

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

ATTORNEY GENERAL

December 27, 1988

PAUL ZERBY
Special Assistant
Attorney General

MARTHA J. CASSERLY
Special Assistant
Attorney General

6-6839

In the Matter of the Adopted Rule Relating to
Radiation Control

The above-referenced rule has been approved as to its legality by the Attorney General on December 27, 1988.

Enclosed is your copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

MJC:bbl
Enclosures

cc: William Brown
Maryanne Bruby

DEPARTMENT : ATTORNEY GENERAL - Health

STATE OF MINNESOTA

Office Memorandum

DATE : December 16, 1988

TO : Martha J. Casserly
Special Assistant Attorney General
515 Transportation Building

FROM : Paul G. Zerby
Special Assistant
Attorney General

PHONE : 341-7272

SUBJECT : In the Matter of Proposed Adoption of the Amendment of the Permanent Rules of the Department of Health Relating to Radiation Control

Enclosed for your review, pursuant to Minn. Stat. § 14.26 (1986) and Minn. Rules pt. 2010.0300 (1987), are the following documents to support the above-referenced rule amendment:

1. Notice of Intent to Solicit Outside Opinion;

2. Rule as proposed with a certificate of approval as to form by the Revisor of Statutes attached;

3. Notice of Intent to Adopt a Rule Amendment Without a Public Hearing, Notice of Intent to Adopt a Rule Amendment With a Public hearing (as mailed);

4. Statement of Need and Reasonableness;

5. Affidavit of Mailing the Notice of Intent to Adopt a Rule Amendment Without a Public Hearing;

6. Notice of Intent to Adopt a Rule Amendment Without a Public Hearing (as published in the State Register);

7. Rule as adopted (original and three copies);

8. Findings of Fact, Conclusions, and Order Adopting Rule Amendment Without a Public Hearing;

9. Declaration of Counsel;

PGZ:lb

Enclosures

RECEIVED
DEC 16 88
ATTORNEY GENERAL'S OFFICE
515 TRANSPORTATION BLDG.
ST. PAUL, MN 55155

MJC

File No. 1553 Docket No. 05.0009.1420

DATE RECEIVED 12/16/88 ADOPTED W/O HEARING X

REVIEW DATE 12/27/88 EMERGENCY RULE _____

DUE DATE 12/30/88 REVISOR APPROVED _____

APPROVED 12.27.88 mjc REVISOR DISAPPROVED _____

DISAPPROVED _____ FILED W/SEC. OF STATE _____

WITHDRAWN _____ RETURNED TO AGENCY _____

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)

11/9/87 Date published in State Register
none Comments

~~Petition for Adoption of a Rule (if applicable)~~

~~Board's Authorizing Resolution~~

~~Date adopted~~

✓ Proposed Rule

yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule

144.121 - 144.122
144.12 subd 1(5) Statutory Authority
yes Small Business Statement
yes Expenditure of public money statement
yes Signature

✓ Statement of Need and Reasonableness (if applicable)

yes Small Business Statement
n/a Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

10/13/88 Date 30/25 days before adoption
ok Notice attached
_____ ~~Copy of rule or summary attached~~

✓ Publication in State Register

10/17/88 Date 30/25 days before adoption

_____ 180-day deadline from:

11/16/88 end of comment period (§ 14.26) (rules without hearing)
_____ ~~effective date of statutory authority (§ 14.29) (emergency rules)~~

_____ ~~Resolution Adopting~~

_____ ~~Date adopted~~

✓ Findings of Fact, Conclusions & Order Adopting

12/16/88 Date

_____ ~~Written requests, submissions or comments~~

✓ Declaration of attorney

Paul Zerby Name of SAAG representing agency

_____ ~~Notice of Submission to Atty. Gen. (if applicable)~~

_____ ~~Aff. of Mailing Notice to Atty. Gen. (if applicable)~~

Department of Health

Adopted Permanent Rules Relating to Radiation Control

Rules as Adopted

4730.0500 RENEWAL OF REGISTRATION.

Subpart 1. **Biennial renewal of registration.** Each registration pursuant to parts 4730.0100 to 4730.3600 shall be renewed biennially according to the staggered schedule specified in subpart 2 so long as the activity requiring registration continues. If there has been no substantial change in the matters described in the last prior registration or renewal, the renewal of the registration shall so state. If there has been any accession of additional radiation sources or other substantial change in the matters described in the preceding registration or renewal, the renewal shall state the accession or other change and give the information relating to such accession or other change that would be required upon original registration.

Subp. 2. **Staggered schedule for renewal of registration.** Each registration pursuant to parts 4730.0100 to 4730.3600 shall be renewed on or before the first day of the calendar quarter specified in items A to H. The schedule is based on the registrant's business address within the state.

A. January 1 of the odd-numbered years: Hennepin County dentists and all radiation sources in the University of Minnesota system, regardless of location.

B. April 1 of the odd-numbered years: Hennepin County registrants other than those included in item A.

C. July 1 of the odd-numbered years: Ramsey County registrants.

D. October 1 of the odd-numbered years: Anoka, Dakota, and Washington County registrants.

E. January 1 of the even-numbered years: Aitkin, Benton, Carlton, Cass, Chisago, Cook, Crow Wing, Isanti, Itasca,

Kanabec, Koochiching, Lake, Mille Lacs, Morrison, Pine, and St. Louis County registrants.

F. April 1 of the even-numbered years: Becker, Beltrami, Big Stone, Chippewa, Clay, Clearwater, Douglas, Grant, Hubbard, Kittson, Lac Qui Parle, Lake of the Woods, Mahnomen, Marshall, Norman, Ottertail, Pennington, Polk, Pope, Red Lake, Roseau, Stearns, Stevens, Swift, Todd, Traverse, Wadena, and Wilkin County registrants, and registrants whose business addresses are outside the state.

G. July 1 of the even-numbered years: Brown, Carver, Cottonwood, Faribault, Jackson, Kandiyohi, Lincoln, Lyon, Martin, McLeod, Meeker, Murray, Nicollet, Nobles, Pipestone, Redwood, Renville, Rock, Sherburne, Sibley, Watonwan, Wright, and Yellow Medicine County registrants.

H. October 1 of the even-numbered years: Blue Earth, Dodge, Fillmore, Freeborn, Goodhue, Houston, Le Sueur, Mower, Olmsted, Rice, Scott, Steele, Wabasha, Waseca, and Winona County registrants.

Subp. 3. **Renewals affected by change of location.** A registrant whose business address changes from one county to another must renew the registration with the county of relocation according to the schedule in subpart 2, and shall not accrue penalty fees for not renewing with the county of previous location.

