing on the rule and rule repeals must be submitted to:

Ms. Erin Barnes-Driscoll
Minnesota Office of Environmental Assistance
520 Lafayette Road North, Suite 200
St. Paul, Minnesota 55155-4100

Subject of Rule and Statutory Authority. The statutory authority to adopt these rules is contained in *Minnesota Statutes* §115A.0716, which provides for a single grant and loan program that includes all elements of the existing programs and certain new elements and authorizes the OEA to adopt rules to administer the new program. 1996 *Minnesota Laws* ch. 470, section 28 repeals the separate statutory authority for each of the existing grant and loan programs. The repealer is effective on the effective date of the rules promulgated under *Minnesota Statutes* §115A.0716.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

The proposed new rule will establish criteria and procedures for awarding grants and loans for the purpose of researching, developing, and implementing projects or practices related to waste collection, processing, recycling, and reuse; resource recovery; source reduction, and prevention of waste, hazardous substances, toxic pollutants, and problem materials; the development or implementation of pollution prevention projects or practices; the collection, recovery, processing, purchasing, or market development of recyclable materials or compost; resource conservation; and for environmental education.

A copy of the proposed rule and rule repeals is published immediately after this notice. A free copy of the rule is available upon request from the OEA contact person listed above. This notice and a copy of the rule have also been mailed to the OEA interested persons list.

Comments. You have until 4:30 p.m. on May 28, 1997 to submit written comment in support of or in opposition to the proposed rule and rule repeals, and any part or subpart of the rule. Your comment must be in writing and received by the OEA contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rule must also be made during this comment period.

Request for Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on May 28, 1997. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rule to which you object or state that you oppose the entire rule. Any request that does not comply with these requirements is not valid and cannot be counted by the OEA for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rule.

Withdrawal of Requests. If 25 or more persons submit a written request for hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the OEA must give written notice of this to all persons who requested a hearing, explain the actions the OEA took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the OEA will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Modifications. The proposed rule may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the OEA, and the adopted rule may not be substantially different from this proposed rule. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the OEA contact person. This statement contains a summary of the justification for the proposed rule, including a description of who will be affected by the proposed rule and an estimate of the probable cost of the proposed rule.

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

Dated: 14 April 1997

Arthur E. Dunn
Director

ENVIRONMENTAL ASSISTANCE GRANT AND LOAN PROGRAM

9210.0800 SCOPE AND APPLICABILITY.

Parts 9210.0800 to 9210.0855 implement the environmental assistance grant and loan programs created and described under *Minnesota Statutes*, section 115A.0716, for projects or practices related to the research, development, or implementation of waste collection, processing, recycling, and reuse; resource recovery; source reduction, and prevention of waste, hazardous substances, toxic pollutants, and problem materials; the development or implementation of pollution prevention projects or practices; the collection, recovery, processing, purchasing, or market development of recyclable materials or compost; resource conservation; and for environmental education. Parts 9210.0805 to 9210.0830 apply to grants and loans. Parts 9210.0835 to 9210.0845 apply to the award of grants. Parts 9210.0850 to 9210.0855 apply to the award of loans.

9210.0805 DEFINITIONS.

Subpart 1. Scope. The terms defined in this part apply to parts 9210.0800 to 9210.0855. For terms not defined in this part, the definitions in *Minnesota Statutes*, sections 115A.03 and 115D.03 apply unless the context requires otherwise.

Subp. 2. Capital costs. "Capital costs" are:

- A. acquisition of machinery and equipment, including freight and installation; or
- B. leasehold improvements related to item A.

Subp. 3. Direct loan. “Direct loan” means a loan made by the Office of Environmental Assistance without the contractual participation of a financial institution or other financial assistance provider.

Subp. 4. Director. “Director” means the director of the Office of Environmental Assistance.

Subp. 5. Environmental assistance. “Environmental assistance” means projects or practices related to collection, processing, recycling, reuse, resource recovery, source reduction, and prevention of waste, hazardous substances, toxic pollutants, and problem materials; pollution prevention projects or practices; the collection, recovery, processing, purchasing, or market development of recyclable materials or compost; resource conservation; and environmental education.

Subp. 6. Financial institution. “Financial institution” means a bank, trust company, mortgage company, credit union, mortgage banker, national banking association, savings bank, savings association, building and loan association, insurance company, financial organization dealing in commercial credit or venture capital, or a lender certified by the secretary of Housing and Urban Development or by the secretary of Veterans Affairs, or approved or certified by the administrator of the Farmers Home Administration or any other financial lending institution, whether organized under federal law or the laws of any state of the United States, and whether located within or without this state.

Subp. 7. Office. “Office” means the Office of Environmental Assistance established in Minnesota Statutes, section 115A.055.

Subp. 8. Participation loan. “Participation loan” means a loan, made to an eligible applicant by a financial institution or other financial assistance provider, in which the OEA purchases a share of the financial institution or provider’s loan to the eligible applicant by means of a participation agreement.

Subp. 9. Person. “Person means any human being, any municipality or other governmental or political subdivision or other public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity, but does not include the Pollution Control Agency or the office.

Subp. 10. Provider. “Provider” means financial assistance providers other than financial institutions, such as governmental agencies and nonprofit organizations.

Subp. 11. Real property. “Real property” means fixed or stationary property, such as buildings or land.

9210.0810 REQUEST FOR PROPOSALS.

Subpart 1. All requests for proposal. To initiate a process for awarding environmental assistance grants or loans, the director shall publish a notice in the State Register advising eligible applicants of the availability of environmental assistance grants and loans and of a request for proposals (RFP) that describes the process by which applicants may apply for a grant or a loan. In the RFP, the director shall:

- A. describe the process for awarding grants and loans and shall establish a deadline by which applications must be submitted;
- B. specify the maximum amount of funding to be awarded to a project;
- C. establish the minimum percentage of total project funds that an applicant must contribute to the project, and restrictions, if any, on the applicant’s use of other state funds for the applicant’s contribution; and
- D. for loans, specify the maximum interest rate and the maximum term of the loan.

Subp. 2. Additional limitations. If the director intends that a grant or loan round also be limited in any of the following ways, the condition shall be included in the RFP:

- A. limits on certain eligible costs to a percentage of the total cost of the project;
- B. limits on or prioritizing of the types of projects and, accordingly, the eligible applicants for which a grant or loan would be awarded in the funding round initiated by the RFP;
- C. application information requirements, loan conditions, and evaluation criteria that relate to the grant or loan priorities or the funding round initiated by the RFP; or

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

D. a requirement that applicants submit preliminary applications as described in part 9210.0820, subpart 1.

9210.0815 ELIGIBILITY CRITERIA.

Subpart 1. Eligible applicants. Eligible applicants are persons as defined in part 9210.0805, subpart 9.

Subp. 2. Eligible grant projects. Eligible grant projects are projects that:

A. research, develop, and/or implement environmental assistance projects or practices in Minnesota;

B. enable persons to receive loans from financial institutions for environmental assistance projects or practices in Minnesota; or

C. reduce interest payments on loans made by financial institutions for environmental assistance projects or practices in Minnesota.

Subp. 3. Eligible loan projects. Eligible loan projects are projects that research, develop, and/or implement environmental assistance projects or practices in Minnesota.

Subp. 4. Eligible grant costs. Eligible grant costs are limited to the costs of researching, developing, or implementing environmental assistance projects or practices in Minnesota, or reducing the interest payable on loans under subpart 2, item C.

Subp. 5. Eligible loan costs. Eligible loan costs are limited to the capital costs of researching, developing, or implementing environmental assistance projects or practices in Minnesota.

Subp. 6. Ineligible costs. The following costs are ineligible for grant or loan funds:

A. costs incurred before or after the term of the grant or loan agreement, including the applicant's cost to prepare the grant or loan application; and

B. the purchase of real property.

9210.0820 PRELIMINARY GRANT AND LOAN APPLICATION PROCEDURES.

Subpart 1. Contents. A preliminary application must include the following information:

A. the names, qualifications, and addresses of the applicant and other project participants;

B. a summary of the project;

C. anticipated project outcomes;

D. anticipated project costs; and

E. other information as established by the director in the RFP required by part 9210.0810, subpart 2, item C.

Subp. 2. Evaluation of preliminary application. The director shall evaluate each preliminary application to determine whether the project is eligible for funding. The director shall further evaluate those preliminary applications that are eligible using the following criteria:

A. consistency of the project with the goals in *Minnesota Statutes*, sections 115A.02 and 115D.02;

B. potential of the project to accomplish the priorities in the RFP required by part 9210.0810;

C. the likelihood that the project will achieve the expected project outcomes identified in the preliminary application; and

D. for direct loans, the likelihood that no sufficient source of financing other than a direct loan by the office can be obtained to conduct the project.

Subp. 3. Invitation by director. The director shall invite applicants whose preliminary applications best meet the criteria in subpart 2 to submit final applications. Only invited applicants remain eligible for grants or loans. For direct loans, applicants that are not invited to submit final applications for direct loans because they do not meet the criteria in subpart 2, item D, but that best meet the other criteria in subpart 2, shall be invited to submit final applications for participation loans in lieu of direct loans.

9210.0825 FINAL GRANT AND LOAN APPLICATION PROCEDURES.

Subpart 1. Final applications. Eligible applicants must submit an application to the office in the format specified by the director. Applications for a participation loan must be submitted in coordination with a financial institution or provider. Applications received by the director after the deadline in the RFP will not be considered for funding. Final applications must include the following information:

A. the names, addresses, and qualifications of the applicant and other project participants, and a brief summary of the organization's history;

B. a description of the opportunity, problem, issue, or need the project will address;

C. project information, including:

(1) a work plan that includes a list of each project activity or task, an implementation schedule with specific timelines, and persons involved;

(2) the anticipated project outcomes;

(3) if applicable, a discussion of the economic or social benefits to be achieved by the project; and

(4) a discussion of the technical and financial feasibility of the proposed project;

D. a project budget that:

(1) provides an itemized description of the project costs, including the total estimated cost, total eligible costs, and the amount of funding requested; and

(2) provides an itemized description of project financing, including applicant contributions, participant contributions, other government contributions, other private contributions, and, if applicable, any projected revenues from the project;

E. for all loans, financial information demonstrating creditworthiness and ability to repay the loan;

F. for participation loans, a copy of the financial institution's or provider's file on the applicant's loan and a letter containing the financial institution or provider's assessment of the risks associated with the loan and the creditworthiness of the applicant;

G. evidence that affected counties, regions, or districts have been notified of the proposed projects;

H. a statement of the current status of the project;

I. a description of how the project's impacts will be quantified and evaluated, including the criteria for a successful project; and

J. additional information as established by the director in the RFP required in part 9210.0810, subpart 2, item C.

Subp. 2. Nonpublic data. The office shall treat specific data in the application that meets the definition in *Minnesota Statutes*, section 13.37, subdivision 1, paragraph (b), or is sales information, as the data is required to be treated by *Minnesota Statutes*, section 115A.06, subdivision 13; however, the recipient of an environmental assistance grant or loan shall provide to the office, for public distribution, complete and thorough reports about the results of the project in a way that does not disclose proprietary information.

Subp. 3. Evaluation of final proposal. In order to determine which projects should receive environmental assistance funding, the director shall evaluate each application using the following criteria:

A. clarity and completeness of application;

B. qualifications of the individuals who will perform the work described in the project;

C. anticipated outcomes of the project;

D. cost-effectiveness of the proposed project;

E. for all loans, assets, and resources available to the applicant to repay the loan;

F. assets and resources available to the applicant to conduct the project;

G. project utilization of innovative technologies, methods, or techniques;

H. applicability of the proposed project and future dissemination of project results to other persons or organizations in the state;

I. consistency of the proposed project with the legislative goals and policies in *Minnesota Statutes*, sections 115A.02 and 115D.02; and

J. additional criteria specified in the RFP required by part 9210.0810, subpart 2, item C.

The director shall request additional information from the applicant during the evaluation process if needed to clarify the information provided pursuant to subpart 1.

Subp. 4. Consultation. In the director's evaluation of an application, the director may solicit and shall consider any recommendations provided by the Office of Environmental Assistance, advisory councils, task forces, citizen groups, other Minnesota state agencies, or any independent consultant hired by the director to assist in the review of applications.

Subp. 5. Award. The director shall award grants or loans to those projects that the director determines best meet the evaluation criteria in subpart 3. The director shall promptly notify all applicants as to whether they have been awarded a grant or loan. Awards

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are contingent upon the director and the grant recipient or borrower successfully entering into an agreement as specified respectively in part 9210.0845 or 9210.0850, and, if applicable, a contract and participation agreement as specified in part 9210.0855.

Subp. 6. No awards. If the director determines that no proposed project has sufficient potential to implement environmental assistance in Minnesota, the director shall not award any grants or loans. The director may then reinstate the process for awarding either grants or loans by publishing the notice under part 9210.0810, subpart 1.

9210.0830 LIMITATIONS.

Subpart 1. Reduced awards. The director shall ask an applicant to document the impacts of reduced financial assistance before finalizing an award for less than the eligible amount requested by an applicant or less than the maximum award established in the RFP under part 9210.0820. Reduced funds may be awarded where the director determines:

A. grant or loan programs resources are insufficient to provide full assistance to all applicants to which the director intends to make awards; or

B. the applicant could undertake the project at a reduced level and still achieve project objectives.

Subp. 2. Changes in work plan or budget. If the director determines that the work plan and/or budget are not satisfactory or complete, the director shall request the applicant to modify them. If the applicant does not comply, the director shall exclude the application from further consideration.

Subp. 3. Limit on disbursement of grant funds. No grant funds shall be disbursed until the director has:

A. determined the total estimated cost of the project;

B. determined that the required matching funds are ensured by the recipient; and

C. executed a written grant agreement with the recipient meeting the requirements in part 9210.0845.

Subp. 4. Limit on disbursement of loan funds. No loan funds shall be disbursed until the director has:

A. determined the total estimated cost of the project;

B. determined that the necessary financing for the project, including the required matching funds, is ensured by the borrower;

C. for a direct loan, executed a written loan agreement with the borrower meeting the requirements in part 9210.0850;

D. for a participation loan, executed a written participation agreement with the financial institution or provider meeting the requirements in part 9210.0855; and

E. for a participation loan, executed a written loan agreement with the borrower meeting the requirements of part 9210.0850.

9210.0835 FEDERAL MATCH GRANTS.

The director may award grants as a match to obtain federal grants without issuing an RFP under part 9210.0810 if the following conditions are met:

A. the applicant is eligible under part 9210.0815, subpart 1;

B. the project is eligible under part 9210.0815, subpart 2;

C. a proposal is submitted to the director by the applicant containing all of the elements described in part 9210.0825, subpart 1;

D. the proposed project meets the criteria in part 9210.0825, subpart 3;

E. the project is consistent with the goals in *Minnesota Statutes*, sections 115A.02 and 115D.02; and

F. the grant awarded under this part makes up no more than 25 percent of the total federal grant award.

A match grant will not be finalized until the applicant has notified the director in writing that the federal grant has been officially awarded. The notification must disclose the total dollar amount of the federal grant award and must include information verifying the existence of the federal grant award. Grant awards are contingent upon the director and the grant recipient successfully entering into a grant agreement as specified in part 9210.0845.

9210.0840 TIME-SENSITIVE GRANTS.

Subpart 1. Availability. The director may award grants of less than \$10,000 for time-sensitive projects. The director will not issue an RFP for time-sensitive grants, but shall designate priority funding areas for which funds under this part will be available. Eligible applicants may apply for time-sensitive grant funds at any time during the year. The director shall at any time provide upon request:

A. the total amount of funds budgeted for time-sensitive grants; and

B. information on specific priority areas or projects for which a grant would be awarded.

Subp. 2. Eligibility. To be eligible, projects must meet the following criteria:

- A. the project is time sensitive in nature such that the applicant cannot reasonably apply during the process described in parts 9210.0810, 9210.0820, and 9210.0825;
- B. the applicant is eligible under part 9210.0815, subpart 1;
- C. the project is eligible under part 9210.0815, subpart 2;
- D. the project costs are eligible under 9210.0815, subpart 4;
- E. the grant request does not exceed 75 percent of total project costs;
- F. the total grant request is less than \$10,000; and
- G. in the previous 12 months, the applicant has not received funding under this part from the director.

Subp. 3. Application requirements. Eligible applicants must submit an application to the director, in the format specified by the director, containing the following information:

- A. the names, qualifications, and addresses of the applicant and other project participants;
- B. a summary of the project;
- C. a project budget that:
 - (1) provides an itemized description of the project costs, including the total estimated cost, total grant-eligible costs, and the amount of grant funding requested;
 - (2) provides an itemized description of project financing, including applicant contributions, participant contributions, other government contributions, private contributions, and, if applicable, any projected revenues from the project;
- D. a work plan that includes a list of each project activity or task, an implementation schedule with specific timelines, and persons involved;
- E. a justification for the director's consideration of the project as a time-sensitive project;
- F. anticipated project outcomes; and
- G. any additional information that the director requests as necessary to clarify the application.

Subp. 4. Submittal information. Information and applications for funding under this part are available at the following address: Time-Sensitive Grant Program, Minnesota Office of Environmental Assistance, 520 Lafayette Road, Suite 200, St. Paul, MN 55155-4100, (612) 296-3417.

Subp. 5. Evaluation and approval of applications. The director shall evaluate eligible proposals using the criteria listed in part 9210.0825, subpart 3, items A to I. In addition, the director will consider the time sensitivity of a proposed project in deciding if the project warrants funding outside of the process described in parts 9210.0810, 9210.0820, and 9210.0825. Grant awards are contingent upon the director and the grant recipient successfully entering into a grant agreement as specified in part 9210.0845.

9210.0845 GRANT AGREEMENT.

Subpart 1. Contents. A grant agreement shall:

- A. incorporate a work plan and budget as approved by the director;
- B. require that the recipient perform and complete project activities to meet anticipated project outcomes as defined in the work plan;
- C. provide that any cost overruns incurred in the implementation of the proposed project shall be the sole responsibility of the recipient;
- D. require that the recipient provide periodic written and/or oral reports to the director on the progress and results of the project, and an executive project summary, as part of a final report submitted at the conclusion of the project, in a format specified by the director;

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E. authorize the director to rescind the grant and require the grant recipient to repay the grant if the director determines that a project has not been conducted according to terms and conditions of the grant agreement;

F. require that a percentage of funds not be paid to the recipient until the director approves the recipient's final report;

G. require that the recipient maintain records of all expenditures related to the agreement for a minimum period of five years after the grant agreement is executed and give the office access to the records upon request; and

H. establish other conditions or terms needed to manage or implement the grant agreement.

Subp. 2. Grants of less than \$1,000.

A. Recipients of grants that are less than \$1,000 are exempt from the requirement in subpart 1 to enter into a grant agreement with the office if they prepare and submit, to the satisfaction of the director, the following:

(1) a work plan, budget, and anticipated project outcomes, in a format approved by the director; and

(2) a letter or resolution, as appropriate, signed by the appropriate authority, stating that the required matching funds are ensured by the recipient and committing the grant recipient to compliance with item B, subitems (1) to (8).

B. All recipients of grants that are less than \$1,000 and who are exempt from the requirement to enter into a grant agreement pursuant to item A must:

(1) perform and complete activities according to a work plan, budget, and anticipated outcomes, as approved by the director;

(2) assume sole responsibility for any cost overruns incurred in the implementation of the proposed project;

(3) ensure that sufficient financing is available to the project to ensure its satisfactory completion;

(4) use grant funds solely for eligible costs as defined in part 9210.0815, subpart 4;

(5) provide a final report in a format specified by the director, to the director, on the results of the project, within 45 days after completion of project tasks;

(6) maintain records of all expenditures related to the project for a period of five years after the grant agreement is executed, and give the office access to the records upon request;

(7) comply with the Minnesota Data Practices Act; and

(8) comply, if applicable, with the Americans with Disabilities Act of 1990, Public Law Number 100-336, as amended; Minnesota Statutes, chapter 363, the Minnesota Human Rights Act; Minnesota Statutes, section 181.59; and all applicable rules adopted under those laws.

9210.0850 LOAN AGREEMENT.

A loan agreement shall:

A. incorporate a work plan and budget as approved by the director;

B. require that the borrower perform and complete project activities to meet anticipated project outcomes as defined in the work plan;

C. provide that any cost overruns incurred in the implementation of the proposed project shall be the sole responsibility of the borrower;

D. require that the borrower provide periodic written and/or oral reports to the director on the progress and results of the project in a format specified by the director;

E. require that the borrower maintain records of all expenditures related to the agreement for a minimum period of three years after the loan is repaid, and give the office access to the records upon request;

F. for direct loans, identify the interest rate and repayment obligations for the borrower;

G. for direct loans, identify the procedure for disbursing loan funds to the borrower;

H. for direct loans, authorize the director to determine that the borrower is in default and require that the borrower immediately repay the loan in full if the director determines that a project has not been conducted according to the terms and conditions of the loan agreement;

I. for direct loans, identify the collateral which will secure the loan; and

J. establish other conditions or terms needed to manage or implement the loan agreement.

9210.0855 PARTICIPATION AGREEMENT.

Subp. 1. Participation agreement. In cases where a participation loan is awarded, a participation agreement shall be signed by the financial institution or provider and the office.

Subp. 2. Security requirements. All participation loans must be secured by collateral. The financial institution or provider and the office shall take interests in collateral acceptable to the financial institution or provider and the office.

Subp. 3. Loan servicing. The participation agreement shall also:

A. require that loan payments be made according to an amortization schedule, established by the financial institution or provider, that has first been reviewed and approved by the office;

B. require that the financial institution or provider collect payments according to the payment schedule outlined in the promissory note and remit to the state the office's pro rata share of a payment within 15 days of receipt or, if applicable, in accordance with Minnesota Statutes, section 16A.275. Prior to executing the participation agreement, the financial institution or provider shall negotiate with the office the amount or percentage of interest to be retained by the financial institution or provider after collection as payment for duties performed by it under the contract; and

C. require the financial institution or provider to notify the office within 30 days after a determination by the financial institution or provider of a default. The financial institution or provider must pursue all reasonable means to collect the defaulted loan from the borrower and must apply and exhaust the loan security as necessary to effect payment of the loan. The financial institution or provider must remit to the office its pro rata share of any amounts collected after subtracting reasonable costs to collect upon the defaulted loan. In lieu of foreclosure, either before or after declaring a default, the financial institution or provider and the office may agree to refinance or renegotiate the loan when doing so will enhance the possibility of recovery of the debt.

REPEALER. Minnesota Rules, parts 9205.0100; 9205.0110; 9205.0200; 9205.0210; 9205.0220; 9205.0230; 9205.0240; 9205.0250; 9205.0260; 9205.0270; 9205.0280; 9205.0290; 9205.0400; 9205.0410; 9205.0420; 9205.0425; 9205.0430; 9205.0432; 9205.0435; 9205.0445; 9210.0400; 9210.0410; 9210.0420; 9210.0425; 9210.0435; 9210.0440; 9210.0450; 9210.0460; 9210.0500; 9210.0510; 9210.0520; 9210.0530; 9210.0540; 9210.0550; 9210.0560; 9210.0570; 9210.0600; 9210.0610; 9210.0615; 9210.0620; 9210.0625; 9210.0630; 9210.0635; 9210.0640; 9210.0645; 9210.0700; 9210.0710; 9210.0720; 9210.0730; 9210.0740; 9210.0770; 9210.1000; 9210.1010; 9210.1020; 9210.1030; 9210.1040; 9210.1050; and 9210.1060, are repealed.

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Proposed Rules

Department of Health

Proposed Permanent Rules Relating to Ionizing Radiation

Dual Notice: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing If 25 or More Requests for Hearing Are Received

Proposed Amendment to Rules Governing Industrial Uses of Sources of Ionizing Radiation, *Minnesota Rules*, Chapter 4730.

Introduction. The Department of Health intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on May 28, 1997, a public hearing will be held in Room LL56, in the Lower Level of the Metro Square Building, 121 East Seventh Place, St. Paul, Minnesota, starting at 9:00 a.m. on Tuesday, June 10, 1997. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after May 28, 1997 and before June 10, 1997.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is:

Ms. Sue McClanahan
Minnesota Department of Health
Section of Radiation Control
121 East Seventh Place, Suite 220
PO Box 64975
St. Paul, Minnesota 55164-0975
ph. 612/215-0941
fax 612/215-0976

TTY users may call the Minnesota Department of Health at 612/623-5522.

Subject of Rules and Statutory Authority. The proposed rules are about the industrial uses of sources of ionizing radiation. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 144.05, subdivision 1, paragraph (c) and 144.12, subdivision 1, item (15).

A copy of the proposed rules is published in the *State Register*. A free copy of the rules is available upon request from the agency contact person listed above.

The proposed revisions update safety requirements to ensure that humans are not exposed to unnecessary radiation. The proposed revisions do not apply to diagnostic and therapeutic uses of x-ray including dental x-rays, chiropractic x-rays, medical x-rays, podiatric x-rays, diagnostic veterinary x-rays and therapeutic x-ray treatments. If a medical facility such as hospital or a veterinarian is doing research, they may have a scanning electron microscope or cabinet x-ray system to evaluate research on human beings or animals; however, neither of these types of industrial x-ray equipment ever involve the irradiation of a human or animal patient.

The classes of persons likely to be affected by the proposed rules include Minnesota Department of Health registrants who possess and use industrial x-ray equipment for industrial radiography, cabinet radiography, cabinet baggage systems, analytical ionizing radiation producing equipment, nonmedical accelerators, industrial manufacturing process and quality control, Naturally occurring or Accelerator produced Radioactive Materials (NARM) for industrial radiography, active and passive industrial NARM devices, and the use of NARM for nuclear logging. These classes of persons include large and small industries, large and small educational institutions, and state and local agencies of government such as the highway, public works and public health departments.

All the classes of persons listed above will bear the cost of the proposed rule and benefit from the proposed rule. The costs related to the proposed rule amendments are to cover additional instruction and training of employees and additional record keeping requirements regarding training, checks, calibrations, leak test results and radiation safety surveys. The benefits will include a reduction in the amount of radiation received by the employees and members of the public who work near any areas where industrial x-ray equipment and NARM are used.

Comments. You have until 4:30 p.m. on Wednesday, May 28, 1997, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on May 28, 1997. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. 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 written request for a hearing, a public hearing will be held 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 effect 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.

Alternative Format/Accommodation. Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for June 10, 1997, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at 612/215-0941 after May 28, 1997, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Richard C. Luis is assigned to conduct the hearing. Judge Luis can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612/349-2542, and fax 612/349-2665.

Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day response period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or response period also submit a copy of the written views or data to the agency contact person at the address stated above.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This 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. The statement may also be reviewed and copies obtained at the cost of reproduction from either the agency or the Office of Administrative Hearings.

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Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at: First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 612/296-5148 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted 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.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rules and files them with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: 14 April 1997

Anne M. Barry
Commissioner of Health

4717.7000 VARIANCE REQUEST.

Subpart 1. **Request.** A party may ask the commissioner of health to grant a variance from the following rules:

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

P. ionizing radiation, parts 4730.0100 to ~~4730.3605~~ 4730.3610, except parts 4730.0400 and 4730.0600.

[For text of subs 2 and 3, see M.R.]

4730.0100 DEFINITIONS.

[For text of subs 1 to 5, see M.R.]

Subp. 5a. Active NARM device. "Active NARM device" means a portable device containing NARM material that is usually hand carried by an individual to perform a specific mobile task.

[For text of subp 6, see M.R.]

Subp. 6a. Adult. "Adult" means an individual 18 or more years of age.

[For text of subp 7, see M.R.]

Subp. 7a. Analytical ionizing radiation producing equipment. "Analytical ionizing radiation producing equipment" means ionizing radiation producing equipment used for research, development, and quality control including x-ray diffractometers, fluorescence analyzers, spectroscopy analyzers, thickness measurement gauges, and electron microscopes.

Subp. 7b. Annual limit on intake or ALI. "Annual limit on intake" or "ALI" means the derived limit for the amount of radioactive material taken into the body of an adult worker by inhalation or ingestion in a year.

A. ALI is the smaller value of intake of a given radionuclide in a year by the reference man that would result in a committed effective dose equivalent of five rems (0.05 Sv) or a committed dose equivalent of 50 rems (0.5 Sv) to any individual organ or tissue.

B. ALI values for intake by ingestion and by inhalation of selected radionuclides are given in Code of Federal Regulations, title 10, part 20, Appendix B, table 1, columns 1 and 2, January 1, 1997, and as subsequently amended.

[For text of subs 8 to 22, see M.R.]

Subp. 22a. Boring. "Boring" has the meaning given in Minnesota Statutes, section 103I.005.

[For text of subs 23 to 28, see M.R.]

Subp. 28a. Certified cabinet x-ray system. "Certified cabinet x-ray system" means an x-ray system that has been certified according to Code of Federal Regulations, title 21, part 1010, section 1010.2, April 1, 1996, and as subsequently amended, as being manufactured and assembled pursuant to Code of Federal Regulations, title 21, part 1020, section 1020.40, April 1, 1996, and as subsequently amended.

[For text of subs 30 to 39, see M.R.]

Subp. 39a. Committed dose equivalent ($H_{T,50}$). “Committed dose equivalent ($H_{T,50}$)” means the dose equivalent to organs or tissues of reference (T) that is received from an intake of radioactive material by an individual during the 50-year period following the intake.

Subp. 39b. Committed effective dose equivalent ($H_{E,50}$). “Committed effective dose equivalent ($H_{E,50}$)” means the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to these organs or tissues ($H_{E,50} = \sum W_T H_{T,50}$).

[For text of subs 40 to 52, see M.R.]

Subp. 52a. Derived air concentration or DAC. “Derived air concentration” or “DAC” means the concentration of a given radionuclide in air that, if breathed by the reference man for a working year of 2,000 hours under conditions of light work (inhalation rate 1.2 cubic meters of air per hour), results in an intake of one ALI. DAC values are given in *Code of Federal Regulations*, title 10, part 20, Appendix B, table 1, column 3, January 1, 1997, and as subsequently amended.

[For text of subs 53 to 68, see M.R.]

Subp. 69. Exposure rate. “Exposure rate” means the exposure per unit of time, such as roentgen per minute and, milliroentgen per hour, sievert per minute, or millisievert per hour.

[For text of subs 70 to 73, see M.R.]

Subp. 73a. Fishpole radiography. “Fishpole radiography” means industrial radiography performed with a sealed source that is not fastened to or contained in a radiographic exposure device.

[For text of subs 74 to 88, see M.R.]

Subp. 88a. Industrial cabinet baggage system. “Industrial cabinet baggage system” means an x-ray system with the x-ray tube installed in a shielded cabinet that is freestanding and is designed primarily for the inspection of carry-on baggage at airline, railroad, or bus terminals, courthouses, correctional facilities, and similar facilities. The baggage to be irradiated is contained in the shielded cabinet and the shielded cabinet is designed to exclude personnel from its interior during generation of x-rays.

Subp. 88b. Industrial cabinet radiography. “Industrial cabinet radiography” means industrial radiography conducted in an enclosure or cabinet shielded so that radiation levels at every location on the exterior meet the unrestricted limitations in part 4730.0380.

Subp. 89. Industrial radiographer. “Industrial radiographer” means any individual who performs or who, in attendance at the site where ionizing radiation sources of radiation are being used, personally supervises industrial radiographic operations and who is responsible to the registrant for assuring compliance with the requirements of these rules chapter 4730.

Subp. 89a. Industrial radiographer’s assistant. “Industrial radiographer’s assistant” means an individual who uses radiographic exposure devices, sealed sources or related handling tools, or radiation survey instruments in industrial radiography under the personal supervision of an industrial radiographer.

Subp. 90. Industrial radiography. “Industrial radiography” means the examination of the macroscopic structure of materials by nondestructive methods utilizing sources of radiation a nondestructive testing method using ionizing radiation to produce images for detecting flaws in objects without destroying them and for other quality control purposes.

[For text of subs 91 to 106, see M.R.]

Subp. 106a. Local components. “Local components” means parts of an x-ray system that are struck by ionizing radiation, including radiation source housings, port and shutter assemblies, collimators, sample holders, cameras, detectors, and shielding. Local components do not include power supplies, transformers, amplifiers, readout devices, control panels, or other areas that are not struck by ionizing radiation.

Subp. 106b. Logging assistant. “Logging assistant” means any individual who, under the personal supervision of a logging supervisor, handles NARM sealed sources or tracers that are not in logging tools or shipping containers or who performs radiation safety surveys required by part 4730.2510, subpart 5, item F.

Subp. 106c. Logging supervisor. “Logging supervisor” means an individual who uses NARM or provides personal supervision in the use of NARM at a temporary jobsite and who is responsible to the registrant for assuring compliance with the requirements of chapter 4730.

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[For text of subps 107 to 110, see M.R.]

Subp. 111. [See repealer.]

[For text of subps 112 to 119, see M.R.]

Subp. 119a. Nuclear logging or logging. “Nuclear logging” or “logging” means testing with a radioactive material performed in a well, boring, or drilled hole for geologic or hydrologic identification, environmental investigation, exploration for minerals, gas, or oil, or other testing purposes.

[For text of subp 120, see M.R.]

Subp. 120a. Open-beam configuration. “Open-beam configuration” means an x-ray system in which an individual could accidentally place some part of the body in the primary beam or secondary scattered beam path during operation.

[For text of subp 121, see M.R.]

Subp. 121a. Passive NARM device. “Passive NARM device” means a fixed device containing NARM material that is installed permanently on or in another device, a building, or a part of a building to perform a specific task.

[For text of subps 122 and 123, see M.R.]

Subp. 124. Permanent radiographic installation. “Permanent radiographic installation” means an a shielded installation or structure that is not moved and is designed or intended for radiography, and in which radiography is regularly performed.

[For text of subp 125, see M.R.]

Subp. 125a. Personal supervision. “Personal supervision” means guidance and instruction by an industrial radiographer or logging supervisor, who:

- A. is physically present at a temporary jobsite;
- B. is in personal contact with an industrial radiographer’s assistant or logging assistant; and
- C. can give immediate assistance.

[For text of subps 126 to 132, see M.R.]

Subp. 132a. Primary beam. “Primary beam” means radiation that passes through an aperture of the source housing by a direct path from the x-ray tube or other radioactive source located in the radiation source housing.

[For text of subps 133 to 157, see M.R.]

Subp. 157a. Reference man. “Reference man” means a hypothetical aggregation of human physical and physiological characteristics arrived at by international consensus as described in Report No. 23, “Report of the Task Group on Reference Man,” prepared by the International Commission on Radiological Protection (ICRP), and published by Pergamon Press (1975). The ICRP report is incorporated by reference, is not subject to frequent change, and is available through the Minitex interlibrary loan system.

[For text of subps 158 to 169, see M.R.]

Subp. 169a. Sealed source. “Sealed source” means a by-product material or NARM that is encased in a capsule designed to prevent leakage or escape of the by-product material or NARM.

[For text of subps 170 to 174, see M.R.]

Subp. 174a. Shielded position. “Shielded position” means the location within a radiographic exposure device or storage container that, by manufacturer’s design, is the location for storage of the sealed source.

[For text of subps 175 to 181, see M.R.]

Subp. 181a. Source changer. “Source changer” means a device designed and used for replacing a sealed source in a radiographic exposure device, including one used for transporting and storing a sealed source.

[For text of subps 182 to 187, see M.R.]

Subp. 187a. Storage area. “Storage area” means a location, facility, or vehicle:

- A. used to store, transport, or secure a radiographic exposure device, a storage container, or a sealed source when it is not in use; and
- B. that is locked or has a physical barrier to prevent accidental exposure to, tampering with, or unauthorized removal of the device, container, or source.

Subp. 188. **Storage container.** "Storage container" means a shielded device in which sources are transported or stored, in accordance with the manufacturer's guidance when the manufacturer's guidance is available.

[For text of subps 189 to 193, see M.R.]

Subp. 193a. **Temporary jobsite.** "Temporary jobsite" means a location where:

- A. industrial radiography is performed, other than a location listed in a specific registration; or
- B. NARM materials are present for performing nuclear well logging.

[For text of subps 194 to 201, see M.R.]

Subp. 201a. **Transport container.** "Transport container" means a package that:

- A. is designed to provide radiation safety and security when sealed sources are transported; and
- B. meets all applicable requirements of the United States Department of Transportation and part 4730.1000.

[For text of subps 202 to 210, see M.R.]

Subp. 210a. **Very high radiation area.** "Very high radiation area" means an area accessible to an individual, where radiation levels are such that the individual could receive an absorbed dose in excess of 500 rad (5 Gy) in one hour at one meter from a source of radiation or from a surface that the radiation penetrates.

[For text of subps 211 to 213, see M.R.]

Subp. 213a. **Well.** "Well" has the meaning given in Minnesota Statutes, section 103I.005.

Subp. 213b. **Worker.** "Worker" means an individual who engages in activities with sources of ionizing radiation that require registration by the commissioner and that are controlled by a registrant.

[For text of subp 214, see M.R.]

Subp. 215. **X-ray equipment.** "X-ray equipment" means an x-ray system, subsystem, or component. Types of x-ray equipment are listed in items A to ~~E~~ D.

- A. "Mobile x-ray equipment" means x-ray equipment mounted in a self-contained transport vehicle.
- B. "Portable industrial x-ray equipment" means industrial x-ray equipment designed to be brought to a temporary jobsite to perform temporary industrial radiography.
- C. "Portable x-ray equipment" means x-ray equipment designed to be brought to ~~the~~ a patient.
- ~~E. D.~~ "Stationary x-ray equipment" means x-ray equipment ~~that is~~ installed in a fixed location within a facility.