Subp. 4. **Effective date of staggered biennial renewals.** The change in the date that registrants are required to submit biennial renewals takes effect with the 1989-1990 biennial renewal. The first staggered biennial renewal begins on January 1, 1989.

APPROVED AS TO FORM AND LEGALITY

December 27 1988

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJ Casserly
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

DEC 27 1988

Joan Anderson 11:05
Secretary of State A.M.

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

In the matter of the adoption of
Rules Relating to the Registration
of Sources of Radiation

STATEMENT OF NEED
AND REASONABLENESS

Amendments to Minnesota Rules, Parts 4730.0500 are being proposed by the Department of Health (MDH) as a revision to the existing rules for sources of radiation.

LEGAL BASIS -

The authority of the Commissioner of Health to adopt the proposed rules derives from several sources. Minn. Stats., Section 144.12, Subd. 1., (1986), imposes the following duties upon the Commissioner of Health:

> "**Rules.** The commissioner may adopt reasonable rules pursuant to chapter 14 for the preservation of the public health. The rules shall not conflict with the charter or ordinance of a city of the first class upon the same subject. The commissioner may control, by rule, by requiring the taking out of licenses or permits, or by other appropriate means, any of the following matters:
>
> ...(15) Sources of radiation, and the handling, storage, transportation, use and disposal of radioactive isotopes and fissionable materials; and
> ...."

The proposed rules come under this authority, since they are intended to aid in the administration of a program which is to protect the public health by reducing the radiation exposure to the operators, employees and the public.

Minn. Stats. Section 144.121 (1986) referring to x-ray machines and facilities using radium specifies that "...The registration shall expire and be renewed as prescribed by the commissioner pursuant to section 144.122." Minn. Stats. Sec. 144.122 (1986) specifies "The state commissioner of health, by rule, may prescribe reasonable procedures and fees for filing with the commissioner as prescribed by statute and for the issuance of original and renewal permits, licenses, registrations and certifications issued under authority of the commissioner...." Both of the above statutes clearly reference the authority of the State Commissioner of Health to develop rules and procedures regarding radiation facilities registered in accordance with Minn. Rules 4730.0100 - 4730.3600.

NEED FOR MDH REVISIONS:

As cited above, MDH has the primary regulatory responsibilities for radiation facilities through the setting of minimum standards applicable throughout the State. The MDH needs to amend the present 4730.0500 and add new subparts 2, 3, and 4 to 4730.0500. These changes will help the Radiation Control program staff to provide better and more efficient service to the 4,000+ registrants, through more timely biennial renewal of registration. Rather than having to experience a paperwork nightmare once every two years, the MDH proposes to

divide the 4,000+ registrants up into eight groups, each of which will be required to renew their registration on successive calendar quarters over a two year period. This will do three things. First, it will smooth out the flow of paperwork over the two years. Secondly, it will eliminate the need for a large mass mailing which is very disruptive of other operations, and spread it over a two year period. Lastly, it will help assure a more prompt response to applicants for renewal and reduce the considerable delay which sometimes occurs under the existing system.

In accordance with Minnesota Statutes, Section 14.10, a notice of intent to solicit outside opinion was published in the State Register at 12 S.R. 1010 on November 9, 1987. Responses and comments received after the announcement was published will be included in the rule making record.

COST OF IMPLEMENTATION TO LOCAL GOVERNMENT:

If the adoption of a rule by an agency will require the expenditure of public moneys by local public bodies, Minn. Stats. Sec. 14.11, Subd. 1, (1986) requires the agency to give a reasonable estimate of the total cost to all local public bodies in the state to implement the rule for the two years immediately following adoption of the rule, if the estimated cost exceeds $100,000 in either of the two years. The following is the Department's estimate.

There would be no cost to local units of government resulting from the proposed revisions. The current fee schedule is not being changed, only the time when the registration fees are collected. In addition, very few local units of government own sources of radiation which require registration.

SMALL BUSINESS CONSIDERATIONS:

Minnesota Stats., Section 14.115, (1986) requires that an agency consider five factors for reducing the impact of proposed rules on small business. Since many of the radiation registrants are likely to fall within statutory definition of small business, the Department has addressed each of the five factors as presented below.

1. The establishment of less stringent compliance or reporting requirements.

The compliance requirements in the proposed rules are minimally stringent, requiring all radiation registrants to meet minimum requirements. The question of reporting is inapplicable since neither the existing rules nor the proposed amendments to the rules require scheduled reports.

2. The establishment of less stringent schedules or deadlines for compliance or reporting requirements.

The proposed rules and the existing rules do not require routine reporting. There are no compliance deadlines in the proposed amendments to rules which differ from those in the existing rule.

3. The consolidation or simplification of compliance or reporting requirements.

There are no routine reporting requirements in the proposed amendments to rules.

4. The establishment of design standards for small businesses.

There are no design standards in the proposed amendments to rules.

5. The exemption of small businesses from the rule.

There is no sound public policy rationale by which owners of sources of radiation, some of which are considered small businesses, could be exempted from the proposed amendments. All radiation source registrants regardless of business size, have the potential to overexpose individuals through the use of radiation sources. The health of the operator, employees and the public must be protected. This can only be done through imposition of reasonable rules which necessarily must apply to both small and large businesses if we are to minimize the potential for overexposure to the operator, employees and the public. The proposed amendment does not impose any new responsibilities, but is merely an administrative change to allow for renewal of registration in a more orderly manner.

PROPOSED AMENDMENTS TO MINNESOTA RULES CHAPTER 4730.0500

Existing Minn. Rules Part 4730.0500 is to be amended and new subparts 2, 3, and 4 are to be added.

4730.0500 Subpart 1. This subpart is similar to the existing part 4730.0500 which is being amended by deleting the existing date of the biennial renewal "during the month of January of odd-numbered years". In place of this single day deadline, a schedule showing eight different renewal dates is proposed in new subparts 2 through 4.

4730.0500 Subpart 2. This new subpart specifies the day by which a radiation source registrant must submit the biennial renewal application to the MDH. The renewal deadline is based on where the registrant's business address is located within the state. This schedule was chosen to yield an approximately equal distribution of radiation source registrants from each part of the state in each calendar quarter. The method of sorting county by county was chosen because it would cluster all of the radiation registrants in an area of the state thus facilitating establishment of inspection tours to various parts of the state. Other methods of sorting were considered but none achieved the efficiencies to be realized with the method which has been chosen.

4730.0500 Subpart 3. This new subpart specifies that a radiation registrant will not incur a penalty fee because the source was moved and not renewed with the county of previous location. This subpart was added because up to ten percent of the facilities in the state either move or change ownership every two years. The registrant should not be penalized because the source has been moved. If a registrant were required to renew in the county of previous location, confusion would arise and the efficiencies of the system chosen in the amended rule would soon be lost.