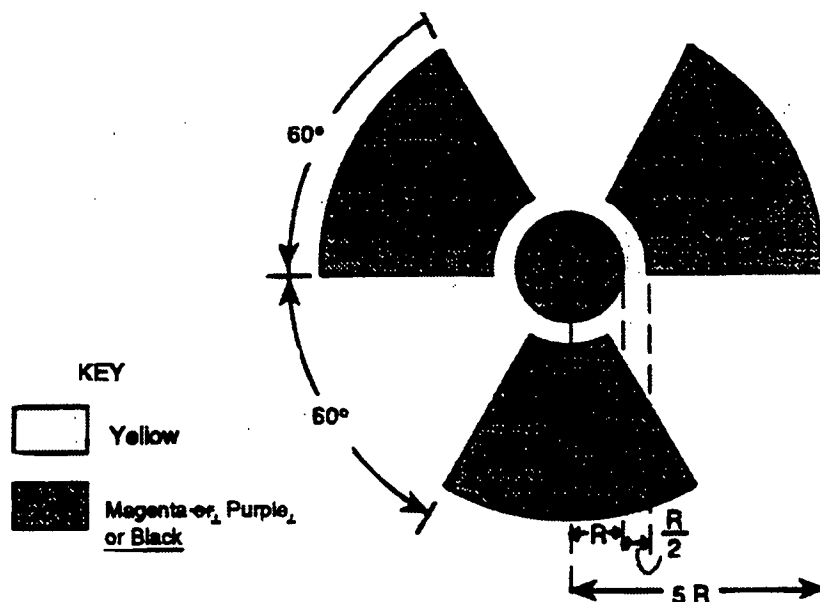
[For text of subps 216 to 221, see M.R.]

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4730.0300 PRECAUTIONARY PROCEDURES.

Subpart 1. **Radiation symbol and labeling.** Each radiation sign or label shall must bear the standard symbol specified in these rules this subpart and the specified printed warning, in capital block letters, specified in subpart 1a. The warning **CAUTION RADIATION AREA** or **DANGER RADIATION AREA** shall appear on signs in an area in which a radiation hazard may exist. The warning **CAUTION, RADIOACTIVE MATERIAL(S)** or **DANGER, RADIOACTIVE MATERIAL(S)** shall appear on containers containing radioactive materials greater than the applicable quantities listed in parts 4730.3500 and 4730.3605. The standard symbol for designating any radiation hazard shall be is a circle with three propeller-like blades arranged around it as illustrated:



The boundaries of the three blades of the propeller-like symbol shall must be confined within a 60-degree sector of the circle delineated by their outer edges, and said the blades shall must be symmetrically distributed 60 degrees apart. The radius (R) of the central circle of the symbol shall must be the standard for its other dimensions as follows: Overall radius of symbol = 5R, shortest distance from circumference of central circle to inner edge of nearest blade = R/2. The standard color specifications shall must be a background of yellow with lettering and distinctive symbol in magenta or, purple, or black. The symbol and lettering shall must be as large as practical, consistent with the size of the equipment or material upon which they appear.

Subp. 1a. Warning signs. Warning signs are required as follows:

A. The warning "CAUTION RADIATION AREA" or "DANGER RADIATION AREA" must appear on signs in an area in which a radiation hazard may exist.

B. The warning "CAUTION HIGH RADIATION AREA" or "DANGER HIGH RADIATION AREA" must appear on signs in an area in which a high radiation hazard may exist.

C. The warning "CAUTION VERY HIGH RADIATION AREA" or "DANGER VERY HIGH RADIATION AREA" must appear on signs in an area in which a very high radiation hazard may exist.

D. Analytical ionizing radiation producing equipment complying with part 4730.2550 must be labeled with a readily discernible sign or signs bearing the radiation symbol and the words: "CAUTION - HIGH INTENSITY X-RAY BEAM," or words having a similar intent on the x-ray source housing.

E. Industrial x-ray equipment, nonmedical accelerator equipment, and analytical ionizing radiation producing equipment must be labeled with a readily discernible sign or signs bearing the radiation symbol and the words: "CAUTION RADIATION - THIS EQUIPMENT PRODUCES IONIZING RADIATION WHEN ENERGIZED," or words having a similar intent, (1) near any switch, (2) on the enclosure containing the x-ray head that energizes an industrial or analytical x-ray tube, and (3) on the radiation source housing.

E. The warning "CAUTION RADIOACTIVE MATERIAL" or "DANGER RADIOACTIVE MATERIAL" must appear on containers having quantities of radioactive materials greater than the applicable quantities listed in part 4730.3500 and Code of Federal Regulations, title 10, part 20, Appendix B, January 1, 1997, and as subsequently amended.

Subp. 2. Prohibitions on use of symbol. The use of the specified radiation symbol for any other purpose other than designating or referring to an area of detectable radiation is expressly prohibited.

Subp. 3. Placement of symbol and labels. ~~All~~ Containers of radioactive material for storage and disposal, storage areas, work areas, and other normally occupied areas where a radiation hazard may exist ~~shall~~ must be conspicuously posted with radiation warning labels when the containers of radioactive material hold quantities equal to or greater than the registration possession exemption limits specified in part 4730.3500. ~~Conspicuous radiation warning labels shall~~ must be posted in areas ~~which are not readily accessible and may be only occasionally occupied but~~ in which a radiation hazard may exist. ~~Readily accessible areas in which a radiation hazard may exist shall be suitably delineated and conspicuously posted with radiation warning labels.~~ This applies even if the area is not normally occupied. All radiation hazard labels posted when a radiation hazard existed ~~shall~~ must be removed when the hazard is no longer present.

Subp. 5. Warning devices; industrial ionizing radiation sources. This subpart applies only to industrial uses of ionizing radiation sources.

A. Open-beam configurations must have a readily discernible indication of:

(1) x-ray tube "on-off" status located near the radiation source housing, if the primary beam is controlled in an "on-off" manner; or

(2) shutter "open-closed" status located near each port on the radiation source housing, if the primary beam is controlled in "open-closed" manner.

B. An easily visible warning light labeled with the words "X-RAY ON" or other visible warning indicator that clearly shows the equipment is producing ionizing radiation, must be:

(1) located near a switch that energizes an x-ray tube and illuminated only when the tube is energized; or

(2) in the case of a radioactive source, located near a switch that opens a housing shutter and illuminated only when the housing shutter is open.

C. Warning devices must be labeled so that their purpose is easily identified.

D. On equipment installed six months after the effective date of this subpart, warning devices must have fail-safe characteristics.

Subp. 6. Warning and control devices; high and very high radiation areas. This subpart applies only to areas of high and very high radiation.

A. Except as provided in item C, each entrance or access point to a high or very high radiation area must be:

(1) equipped with a control device that causes the level of radiation to be reduced below that at which an individual might receive a dose of 100 millirems (1.0 mSv) in one hour upon entry into the area;

(2) equipped with a warning device that energizes a visible or audible alarm to alert an individual entering the high or very high radiation area and other nearby nonoccupationally exposed workers; or

(3) maintained locked except during periods when access to the area is required, with access to each individual entry monitored or supervised.

B. The devices required by this subpart must not prevent an individual from leaving a high or very high radiation area.

C. When a high or very high radiation area is established for 30 calendar days or less, direct surveillance to prevent unauthorized entry may be substituted for the devices required by this subpart.

Subp. 7. Radiation survey instruments. To ensure correct response to radiation, each radiation survey instrument must:

A. be calibrated:

(1) for portable industrial x-ray equipment, industrial sealed source radiography, industrial radiography with NARM, use of active NARM devices or nuclear logging, at periods not to exceed three months;

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(2) for equipment other than portable industrial x-ray equipment, at periods not to exceed one year; and

(3) after each servicing;

B. be calibrated at energy levels and over a range appropriate for the use;

C. be calibrated to accuracy within plus or minus 20 percent over the applicable range of the instrument; and

D. have records of the calibrations maintained according to part 4730.1520.

Subp. 8. Alarming ratemeters. To ensure correct response to radiation, each alarming ratemeter must:

A. be tested before use at the start of each shift to ensure that the alarm sounds;

B. be set to sound at a pre-set dose rate of 500 mR/hr (5 mSv/hr);

C. require special means to change the pre-set alarm function;

D. be calibrated at periods not to exceed one year;

E. alarm, vibrate, activate a light, or otherwise signal within plus or minus 20 percent of the true radiation dose rate; and

F. have records of the tests and calibrations maintained according to part 4730.1520.

4730.0400 REGISTRATION REQUIREMENTS.

The owner or person having possession of any source of ionizing radiation except those specifically exempted under this part or under part 4730.0800 or in the case of nuclear facilities which are registered according to the special procedures required by part 4730.3000, shall:

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

G. The registration requirements specified in parts 4730.0400 to 4730.0700 shall not apply to facilities subject to part 4730.3000, nor to sources or conditions exempted under part 4730.0800, nor to by-product materials, source materials, or special nuclear materials licensed by the United States Nuclear Regulatory Commission not in excess of the kind and quantity specified in ~~parts~~ part 4730.3500 and 4730.3605 Code of Federal Regulations, title 10, part 20, Appendix B, January 1, 1997, and as subsequently amended.

4730.1000 TRANSPORTATION.

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

Subp. 2. **Prohibition.** No person shall transport any radioactive material outside the confines of the facility or other authorized location of use, or deliver any radioactive material to a carrier for transportation, unless the person complies with all requirements, appropriate to the mode of transportation, relating to the packaging of the radioactive material and to the marking and labeling of the package and transporting vehicle, of the rules and regulations, published by the United States Department of Transportation (*Code of Federal Regulations*, title 46, part ~~146~~ 147, October 1, 1996, and as subsequently amended, and Code of Federal Regulations, title 49, parts ~~173 to 179, and Code of Federal Regulations~~, title ~~14, part 103~~ 171 to 177, October 1, 1996, and as subsequently amended) to the same extent as if the transportation were subject to the rules and regulations of that agency.

4730.1120 REPORTS OF INCIDENTS INVOLVING RADIATION SOURCES.

Subpart 1. **Immediate notification.** During normal business hours a registrant must immediately notify the commissioner by telephone or facsimile, and after normal business hours or on weekends through the Minnesota Department of Public Safety's duty officer, of any incident involving any source of radiation possessed by the registrant which may have caused or threatens to cause an unintended or unprescribed:

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

D. release of radioactive material in concentrations which, if averaged over a period of 24 hours, would exceed 5,000 times the limits specified for the material in ~~part 4730.3605~~ Code of Federal Regulations, title 10, part 20, Appendix B, January 1, 1997, and as subsequently amended;

[For text of items E and F, see M.R.]

Subp. 2. **Notification within 24 hours.** A registrant possessing any source of radiation must notify the commissioner by telephone or facsimile within 24 hours of any incident involving that source which may have caused or threatens to cause an unintended or unprescribed:

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

D. release of radioactive material in concentrations which, if averaged over a period of 24 hours, would exceed 500 times the limits specified for the material in ~~part 4730.3605~~ Code of Federal Regulations, title 10, part 20, Appendix B, January 1, 1997, and as subsequently amended;

[For text of items E and F, see M.R.]

4730.1130 MANDATORY REPORTS OF OVEREXPOSURES AND EXCESSIVE LEVELS AND CONCENTRATIONS.

Subpart 1. **Additional reports.** In addition to any notification required by part 4730.1120, a registrant must submit a written report within 30 days to the commissioner of:

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

C. levels of radiation or concentrations of radioactive material, whether or not any individual is excessively exposed, if in an unrestricted area and the exposure is in excess of ten times any applicable limit specified by part 4730.0380 or ~~4730.3605~~ Code of Federal Regulations, title 10, part 20, Appendix B, January 1, 1997, and as subsequently amended.

[For text of subs 2 and 3, see M.R.]

4730.1210 PROHIBITED USES OF RADIATION.

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

Subp. 2. **Prohibited radiation producing equipment and procedures.** The equipment specified in this subpart shall not be used nor the specified procedures performed:

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

- I. dental intraoral radiography with kilovoltages less than 50 kVp; ~~and~~
- J. the use of x-ray equipment not specifically designed by the manufacturer for imaging of the breast; ~~and~~
- K. fishpole radiography.

[For text of subp 3, see M.R.]

Subp. 4. Possession of radium-226 by secondary or elementary schools. The possession by secondary or elementary schools of radium-226 in excess of those quantities exempted in part 4730.3500 is prohibited.

4730.1510 REGISTRANT'S SAFETY REQUIREMENTS.

Subpart 1. **Registrant responsibility.** The registrant is responsible for directing the operation of all x-ray ~~and~~ accelerator systems under the registrant's administrative control.

A. The registrant or the registrant's agent ~~shall assure~~ must ensure that the requirements specified in this part are met in the operation of all diagnostic and therapeutic x-ray systems ~~and~~ medical accelerators.

B. The registrant or the registrant's agent must ensure that the requirements in subparts 2 and 11 to 13 are met in the operation of all industrial x-ray systems and nonmedical accelerators.

Subp. 2. **X-ray system ~~and~~ accelerator compliance.** An x-ray system ~~or~~ accelerator that does not meet the provisions of this chapter shall not be operated for diagnostic, therapeutic, or industrial purposes.

[For text of subs 3 to 10, see M.R.]

Subp. 11. **Personnel monitoring.** Each registrant ~~shall~~ must supply the personnel specified in items A ~~and B~~ to C with personnel monitoring equipment and ~~shall~~ require the personnel to use the equipment.

A. Each individual who enters a restricted area under such circumstances that the individual receives, or is likely to receive, a dose in any calendar quarter over 25 percent of the applicable value specified in part 4730.0310, subpart 2, item A, subitem (1) ~~or~~ (2).

B. Each individual who enters a high radiation area ~~or~~ very high radiation area.

C. Each individual monitoring the controls for class A, B, and E industrial ionizing radiation producing equipment or non-medical accelerators.

(1) The registrant must not permit an individual to operate industrial x-ray equipment or nonmedical accelerators unless the individual wears a direct reading pocket dosimeter and either a whole body film badge or a whole body thermoluminescent dosimeter at all times during radiographic operations.

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(2) Direct reading pocket dosimeters must have a range from zero to 200 milliroentgens (5.16×10^{-2} C/kg).

(3) If a direct reading pocket dosimeter is reassigned each day or shift, the direct reading pocket dosimeter must be read and recharged daily or at the start of each shift.

(4) If a direct reading pocket dosimeter is assigned to only one individual, the direct reading pocket dosimeter must be read and recharged when there is a ten percent elevation in the radiation reading.

(5) Each film badge or thermoluminescent dosimeter must be assigned to and worn by only one individual.

(6) Direct reading pocket dosimeters must be checked for correct response to radiation at periods not to exceed one year. Acceptable direct reading pocket dosimeters must read within plus or minus 30 percent of the actual radiation exposure.

(7) Records of the response to the radiation check must be maintained according to part 4730.1520, subpart 5.

(8) If an individual's direct reading pocket dosimeter is discharged beyond its range, industrial radiographic operations by that individual must cease and the individual's film badge or thermoluminescent dosimeter must be processed immediately. The individual may not return to work with sources of radiation until a determination of the radiation exposure has been made by the registrant or the registrant's radiation safety officer.

(9) If a film badge or thermoluminescent dosimeter is lost or damaged, the worker must cease work immediately until a replacement film badge or thermoluminescent dosimeter is provided and the exposure is calculated for the time period from issuance to loss or damage of the film badge or thermoluminescent dosimeter.

Subp. 12. **Placement of personnel monitoring equipment.** When protective clothing is worn on portions of the body and personnel monitoring equipment is required, at least one such piece of personnel monitoring equipment shall be used, according to items A to C.

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

B. When more than one piece of personnel monitoring equipment is used and a record is made of the data, the record must identify the location of the monitor on the body and must state whether it was worn outside or under the protective clothing. The dose equivalent to the whole body based on the maximum dose attributed to the most critical organ shall be recorded in the reports required by part 4730.1520, subpart 4.

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

Subp. 13. **Facility design requirements.** The registrant must ~~assure~~ ensure that the applicable structural shielding requirements as specified in parts 4730.1610 to ~~4730.1630~~ 4730.1640 are met. If an analysis of operating conditions indicates the possibility of an individual receiving a dose over the limits in part 4730.0310, the commissioner may require that structural shielding modifications be made.

4730.1520 RECORDS TO BE MAINTAINED BY THE REGISTRANT.

Subpart 1. **Individual x-ray systems.** The registrant must maintain the following information for each x-ray system and accelerator for inspection by the commissioner.

A. The maximum rating of the x-ray tube and generator.

B. The manufacturer and serial numbers or other permanent identification number of the control console and x-ray tubes.

C. For diagnostic x-ray systems, the half-value layer of the x-ray beam and the kVp at which the half-value layer was measured.

D. For diagnostic and therapeutic x-ray systems, records of radiation safety surveys, radiation leakage measurements, calibrations, quality control measurements, maintenance, and equipment modifications performed on the x-ray system with the names of individuals who performed the services.

E. For industrial ionizing radiation producing equipment and nonmedical accelerators, records as specified in subpart 5.

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

Subp. 3. **Facility Recordkeeping.** The registrant must maintain, for inspection by the commissioner, records of personnel monitoring, radiation safety surveys for all types of x-ray equipment and accelerators, and quality control measurements for inspection by the commissioner diagnostic x-ray equipment.

A. Each registrant must maintain records, in the radiation measurement units used in this chapter, of:

(1) the personnel monitoring required by subpart 4; and

(2) the information required by parts 4730.1655 to 4730.1695 in the radiation measurement units used in this chapter for diagnostic and therapeutic x-ray equipment.

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

Subp. 4. **Personnel monitoring records.** Each registrant shall must maintain records showing the radiation exposures of all individuals for whom personnel monitoring is required under part 4730.1510, subpart 11. The records must be clear and legible. The doses entered on the records shall must be for periods of time not exceeding one calendar quarter or the period covered in the personnel monitoring reports.

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

D. The results of radiation safety surveys of ~~medical~~ particle accelerators and records of the results of surveys used to evaluate the release of radioactive effluents to the environment must be preserved until the next inspection by the commissioner.

Subp. 5. Industrial radiography and nonmedical accelerator records. Until the next inspection by the commissioner, each registrant must maintain a current radiation source inventory, a use log according to part 4730.2510, subpart 8, survey meter calibration records, direct reading pocket dosimeter check records, and inspection and maintenance logs.

A. For each x-ray machine, nonmedical accelerator, sealed source, and radiographic exposure device containing a sealed source, the radiation source inventory must contain:

- (1) the serial number or other unique identification of the source of radiation;
- (2) the identity of the radiographer assigned to the source of radiation;
- (3) all locations where the source of radiation is used and the dates of use; and
- (4) the dates on which the source of radiation is removed from and returned to storage, if applicable.

B. Each registrant must ensure that records are maintained of:

- (1) inspection and maintenance;
- (2) each direct reading pocket dosimeter's response to radiation;
- (3) the survey meter calibrations required by part 4730.0300, subpart 7;
- (4) the alarming ratemeter calibrations required by part 4730.0300, subpart 8;
- (5) the radiation safety surveys performed according to part 4730.2510, subpart 6; and
- (6) any maintenance and equipment modification performed on industrial radiography machines, analytical ionizing radiation producing equipment, and nonmedical accelerator systems, with the name of the individual who performed the service.

Subp. 6. Jobsite records; industrial radiography. Each registrant using a source of ionizing radiation for industrial radiography must have acceptable records available at each jobsite for inspection by the commissioner. Records must include:

- A. a copy of the current registration for each source of ionizing radiation;
- B. a copy of operating and emergency procedures for each source;
- C. radiation safety survey records as required by subpart 5, item B, subitem (5); and

D. the latest instrument calibration records for instruments, survey meters, and devices in use at the site. Acceptable records for instruments, survey meters, and devices include tags or labels affixed to the survey meter or device.

4730.1640 GENERAL SHIELDING REQUIREMENTS FOR INDUSTRIAL X-RAY, NONMEDICAL ACCELERATOR, AND SEALED SOURCE RADIOGRAPHY FACILITIES.

Subpart 1. Applicability. This part applies to all new construction and structural remodeling that commences six months after the effective date of this part. All registrants who possess industrial x-ray, nonmedical accelerator, and sealed source radiography facilities, except industrial cabinet, industrial cabinet baggage, portable industrial x-ray, and analytical ionizing radiation producing equipment, must meet the requirements of this part.

Subp. 2. General shielding and design requirements.

A. X-ray, sealed source radiography, and nonmedical accelerator facilities must be designed to meet the dose criteria in parts 4730.0310 to 4730.0380.

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Proposed Rules

B. The following documents or equivalent documents must be used in the design process:

(1) National Council on Radiation Protection, Report Number 38, "Protection Against Neutron Radiation" (1971);

(2) National Council on Radiation Protection, Report Number 49, "Structural Shielding Design and Evaluation for Medical Use of X-rays and Gamma Rays of Energies Up to 10 MeV" (1976); and

(3) National Council on Radiation Protection, Report Number 51, "Radiation Protection Design Guidelines for 0.1-100 MeV Particle Accelerator Facilities" (1977).

The reports in subitems (1) to (3) are incorporated by reference, are not subject to frequent change, and are available through the Minitex interlibrary loan system.

Subp. 3. Shielding requirements; Class A and Class E facilities. Class A stationary industrial ionizing radiation producing facilities and Class E stationary nonmedical accelerator facilities as described in part 4730.2510, subpart 2, must have fixed protective barriers, except for entrance doors or beam interceptors. The control panel must be located outside the radiography or nonmedical accelerator room.

4730.2510 INDUSTRIAL USES OF IONIZING RADIATION PRODUCING EQUIPMENT AND NONMEDICAL ACCELERATORS.

Subpart 1. Applicability. This part establishes standards for the use of ionizing radiation producing equipment and nonmedical accelerators in industrial settings. The requirements of this part are in addition to the requirements of parts 4730.0100 to 4730.1640.

Subp. 2. Classes. Industrial facilities using ionizing radiation producing equipment and nonmedical accelerators must be classified as either Class A, Class B, Class C, Class D, Class E, or Class F. The class of the facility must be specified by the registrant at the time of registration.

A. Class A registration is for unlimited use of industrial ionizing radiation producing equipment and nonmedical accelerators used for industrial radiography at maximum capacity in a permanent, shielded enclosure.

B. Class B registration is for time-limited use and temporary operation of industrial radiography.

C. Class C registration is for use of industrial cabinet and industrial cabinet baggage radiography.

D. Class D registration is for use of analytical ionizing radiation producing equipment.

E. Class E registration is for use of a nonmedical accelerator in a nonmedical setting.

F. Class F registration is for use of x-ray equipment or nonmedical accelerators for manufacturing processes, including curing, polymer linking, thickness measurements or coating weight, and quality control.

Subp. 3. Operating and emergency procedures. A copy of a registrant's written operating and emergency procedures must be supplied to the registrant's employees and must include:

A. methods for handling and using each source of radiation so no individual is exposed to radiation doses in excess of the limits established in parts 4730.0310 to 4730.0380;

B. methods and frequency for conducting radiation safety surveys, as required under subpart 5, item F, so radiation doses do not exceed the limits established in parts 4730.0310 to 4730.0380;

C. methods for controlling access to industrial ionizing radiation producing equipment and nonmedical accelerator areas;

D. methods and conditions for locking and securing sources of radiation;

E. methods and conditions for personnel monitoring and using personnel monitoring equipment under part 4730.1510, subpart 11, item C;

F. procedures and notifications that must be undertaken immediately by industrial radiography personnel when a direct reading pocket dosimeter is found to be off-scale;

G. emergency procedures for the registrant's employees to minimize exposure of individuals in the event of an accident;

H. procedures for the registrant's employees to notify the registrant in the event of an accident;

I. procedures to be followed by the registrant and the registrant's employees for notifying the commissioner and state duty officer, as required in parts 4730.1110 to 4730.1140, in the event of an accident;

J. methods for maintaining personnel monitoring records as required by subpart 12 and part 4730.1520;

K. procedures for inspecting and maintaining industrial ionizing radiation producing equipment and nonmedical accelerators;
and

L. procedures for calibrating and testing radiation survey instruments and alarming ratemeters.

Subp. 4. Instruction and competence. The registrant must provide a worker who operates or maintains industrial ionizing radiation producing equipment or nonmedical accelerator equipment with a copy of and instruction in the operating and emergency procedures for the industrial ionizing radiation producing equipment or nonmedical accelerator equipment used. The registrant must ensure that the worker is competent and maintains competency in:

A. the operating procedures for industrial ionizing radiation producing equipment or nonmedical accelerator equipment;

B. identifying radiation hazards associated with the use of industrial ionizing radiation producing equipment or a nonmedical accelerator;

C. the significance of the various radiation warning signs, safety devices, and interlocks incorporated into the equipment, or the reasons they have not been installed on a certain piece of industrial ionizing radiation producing equipment or nonmedical accelerator and the extra precautions required in such a case;

D. recognizing the symptoms of an overexposure; and

E. the procedures for reporting an actual or suspected overexposure.

Subp. 5. Inspection and maintenance of equipment. The registrant must ensure that:

A. checks for defects in industrial ionizing radiation producing equipment and nonmedical accelerators are performed before each day or each shift of use;

B. industrial ionizing radiation producing equipment and nonmedical accelerators are inspected quarterly for proper functioning of warning devices, control devices, and components important to safety, in compliance with part 4730.0300, subparts 5 and 6, and the results of the inspections are recorded and maintained according to part 4730.1520, subparts 5 and 6;

C. tests of alarming ratemeters are conducted and recorded according to part 4730.0300, subpart 8;

D. equipment parts are maintained according to the manufacturer's specifications;

E. when an inspection required by this subpart reveals damage to a component critical to radiation safety or the function of the equipment, the component is removed from service and labeled as defective until repairs are made; and

F. a radiation safety survey is performed, at intervals not to exceed one year, to determine compliance with parts 4730.0310 to 4730.0380.

Subp. 6. Industrial radiation safety survey. The registrant must ensure that a radiation safety survey is performed initially and when change occurs in shielding, operation, or equipment.

Subp. 7. Calibrated and operable radiation survey instruments. The registrant must have sufficient calibrated and operable radiation survey instruments accessible to make a radiation safety survey as required by subparts 5 and 6 at each facility.

A. Each radiation survey instrument must be calibrated according to the procedures in part 4730.0300, subpart 7.

B. Records of radiation survey instrument calibrations must be maintained according to subpart 12 and part 4730.1520, subpart 5.

Subp. 8. Use logs. Each registrant must maintain use logs until the next inspection by the commissioner. For each nonmedical accelerator or piece of industrial ionizing radiation producing equipment other than Class C equipment, Class F equipment, and Class D electron microscopes that by design preclude personnel monitoring, the log must specify:

A. a serial number or other unique identification;

B. the identity of the operator assigned to the equipment;

C. the locations and dates where the equipment was used; and

D. the technique factors specifying the voltage, current, exposure time for each radiographic exposure, and number of exposures.

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Subp. 9. Bypassing a safety device. The registrant must ensure that a safety device or interlock is not bypassed unless written approval has been obtained from the radiation safety officer or an alternate person designated by the radiation safety officer. The approval must be for a specified period of time. When a safety device or interlock is to be bypassed, a readily discernible sign stating "SAFETY DEVICE NOT WORKING" must be posted on the radiation source housing. A radiation safety survey must be performed after the safety device is removed.

Subp. 10. Beam stop. A device that prevents the entry of any portion of an individual's body into the primary x-ray beam path or causes the beam to be shut off when an object enters its path must be provided on all open-beam configurations. This subpart does not apply when beam alignment is being performed.

Subp. 11. Security. For radiation sources other than Class C and Class F industrial x-ray equipment and Class D electron microscopes designed to work without personnel dosimetry, the registrant must ensure that security systems are designed and used so that:

A. no operable industrial ionizing radiation producing equipment or nonmedical accelerator is left unattended unless:

(1) the industrial ionizing radiation producing equipment or nonmedical accelerator is locked in an inoperable condition; or

(2) the room or building in which the industrial ionizing radiation producing equipment or nonmedical accelerator is located is locked to prevent its use, tampering, or removal by unauthorized personnel; and

B. in a high and very high radiation area, the operator maintains direct surveillance of the operation to protect against unauthorized entry into a high or very high radiation area, unless:

(1) the high or very high radiation area is equipped with a control device or alarm system as described in part 4730.0300, subpart 5, 6, or 8; or

(2) the high or very high radiation area is locked to protect against unauthorized or accidental entry.

Subp. 12. Records. The registrant must ensure that the records in this subpart are maintained for each piece of industrial ionizing radiation producing equipment and nonmedical accelerator, except electron microscopes. A copy of the records must be kept with the operating and emergency procedures for the equipment.

A. Except as provided in item B, the following must be maintained for inspection by the commissioner until the time of the next inspection:

(1) records of the inspection and maintenance of equipment as required by subpart 5;

(2) records of industrial radiation safety surveys as required by subpart 6;

(3) records of radiation survey instrument tests and calibrations as required by subpart 7. Acceptable records include tags or labels affixed to the device or survey meter; and

(4) use logs as required by subpart 8.

B. If the results of a radiation safety survey under item A, subitem (2), are used to determine an individual's exposure to radioactive material, the record of the radiation safety survey must be maintained according to part 4730.1520, subpart 4, item B.

C. For records at temporary jobsites, each registrant conducting industrial radiography must have available at the temporary jobsite:

(1) a copy of current registration;

(2) a copy of operating and emergency procedures;

(3) industrial radiation safety survey records as required by subpart 6;

(4) direct reading pocket dosimeter records for the period of operation at the site; and

(5) the latest instrument calibration records for instruments in use at the site.

Subp. 13. Personnel monitoring and radiation survey requirements; Class A, Class B, and Class E. The registrant must ensure that at a permanent or temporary jobsite, the personnel monitoring and radiation survey requirements specified in this subpart are met for Class A, Class B, and Class E industrial radiographic equipment.

A. In areas that require warnings as specified in part 4730.0300, subpart 1a, items A to C, there must be a current thermoluminescent dosimeter, film badge, or other whole body personnel monitoring device for each operator and all workers present.

B. For each operator, there must be a calibrated direct reading pocket dosimeter with a range of at least 0 to 200 milliroentgens (5.16×10^{-4} C/kg), and an alarming ratemeter that will alarm at an exposure of up to 500 mR/hr (5 mSv/hr) or an alarming ratemeter that also integrates the total dose up to 5,000 milliroentgens (50 mSv). A hand-held portable radiation survey meter with an audible and visible readout of exposure rate or a fixed area radiation exposure rate monitor with a visible or audible alarming indicator may be substituted for the alarming ratemeter.

C. A yellow barrier rope with a purple, magenta, or black stripe and the warning signs specified in part 4730.0300, subpart 1a, items A to C, must be in place.

D. An exposure rate survey must be made after each industrial radiographic exposure to determine that the machine is "off."

4730.2520 CLASS A INDUSTRIAL EQUIPMENT.

Subpart 1. Applicability. This part applies to Class A industrial ionizing radiation producing equipment used for industrial radiography. The requirements of this part are in addition to the requirements of parts 4730.0100 to 4730.1640, and 4730.2510.

Subp. 2. Permanent enclosure. An x-ray source and the objects exposed must be contained in a permanent enclosure. Except as provided in subpart 6, the enclosure must attenuate primary and secondary radiation so that the exposure rate at any accessible external point does not exceed two milliroentgens (0.02 mSv) per hour when:

A. the beam is adjusted to give maximum exposure rate with the generator at maximum; and

B. the equipment is placed in the shortest equipment-to-wall radiographically usable position.

Subp. 3. Interlocks. Interlocks must be provided that either prevent entering a source enclosure while the x-ray generator is in operation or terminate the generation of x-rays if the enclosure is opened.

A. Interlocks must be provided so that all entrance doors close before industrial radiographic or nonmedical accelerator operations are initiated or continued.

B. If a useful radiation beam is interrupted by a door opening, it must not be possible to restore the system to operation without closing the door and reinitiating irradiation by manual action at the control panel.

C. Nonmedical accelerators must comply with part 4730.2560, subpart 2.

Subp. 4. Enclosure requirements.

A. A person must be able to exit a source enclosure at all times.

B. No person is permitted to remain within a source enclosure while the x-ray generator is in operation.

Subp. 5. Visible and audible signals. A source enclosure must be equipped with internal and external visible and audible signals.

A. Visual signals must be activated on generation of x-rays and remain continuously activated while x-rays are generated.

B. Audible signals must be activated if an interlock is interrupted or opened during operation.

Subp. 6. Ceiling barrier. If a ceiling barrier does not attenuate the exposure rate as specified in subpart 2, a posted fence or other barrier must be used to restrict access to the area above the ceiling.

Subp. 7. Nonmedical accelerators used for industrial radiography. If a nonmedical accelerator is used to perform industrial radiography, the registrant must comply with this part and parts 4730.2510 and 4730.2560.

4730.2530 CLASS B INDUSTRIAL EQUIPMENT.

Subpart 1. Applicability. This part applies to Class B industrial radiation equipment used for the time-limited and temporary operation of industrial radiography. The requirements of this part are in addition to the requirements of parts 4730.0100 to 4730.1640, and 4730.2510.

Subp. 2. Restricted areas. In all areas in which the exposure rate exceeds two milliroentgens (0.02 mSv) per hour, a fence, rope, or other suitable personnel barrier must be used outside the two milliroentgens (0.02 mSv) per hour iso-line to restrict entry.

Subp. 3. Nonmedical accelerators used for industrial radiography. If a nonmedical accelerator is used for industrial radiography, the registrant must comply with this part and parts 4730.2510 and 4730.2560.

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4730.2540 CLASS C INDUSTRIAL EQUIPMENT.

Subpart 1. Applicability. This part applies to Class C industrial cabinet radiography and Class C industrial cabinet baggage systems.

A. A registrant who performs industrial radiography using certified cabinet radiography or certified cabinet baggage systems must comply with all requirements of this part and Code of Federal Regulations, title 21, part 1020, section 1020.40, as amended through April 1, 1996, and as subsequently amended. The requirements of Code of Federal Regulations are in addition to the requirements of parts 4730.0100 to 4730.1640, and part 4730.2510, except subparts 6 and 13.

B. A registrant who performs industrial radiography using noncertified cabinet radiography or noncertified cabinet baggage systems must comply with all requirements of this part and the requirements of parts 4730.0100 to 4730.1640, and 4730.2510, except subparts 6 and 13.

Subp. 2. Personnel monitoring. When a cabinet radiography system allows an individual to enter the interior of the cabinet, the individual must wear an alarming ratemeter and either a film badge or a thermoluminescent dosimeter.

Subp. 3. Certified cabinet radiography systems. Certified cabinet radiography systems must be maintained in compliance with Code of Federal Regulations, title 21, part 1020, section 1020.40, April 1, 1996, and as subsequently amended.

4730.2550 CLASS D INDUSTRIAL EQUIPMENT.

Subpart 1. Applicability. This part applies to Class D analytical ionizing radiation producing equipment. The requirements of this part are in addition to the requirements of parts 4730.0100 to 4730.1640, and 4730.2510.

Subp. 2. Ports. Unused ports on radiation source housings must be closed to prevent opening by an individual other than the operator.

Subp. 3. Shutters. For equipment with an open-beam configuration installed six months after the effective date of this part, each port on the radiation source housing must be equipped with a shutter that cannot be operated unless either a collimator or a coupling has been connected to the port.

Subp. 4. Radiation shielding of components. The registrant must ensure that:

A. an x-ray tube housing or port cover is constructed so that, with all shutters closed, the radiation measured at a distance of five centimeters (1.97 inches) from the x-ray tube housing or port cover surface does not produce a dose in excess of 2.5 millirems (0.025 mSv) in one hour;

B. for systems using x-ray tubes, the 2.5 millirems (0.025 mSv) dose limit is not exceeded at any specified tube rating; and

C. each x-ray generator has a protective cabinet that limits radiation leakage measured at a distance of five centimeters (1.97 inches) from the protective cabinet surface so that the x-ray generator does not produce a dose in excess of 0.5 millirem (0.005 mSv) in one hour.

4730.2560 CLASS E INDUSTRIAL EQUIPMENT.

Subpart 1. Applicability. This part applies to Class E accelerators in nonmedical settings. The requirements of this part are in addition to the requirements of parts 4730.0100 to 4730.1640, and 4730.2510.

Subp. 2. Nonmedical accelerator controls and interlock systems. The registrant must ensure that the nonmedical accelerator has:

A. clearly identified and easily discernible instrumentation, readouts, and controls on the control console;

B. a safety interlock at each entrance into a high or very high radiation area, including a target room, chamber, or other area, that shuts down the nonmedical accelerator when the entrance barrier is penetrated;

C. safety interlocks on a circuit that allows an interlock to operate independently of all other safety interlocks;

D. a safety interlock system designed to prevent operation of the nonmedical accelerator in the event of a defect or component failure in the system;

E. a safety interlock system that, once triggered, makes it possible to resume operation of the nonmedical accelerator only by first manually resetting the controls at the position where the safety interlock was tripped and then resetting the controls at the main control console; and

E. easily identifiable emergency "off" switches located in all high and very high radiation areas, with a manual reset that does not allow the nonmedical accelerator to be restarted from the control console without resetting the emergency "off" switch.

Subp. 3. Electrical circuit diagrams. Electrical circuit diagrams of the nonmedical accelerator and the associated safety interlock system must be current and maintained at each nonmedical accelerator facility.

Subp. 4. Radiation monitoring requirements. The registrant must ensure that the radiation levels in all high and very high radiation areas in a nonmedical accelerator facility are continuously monitored. The monitoring devices must be electrically independent of the nonmedical accelerator control and safety interlock system and must provide means to view the readout at the control panel.