4730.0500 Subpart 4. This new subpart specifies that the staggered biennial renewal takes effect with the 1989-1990 biennial renewal beginning on January 1, 1989. The date was chosen because it was the next scheduled renewal date and would cause the least confusion to the MDH and the registrants. A letter is being sent to all current registrants, explaining how the change is to be implemented and what their legal responsibilities will be as the change is made.

The proposed change is necessary to help MDH speed up the handling of renewals to assure that MDH has in its files the most current information about a particular registrant.

The proposed change is reasonable to the extent that it has virtually no impact on the regulated community while it greatly facilitates the smoothing of the agency's workload and helps assure prompt handling of renewal applications.

9-20-88

Department of Health

Proposed Permanent Rules Relating to Radiation Control

Rules as Proposed

4730.0500 RENEWAL OF REGISTRATION.

Subpart 1. **Biennial renewal of registration.** Each registration pursuant to parts 4730.0100 to 4730.3600 shall be renewed biennially ~~during the month of January of odd-numbered~~ **years** according to the staggered schedule specified in subpart 2 so long as the activity requiring registration continues. If there has been no substantial change in the matters described in the last prior registration or renewal, the renewal of the registration shall so state. If there has been any accession of additional radiation sources or other substantial change in the matters described in the preceding registration or renewal, the renewal shall state the accession or other change and give the information relating to such accession or other change that would be required upon original registration.

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D. October 1 of the odd-numbered years: Anoka, Dakota, and Washington County registrants.

E. January 1 of the even-numbered years: Aitkin, Benton, Carlton, Cass, Chisago, Cook, Crow Wing, Isanti, Itasca,

Approved by Revisor

Kanabec, Koochiching, Lake, Mille Lacs, Morrison, Pine, and St. Louis County registrants.

F. April 1 of the even-numbered years: Becker, Beltrami, Big Stone, Chippewa, Clay, Clearwater, Douglas, Grant, Hubbard, Kittson, Lac Qui Parle, Lake of the Woods, Mahnomen, Marshall, Norman, Ottertail, Pennington, Polk, Pope, Red Lake, Roseau, Stearns, Stevens, Swift, Todd, Traverse, Wadena, and Wilkin County registrants, and registrants whose business addresses are outside the state.

G. July 1 of the even-numbered years: Brown, Carver, Cottonwood, Faribault, Jackson, Kandiyohi, Lincoln, Lyon, Martin, McLeod, Meeker, Murray, Nicollet, Nobles, Pipestone, Redwood, Renville, Rock, Sherburne, Sibley, Watonwan, Wright, and Yellow Medicine County registrants.

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Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Radiation Control

AGENCY: Department of Health

MINNESOTA RULES: Chapter 4730

The attached rules are approved for publication
in the State Register

Kathleen M. Traxler
Assistant Revisor

Subd. 3. CONTESTED CASE; REPORT. The hearing and all matters after the hearing are a contested case under chapter 14. Within 45 days from the commencement of the hearing and within 15 days of the completion of the hearing the administrative law judge shall submit a report to the commissioner of commerce. The parties, or the administrative law judge, if the parties cannot agree, shall adjust all time requirements under the contested case procedure to conform with the 45-day requirement.

Subd. 4. DECISION. The commissioner shall make a decision within ten days of the receipt of the administrative law judge's report.

Subd. 5. WAIVER OR MODIFICATION. If all parties to the proceeding agree, any of the requirements of this section may be waived or modified.

Subd. 6. CASE PRESENTATION. The department of commerce, upon request by small businesses as defined by section 14.115, subdivision 1, shall assist small businesses in any specific class requesting continuation of coverage beyond the 180-day period, in coordinating the class and presenting the case in the contested hearing.

Environmental Quality Board

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Pipeline Routing

Notice is hereby given that the Minnesota Environmental Quality Board is seeking information or opinions from sources outside the Minnesota Environmental Quality Board in preparing to propose the adoption of rules for pipeline routing. The adoption of rules is authorized by *Minnesota Statutes*, section 116I.015 subd. 3 (Supp. 1987), which requires the Minnesota Environmental Quality Board to adopt rules governing the routing of pipelines.

The Minnesota Environmental Quality Board requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Larry B. Hartman, 380 Centennial Office Building, 658 Cedar Street, St. Paul, MN 55155. Oral statements will be received during regular business hours over the telephone at 612-296-5089 and in person at the above address.

All statements of information and opinions shall be accepted until 4:30 p.m., December 18, 1987. Any written material received by the Minnesota Environmental Quality Board shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 2 November 1987

John C. Ditmore, Chairman
Minnesota Environmental Quality Board

Department of Health

Division of Environmental Health

Notice of Intent to Solicit Outside Opinion on Various Proposed Rules

Notice is hereby given that the State Department of Health is seeking information or opinions from sources outside the agency in preparing to propose the adoption or amendment of the rules listed below.

Subject of Rule	Statutory Authority	Contact Person
Procedure for Variances (New Rule)	*Minnesota Statutes*, § 144.05	P. Bouchard 612/623-5331
Food Service Establishments (*Minnesota Rules* 4625.2400-4625.5000)	*Minnesota Statutes*, Chap. 157	M. F. Mitchell 612/623-5341
Children's Camps (*Minnesota Rules* 4630.2300-4630.4700)	*Minnesota Statutes*, § 144.74	C. B. Schneider 612/623-5335
Enclosed Sports Arenas (*Minnesota Rules* 4635.1100-4635.2000)	*Minnesota Statutes*, § 144.12	M. Thompson 612/623-5336
Water Wells (*Minnesota Rules*, Chap. 4725	*Minnesota Statutes*, Chap. 156A	J. Nye 612/623-5339
Formaldehyde (*Minnesota Rules* 4620.1600-4620.2100)	*Minnesota Statutes*, § 144.495	L. Oatman 612/623-5219

Sources of Radiation
(*Minnesota Rules*, Chap. 4730)

Minnesota Statutes, § 144.121

W. Breitenstein
612/623-5346

The State Department of Health requests information and opinions concerning the subject matter of these rules. Interested persons or groups may submit data or views on the rule of concern in writing or orally. Written statements should be addressed to the contact person identified above for the rule in question, and mailed to the Minnesota Department of Health, Division of Environmental Health, 717 Delaware Street S.E., Minneapolis, Minnesota 55440. Oral statements will be received during regular business hours over the telephone at the number of the appropriate contact person, and in person at the above address.

All statements of information and opinion shall be accepted until January 1, 1988. Any written material received by the State Department of Health shall become part of the rulemaking record to be submitted to the Attorney General or Administrative Law Judge in the event that the rule is adopted.