Subp. 5. Warning lights. The entry door to a nonmedical accelerator room must be equipped with readily observable warning lights that indicate when the useful beam is in the "on" position.

4730.2570 CLASS F INDUSTRIAL EQUIPMENT.

Subpart 1. Applicability. This part applies to Class F manufacturing process equipment. The requirements of this part are in addition to the requirements of parts 4730.0100 to 4730.1640, and 4730.2510.

Subp. 2. Permanent enclosure. The ionizing radiation source and the materials exposed to ionizing radiation must be contained within a permanent enclosure.

Subp. 3. Shielding. The enclosure construction must attenuate the primary and secondary radiation beam so that the exposure rate through any portion of the shielding is less than 0.5 milliroentgen (0.005 mSv) per hour and the exposure rate through openings in the shielding is less than five milliroentgens (0.05 mSv) per hour at any accessible external point when the equipment is being operated at its maximum potential.

Subp. 4. Interlocks. Reliable interlocks must be provided on access doors in the primary and secondary shielding. The interlocks must terminate the generation of ionizing radiation or attenuate the radiation exposure rate to five milliroentgens (0.05 mSv) per hour if an access door is opened.

Subp. 5. Visible signals. The enclosure must be equipped with visible signals that activate when ionizing radiation is generated and remain activated continually while ionizing radiation is generated.

4730.2580 RADIATION SAFETY REQUIREMENTS; INDUSTRIAL RADIOGRAPHY USING NARM.

Subpart 1. Applicability. A registrant who performs industrial radiography using NARM must comply with all requirements of this part and *Code of Federal Regulations*, title 10, part 34, sections 34.20, 34.21, 34.26, 34.29, 34.31, and Appendix A, January 1, 1997, and as subsequently amended. The requirements of *Code of Federal Regulations* are in addition to, and not in substitution for, the requirements of parts 4730.0100 to 4730.1640, and part 4730.2510. The *Code of Federal Regulations*, title 10, part 34, is subject to the amendments in items A to J.

A. In all instances the word "Commission" is replaced with the word "commissioner."

B. In all instances the word "license" is replaced with the word "registration."

C. In all instances the word "licensee" is replaced with the word "registrant."

D. In all instances the word "industrial" is inserted before each use of the terms "radiographer" and "radiographer's assistant."

E. In sections 34.20, paragraph (d), and 34.21, paragraph (b), "January 10, 1992" is replaced with "six months after the effective date of *Minnesota Rules*, part 4730.2580."

F. In sections 34.20, paragraph (e), and in 34.21, paragraph (b), "January 10, 1996" is replaced with "six months after the effective date of *Minnesota Rules*, part 4730.2580."

G. In section 34.26 the phrase "for three years from the date of the inventory for inspection by the Commission" is replaced with the phrase "until the next inspection by the commissioner."

H. In section 34.31, paragraph (a), clause (2), the phrase "NRC regulations contained in this part and in the applicable parts 19 and 20 of this chapter" is replaced with the phrase "*Minnesota Rules*, chapter 4730."

I. In section 34.31, paragraph (a), clause (2), the word "NRC" is replaced with the words "Minnesota Department of Health."

J. In section 34.31, paragraph (c), the phrase "for three years" is replaced with the phrase "until the next inspection by the commissioner."

Subp. 2. Industrial radiographer requirement. At least two industrial radiographers must be present when NARM sources are used for any industrial radiography conducted at a temporary jobsite regulated under this part. If one of the radiographers is an industrial radiographer trainee or an industrial radiographer assistant, the other must be an industrial radiographer.

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Proposed Rules

Subp. 3. Authorized users. In accordance with Code of Federal Regulations, title 10, part 34, section 34.31, January 1, 1997, and as subsequently amended, no individual other than an industrial radiographer, or an industrial radiographer's assistant or trainee who is under the personal supervision of an industrial radiographer, may manipulate controls or operate equipment used in industrial radiographic operations.

Subp. 4. Leak testing. Sealed sources must have leak tests performed as specified in this subpart.

A. The registrant must test for leaks before initial use of the sealed source.

B. All sealed sources must be tested for leaks at least once every six months.

C. If there is reason to suspect that a sealed source has been damaged, it must be tested for leaks before further use.

D. When a sealed source is removed from storage for use or transfer to another person, and has not been tested in the past six months, the sealed source must be tested before use or transfer.

E. A sealed source or detector cell must not be stored for a period of more than ten years without being tested for leakage or contamination.

F. A sealed source need not be leak tested if:

(1) it contains only a radioactive gas;

(2) the half-life of the isotope is 30 days or less;

(3) it contains not more than 100 microcuries of beta emitting or gamma emitting material or not more than ten microcuries of alpha emitting material;

(4) it is not designed to emit alpha particles;

(5) it is in storage; or

(6) it is not being used.

G. Leak tests must be capable of detecting the presence of 0.005 microcurie of contamination.

H. A test that reveals the presence of 0.005 microcurie or more of removable contamination is evidence that the sealed source is leaking, and the registrant must withdraw the sealed source from use, decontaminate it, and reseal it or dispose of it according to part 4730.2800.

I. A leaking or lost source must be reported to the commissioner according to parts 4730.1110 to 4730.1140.

4730.2710 INDUSTRIAL USES OF NARM.

Subpart 1. Applicability.

A. This part applies to industrial devices that use NARM in:

(1) x-ray fluorometers, moisture or soil density gauges, and other active NARM devices; and

(2) air ionizing devices, static eliminators, smoke detectors, lightning rods, luminous signs, and other passive NARM devices.

The requirements of this part are in addition to the requirements of parts 4730.0100 to 4730.1640.

B. Active NARM devices must meet the requirements in subparts 2 to 10.

C. Passive NARM devices must meet the requirements in subparts 5 and 11.

Subp. 2. Operating and emergency procedures. A copy of a registrant's written operating and emergency procedures must be supplied to the registrant's employees and must include:

A. methods for handling and using each source of radiation so no individual is exposed to radiation doses in excess of the limits in parts 4730.0310 to 4730.0380;

B. methods and frequency for conducting radiation safety surveys, as required under part 4730.2510, subpart 5, item E, so radiation doses do not exceed the limits established in parts 4730.0310 to 4730.0380;

C. methods for controlling access to radiation areas;

D. methods and conditions for locking and securing sources of radiation;

E. methods and conditions for personnel monitoring and using personnel monitoring equipment under part 4730.1510, subpart 11, item C;

F. procedures and notifications that must be undertaken immediately by personnel when a direct reading pocket dosimeter is found to be off-scale;

G. emergency procedures for the registrant's employees to minimize exposure of individuals in the event of an accident;

H. procedures for the registrant's employees to notify the registrant in the event of an accident;

I. procedures to be followed by the registrant and the registrant's employees for notifying the commissioner and state duty officer, as required in parts 4730.1110 to 4730.1140, in the event of an accident;

J. methods for maintaining personnel monitoring records as required by part 4730.1520;

K. procedures for inspecting and maintaining active NARM devices; and

L. procedures for calibrating and testing radiation survey instruments and alarming ratemeters.

Subp. 3. Instruction and competence. The registrant must provide a worker who operates or maintains active NARM devices with a copy of and instruction in the operating and emergency procedures for the active NARM devices used. The registrant must ensure that the worker is competent and maintains competency in:

A. the operating procedures for each active NARM device;

B. identifying radiation hazards associated with the use of each active NARM device;

C. the significance of the various radiation warning signs, safety devices, and interlocks incorporated into each active NARM device, or the reasons they have not been installed on a certain active NARM device and the extra precautions required in such a case;

D. recognizing the symptoms of an overexposure; and

E. the procedures for reporting an actual or suspected overexposure.

Subp. 4. Inspection and maintenance.

A. For each active NARM device, the registrant must:

(1) visually check for obvious defects before each day or each shift of use;

(2) test before the first use and quarterly while in use to ensure functioning of components important to safety;

(3) remove from service a damaged or malfunctioning component that is critical to radiation safety, and label the component as defective until repairs are made;

(4) maintain equipment according to manufacturer's specifications; and

(5) evaluate radiation levels, at intervals not to exceed one year, to determine compliance with parts 4730.0310 to 4730.0380.

B. If a NARM device is in storage, the registrant must comply only with item A, subitems (2) to (5).

Subp. 5. Inventory. The registrant must ensure that an inventory of all active and passive NARM devices is performed quarterly and a record of the inventory is maintained according to part 4730.1520, subpart 5.

Subp. 6. Industrial radiation safety survey. The registrant must ensure that a radiation safety survey is performed:

A. prior to initial use;

B. when damage to or malfunctioning of the equipment is suspected; and

C. after repair.

Subp. 7. Radiation survey instruments. The registrant must have sufficient calibrated and operable radiation survey instruments accessible to make radiation safety surveys as required by subparts 4, item A, subitem (5), and 6.

A. Each radiation survey instrument must be calibrated following the procedure in part 4730.0300, subpart 7.

B. Records of the radiation survey instrument calibrations in this subpart must be maintained according to part 4730.1520, subpart 5.

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Proposed Rules

Subp. 8. Use logs. The registrant must maintain use logs until the next inspection by the commissioner. A registrant must maintain a use log for each active NARM device, specifying:

- A. a serial number or other unique identification;
- B. the identity of the operator assigned to the equipment;
- C. the location where the device was used; and
- D. the date on which the device was used.

Subp. 9. Security. No active NARM device may be left unattended unless:

- A. a portable device is locked in a room, a building, or an out-of-sight area in a vehicle, in an inoperable condition; or
- B. a fixed device is locked to prevent its use, tampering, or removal by unauthorized personnel.

Subp. 10. Leak testing. An active NARM device must be tested for leaks according to part 4730.2580, subpart 4.

Subp. 11. Special instructions. The registrant must instruct a worker who frequents an area containing a passive NARM device in the hazards associated with the device and any precautions required.

4730.2750 RADIATION SAFETY REQUIREMENTS; NUCLEAR LOGGING USING NARM.

Subpart 1. Scope. This part applies to registrants who use NARM for nuclear logging. The requirements of this part are in addition to the requirements of parts 4730.0100 to 4730.1640.

Subp. 2. Notification. The registrant must notify the commissioner in writing five calendar days before commencing nuclear logging. Notification must specify:

- A. the type and amount of NARM;
- B. the location of use;
- C. each date of use;
- D. the name of the user;
- E. the user's training; and
- F. a telephone contact number.

Subp. 3. Operating and emergency procedures. A copy of a registrant's written operating and emergency procedures must be supplied to the registrant's employees and must include:

- A. methods for handling and using each source of radiation so no individual is exposed to radiation doses in excess of the limits established in parts 4730.0310 to 4730.0380;
- B. methods and frequency for conducting radiation safety surveys, as required under part 4730.2510, subpart 5, item F, so radiation doses do not exceed the limits established in parts 4730.0310 to 4730.0380;
- C. methods for controlling access to NARM sources;
- D. methods and conditions for locking and securing sources of radiation;
- E. methods and conditions for personnel monitoring and using personnel monitoring equipment under part 4730.1510, subpart 11, item C;
- F. procedures and notifications that must be undertaken immediately by personnel when a direct reading pocket dosimeter is found to be off-scale;
- G. emergency procedures for the registrant's employees to minimize exposure of individuals in the event of an accident;
- H. procedures for the registrant's employees to notify the registrant in the event of an accident;
- I. procedures to be followed by the registrant and the registrant's employees for notifying the commissioner and state duty officer, as required in parts 4730.1110 to 4730.1140, in the event of an accident;
- J. methods for maintaining personnel monitoring records required by part 4730.1520;
- K. procedures for inspecting and maintaining nuclear logging equipment; and
- L. procedures for calibrating and testing radiation survey instruments and alarming ratemeters.

Subp. 4. Instruction and competence. The registrant must provide a worker who performs nuclear logging with a copy of and instruction in the operating and emergency procedures for the equipment used. The registrant must ensure that the worker is competent and maintains competency in:

- A. the operating procedures for the nuclear logging equipment;
- B. identifying radiation hazards associated with the use of the nuclear logging equipment;
- C. the significance of the various radiation warning signs, safety devices, and interlocks incorporated into the equipment, or the reasons they have not been installed on certain pieces of nuclear logging equipment and the extra precautions required in such a case;
- D. recognizing the symptoms of an overexposure; and
- E. the procedures for reporting an actual or suspected overexposure.

Subp. 5. Inventory. The registrant must ensure that an inventory is performed quarterly of all NARM nuclear logging sources. Records of the inventory must be maintained according to part 4730.1520, subpart 5.

Subp. 6. Lodged, damaged, or ruptured source. If a sealed source becomes lodged, damaged, or ruptured in a well, boring, or drilled hole, the sealed source must be removed so that the source does not rupture or retrieval does not become impossible.

- A. If the registrant detects evidence of or otherwise believes that a sealed source has ruptured or registered materials have caused contamination, the registrant must immediately initiate the emergency procedures listed in subpart 3, items G to I.
- B. Mud or water circulated during removal operations must be monitored for possible radioactive contamination.
- C. Sealing or abandonment of a well or boring must be performed by a contractor licensed by the Minnesota Department of Health according to chapters 4725 and 4727, and Minnesota Statutes, chapter 103L.
- D. If the environment is contaminated by a registered material, it must be decontaminated. Contaminated equipment must be decontaminated before release from the site for unrestricted use. Contaminated personnel must be decontaminated before leaving the site.

Subp. 7. Use of a sealed source in a well or boring without casing; variance required. The registrant may use a sealed source in a well or boring without casing installed through unconsolidated geologic materials or caving formations only if the registrant follows a procedure for reducing the probability of the source becoming lodged, damaged, or ruptured in the well or boring. The procedure must be approved by the commissioner as a variance under parts 4717.7000 to 4717.7050 before logging commences.

Subp. 8. Notification of incidents. The registrant must immediately notify the commissioner and the state duty officer by telephone according to parts 4730.1110 and 4730.1120, subpart 1, if the registrant knows or has reason to believe that a sealed source has been lodged, damaged, or ruptured. A written report must be filed within 30 days with the commissioner according to part 4730.1130, subpart 1. The report must:

- A. describe the well, boring, or drilled hole location;
- B. describe the extent of the escape of registered materials;
- C. assess the consequences of the lodging, damage, or rupture; and
- D. explain efforts planned or taken to mitigate the consequences.

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Proposed Rules

4730.3500 REGISTRATION EXEMPTION POSSESSION LIMITS.

Subpart 1. Scope. This part establishes amounts of radioactive materials that are exempt from the registration requirements in part 4730.0400.

Subp. 2. Exempt amounts.

A. The exempt amount for each material is listed in both microcuries and becquerels.

B. The regulation designation "S" means the material is regulated by the state. The designation "M" means the material can be regulated by either the state or the United States Nuclear Regulatory Commission (NRC) depending on whether it was produced by an accelerator or a nuclear reactor. No designation means NRC regulation.

Material	Regulation	Microcuries	Becquerels
(1) Americium 241		0.01	3.7×10^2
(2) <u>Antimony isotopes:</u>			
Antimony 122		100	3.7×10^6
Antimony 124		10	3.7×10^5
Antimony 125		10	3.7×10^5
(3) <u>Arsenic isotopes:</u>			
Arsenic 73	<u>S</u>	100	3.7×10^6
Arsenic 74	<u>M</u>	10	3.7×10^5
Arsenic 76		10	3.7×10^5
Arsenic 77		100	3.7×10^6
(4) <u>Barium isotopes:</u>			
Barium 131		10	3.7×10^5
<u>Barium 133</u>		<u>10</u>	3.7×10^5
Barium 140		10	3.7×10^5
(5) Bismuth 210	<u>M</u>	1	3.7×10^4
(6) Bromine 82		10	3.7×10^5
(7) <u>Cadmium isotopes:</u>			
Cadmium 109	<u>M</u>	10	3.7×10^5
Cadmium 115m		10	3.7×10^5
Cadmium 115		100	3.7×10^6
(8) <u>Calcium isotopes:</u>			
Calcium 45		10	3.7×10^5
Calcium 47		10	3.7×10^5
(9) <u>Carbon isotopes:</u>			
<u>Carbon 11</u>	<u>S</u>	<u>1,000</u>	3.7×10^7
Carbon 14	<u>M</u>	100	3.7×10^6
(10) <u>Cerium isotopes:</u>			
Cerium 141		100	3.7×10^6
Cerium 143		100	3.7×10^6
Cerium 144		1	3.7×10^4

Proposed Rules

(11)	<u>Cesium isotopes:</u>			
	<u>Cesium 129</u>		<u>100</u>	<u>3.7 X 10⁶</u>
	Cesium 131		1,000	<u>3.7 X 10²</u>
	Cesium 134m		100	<u>3.7 X 10⁶</u>
	Cesium 134		1	<u>3.7 X 10⁴</u>
	Cesium 135		10	<u>3.7 X 10⁵</u>
	Cesium 136		10	<u>3.7 X 10⁵</u>
	Cesium 137		10	<u>3.7 X 10⁵</u>
(12)	<u>Chlorine isotopes:</u>			
	Chlorine 36		10	<u>3.7 X 10⁵</u>
	Chlorine 38		10	<u>3.7 X 10⁵</u>
(13)	Chromium 51	<u>M</u>	1,000	<u>3.7 X 10²</u>
(14)	<u>Cobalt isotopes:</u>			
	<u>Cobalt 57</u>	<u>S</u>	<u>100</u>	<u>3.7 X 10⁶</u>
	Cobalt 58m		10	<u>3.7 X 10⁵</u>
	Cobalt 58	<u>M</u>	10	<u>3.7 X 10⁵</u>
	Cobalt 60		1	<u>3.7 X 10⁴</u>
(15)	Copper 64		100	<u>3.7 X 10⁶</u>
(16)	<u>Dysprosium isotopes:</u>			
	Dysprosium 165		10	<u>3.7 X 10⁵</u>
	Dysprosium 166		100	<u>3.7 x 10⁶</u>
(17)	<u>Erbium isotopes:</u>			
	Erbium 169		100	<u>3.7 X 10⁶</u>
	Erbium 171		100	<u>3.7 X 10⁶</u>
(18)	<u>Europium isotopes:</u>			
	Europium 152 9.2h		100	<u>3.7 X 10⁶</u>
	Europium 152 13 yr		1	<u>3.7 X 10⁴</u>
	Europium 154		1	<u>3.7 X 10⁴</u>
	Europium 155		10	<u>3.7 X 10⁵</u>
(19)	Fluorine 18	<u>S</u>	1,000	<u>3.7 X 10²</u>
(20)	<u>Gadolinium isotopes:</u>			
	Gadolinium 153		10	<u>3.7 X 10⁵</u>
	Gadolinium 159		100	<u>3.7 X 10⁶</u>

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Proposed Rules

(21)	<u>Gallium isotopes:</u>			
	<u>Gallium 67</u>	<u>S</u>	100	3.7×10^6
	Gallium 72		10	3.7×10^5
(22)	<u>Germanium isotopes:</u>			
	<u>Germanium 68</u>	<u>S</u>	10	3.7×10^5
	Germanium 71		100	3.7×10^6
(23)	<u>Gold isotopes:</u>			
	<u>Gold 195</u>	<u>S</u>	10	3.7×10^5
	Gold 198		100	3.7×10^6
	Gold 199		100	3.7×10^6
(24)	Hafnium 181		10	3.7×10^5
(25)	Holmium 166		100	3.7×10^6
(26)	Hydrogen 3		1,000	3.7×10^2
(27)	<u>Indium isotopes:</u>			
	<u>Indium 111</u>	<u>S</u>	100	3.7×10^6
	Indium 113m		100	3.7×10^6
	Indium 114m		10	3.7×10^5
	Indium 115m		100	3.7×10^6
	Indium 115		10	3.7×10^5
(28)	<u>Iodine isotopes:</u>			
	<u>Iodine 123</u>	<u>S</u>	100	3.7×10^6
	Iodine 125		1	3.7×10^4
	Iodine 126	<u>S</u>	1	3.7×10^4
	Iodine 129		0.1	3.7×10^3
	Iodine 131		1	3.7×10^4
	Iodine 132		10	3.7×10^5
	Iodine 133		1	3.7×10^4
	Iodine 134		10	3.7×10^5
	Iodine 135		10	3.7×10^5
(29)	<u>Iridium isotopes:</u>			
	Iridium 192		10	3.7×10^5
	Iridium 194		100	3.7×10^6
(30)	<u>Iron isotopes:</u>			
	<u>Iron 52</u>	<u>S</u>	10	3.7×10^5
	Iron 55	<u>M</u>	100	3.7×10^6
	Iron 59		10	3.7×10^5
(31)	<u>Krypton isotopes:</u>			
	Krypton 85		100	3.7×10^6
	Krypton 87		10	3.7×10^5

Proposed Rules

(32)	Lanthanum 140		10	<u>3.7 X 10⁵</u>
(33)	Lutetium 177		100	<u>3.7 X 10⁶</u>
(34)	<u>Manganese isotopes:</u>			
	Manganese 52	<u>S</u>	10	<u>3.7 X 10⁵</u>
	Manganese 54	<u>M</u>	10	<u>3.7 X 10⁵</u>
	Manganese 56		10	<u>3.7 X 10⁵</u>
(35)	<u>Mercury isotopes:</u>			
	Mercury 197m		100	<u>3.7 X 10⁶</u>
	Mercury 197		100	<u>3.7 X 10⁶</u>
	Mercury 203		10	<u>3.7 X 10⁵</u>
(36)	Molybdenum 99		100	<u>3.7 X 10⁶</u>
(37)	<u>Neodymium isotopes:</u>			
	Neodymium 147		100	<u>3.7 X 10⁶</u>
	Neodymium 149		100	<u>3.7 X 10⁶</u>
(38)	<u>Nickel isotopes:</u>			
	Nickel 59	<u>M</u>	100	<u>3.7 X 10⁶</u>
	Nickel 63		10	<u>3.7 X 10⁵</u>
	Nickel 65		100	<u>3.7 X 10⁶</u>
(39)	<u>Niobium isotopes:</u>			
	Niobium 93m		10	<u>3.7 X 10⁵</u>
	Niobium 95		10	<u>3.7 X 10⁵</u>
	Niobium 97		10	<u>3.7 X 10⁵</u>
(40)	<u>Nitrogen 13</u>	<u>S</u>	<u>1,000</u>	<u>3.7 X 10⁷</u>
(41)	<u>Osmium isotopes:</u>			
	Osmium 185		10	<u>3.7 X 10⁵</u>
	Osmium 191m		100	<u>3.7 X 10⁶</u>
	Osmium 191		100	<u>3.7 X 10⁶</u>
	Osmium 193		100	<u>3.7 X 10⁶</u>
(42)	<u>Oxygen 15</u>	<u>S</u>	<u>1,000</u>	<u>3.7 X 10⁷</u>
(43)	<u>Palladium isotopes:</u>			
	Palladium 103	<u>M</u>	100	<u>3.7 X 10⁶</u>
	Palladium 109		100	<u>3.7 X 10⁶</u>
(44)	Phosphorus 32		10	<u>3.7 X 10⁵</u>

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Proposed Rules

(45)	<u>Platinum isotopes:</u>		
	Platinum 191		100 3.7×10^6
	Platinum 193m		100 3.7×10^6
	Platinum 193		100 3.7×10^6
	Platinum 197m		100 3.7×10^6
	Platinum 197		100 3.7×10^6
(46)	Plutonium 239		0.01 3.7×10^2
(47)	Polonium 210	<u>M</u>	0.1 3.7×10^3
(48)	<u>Potassium isotopes:</u>		
	Potassium 42		10 3.7×10^5
	<u>Potassium 43</u>	<u>M</u>	10 3.7×10^5
(49)	<u>Praseodymium isotopes:</u>		
	Praseodymium 142		100 3.7×10^6
	Praseodymium 143		100 3.7×10^6
(50)	<u>Promethium isotopes:</u>		
	Promethium 147		10 3.7×10^5
	Promethium 149		10 3.7×10^5
(51)	Radium 226	<u>S</u>	10 1 3.7×10^4
(52)	<u>Rhenium isotopes:</u>		
	Rhenium 186		100 3.7×10^6
	Rhenium 188		100 3.7×10^6
(53)	<u>Rhodium isotopes:</u>		
	Rhodium 103m	<u>M</u>	100 3.7×10^6
	Rhodium 105		100 3.7×10^6
(54)	<u>Rubidium isotopes:</u>		
	<u>Rubidium 81</u>	<u>S</u>	10 3.7×10^5
	Rubidium 86		10 3.7×10^5
	Rubidium 87		10 3.7×10^5
(55)	<u>Ruthenium isotopes:</u>		
	Ruthenium 97		100 3.7×10^6
	Ruthenium 103		10 3.7×10^5
	Ruthenium 105		10 3.7×10^5
	Ruthenium 106		1 3.7×10^4
(56)	<u>Samarium isotopes:</u>		
	Samarium 151		10 3.7×10^5
	Samarium 153		100 3.7×10^6
(57)	<u>Scandium isotopes:</u>		
	Scandium 46		10 3.7×10^5
	Scandium 47		100 3.7×10^6
	Scandium 48		10 3.7×10^5

Proposed Rules

(58)	Selenium 75		10	<u>3.7 X 10⁵</u>
(59)	Silicon 31		100	<u>3.7 X 10⁶</u>
(60)	<u>Silver isotopes:</u>			
	Silver 105		10	<u>3.7 X 10⁵</u>
	Silver 110m		1	<u>3.7 X 10⁴</u>
	Silver 111		100	<u>3.7 X 10⁶</u>
(61)	<u>Sodium isotopes:</u>			
	<u>Sodium 22</u>	<u>S</u>	<u>10</u>	<u>3.7 X 10⁵</u>
	Sodium 24		10	<u>3.7 X 10⁵</u>
(62)	<u>Strontium isotopes:</u>			
	Strontium 85	<u>M</u>	10	<u>3.7 X 10⁵</u>
	Strontium 89		1	<u>3.7 X 10⁴</u>
	Strontium 90		0.1	<u>3.7 X 10³</u>
	Strontium 91		10	<u>3.7 X 10⁵</u>
	Strontium 92		10	<u>3.7 X 10⁵</u>
(63)	Sulfur 35		100	<u>3.7 X 10⁶</u>
(64)	Tantalum 182		10	<u>3.7 X 10⁵</u>
(65)	<u>Technetium isotopes:</u>			
	Technetium 96		10	<u>3.7 X 10⁵</u>
	Technetium 97m		100	<u>3.7 X 10⁶</u>
	Technetium 97		100	<u>3.7 X 10⁶</u>
	Technetium 99m		100	<u>3.7 X 10⁶</u>
	Technetium 99		10	<u>3.7 X 10⁵</u>
(66)	<u>Tellurium isotopes:</u>			
	Tellurium 125m		10	<u>3.7 X 10⁵</u>
	Tellurium 127m		10	<u>3.7 X 10⁵</u>
	Tellurium 127		100	<u>3.7 X 10⁶</u>
	Tellurium 129m		10	<u>3.7 X 10⁵</u>
	Tellurium 129		100	<u>3.7 X 10⁶</u>
	Tellurium 131m		10	<u>3.7 X 10⁵</u>
	Tellurium 132		10	<u>3.7 X 10⁵</u>
(67)	Terbium 160		10	<u>3.7 X 10⁵</u>

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Proposed Rules

(68)	<u>Thallium isotopes:</u>		
	Thallium 200		100 3.7×10^6
	Thallium 201	<u>S</u>	100 3.7×10^6
	Thallium 202	<u>S</u>	100 3.7×10^6
	Thallium 204		10 3.7×10^5
(69)	Thorium (natural)*		50 1.85×10^6
(70)	<u>Thulium isotopes:</u>		
	Thulium 170		10 3.7×10^5
	Thulium 171		10 3.7×10^5
(71)	<u>Tin isotopes:</u>		
	Tin 113		10 3.7×10^5
	Tin 125		10 3.7×10^5
(72)	<u>Tungsten isotopes:</u>		
	Tungsten 181		10 3.7×10^5
	Tungsten 185		10 3.7×10^5
	Tungsten 187		100 3.7×10^6
(73)	<u>Uranium isotopes:</u>		
	Uranium (natural)(**)		50 1.85×10^6
	Uranium 233		0.01 3.7×10^2
	Uranium 234 - Uranium 235		0.01 3.7×10^2
(74)	Vanadium 48	<u>S</u>	10 3.7×10^5
(75)	<u>Xenon isotopes:</u>		
	Xenon 131m		1,000 3.7×10^2
	Xenon 133		100 3.7×10^6
	Xenon 135		100 3.7×10^6
(76)	Ytterbium 175		100 3.7×10^6
(77)	<u>Yttrium isotopes:</u>		
	<u>Yttrium 87</u>		10 3.7×10^5
	<u>Yttrium 88</u>	<u>S</u>	10 3.7×10^5
	Yttrium 90		10 3.7×10^5
	Yttrium 91		10 3.7×10^5
	Yttrium 92		100 3.7×10^6
	Yttrium 93		100 3.7×10^6
(78)	<u>Zinc isotopes:</u>		
	Zinc 65	<u>M</u>	10 3.7×10^5
	Zinc 69m		100 3.7×10^6
	Zinc 69		1,000 3.7×10^2

(79)	<u>Zirconium isotopes:</u>		
	Zirconium 93	10	3.7×10^4
	Zirconium 95	10	3.7×10^4
	Zirconium 97	10	3.7×10^4
(80)	Any alpha emitting radionuclide not listed above or mixtures of alpha emitters of unknown composition	0.01	3.7×10^2
(81)	Any radionuclide other than alpha emitting radionuclides not listed above or mixtures of beta emitters of unknown composition	0.1	3.7×10^3

Note: Where there is a combination of isotopes in known amounts the limit for the combination shall be derived as follows: Determine, for each isotope in the combination, the ratio between the quantity present in the combination and the limit otherwise established for the specific isotope when not in combination. The sum of such ratios for all the isotopes in the combination may not exceed "1" (i.e., "unity").

Example: If a particular batch contains 20,000 μCi of Au¹⁹⁸ and 50,000 μCi of Cr⁵¹, it may also include not more than 300 μCi of I¹³¹. This limit was determined as follows:

$$\frac{20,000 \mu\text{Ci Au}^{198}}{100,000 \mu\text{Ci}} + \frac{50,000 \mu\text{Ci Cr}^{51}}{100,000 \mu\text{Ci}} + \frac{300 \mu\text{Ci I}^{131}}{1,000 \mu\text{Ci}} = 1$$

The denominator in each of the above ratios was obtained by multiplying the figure in the table by 1,000.

*NOTE 1: Based on alpha disintegration rate of Th-232, Th-230, and their daughter products.

**NOTE 2: Based on alpha disintegration rate of U-238, U-234, and U-235.

4730.3610 ALIS AND DACS FOR OCCUPATIONAL EXPOSURE; EFFLUENT CONCENTRATIONS; CONCENTRATIONS FOR RELEASE TO SEWERAGE.

Subpart 1. Applicability. A registrant who uses NARM must comply with the annual limits on intake and derived air concentrations of radionuclides for occupational exposure, effluent concentrations, and concentrations for release to sewerage found in Code of Federal Regulations, title 10, part 20, Appendix B, January 1, 1997, and as subsequently amended. The requirements of this part are in addition to, and not in substitution for, the requirements of parts 4730.0100 to 4730.1640.

Subp. 2. Amendment. Code of Federal Regulations, title 10, part 20, Appendix B, is subject to the following amendment: in all instances the word "licensee" is replaced with the word "registrant."

REPEALER. Minnesota Rules, parts 4730.0100, subpart 111; 4730.2500; 4730.2700; 4730.2900; and 4730.3605, are repealed.

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Proposed Rules

Department of Labor and Industry

Proposed Permanent Rules Relating to Occupational Safety and Health; Adoption of Federal Standards by Reference

Request for Comments on Proposed Revisions to the Occupational Safety and Health Standards

NOTICE IS HEREBY GIVEN that the Department of Labor and Industry, Occupational Safety and Health Division (Minnesota OSHA) proposes to adopt the following revisions to the Department of Labor and Industry, Occupational Safety and Health Rules, as authorized under *Minnesota Statutes* § 182.655 (1994). This notice proposes the adoption by reference of corrections and amendments to Occupational Safety and Health Standards that have already been proposed and adopted by the Federal Occupational Safety and Health Administration (Federal OSHA).

All interested or affected persons have 30 days from the date this notice is published in the *State Register* to submit, in writing, data and views on the proposed amendments to the rule. Comments in support of or in opposition to the proposed amendments are encouraged. Each comment should identify the portion of the proposed amendment addressed, the reason for the comment, and any proposed change.

Any person may file with the Commissioner written objections to the proposed amendments stating the grounds for those objections and may request a public hearing. A public hearing will be held if 25 or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period. Requests for hearing must include the name and address of the person submitting the request, define the reasons for the request, and discuss any proposed changes. If a public hearing is required, the Department will proceed according to the provisions of *Minnesota Statutes* § 182.655 and *Minnesota Rules* 5210.0010 to 5210.0100.

Written comments or requests for a public hearing should be sent to: Occupational Safety and Health Division, Department of Labor and Industry, 443 Lafayette Road, St. Paul, Minnesota 55155-4307. A complete copy of the standards proposed for adoption is available by writing to this address, or by calling (612) 297-3254 or (612) 282-5806.

Gary W. Bastian
Commissioner

SUMMARY OF CHANGES

The following is a brief summary of the proposed amendments. Persons interested in reviewing the complete *Federal Register* notices referenced below may obtain copies from the above address.

- (A) "Safety Standards for Scaffolds Used in the Construction Industry; Final Rule; Corrections, Partial Stay." On November 25, 1996, Federal OSHA published corrections and a partial stay to the final rule for the scaffold standards used in the construction industry which regulate the design, construction, and use of scaffolds. The corrections involve minor changes to §1926.451(a)(2), (c)(2), (d)(13), (f)(6), and an addition to §1926.453(b)(2)(v). As for the partial stay, Minnesota OSHA proposed and adopted this stay, as published in the December 23, 1996, and March 17, 1997, issues of the *State Register*.

By this notice, Minnesota OSHA reiterates its intention to honor the partial stay to the final rule for scaffolds used in the construction industry, and proposes to adopt the final rule and corrections as published in the *Federal Register* on November 25, 1996.

- (B) "Occupational Exposure to Methylene Chloride; Final Rule." On January 10, 1997, the *Federal Register* published the final rule on Occupational Exposure to Methylene Chloride. This final standard amends OSHA's existing regulations for employee exposure to methylene chloride (MC). The basis for this action is a determination, based on animal and human data, that the current permissible exposure limits (PELs) allow employee exposure to a significant risk of material impairment of health. OSHA is reducing the existing eight-hour time-weighted average (TWA) exposure from 500 parts MC per million parts (ppm) of air to 25 ppm. Also, OSHA is deleting the existing ceiling limit concentration of 1,000 ppm and is reducing the existing short-term exposure limit from 2,000 ppm (measured over five minutes in any two-hour period) to 125 ppm, measured as a 15-minute TWA. In addition, the Agency is setting an "action level" of 12.5 ppm, measured as an eight-hour TWA.

The final rule also contains provisions for exposure control, personal protective equipment, employee exposure monitoring, training, medical surveillance, hazard communication, regulated areas, and recordkeeping. Together, these provisions will substantially reduce significant risk to the extent feasible. This standard applies to all employment in general industry, shipyards and construction. Small employers, for purposes of the Regulatory Flexibility Act, 5 U.S.C. 601, are defined as firms with fewer than 20 employees. The final standard will prevent an estimated 31 cancer deaths per year and an estimated three deaths per year from acute central nervous system and carboxyhemoglobinemic effects, and will also reduce cardiovascular disease and material impairment of the central nervous system. The estimated cost, on an annualized basis, is \$101 million per year.

Proposed Rules

At the federal level, the effective date of this final rule is April 10, 1997. Start-up date for specific provisions are set in § 1910.1052(n) of the regulatory text. However, affected parties do not have to comply with the information collection requirements in § 1910.1052(d) exposure monitoring, § 1910.1052(e) regulated areas, § 1910.1052(j) medical surveillance, § 1910.1052(l) employee information and training, and § 1910.1052(m) recordkeeping, until the U.S. Department of Labor publishes a *Federal Register* notice informing the public that OMB has approved these information collection requirements under the Paperwork Reduction Act of 1995. The effective date for these provisions will be published in the *State Register* as soon as it is announced by Federal OSHA.

By this notice, Minnesota OSHA proposes to adopt the final rule for the Methylene Chloride standard contained in 29 CFR 1910, 1915, and 1926, as published in the *Federal Register* on January 10, 1997.

5205.0010 ADOPTION OF FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS BY REFERENCE.

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

Subp. 2. **Part 1910.** Part 1910: Occupational Safety and Health Standards as published in Volume 43, No. 206 of the *Federal Register* on October 24, 1978, and corrected in Volume 43, No. 216 on November 7, 1978, which incorporates changes, additions, deletions, and corrections made up to November 7, 1978; and subsequent changes as follows:

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

T. *Federal Register*, Vol. 62, No. 7, page 1494, dated January 10, 1997: "Occupational Exposure to Methylene Chloride: Final Rule."

Subp. 3. **Part 1915.** Part 1915: Occupational Safety and Health Standards for Shipyard Employment as published in Volume 47, No. 76 of the *Federal Register* on April 20, 1982; all changes made prior to December 31, 1986, which consolidated Part 1915 and Part 1916; technical amendments and redesignations published in Volume 58, No. 125, of the *Federal Register* on July 1, 1993; and additional changes as follows:

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

V. *Federal Register*, Vol. 62, No. 7, page 1494, dated January 10, 1997: "Occupational Exposure to Methylene Chloride: Final Rule."