Dated: 28 October 1987

Raymond W. Thron, Ph.D., P.E., Director
Division of Environmental Health

Sentencing Guidelines Commission

Notice of Public Hearing to Consider Modifications to the Sentencing Guidelines

The Minnesota Sentencing Guidelines Commission will hold a public hearing on Thursday, December 10, 1987, at 6:00 p.m. in Hearing Room 5, Ground Floor, State Office Building, 100 Constitution Ave., St. Paul, Minnesota. The public hearing is to consider proposed modifications to the sentencing guidelines regarding the presumptive sentence for offenders to the right of the dispositional line at severity levels I through VI, an additional aggravating factor for offenders with extensive criminal history, and the ranking for Sale of Cocaine and Sale of Heroin when the amount of drug involved is at least 10 grams over a 90 day period.

Additional copies of the proposed modifications that include proposed modifications to the Commentary are available, free of charge, by contacting the Minnesota Sentencing Guidelines Commission at 51 State Office Building, St. Paul, MN 55155, or by calling (612) 296-0144.

All interested persons are encouraged to attend the hearing and offer comments. Persons wishing to speak may register in advance by contacting the Commission staff at the above address/telephone number.

The Commission will hold the record open for five days after the public hearing to accept additional written comment on the proposed modifications. On December 15, 1987, the Commission will meet in Room 10, State Office Building, 100 Constitution Avenue, St. Paul, Minnesota to formally adopt or reject the proposed modifications. If adopted, the modifications as indicated will become effective December 16, 1987. Those requiring legislative review will become effective August 1, 1988 absent legislative action to the contrary.

Proposed Modifications Effective December 16, 1987

Proposed Change to Section V. **Offense Severity Reference Table** are as follows:

VII	Sale of Cocaine—152.15, subd. 1(1), (i), (ii), (v), & (vi) Sale of Heroin—152.15, subd. 1(1) (ii), (v) & (vi)

Proposed Modifications Effective August 1, 1988 Barring Legislative Action to the Contrary

Proposed Change to Section II.C. (Presumptive Sentence)

C. Presumptive Sentence: The offense of conviction determines the appropriate severity level on the vertical axis. The offender's criminal history score, computed according to section B above, determines the appropriate location on the horizontal axis. The presumptive fixed sentence for a felony conviction is found in the Sentencing Guidelines Grid cell at the intersection of the column defined by the criminal history score and the row defined by the offense severity level. The offenses within the Sentencing Guidelines Grid are presumptive with respect to the duration of the sentence and whether imposition or execution of the felony sentence should be stayed.

The line on the Sentencing Guidelines Grid demarcates those cases for whom the presumptive sentence is executed from those for whom the presumptive sentence is stayed. ~~For cases contained in cells below and to the right of the line, the sentence should be executed.~~ For cases contained in cells above and to the left of the line, the sentence should be stayed, unless the conviction offense carries a mandatory minimum sentence. For cases contained in cells below and to the right of the line, the sentence should be executed unless any one of the following circumstances exist:

1) the current conviction offense is at severity level I or II and the offender has had less than three prior interventions; or

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

DEPARTMENT OF HEALTH

In the Matter of the
Proposed Adoption of the
Amendment of the Permanent Rules
of the Department of Health Relating
to Radiation Control

NOTICE OF INTENT TO
ADOPT A RULE AMENDMENT
WITHOUT A PUBLIC HEARING

Notice is hereby given that the Minnesota Department of Health (hereinafter "Department") intends to adopt the above-entitled rule amendment without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minn. Stat. §§ 14.22 to 14.28 (1986). The statutory authority to adopt the rule amendment is Minn. Stat. §§ 144.12, subd. 1(5), 144.121 and 144.122.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule amendment or any part or subpart of the rule amendment. Comment is encouraged. Each comment should identify the portion of the proposed rule amendment addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule amendment within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rule amendment addressed, the reason for the request, and any change proposed. If a public hearing is required, the Department will proceed pursuant to Minn. Stat. §§ 14.131 to 14.20 (1986).

Comments or written requests for a public hearing must be submitted to:

Alice T. Dolezal Hennigan, Chief
Section of Radiation Control
Division of Environmental Health
Minnesota Department of Health
717 Delaware Street Southeast
Minneapolis, Minnesota 55440
(612) 623-5351

The proposed rule amendment may be modified if the modifications are supported by data and views submitted to the Department and do not result in a substantial change in the proposed rule amendment as noticed.

If adopted the proposed rule amendment would amend Minn. Rules pt. 4730.0500 by deleting the existing date of the biennial renewal of the registration of X ray machines and radium. In place of this single day deadline a schedule is proposed showing eight different renewal dates. A copy of the proposed rule amendment is attached to this notice and a free copy of the rule amendment is available upon request from Ms. Dolezal Hennigan.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule amendment and identifies the data and information relied upon to support the proposed rule amendment has been prepared and is available from Ms. Dolezal Hennigan upon request.

The proposed rule amendment does not establish any fee nor make any fee adjustment. Neither does the proposed rule amendment accelerate the date of payment of any fee. The proposed rule amendment establishes staggered payment dates for fees by deferring payment of fees payable earlier under the rule prior to amendment. The approval of the Commissioner of Finance is not required nor must a copy of the notice and proposed amendments be sent to the chairs of the house appropriations and senate finance committee pursuant to Minnesota Statutes section 16A.128 (1986).

It is the position of the Department that the proposed rule is subject to Minnesota Statutes section 14.115 (1986) regarding small business considerations in rulemaking, and those are addressed in the statement of need and reasonableness. However, as noted the proposed rule amendment does not establish any fee nor make any fee adjustment. Neither does the proposed rule amendment accelerate the date of payment of any fee. Rather the proposed rule amendment establishes staggered payment dates for the fees by initially deferring payments of fees payable earlier under the current rule. There is no additional compliance cost to small business resulting from the proposed rule amendment.

Promulgation of the proposed rules amendment is not likely to result in the expenditure of public monies by local public bodies. Further information pursuant to Minnesota Statutes section 14.11 (1986) is contained in the statement of need and reasonableness. There is no impact on agricultural lands from the proposed rule.

If no hearing is required, upon adoption of the rule amendment, the rule amendment and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the adopted rule amendment must submit the written request to Ms. Dolezal Hennigan.

Dated: 9/30, 1988

Sr. Mary Madonna Ashton

SISTER MARY MADONNA ASHTON
Commissioner of Health

Office of the Revisor of Statutes
Administrative Rules

Kathleen M. Traxler
Assistant Revisor
296-0956

700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1297

October 17, 1988

Alice Dolezal
Department of Health
717 Delaware St. SE
Box 9441
Minneapolis, Minnesota 55440

RECEIVED
OCT 19 1988

RE: File No. 1371

Dear Ms. Dolezal:

Enclosed is a stripped copy of your proposed rules as published in the State Register. The copy shows the text of the rules as you proposed them with the stricken text deleted and the underscoring removed.

If your emergency rules or rules adopted without public hearing are adopted without modification, please submit the required number of copies of this document to the Attorney General for final approval. If these rules are to be modified, please use this copy to indicate the modifications you wish to make. Our office will then input the changes, approve the document as to form, and provide you with copies to submit to the Attorney General.

If your rules are adopted after public hearing without modification, please submit one copy of this document to our office for final approval as to form. If these rules are to be modified, please use this copy to indicate the modifications you wish to make. Our office will input the changes, approve the document as to form, and provide you with copies.

Very truly yours,

Kathleen M. Traxler
mk

Kathleen M. Traxler

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

DEPARTMENT OF HEALTH

In the Matter of the
Proposed Adoption of the
Amendment of the Permanent
Rules of the Department
of Health Relating to
Radiation Control

AFFIDAVIT OF MAILING THE
NOTICE OF INTENT TO ADOPT A
RULE AMENDMENT WITHOUT A
PUBLIC HEARING AND
CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

William P. Bruttenstein, being duly sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minn. Stat. §§ 14.14, subd. 1a, and 14.22 or 14.30, that their names be placed on the Department of Health rulemaking mailing list is accurate, complete, and current as of this 13th day of October, 1988.

That on the 13th day of October, 1988, at the City of Minneapolis, County of Hennepin, State of Minnesota, I mailed the attached Notice of Intent to Adopt a Rule Amendment Without a Public Hearing by depositing in the United States mail, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

William P. Bruttenstein

Subscribed and sworn to before me this

17 day of October, 1988.

Louise Kaniuk

LOUISE KANIUK
NOTARY PUBLIC-MINNESOTA
HENNEPIN COUNTY
MY COMMISSION EXPIRES FEBRUARY 22, 1991

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

DEPARTMENT OF HEALTH

In the Matter of the
Proposed Adoption of the
Amendment of the Permanent Rules
of the Department of Health Relating
to Radiation Control

NOTICE OF INTENT TO
ADOPT A RULE AMENDMENT
WITHOUT A PUBLIC HEARING

Notice is hereby given that the Minnesota Department of Health (hereinafter "Department") intends to adopt the above-entitled rule amendment without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minn. Stat. §§ 14.22 to 14.28 (1986). The statutory authority to adopt the rule amendment is Minn. Stat. §§ 144.12, subd. 1(5), 144.121 and 144.122.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule amendment or any part or subpart of the rule amendment. Comment is encouraged. Each comment should identify the portion of the proposed rule amendment addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule amendment within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rule amendment addressed, the reason for the request, and any change proposed. If a public hearing is required, the Department will proceed pursuant to Minn. Stat. §§ 14.131 to 14.20 (1986).

Comments or written requests for a public hearing must be submitted to:

Alice T. Dolezal Hennigan, Chief
Section of Radiation Control
Division of Environmental Health
Minnesota Department of Health
717 Delaware Street Southeast
Minneapolis, Minnesota 55440
(612) 623-5351

The proposed rule amendment may be modified if the modifications are supported by data and views submitted to the Department and do not result in a substantial change in the proposed rule amendment as noticed.

If adopted the proposed rule amendment would amend Minn. Rules pt. 4730.0500 by deleting the existing date of the biennial renewal of the registration of X ray machines and radium. In place of this single day deadline a schedule is proposed showing eight different renewal dates. A copy of the proposed rule amendment is attached to this notice and a free copy of the rule amendment is available upon request from Ms. Dolezal Hennigan.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule amendment and identifies the data and information relied upon to support the proposed rule amendment has been prepared and is available from Ms. Dolezal Hennigan upon request.

The proposed rule amendment does not establish any fee nor make any fee adjustment. Neither does the proposed rule amendment accelerate the date of payment of any fee. The proposed rule amendment establishes staggered payment dates for fees by deferring payment of fees payable earlier under the rule prior to amendment. The approval of the Commissioner of Finance is not required nor must a copy of the notice and proposed amendments be sent to the chairs of the house appropriations and senate finance committee pursuant to Minnesota Statutes section 16A.128 (1986).

It is the position of the Department that the proposed rule is subject to Minnesota Statutes section 14.115 (1986) regarding small business considerations in rulemaking, and those are addressed in the statement of need and reasonableness. However, as noted the proposed rule amendment does not establish any fee nor make any fee adjustment. Neither does the proposed rule amendment accelerate the date of payment of any fee. Rather the proposed rule amendment establishes staggered payment dates for the fees by initially deferring payments of fees payable earlier under the current rule. There is no additional compliance cost to small business resulting from the proposed rule amendment.

Promulgation of the proposed rules amendment is not likely to result in the expenditure of public monies by local public bodies. Further information pursuant to Minnesota Statutes section 14.11 (1986) is contained in the statement of need and reasonableness. There is no impact on agricultural lands from the proposed rule.

If no hearing is required, upon adoption of the rule amendment, the rule amendment and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the adopted rule amendment must submit the written request to Ms. Dolezal Hennigan.

Dated: 9/30, 1988

SISTER MARY MADONNA ASHTON
Commissioner of Health

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

In the Matter of the
Proposed Adoption of the
Amendment of the Permanent
Rules of the Department
of Health Relating to
Radiation Control

CERTIFICATION

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minnesota Statutes, section 14.14, subdivision 1a, that their names be placed on file with, and maintained by, the Minnesota Department of Health for the purpose of receiving notice of rule hearings, is accurate and complete as of 9:00 A.m., this 13th day of Oct., 1988.

D. N. Woodard

Virgil H. Lee, R.Ph.
St. Mary's Hospital Pharmacy
1216 Second St. Southwest
Rochester, MN 55902

Karen Lenander
Northern States Power Company
A. S. King Plant
210 North Tenth Avenue
Bayport, MN 55003

David Lurie, Commissioner of Health
City of Minneapolis
250 South Fourth Street
Minneapolis, MN 55415

The Residence, Inc.
2499 North Rice Street #220
Roseville, MN 55113

Karen Knepper
North Memorial Medical Center
3300 North Oakdale
Robbinsdale, MN 55422

POST Board
333 Sibley Street, Suite 495
St. Paul, MN 55101

Michael J. Duffy, Director
Community Health Services Board
325 Lake Avenue South/Suite 604
Duluth, MN 55802

Bob Kent
Lakeland Drilling
Rt. 1, Box 67-C
Wrenshall, MN 55797

Marjorie L. Ross
1145 Quentin Avenue South
Lakeland, MN 55043

Clark Gunin
Southwestern Mental Health Center
2 Round Wind Road
Luverne, MN 56156