[For text of subps 4 and 5, see M.R.]

Subp. 6. **Part 1926.** Part 1926: Construction Safety and Health Regulations as published in Part VII, Volume 44, No. 29 of the *Federal Register* on February 9, 1979, which incorporates changes, additions, deletions, and corrections made up to October 17, 1978, the incorporation and redesignation of the regulatory text of the General Industry Occupational Safety and Health Standards (29 CFR Part 1910) that have been identified as applicable to construction work as published in the *Federal Register*, Volume 58, No. 124, dated June 30, 1993, and corrected in Volume 58, No. 143, dated July 28, 1993; and additional changes as follows:

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

L. *Federal Register*, Volume 61;

[For text of subitems (1) to (6), see M.R.]

(7) *Federal Register*, Vol. 61, No. 228, page 59831, dated November 25, 1996: "Safety Standards for Scaffolds Used in the Construction Industry: Final Rule; Corrections, Partial Stay."

M. *Federal Register*, Vol. 62, No. 7, page 1494, dated January 10, 1997: "Occupational Exposure to Methylene Chloride: Final Rule."

[For text of subp 7, see M.R.]

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

Exempt Rules

An exempt rule adopted under *Minnesota Statutes* §§ 14.386 or 14.388 is effective upon its publication in the *State Register*.

Emergency Expedited Rules

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

Board of Examiners for Nursing Home Administrators

Adopted Permanent Rules Relating to Licensing

The rules proposed and published at *State Register*, Volume 21, Number 32, pages 1089-1105, February 3, 1997 (21 SR 1089), are adopted with the following modifications:

6400.6660 ACADEMIC PROGRAM REVIEW.

Subp. 2. **Requesting course review.** In submitting a program of study offered by an academic institution to meet all or some of the course requirements, the institution shall provide the following information in an application package for review by the board:

B. evidence of the institution's current accreditation by a regional accrediting agency ~~affiliated with the Federation of Regional Accrediting Commissions of organization~~ for higher education;

Subp. 6. **Transition provisions.** Academic institutions approved by the board on the effective date of this part as offering courses to meet the requirements specified in *Minnesota Rules* 1995, parts 6400.0100 to 6400.3200, shall continue to be designated as approved programs or course providers until September 1, 1999, provided they submit to the board by September 1, 1997, satisfactory evidence of coverage of *Minnesota Rules* 1995, part 6400.6400, subpart 5, item ~~F E~~, in their program or courses or require students enrolled in their program or courses to complete that topic by continuing education under *Minnesota Rules* 1995, part 6400.6570, subpart 1, item C. To continue to be designated by the board as an approved program or course provider after September 1, 1999, the institutions must submit an application for review and approval under subparts 1 and 2 and have their program or courses approved under subpart 3 by September 1, 1999.

6400.6900 DISCIPLINARY ACTION.

Subpart 1. **Criteria.** The board may impose disciplinary action as described in subpart 2 against an applicant, the holder of a permit to serve as an acting administrator, or a licensee, when the board determines, by a preponderance of the evidence and after due notice and an opportunity to be heard at a contested case hearing, that the applicant, permit holder, or licensee:

I. has engaged in unprofessional conduct or any other conduct with potential for causing harm to the public or facility residents including any departure from or failure to conform to the minimum standards of acceptable and prevailing practice, as specified in state and federal statutes and rules concerning administration of nursing home facilities, without actual injury having to be established;

Subp. 3. **Considerations.** In determining what action to take under subpart 2, the board ~~may~~ shall consider:

Office of the Governor

Emergency Executive Order #97-12: Providing for Emergency Assistance to Motor Carriers and Drivers Operating in Minnesota

I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Emergency Executive Order:

WHEREAS, the severe spring flooding is threatening communities located near Minnesota's rivers; and

WHEREAS, it is urgent that immediate action be taken to avoid economic loss and to protect the health and safety of Minnesota citizens; and

WHEREAS, emergency assistance of motor carriers is needed to transport sand bags and other materials used to construct and maintain dikes;

NOW, THEREFORE, I hereby order that:

1. A state of emergency exists that requires relief from regulations incorporated in *Minnesota Statutes* section 221.0314, subdivision 9, pertaining to hours of service for carriers and drivers of commercial motor vehicles while transporting sand bags and other materials used to construct and maintain dikes, and other supplies that may be required during this emergency.
2. Nothing herein shall be construed to relieve motor carriers and drivers from regulations pertaining to qualifications of drivers, driving of commercial motor vehicles, or parts and accessories necessary for the safe operation of vehicles.
3. No motor carrier operating under the terms of this Order shall require or allow a fatigued or ill driver to operate a motor vehicle. A driver who informs a carrier that he or she needs immediate rest must be given at least eight consecutive hours off duty before the driver is required to return to service.

Pursuant to *Minnesota Statutes* 1996, section 221.0269, this Order is effective immediately and shall remain in effect through and including April 22, 1997, unless rescinded by proper authority, for those carriers and drivers providing direct assistance to the emergency relief effort. Direct assistance to the emergency relief effort terminates when a driver or commercial motor vehicle is used to transport cargo not destined for the emergency relief effort.

IN TESTIMONY WHEREOF, I have set my hand this fifteenth day of April, 1997.

Arne H. Carlson
Governor

Filed According to Law:

Joan Anderson Growe
Secretary of State

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rule-making 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.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Minnesota Comprehensive Health Association

Notice of Meeting of the Actuarial Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Actuarial Committee will be held at 1:00 p.m. on Monday April 28, 1997. The meeting will take place at Blue Cross Blue Shield of Minnesota, Main Building, 6th floor meeting room, 3535 Blue Cross Road, Eagan, MN.

For additional information, please call Lynn Gruber at (612) 593-9609.

Minnesota Comprehensive Health Association

Notice of Meeting of the Writing Carrier RFP/Contract Ad Hoc Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Writing Carrier RFP/Contract Committee will be held at 7:30 a.m. on Wednesday, April 30, 1997. The meeting will be at the Minnesota Comprehensive Health Association executive office, 5775 Wayzata Boulevard, St. Louis Park, in suite 910.

For additional information, please call Lynn Gruber at (612) 593-9609.

Department of Health

Request for Comments for Planned Amendment to Rules Governing Lead Abatement and Lead Hazard Reduction Methods; Setting Standards for Lead in Paint, Dust, Bare Soil, and Drinking Water; and Setting Criteria for Licensure and Certification of Lead Contractors, Workers, and Inspectors, *Minnesota Rules*, Chapter 4761

Subject of Rules. The Minnesota Department of Health requests comments on its planned amendment to rules governing lead abatement and lead hazard reduction methods; setting standards for lead in paint, dust, bare soil, and drinking water; and setting criteria for licensure and certification of lead contractors, workers, and inspectors. The purposes of the planned rulemaking are: to bring the rules into conformity with *Minnesota Statutes*, as amended, and with federal regulations that were adopted after the current state rules were adopted; and to make technical changes.

The Department is considering rule amendments that require accreditation of supervisors, workers, inspectors, risk assessors, and project designers and of the training courses associated with each of these occupations. The department is required by statute to recover the cost of this accreditation activity through collection of fees from applicants. The existing fee structure has fallen short of this requirement.

The Department is also seeking comments in preparing to revise variance requirements as these apply to the rules on lead abatement and lead hazard reduction. Comment is particularly sought as to what provisions could be adopted to avoid a rush of applications to the Department which could result in delays in issuing approvals, licenses, or certificates to the applicants. Comment is sought regarding both the initial and renewal procedures. The public may want to comment on the "grandfathering" of persons who obtain qualifications prior to the effective date of the amended rules. The Department wishes to adopt provisions that avoid a flood of applications but which do not endanger public health nor provide a competitive advantage to some members of the regulated community at the expense of others.

The federal regulations require that applicants successfully pass examinations provided by a third-party examiner, i.e., an examiner who is not affiliated with a training course provider. The public may want to comment on whether the Department should administer these examinations or approve one or more independent testing companies to administer these examinations.

The public may want to comment on the difference between the federal and state standards for lead in dust. The state and federal standards for lead in paint are the same. The state standard for lead in soil is established in statute and is therefore not subject to this rulemaking. The state and federal standards for lead in drinking water have the same numerical value but the federal standard applies to the water supply system whereas the state standard applies to an individual house when people with elevated blood lead are found to reside in the house.

The methods for analyzing lead content and for performing lead abatement and lead hazard reduction continue to evolve. The public may want to comment on methods that should be considered acceptable, acceptable with restrictions, or unacceptable.

Persons Affected. The amendment to the rules would likely affect supervisors, workers, inspectors, risk assessors, and project designers and of the training courses associated with the lead abatement industry.

Statutory Authority. *Minnesota Statutes*, section 144.9508, requires the Department to adopt rules for lead abatement and lead hazard reduction methods; setting standards for lead in paint, dust, bare soil, and drinking water; and setting criteria for licensure and certification of lead contractors, workers, and inspectors. The U.S. Environmental Protection Agency has adopted federal regulations (40 *Code of Federal Regulations*, Part 745, Subpart L - Lead-Based Paint Activities, and Subpart Q - State and Indian Tribal Programs, as published in the *Federal Register* on August 29, 1996) that will take effect after August 31, 1998, unless the *Minnesota Rules* are amended to be at least as stringent as the federal regulations.

Public Comment. Interested persons or groups may submit comments or information on these planned 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 Department does contemplate appointing an advisory committee that will include representatives of: the Legislature, local governments that conduct lead inspections, the regulated community, health care professionals, and individuals who have actively participated in previous rulemaking related to *Minnesota Rules*, chapter 4761, to comment on the planned rules. Other interested parties may attend advisory group meetings or receive minutes of the meetings.

Rules Drafts. The Department has prepared a draft of the planned rule amendments which is available upon request.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the rules, and requests for more information on these planned rules should be addressed to:

Douglas Benson
Minnesota Department of Health
Division of Environmental Health
121 East Seventh Place, Suite 360
P.O. Box 64975
St. Paul, Minnesota 55164-0975
Ph. (612) 215-0881
FAX (612) 215-0975

TTY users may call the Department at (612) 623-5522.

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 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.

Dated: 21 April 1997

Patricia A. Bloomgren, Director
Division of Environmental Health

Higher Education Facilities Authority

Notice of Public Hearing on Revenue Obligations on Behalf of the Order of St. Benedict

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds or other obligations on behalf of the Order of St. Benedict, a Minnesota nonprofit corporation (the "University"), as owner and operator of St. John's University, an institution of higher education, at the Guest Dining Room Lower Level of St. Joseph Hall of the College of Saint Catherine, 2004 Randolph Avenue, St. Paul, Minnesota on May 21, 1997 at 2:00 p.m. Under the proposal, the Authority would issue its revenue bonds or other obligations in an original aggregate principal amount of up to approximately \$25,625,000 to finance a project generally described as (a) renovation of existing stadium, including new track (the "Stadium"), (b) construction, furnishing and equipping of three duplexes to provide housing for 36 students ("Duplexes"), (c) the construction, furnishing and equipping of an approximately 62,000 square foot fieldhouse, including new track and tennis courts (the "Fieldhouse"), (d) renovation of existing gymnasium, including a new fitness center, additional locker rooms and a new training room ("Gymnasium"), (e) the construction, furnishing and equipping of an approximately 42,000-square-foot biological sciences building ("Biology Building"), (f) renovation of Benet Hall to reconfigure as double rooms, suites and efficiency apartments ("Benet Hall"), (g) roofing of Housekeeping Building, Warner Palaestra Gymnasium, Thomas Hall, Greg House, Bernard Hall, Boniface Hall and Patrick Hall ("Roofing"), (h) partial renovation of Luke Hall and Wimmer Hall for office space ("Office Renovation"), (i) renovation of approximately 106,000 square feet of the existing science center relating to labs and classrooms ("Science Center"), (j) various improvements relating to replacement surface parking, utilities and extension of utilities to new and renovated facilities ("Infrastructure"), (k) the refunding of the Authority's outstanding Revenue Bonds, Series Two-W (St. John's University), originally issued to finance the acquisition, construction, furnishing and equipping of an approximately 27,600-square-foot Art Building, including appurtenant site improvements (the "Series Two-W Refunding") and (l) the refunding of the Authority's outstanding Revenue Bonds, Series Three-H (St. John's University), originally issued to finance the acquisition, construction, furnishing and equipping of an approximately 13,200-square-foot student residence facility and an approximately 58,600-gross-square-foot Campus Center; each including appurtenant site improvements (the "Series Three-H Refunding" and collectively, the "Project"), owned or to be owned and operated by the University and located on its main campus, the principal street address of which is St. John's University, Collegeville, Minnesota 56321.

At said time and place the Authority shall give all parties who appear or have submitted written comments an opportunity to express their views with respect to the proposal to undertake and finance the Project.

Dated: 21 April 1997

By Order Of The Minnesota Higher
Education Facilities Authority
J. Luther Anderson
Executive Director

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective April 8, 1997 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Atkin: Long Lake Conservation Center-Palisade.

Carlton: Generator Load Addition Moose Lake Psychopathic Hospital-Moose Lake.

Cass: Walker Area Fisheries Building Remodel and Accessibility Project-Walker.

Crow Wing: Asbestos Abatement of Brainerd RTC Building #1-Brainerd

Chisago: 1997 Reroofing Chisago Lakes Schools-Chisago City.

Dakota: Orchard Lake Elementary School Reroofing-Lakeville; McGuire Junior High School Exterior Upgrades-Lakeville.

Fillmore: Fillmore Central Elementary School Classroom Fitup & Remodeling-Preston.

Goodhue: 1997 Partial Reroofing Red Wing Technical College-Red Wing.

Hennepin: Mn/DOT Central Services Fueling Island-Fort Snelling.

Jackson: Mn/DOT Truck Station Reroofing-Jackson.

Kittson: Lake Bronson Visitors Center-Lake Bronson.

McLeod: Asbestos Abatement Hutchinson High School and Park Elementary School-Hutchinson.

Marshall: Thief Lake WMA Building Remodel and Accessibility Project-Middle River.

Nicollet: Reroof Tomlinson Building RTC-St. Peter.

Nobles: Technology Upgrade and Masonry Restoration Worthington School District-Worthington.

Ottertail: Wadena Municipal Airport Arrival/Departure Buildings-Bluffton.

Pine: St. Croix State Park Trail Center Remodel and Accessibility Project-Hinckley.

Polk: Building Restoration on Broadway and Sixth Street-Crookston.

Ramsey: Life Safety Upgrades Irondale High School/Edgewood Middle School/ Pikelike Elementary-Moundsview/New Brighton; Gym Floor Replacement Hazel Park Middle School-St. Paul; Kitchen Hood Replacement Parkway Elementary School-St. Paul; Asbestos Abatement Johnson Senior High School-St. Paul; Asbestos Abatement Chelsea Heights Elementary School-St. Paul; Asbestos Abatement Hayden Heights Elementary School-St. Paul; Asbestos Abatement Humboldt Junior High School-St. Paul; Asbestos Abatement Adams Elementary School-St. Paul; Asbestos Abatement Highland Junior/Senior High School-St. Paul; 1997 Roof System Replacement and Related Work-Randolph Heights Elementary School-St. Paul.

Rice: Reroof Cedar and Maple Buildings at the School for the Blind-Faribault; Replace Wood Gym Floor at the Academy for the Deaf-Faribault.

St. Louis: Lake Superior Center-Duluth; Elevator Maintenance Contract-Duluth; Mn/DOT and Patrol Office Addition-Virginia; Utility Tunnel Construction for U of M-Duluth; 1997 Wall Repair Denfeld High School-Duluth.

Steele: Installation of TW Infloor 50000 Lbs Truck Life Mn/DOT Headquarter-Owatonna; Communication Cabling for Owatonna Public Schools-Owatonna.

Stevens: Pole Barn Construction University of Minnesota-Morris.

Wadena: 1997 Partial Reroofing Wadena Technical College-Wadena.

Washington: Pine Hill Elementary Reading Recovery Room-Cottage Grove; South Washington County Schools 1997 District Wide Improvements-Cottage Grove/Woodbury; Cottage Grove Public Works Facility-Cottage Grove.

Copies of the certified wage rate for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing is \$1.36 per project. Make check or money order payable to the State of Minnesota.

Gary W. Bastian,
Commissioner

Metropolitan Airports Commission

Notice of Adoption of Ordinance No. 81 Relating to Ground Transportation

Please take notice that on the 21st of April, 1997, at a regularly scheduled meeting, the Metropolitan Airports Commission adopted Ordinance No. 81.

Ordinance No. 81:

An ordinance to promote and conserve public safety, health, peace, convenience and welfare and to provide for the equitable allocation of the costs of establishing and maintaining ground transportation facilities at the Airport, by regulating the operation of all Taxicabs at Minneapolis-St. Paul International Airport, Wold-Chamberlain Field, a public airport under the operation, direction and control of the Metropolitan Airports Commission, and repealing Ordinance 79 as it relates to Taxicabs.

Copies of Ordinance No. 81 as adopted will be on file with the Secretary of State and may be obtained from the Metropolitan Airports Commission offices.

Jeffrey W. Hamiel
Executive Director
Metropolitan Airports Commission
6040 - 28th Avenue South
Minneapolis, MN 55450

Metropolitan Council

Notice of Public Hearing on the Transit Redesign Service Plan for South Washington County

The Metropolitan Council will hold a public hearing to receive comments on a revised transit service plan for residents of Cottage Grove, Newport and St. Paul Park. The proposed transit plan is an innovative approach to transit service delivery in suburban areas. Highlights of the plan include: 1) integration of existing express Route #61 and Human Services, Inc. (HSI) specialized paratransit services to provide localized community circulator transit service to residents in the three cities; 2) restructuring of rush-hour express service to include neighborhood shuttle routes operated with mini-buses; and 3) making existing specialized paratransit services that provide "suburb to suburb" transportation available to the general public.

The public hearing will be held:

Wednesday, May 28, 1997
7 p.m.
St. Paul Park City Hall
600 Portland Avenue
St. Paul Park, MN

The public comment period will remain open until Wednesday, June 11, 1997.

All interested persons are encouraged to attend the hearing and provide comments. Upon request, the Council will provide reasonable accommodations to persons with disabilities. Special accommodations should be requested by Tuesday, May 20, 1997.

Comments may also be submitted as follows:

- Send written comments to: Randy Rosvold, Metropolitan Council, Transportation Division, Mears Park Centre, 230 East Fifth Street, St. Paul, MN 55101.
- FAX comments to Mr. Rosvold at 602-1739.
- Record comments on the Council's Public Comment Line at 602-1500.
- E-mail comments to: data.center@metc.state.mn.us
- Send TTY comments to Mr. Rosvold's attention at 291-0904.