Patsy A. Randell
Public Affairs Department
Honeywell
P.O. Box 524
Minneapolis, MN 55440

Minnesota Nurses Association
Governmental Affairs Department
1821 University Avenue
St. Paul, MN 55104

Bergerson-Caswell
5115 Industrial Street
Maple Plain, MN 55359

Larry Mosow
5620 Wycliffe Road
Edina, MN 55436

James Jack
Department of Recreation,
Parks and Leisure Services
Mankato State University
Mankato, MN 56001

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Care Providers of Minnesota
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Bloominton, MN 55425

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Pharmacy Department
University of Minnesota Hospital
Box 611
Minneapolis, MN 55455

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LeFevere, Lefler, et al.
2000 First Bank Place West
120 S. Sixth Street
Minneapolis, MN 55402

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P.O. Box 797
Lakeland, MN 55043

Terry Hoffman
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386 North Wabasha
St. Paul, MN 55102

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Woodvale
P.O. 1047
Austin, MN 55912

Mary Joe Dolan, Administrator
Northeast Residence, Inc.
4680 Bald Eagle Avenue
White Bear Lake, MN 55110

Joan M. Archer - MMHA
222 E. Little Canada Road
#222
St. Paul, MN 55434

Tobey Lapakko
Minnesota AFL-CIO
175 Aurora Avenue
St. Paul, MN 55103

Anoka County Health Department
Env. Serv.
Courthouse - Fourth Floor
Anoka, MN 55303

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Bird Island, MN 55310

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8370 Highway 23 Northeast
Willmar, MN 56201

Martha Ballou
155 S. Wabasha
St. Paul, MN 55107

Dr. Frank Perendy
5415 W. Broadway
Crystal, MN 55428

Keith A. Horton, M.D.
3141 Dean Court
#C1101
Minneapolis, MN 55416

Iris Freeman
Minnesota Alliance for Health
Care Consumers
3231 First Avenue South
Minneapolis, MN 55408

Bruce Kuritzky
2111 Hartford Avenue
St. Paul, MN 55116

Anne Lutterman
Director of Nursing
Shalom Home
1554 Midway Parkway
St. Paul, MN 55108

Kathryn Selseth-Kill
Presbyterian Family Foundation
901 Memorial Parkway
Willmar, MN 56201

Karen L. Nelson, Director
Wadena County Health Department
415 South Jefferson
Wadena, MN 56482

Scott Mayer
Minnesota Chiropractic Association
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St. Paul, MN 55113

Dorothy J. Opheim
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Cass County Public Health Services
Walker, MN 56484

Michael Maus
Box 1047
Austin, MN 55912

Mary Ann Blade
808 Southeast Third Street
Little Falls, MN 56345

Sue Kvendru
Metro Senior Federation
1885 University Avenue
St. Paul, MN 55105

Dominic J. Sposeto
2824 Irving Avenue South
Minneapolis, MN 55408

Shelly Stevens
Region 5 Development Commission
611 Iowa Avenue
Staples, MN 56479

Julie Krause
Todd County Public Health
119 Third Street
Long Prairie, MN 56347

Barbara W. Kaufman
Minnesota Association of Voluntary
Social Services Agencies (MAVSSA)
306 N. Griggs-Midway Building
1821 University Avenue West
St. Paul, MN 55104

David Ray Kiely, CEO
c/o Association of Residential
Resources/Minnesota
245 East Sixth Street
#705
St. Paul, MN 55101

Toni Nesheim
Region 9 Development Commission
P.O. Box 3367
Mankato, MN 56001

Sherri Viland, Executive Director
Dakota Mental Health Center
744 - 19th Avenue North
South St. Paul, MN 55075

Jean Searles
Resa, Inc.
38 Seventh Avenue North
Hopkins, MN 55343

Kent E. Eklund
Ebenezer Society
2500 Park Avenue
Minneapolis, MN 55404

Broeker, Geer, Fletcher
and LaFond, Limited
8500 Normandale Lake Boulevard
Suite 1510
Bloomington, MN 55437

Alan W. Ingram
Executive Director
NASW Minnesota Chapter
614 Portland
St. Paul, MN 55102

Gail Trenholm
14600 Minnetonka Boulevard
Minnetonka, MN 55345

Mt. Olivet Rolling Acres
7200 Rolling Acres Road
Excelsior, MN 54431

Koep Group Homes, Inc.
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Fergus Falls, MN 56537

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Public Health Administration
School of Public Health - U of M
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Minneapolis, MN 55455

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133-W Lake South
Minneapolis, MN 55408

Kathleen Welte
Ramsey County Medical Society
215 Lowry Medical Arts Building
St. Paul, MN 55102

Ernest K. Lehmann and Associates, Inc.
Suite 790, Kickernick Building
430 First Avenue North
Minneapolis, MN 55401

Paul Martodam
1730 Seventh Avenue South
St. Cloud, MN 56301

D. Bill Olson
Habilitative Services, Inc.
P.O. Box 123
Windom, MN 56101

John Dorn
1021 Orchard Road
Mankato, MN 56001

Carol Fielders, R.N., M.P.H.
Public Health Nursing Director
St. Louis County Health Department
1001 East First Street
Duluth, MN 55805

Jim Koesling
Capitol Supply Company
600 Lafayette Road
St. Paul, MN 55101

Carol Lee
Director HMC
P.O. Box 302
Mankato, MN 56001

Association for Retarded Citizens
of Olmsted County
903 West Center
Rochester, MN 55902

Heartland Homes, Inc.
Box 214
Park Rapids, MN 56470

Mary Martin and Associates
1551 Livingston
Suite 102
West St. Paul, MN 55118

Mary Luth
Washington County Public Health
14900 North 61st Street
Stillwater, MN 55082

Mary Kay McJilton
People, Incorporated
379 University Avenue #204
St. Paul, MN 55103

City Manager
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113

Torgerson Well Co., Inc.
6855 Dogwood Street
Rockford, MN 55373

David Velde
Edina Health Department
4801 West 50th Street
Edina, MN 55424

David Felske
Pine Ridge Homes, Inc.
915 - 18th St.
Cloquet, MN 55720

Vicki Kunerth
3337 - 38th Avenue South
Minneapolis, MN 55406

Josette C. Nordmark
Health Care Coordinator
Polk County Group Homes, Inc.
P.O. Box 707
Crookston, MN 56716

Goodhue-Wabasha CHS
426 West Avenue
Red Wing, MN 55066

Alfred Ross
6356 Ware Road
Lino Lakes, MN 55014

Phillip C. Newberg
Room 104
2700 University Avenue West
St. Paul, MN 55114

Philip D. Brick
Room 1703
1100 Superior Avenue
Cleveland, OH 44114

Sam Ruhle
Fifth Floor
Flour Exchange Building
310 Fourth Avenue South
Minneapolis, MN 55415

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MN State Pharmaceutical Association
2221 University Avenue Southeast
Minneapolis, MN 55414

South Center Manor
508 Park Island
Center City, MN 55012

Bill Conley
114 Mackubin
St. Paul, MN 55102

James Auron
Mental Health Association
328 East Hennepin
Minneapolis, MN 55414

Sharon Kannenberg
Home and Community Option
252 W. Wabasha Street
Winona, MN 55987

Becky A. Comstock
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Minneapolis, MN 55402

Robert A. Harder
Minnesota Dental Association
2236 Marshall Avenue
St. Paul, MN 55104

Minnesota Board of Nursing
2700 University Ave. W. #108
St. Paul, MN 55114

Hope Residence, Inc.
Box 63
Waterville, MN 56096

Harriet McPherson
2398 Stagecoach Trail N.
Stillwater, MN 55082

Herbert Anderson
418 Eighth St. S.
Virginia, MN 55792

Miller Friesen, C.E.O.
Range Mental Health Center
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Virginia, MN 55792

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Moss & Barnett
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Minneapolis, MN 55402

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Willeke & Daniels
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Share Development Corporation
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Bloomington, MN 55431

Pine River Group Home
Box 96
Pine River, MN 56474

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Ewald Consulting Group
245 East Sixth Street
St. Paul, MN 55101

M. Timothy Burkett
Community Involvement Programs
2217 Nicollet Avenue South
Minneapolis, MN 55404

Jerry Gross
c/o Community Living, Inc.
Box 130
Victoria, MN 55386

Jan Cuccia
Local 113
3001 University Avenue Southeast
Minneapolis, MN 55414

Charles A. Kroeger
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Faribault, MN 55021

Kathleen Pine
400 West Marie Avenue
West St. Paul, MN 55118

H. A. Swift
5165 North St. Albans
St. Paul, MN 55126

Mark Wiger
801 Center Street
New Ulm, MN 56073

Colleen Wieck
State Planning Agency
300 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155

Thomas L. Heenan
Supervising Sanitarian
Crystal, Brooklyn Center,
Brooklyn Park Health Department
4141 Douglas Drive
Crystal, MN 55422

Donna M. Anderson, Director
Dakota County Public Health
33 East Wentworth Ave. #345
West St. Paul, MN 55118

Gaynold Jensen, R.D.
111 West 107th St.
Minneapolis, MN 55420

Sharon Hoefs
Assisi Residences, Inc.
Box 353
Blue Earth, MN 56013

Brian Van Beusekom
Ingleside Engineering and
Construction, Inc.
4920 Highway 55
Rockford, MN 55373

Byron Laher
United Way
404 South Eighth Street
Minneapolis, MN 55404

Georgeanne Lowney
609 West First Street
Waconia, MN 55387

Jim Temple
Chrestomathy Center
310 East 38th Street
Minneapolis, MN 55409

Neil A. Rowland
901 South Main Street
Chatfield, MN 55923

Donald Olson
Olson Well Service
Halstad, MN 56548

Judith S. Douglas
The Phoenix Residence, Inc.
135 Colorado Street East
St. Paul, MN 55107

Charles B. Hoffman
Pickands, Mather and Company
Suite 811-200 West Superior St.
Duluth, MN 55802

James L. Glasoe
Homeward Bound Inc.
4741 Zealand Avenue North
New Hope, MN 55428

Stephen D. Lee
Box G
Fulda, MN 56131

Neil Boyum
Range Center, Inc.
1008 N.W. Eighth Avenue
Chisholm, MN 55719

Ginny Gadbois Green
2344 Nicollet Avenue South
#370
Minneapolis, MN 55415

Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register.* The notice must advise the public:

1. **that they have 30 days in which to submit comment on the proposed rules;**
2. **that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;**
3. **of the manner in which persons shall request a hearing on the proposed rules; and**
4. **that the rule may be modified if the modifications are supported by the data and views submitted.**

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*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Commerce

Notice of Withdrawal of the Rules Relating to Credit Unions

The above captioned rules published in the *State Register* on September 26, 1988 at 13S.R.689 are hereby withdrawn.

Dated: 3 October 1988

Michael A. Hatch
Commissioner of Commerce

Department of Health

Proposed Permanent Rules Relating to Radiation Control

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

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health (hereinafter "Department") intends to adopt the above-entitled rule amendment without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1986). The statutory authority to adopt the rule amendment is *Minnesota Statutes* §§ 144.12, subd. 1(5), 144.121 and 144.122.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule amendment or any part or subpart of the rule amendment. Comment is encouraged. Each comment should identify the portion of the proposed rule amendment addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule amendment within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rule amendment addressed, the reason for the request, and any change proposed. If a public hearing is required, the Department will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1986).

Comments or written requests for a public hearing must be submitted to:

Alice T. Dolezal Hennigan, Chief
Section of Radiation Control
Division of Environmental Health
Minnesota Department of Health

717 Delaware Street Southeast
Minneapolis, Minnesota 55440
(612) 623-5351

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.

The proposed rule amendment may be modified if the modifications are supported by data and views submitted to the Department and do not result in a substantial change in the proposed rule amendment as noticed.

If adopted the proposed rule amendment would amend *Minnesota Rules* pt. 4730.0500 by deleting the existing date of the biennial renewal of the registration of X ray machines and radium. In place of this single day deadline a schedule is proposed showing eight different renewal dates. A copy of the proposed rule amendment is attached to this notice and a free copy of the rule amendment is available upon request from Ms. Dolezal Hennigan.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule amendment and identifies the data and information relied upon to support the proposed rule amendment has been prepared and is available from Ms. Dolezal Hennigan upon request.

The proposed rule amendment does not establish any fee nor make any fee adjustment. Neither does the proposed rule amendment accelerate the date of payment of any fee. The proposed rule amendment establishes staggered payment dates for fees by deferring payment of fees payable earlier under the rule prior to amendment. The approval of the Commissioner of Finance is not required nor must a copy of the notice and proposed amendments be sent to the chairs of the house appropriations and senate finance committee pursuant to *Minnesota Statutes* section 16A.128 (1986).

It is the position of the Department that the proposed rule is subject to *Minnesota Statutes* section 14.115 (1986) regarding small business considerations in rulemaking, and those are addressed in the statement of need and reasonableness. However, as noted the proposed rule amendment does not establish any fee nor make any fee adjustment. Neither does the proposed rule amendment accelerate the date of payment of any fee. Rather the proposed rule amendment establishes staggered payment dates for the fees by initially deferring payments of fees payable earlier under the current rule. There is no additional compliance cost to small business resulting from the proposed rule amendment.