Copies of the public hearing draft of the proposed Transit Redesign Service Plan for South Washington County will be available beginning May 20, 1998 at the city halls in Cottage Grove, Newport and St. Paul Park, at the Metropolitan Council's Regional Data Center (call 602-1140 or 291-0904 TTY) and at the St. Paul Transit Store (First Star Center, Skyway Level, Suite 270, 101 E. 5th St., St. Paul). In the meantime, if you have questions, please call Randy Rosvold at 602-1710.

Pollution Control Agency

Ground Water and Solid Waste Division

Notice of Proposed Update of the Permanent List of Priorities (PLP) Among Releases or Threatened Releases of Hazardous Substances or Pollutants or Contaminants

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is publishing for public comment a proposed deletion from the PLP which lists releases or threatened releases of hazardous substances, pollutants, or contaminants for which the MPCA may take removal or remedial actions under the Minnesota Environmental Response and Liability Act (MERLA), *Minnesota Statutes* ch. 115B.

Pursuant to *Minnesota Statutes* § (115B.17 (1996) and *Minnesota Rules* part 7044.0950(1995), the MPCA is proposing to delete the Schnitzer Iron & Metal Co. Site (Site) from the PLP. This proposed deletion of the Schnitzer Site is planned to occur in two phases.

The first phase would be the deletion of that portion of the site located in St. Paul, Ramsey County. Implementation of the MPCA-approved response action is scheduled for completion prior to June 1, 1997. Upon completion of the required response action for the Ramsey County portion of the Site, the MPCA will issue a Notice of Completion (NOC) pursuant to Part XXIII of the Response Order by Consent for that portion of the Site. After issuance of the NOC, the MPCA will delete the Ramsey County portion of the Site from the PLP. Should implementation of the response action not be completed by June 1, 1997, the MPCA will not delete the Ramsey County portion of the Site until such time as a NOC is issued.

The second phase of the Site deletion is the completion of implementation of the required response actions on that portion of the Site, located in Minneapolis, Hennepin County. Implementation of the MPCA-approved response action is scheduled to be completed prior to August 1, 1997. At the completion of the approved response action, a NOC will be issued by the MPCA for the Hennepin County portion of the Site. As with the Ramsey County portion, the MPCA will delete the Hennepin County portion of the Site only after issuance of a NOC.

The MPCA is initiating this phased approach to the deletion of sites from the PLP to assist in the economic redevelopment of state Superfund sites, and to assist in identifying successful completions of partial site cleanups. As with full site deletions, partial site deletions will comply with all appropriate state statutes and rules.

The MPCA invites members of the public to submit written comments on this proposed deletion from the PLP. All written comments with regard to this proposed deletion must be received no later than 4:30 p.m., May 28, 1997.

Written comments regarding this proposed MPCA site deletion should be submitted to:

Gary L. Krueger
Site Response Section
Ground Water and Solid Waste Division
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, Minnesota 55155-4194

An interested person may submit a petition to the Commissioner of the MPCA requesting that the MPCA Board make the decision on whether to adopt the proposed deletion from the PLP. To be considered timely, the petition must be received by the MPCA contact person, Gary Krueger, by 4:30 p.m. on May 28, 1997. The decision whether to adopt the proposed deletion from the PLP will be made by the MPCA Board if: (1) the Commissioner grants the petition requesting the matter to be presented to the MPCA Board; or (2) a MPCA Board member requests to hear the matter prior to the time the Commissioner makes a final decision on the proposed deletion from the PLP.

Requests for a complete updated PLP or information on a specific site currently listed on the PLP can be directed to the MPCA's Public Information Office at the above address, or by telephoning (612)296-6300 or toll free at (800)657-3864.

All written comments received by the above deadline will be considered by the MPCA in establishing the updated PLP.

Peder A. Larson
Commissioner-MPCA

Department of Public Safety

Minnesota Auto Theft Prevention Program

Notice of Meeting of the Board of Directors

The Department of Public Safety, Minnesota Auto Theft Prevention Program (MATPP), will be holding its Board of Directors meetings on the scheduled following dates: April 24, 1997 and May 1, 1997. Meetings will begin at 9:00 a.m. at the MATPP office located at 1110 Centre Pointe Curve Suite 405, Mendota Heights, MN (Highway 110 and Lexington Avenue - GNB Bldg.) Meetings are open to the public. You can call (612/405-6155) for more information.

State Grants and Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Children, Families and Learning

Office of Teaching and Learning

Notice of Availability of State Funds for Mexican Origin Education Grants

The Minnesota Department of Children, Families and Learning announces the availability of funds for the remainder of Fiscal Year 1997 for Mexican Origin Education Grants under first special session 1995 *Laws of Minnesota*, chapter 3, article 3, section 13.

Applications may be submitted by school districts and community organizations working to improve the school success of students (early childhood through high school graduation) of Mexican origin. Grant recipients shall use the funds for curriculum and staff development, tutoring, mentoring, parent involvement and other programs designed to: 1) improve student achievement and reduce dropout rates; 2) increase student knowledge and understanding of Mexican history; 3) improve instruction by developing the cultural competence skills of teachers and other staff; and 4) increase parent involvement in education and the school community.

A maximum of 75,000 is available; funds must be expended by June 30, 1997. Proposals in the range of \$5,000-\$25,000 are preferred but proposals will be accepted for any amount. Preference will be given to proposals that provide collaboration between school and community resources and a local match.

Application procedures and forms may be obtained from:

Mary Lillesve, System Services Division
631 Capitol Square Building
550 Cedar Street
Saint Paul, MN 55101-2273
(612) 296-0546, FAX: (612) 296-3775.

Proposals must be received by 4:00 p.m., Monday, May 19, 1997, at 631 Capital Square Building.

Department of Public Safety

Minnesota Auto Theft Prevention Program

Notice of Grant Availability for Auto Theft Prevention

The Minnesota Auto Theft Prevention Program Board announces the availability of \$830,000.00 in grant money. Applications will be accepted from State, County, Local Police or Governmental Agencies, Prosecutors, Judiciary, Businesses, Community and Neighborhood Organizations. The moneys granted out must be dedicated to the area of auto theft prevention. Grant proposal forms and information may be obtained by contacting Dennis Roske at the Auto Theft Prevention office at (612/405-6153 or 612/405-6155).

Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, and final submission date of completed contract proposal.

In accordance with *Minnesota Rules Part 1230.1910*, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of up to 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612) 296-2600 or [TTY (612) 297-5353 and ask for 296-2600].

Department of Children, Families & Learning

The Children's Trust Fund (CTF)

Notice of Request for Proposals to Write Original Copy for a Quarterly Publication and Other Related Materials

The Children's Trust Fund estimates the cost of this project should not exceed \$43,000.00 for the purposes of this project. The project period will be from July 1, 1997 through June 30, 1999.

The Children's Trust Fund is seeking proposals from experienced individuals or agencies to write original copy and to assist in the production of the CTF's quarterly publication, *The Children's Fire*, a biennial report to be published in spring 1999, and other written products as requested. The recipient of the contract will be expected to:

- Discuss and develop the outline with the CTF executive director, for each issue of *The Children's Fire*, the biennial report and other written products as requested; conduct research through interviews, written materials and the Internet; conduct interviews in person and by telephone; write, edit, provide layout and format final copy in diskette format. Each publication of *The Children's Fire* consists of 8-12 pages, 8.5" x 11". The series feature for the duration of this contract is child neglect. Priority consideration will be given to applicants who provide a demonstrated sensitivity and experience and/or expertise in writing copy directly related to this topic, to developing and enhancing family strengths and assets, and to the primary and secondary prevention of child neglect and abuse.
- Create and maintain databases of information about reference articles, documents, statistical computations; computerized database of information of photos created; lists of people and organizations contacted or been told of in reference to articles written.
- Possess photography skills and equipment in order to continue to build the CTF's photo database that is being used with the series topics.

(Final desktop creation and printing of *The Children's Fire* is not included in the Request for proposals.)

For a complete copy of the Request for Proposal, please contact Maureen Cannon, the Children's Trust Fund, 550 Cedar Street, Room 949, St. Paul, MN 55101-2273, telephone: 612-296-5437, fax: 612-297-5695.

An original and five copies of completed proposals must be received **not later than 4:00 p.m., May 20, 1997**. Late proposals will not be accepted.

In compliance with *Minnesota Statutes 16B.167*, the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee along with other responses to the Request for Proposal.

Professional, Technical & Consulting Contracts

Department of Transportation

Surveying and Mapping

Notice of Availability of Contract for Photogrammetric Services for Fiscal Years 1998 & 1999 (July 1, 1997 to June 30, 1999)

The Minnesota Department of Transportation desires a photogrammetric mapping firm or firms to provide the following photogrammetric services conforming to Mn/DOT specifications:

1) Analytical Triangulation

Provide, from coordinates of the photo control image points, coordinate positions for at least three analytical pass points on each photo required for the mapping project.

2) Planimetric Maps

Provide, from aerial photography, all planimetric features which are visible or identifiable on, or are interpretable from the aerial photography. All data to conform to State specifications and be transferable onto Mn/DOT's Microstation computer system.

3) Topographic Maps

Provide, from aerial photography, all planimetric features, contours and spot elevations necessary to accurately represent the terrain and features within a specified area. All data to conform to State specifications and be transferable onto Mn/DOT's Microstation computer system.

4) Profiles and Cross Sections

Provide, from aerial photography, profiles and/or cross sections of highway corridors that accurately represent the groundline within the specified areas.

5) Digital Terrain Model

Provide, from aerial photography, elevation points and discontinuity profiles (breaklines) necessary to generate a digital terrain model of sufficient accuracy for the State to produce contours, profiles, and cross-section data sufficient for State's needs.

6) Other Photogrammetric Data/Services

Production of other photogrammetric data/services that may become advantageous for Mn/DOT to use and which the contractor is qualified to produce as determined by Mn/DOT through negotiations with the contractor.

The State anticipates that the total value of work ordered will not exceed \$500,000.00. The State reserves the option to enter into agreements with more than one firm.

Firms desiring consideration shall express their interest and submit their Federal Form 254 and 255 to:

Minnesota Department of Transportation
Surveying and Mapping Section
Transportation Building
Mail Stop 640
395 John Ireland Blvd.
St. Paul, Minnesota 55155-1899

This is not a request for proposal. Expression of interest and forms must be received by the Surveying and Mapping Section at the above address on or before **4:00 p.m. Friday, May 16, 1997**, in order to be considered for this work.

Department of Transportation**Finance and Administration Division****Notice of Availability of a Contract for Sexual Harassment Prevention Training Services**

The Department of Transportation is requesting proposals from a qualified contractor to provide sexual harassment prevention training to employees in both the seven-county metro area and greater Minnesota Mn/DOT offices. The department estimates that the cost of this project need not approach, but shall not exceed \$25,000 (twenty-five thousand dollars). It is anticipated that the contract period will begin in May 1997 and continue through August 1997.

For further information or to obtain a copy of the completed Request for Proposal, contact:

Linda Dahlen, Director
Mn/DOT Office of Workforce Equity and Diversity
Mail Stop 200, 395 John Ireland Boulevard
St. Paul, MN 55155
Phone: 612-297-7196
FAX: 612-297-7944

Proposals must be received at the above address no later than May 19, 1997. This request does not obligate the State of Minnesota, Department of Transportation to complete the work contemplated in this notice, and the department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *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 project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Minnesota Historical Society**Notice of Request for Bids for Construction Manager for History Center in Cottonwood County**

The Minnesota Historical Society is seeking bids from qualified firms and individuals to act as a Construction Manager or Owners Representative on building construction of a History Center in Cottonwood County with an allocated construction cost of \$500,000.00.

The work will generally consist of daily field reports, periodic jobsite photo documentation, coordination of the contractors, tracking documentation prepared by Contractors, Architects and Owners, including shop drawings, field orders, change orders and requests for information, schedule development and maintenance, financial reporting in the form of financial status reports and change order logs, pay application approval and change order negotiation.

The Request for Bids is available by calling or writing:

Deane M. Roe,
Contracting Officer
Minnesota Historical Society
345 Kellogg Blvd. West
St. Paul, MN 55102
Telephone (612) 297-5863

Bids must be received not later than 2 p.m. Central Standard Time, May 7, 1997.

Complete specifications and details concerning submission requirements are included in the Request for Bids.

Non-State Public Bids, Contracts & Grants

Minnesota Historical Society

Notice of Request for Proposals for Design Engineer Services for Stabilization of Historic Warehouse

The Minnesota Historical Society is seeking proposals from qualified firms and individuals for the stabilization of the historic stone warehouse at the Lower Sioux Agency located in Redwood County.

The Request for Proposals is available by calling or writing:

Deane M. Roe,
Contracting Officer
Minnesota Historical Society
345 Kellogg Blvd. West
St. Paul, MN 55102
Telephone (612) 297-5863

Proposals must be received not later than 2:00 p.m., May 8, 1997. Details concerning submission requirements are included in the Request for Proposals.

Minnesota Historical Society

Notice of Request for Bids for Fort Snelling HVAC

The Minnesota Historical Society is seeking bids from qualified firms and individuals to provide removal of the existing 60 ton chiller and condensing unit and replace with an owner-purchased 90 ton air cooled chiller.

The work will generally consist of changing the impellers on the two remaining chilled water pumps; replacing the existing cooling coil and heating coil on air handler #2; replacing two existing heating pumps; replacing the existing electric re-heat coil; replacing or repairing existing insulation; modifying existing switchboard to accommodate new loads and replacing existing starters and disconnects; and removing existing internal duct lining and replacing it with external duct insulation.

The Request for Bids is available by calling or writing:

Deane M. Roe,
Contracting Officer
Minnesota Historical Society
345 Kellogg Blvd. West
St. Paul, MN 55102
Telephone (612) 297-5863

Bids must be received not later than 2:00 p.m. Central Standard Time, May 7, 1997. Complete specifications and details concerning submission requirements are included in the Request for Bids.

Nature & Wildlife

Wild About Birds

"Feed the Birds" with the guidance of this excellent guide to increasing the number of species using your feeder. This, the third book by Carroll Henderson includes woodshop basics for construction of 26 different feeders and tips on 44 types of food, plus detailed descriptions and photos of almost all the feeder-using species east of the Rocky Mountains. Over 425 color photos. An outstanding reference manual or gift for a backyard bird-watcher, woodworker or ornithologist. Spiral-bound, 288pp. (DNR, 1995) Stock No. 9-24 \$19.95

Landscaping for Wildlife

A new spiral-bound edition of the best-selling book is now available at Minnesota's Bookstore. Packed with color photos and diagrams, this guide will show you how to attract wildlife to your property using inexpensive, easy-to-follow landscaping plans. Attract everything from butterflies to deer, cardinals to wood ducks. Spiral-bound, 144pp. (DNR, 1994) Stock No. 9-15 \$10.95

Woodworking for Wildlife

Revised in 1992, *Woodworking for Wildlife* is now full-color, spiral bound and includes even more diagrams for building bird houses, nest boxes and platforms to attract and keep your favorite wildlife coming back to your property. Features 50 species of birds and mammals. Perfect for the Midwest woodworker and wildlife lover. Spiral-bound, 112pp. (DNR, 1992) Stock No. 9-14 \$9.95

Attention Book Retailers, Distributors and Non-Profit Fund Raising Groups

Minnesota's Bookstore offers the trio of Carrol Henderson books – *Landscaping for Wildlife*, *Woodworking for Wildlife*, and *Wild About Birds* at a discount to retailers, distributors and non-profit groups. Call us to request a wholesale catalog or for further information.

New!

Birds and Forests:

A Management & Conservation Guide
Packed with color photos, this guide explores the birds in Minnesota's forests and how forest management affects their habitat, breeding and life. Learn about forest bird distribution and abundance, migratory status, both rare and common species, population trends and more. Spiral-bound, 182pp. (DNR, 1995) Stock No. 9-36 \$25.00



Buy a SET and SAVE!!!

Purchase *Landscaping for Wildlife* and *Woodworking for Wildlife* and save \$2.40. Stock No. 9-20 \$18.50

Purchase ALL THREE books:

Wild About Birds, *Landscaping for Wildlife* and *Woodworking for Wildlife* and save \$3.90. Stock No. 9-25 \$36.95

Birder's Guide to Minnesota

County by county guide to over 800 birding locations. Includes references and resources, an annotated list of Minnesota birds, selected identification hints and over 200 maps. Spiral-bound and formatted for easy use. 250pp. (Williams Pub., 1994) Stock No. 9-3 \$17.95

Birds in Minnesota

A perfect companion for both the occasional and serious bird-watcher. A field guide to the distribution of 400 species of birds in Minnesota. A color section illustrates some of the most interesting birds. Soft-cover, 352pp. (UM Press, 1987) Stock No. 9-7 \$15.95

Minnesota's Endangered Flora & Fauna

An in-depth look at 300 endangered species ranging from mosses and lichens to butterflies and fish. Award-winning illustrations and state distribution maps are provided. Discover the diversity of the state's natural environment and learn about vascular plants, reptiles and amphibians, birds, mammals, mollusks, and more from this outstanding reference. Soft-cover, 473pp. (DNR, 1988) Stock No. 9-30 \$19.95

Bald Eagle

Discover the natural history, food habits, nesting biology and more about our national symbol, the bald eagle. Soft-cover, 33pp. (Lake States Interpret., 1971) Stock No. 9-29 \$5.95

The Pheasant in Minnesota

A fascinating "magazine" devoted to the ring-neck pheasant. Included is the history of the bird, its origin, development and introduction to this region. Color photographs, 48pp. (DNR, 1986) Stock No. 9-13 \$5.95

Amphibians & Reptiles Native to Minnesota

The only guide to amphibians and reptiles of the Upper Midwest. Features 116 color photos and 49 maps. Easy-to-use reference. Hardbound, 256pp. (UM Press, 1994) Stock No. 9-31 \$25.95

The Wolf

Follow the tracks of an endangered species. Learn about the personality, social order, pack composition and family life of the wolf. Trace their behavior from birth on and learn what fate the wolf may face in the future. Soft-cover, 384pp. (UM Press, 1970) Stock No. 9-45 \$16.95

Mammals of Minnesota

Learn about past and present Minnesota mammals. From bats to porcupines, beavers to opossum, this thorough reference is packed with information. Soft-cover, 290pp. (UM Press, 1983) Stock No. 19-35 \$16.95

Fishes of the Minnesota Region

Guide to 149 fishes found in Minnesota waters. 100 full-color photos. Soft-cover, 258pp. (UM Press, 1982) Stock No. 9-32 \$16.95

Lake Smarts:

The First Lake Maintenance Handbook

Great "how-to" manual offers easy and affordable projects to help you clean up, improve and maintain your favorite lakes and ponds. Covers problems from algae and aquatic weeds, muddy waters, sediments, on-site waste disposal, to undesirable fish and greedy waterfowl. 400 photos, soft-cover, 228pp. (Terrene Inst., 1993) Stock No. 9-18 \$18.95

NWI/National Wetland Inventory maps and Protected Waters Inventory (PWI) maps are available through Minnesota's Bookstore. Call to request a free index map brochure.