Promulgation of the proposed rules amendment is not likely to result in the expenditure of public monies by local public bodies. Further information pursuant to *Minnesota Statutes* section 14.11 (1986) is contained in the statement of need and reasonableness. There is no impact on agricultural lands from the proposed rule.

If no hearing is required, upon adoption of the rule amendment, the rule amendment and the required supporting documents **will be submitted to the Attorney General for review as to legality** and form to the extent the form relates to legality. Any person **may request notification of the date of submission to the Attorney General.** Persons who wish to be advised of the submission of **this material to the Attorney General or who wish to receive a copy** of the adopted rule amendment must submit the written request **to Ms. Dolezal Hennigan.**
Dated: 30 September 1988

Sister Mary Madonna Ashton
Commissioner of Health

Rules as Proposed

4730.0500 RENEWAL OF REGISTRATION.

Subpart 1. **Biennial renewal of registration.** Each registration pursuant to parts 4730.0100 to 4730.3600 shall be renewed biennially ~~during the month of January of odd-numbered years~~ according to the staggered schedule specified in subpart 2 so long as the activity requiring registration continues. If there has been no substantial change in the matters described in the last prior registration or renewal, the renewal of the registration shall so state. If there has been any accession of additional radiation sources or other substantial change in the matters described in the preceding registration or renewal, the renewal shall state the accession or other change and give the information relating to such accession or other change that would be required upon original registration.

Subp. 2. **Staggered schedule for renewal of registration.** Each registration pursuant to parts 4730.0100 to 4730.3600 shall be renewed on or before the first day of the calendar quarter specified in items A to H. The schedule is based on the registrant's business address within the state.

A. January 1 of the odd-numbered years: Hennepin County dentists and all radiation sources in the University of Minnesota system, regardless of location.

B. April 1 of the odd-numbered years: Hennepin County registrants other than those included in item A.

C. July 1 of the odd-numbered years: Ramsey County registrants.

D. October 1 of the odd-numbered years: Anoka, Dakota, and Washington County registrants.

E. January 1 of the even-numbered years: Aitkin, Benton, Carlton, Cass, Chisago, Cook, Crow Wing, Isanti, Itasca, Kanabec, Koochiching, Lake, Mille Lacs, Morrison, Pine, and St. Louis County registrants.

F. April 1 of the even-numbered years: Becker, Beltrami, Big Stone, Chippewa, Clay, Clearwater, Douglas, Grant, Hubbard, Kittson, Lac Qui Parle, Lake of the Woods, Mahnomen, Marshall, Norman, Ottertail, Pennington, Polk, Pope, Red Lake, Roseau, Stearns, Stevens, Swift, Todd, Traverse, Wadena, and Wilkin County registrants, and registrants whose business addresses are outside the state.

G. July 1 of the even-numbered years: Brown, Carver, Cottonwood, Faribault, Jackson, Kandiyohi, Lincoln, Lyon, Martin, McLeod, Meeker, Murray, Nicollet, Nobles, Pipestone, Redwood, Renville, Rock, Sherburne, Sibley, Watonwan, Wright, and Yellow Medicine County registrants.

H. October 1 of the even-numbered years: Blue Earth, Dodge, Fillmore, Freeborn, Goodhue, Houston, Le Sueur, Mower, Olmsted, Rice, Scott, Steele, Wabasha, Waseca, and Winona County registrants.

Subp. 3. **Renewals affected by change of location.** A registrant whose business address changes from one county to another must renew the registration with the county of relocation according to the schedule in subpart 2, and shall not accrue penalty fees for not renewing with the county of previous location.

Subp. 4. **Effective date of staggered biennial renewals.** The change in the date that registrants are required to submit biennial renewals takes effect with the 1989-1990 biennial renewal. The first staggered biennial renewal begins on January 1, 1989.

Department of Public Safety

Proposed Rules Relating to Deputy Registrars

Notice of Intent to Adopt Rules Without a Hearing

NOTICE IS HEREBY GIVEN that the State Department of Public Safety is proposing to adopt the above entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in *Minnesota Statutes* Sections 14.21 through 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules. Public comments are encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for comment, and any change proposed. The proposed rules may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Public Safety and do not result in a substantial change in the proposed language.

If 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the portion of the proposed rule addressed, the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are requested. Any person requesting a public hearing should state his or her name and address. In the event a public hearing is required, the department will proceed according to the provisions of *Minnesota Statutes* Sections 14.13 through 14.20.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a free copy of this notice and/or a free copy of the proposed rules, should address their correspondence to the address below and include the name of the rulemaking:

Department of Public Safety
211 Transportation Building
St. Paul, MN 55155

The Department's authority to adopt the proposed rules is contained in *Minnesota Statutes,* sections 168.33 and 14.06. A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available free from the Department of Public Safety upon request to the above address.

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.

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

DEPARTMENT OF HEALTH

In the Matter of the
Proposed Adoption of the
Amendment of the Permanent
Rules of the Department of Health
Relating to Radiation Control

FINDINGS OF FACT,
CONCLUSIONS, AND ORDER
ADOPTING A RULE AMENDMENT
WITHOUT A PUBLIC HEARING

Notice of the Department of Health (hereinafter "Department") intent to adopt the above-entitled rule amendment was published in the State Register on October 17, 1988, and was sent by United States mail to all persons on the list maintained by the Department pursuant to Minn. Stat. §§ 14.14, subd. la and 14.22 on October 13, 1988. The statement of need and reasonableness was prepared before the notice of intent to adopt a rule amendment without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Reigster and was available to the public.

All persons were given the opportunity to submit comment on the rule amendment for 30 days after notice of proposed rulemaking. No request for a public hearing on the rule amendment were received by the Department.

The Department received one comment on the rule amendment and one request for a copy of the rule. No requests for notice of submission to the Attorney General were received by the Department.

Based on the comments and evidence in the record before the Department, including the statement of need and reasonableness which is incorporated herein as the Department's findings, the Department concludes that the above-captioned rule amendment is both needed and reasonable.

NOW, THEREFORE, IT IS HEREBY ORDERED that the rule amendment identified as Amendment of the Permanent Rules of the Department of Health

Relating to Radiation Control adopted this 16 day of Dec., 1988, pursuant to authority vested in the Department by Minn. Stat §§ 144.12, subd. 1(5), 144.121 and 144.122.

Sr. Mary Madonna Ashton

SISTER MARY MADONNA ASHTON
Commissioner

STATE OF MINNESOTA

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Radiation Control

DECLARATION OF COUNSEL

I, Paul G. Zerby, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule amendment and the supporting rulemaking record and that, based on my examination, the Administrative Procedure Act and Minn. Rules ch. 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 1420.

Dated: December 16, 1988

PAUL G. ZERBY
Special Assistant
Attorney General