

**SYNOPSIS OF
PROPOSED AMENDMENTS TO THE RULES OF THE
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION
RELATING TO RADIOACTIVE MATERIALS, CHAPTER 391-3-17**

Rule 391-3-17-.01, “General Provisions,” is being amended.

Purpose: The purpose of this amendment is to revise the General Provisions to be consistent with the requirements of the Nuclear Regulatory Commission as found in Title 10, Chapter 1, of the Code of Federal Regulations.

Main Features: Subparagraph 391-3-17-.01(2)(s) is being added to specify the definition of “Committed dose.”

Subparagraph 391-3-17-.01(2)(tttt) is being added to specify the definition of “Sealed Source and Device Registry.”

Note that subparagraphs (t) through (tttt) have been re-numbered due to the insertion of two new definitions in alphabetical order beginning with new subparagraph (s). The subparagraph numbering specified above is for the new numbering.

Rule 391-3-17-.02, “Licensing of Radioactive Material,” is being amended.

Purpose: The purpose of this amendment is to revise the requirements for the licensing of radioactive material to be consistent with the requirements of the Nuclear Regulatory Commission.

Main Features: Subparagraph 391-3-17-.02(3)(c) is being amended to revise “Exempt Items.” Extensive revisions to text result in numbering changes to subparagraphs (c)1.(iii) through (c)1.(xiii), new (c)2.(iii), new (c)3.(iv), and new (c)4, (c)5.and (c)6.

Subparagraph 391-3-17-.02(5)(d)2 is being amended to remove a reference to (11)(l).

Subparagraph 391-3-17-.02(6)(b) is being reserved, and requirements for devices previously discussed here have been addressed in revised subparagraphs .02(3)(c)1.(ii) and (iii).

Subparagraph 391-3-17-.02(6)(c)3.(xi)(l) is being amended to remove the capital “R” from “Radium-226.”

Subparagraph 391-3-17-.02(6)(c) 3.(xiv) is being amended to replace “of this chapter” with “Part 110.”

Subparagraph 391-3-17-.02(7)(i) is being amended to add that an application for a license to use radioactive material in the form of a sealed source also can identify the source using Nuclear Regulatory

Commission or Agreement States' registrations, to remove a reference to (11)(l), and to add new subparagraphs (7)(i)3, 4 and 5.

Subparagraph 391-3-17-.02(11)(d)1.(vi) is being added to require sources and devices manufactured and initially transferred to General Licensees to be registered in the Sealed Source and Device Registry.

Subparagraph 391-3-17-.02(11)(e)2. is being revised to no longer refer to removed section 32.101 of 10 CFR, Part 32 of the NRC regulations.

Subparagraph 391-3-17-.02(11)(f)2. is being revised to no longer refer to removed section 32.102 of 10 CFR, Part 32 of the NRC regulations.

Subparagraph 391-3-17-.02(11)(h)2. is being revised to no longer refer to removed section 32.103 of 10 CFR, Part 32 of the NRC regulations.

Subparagraph 391-3-17-.02(11)(j)4. is being amended to require certain medical sources and devices to be registered in the Sealed Source and Device Registry. Note: former subparagraphs (j)4. and (j)5. will become (j)5. and (j)6., respectively.

Subparagraph 391-3-17-.02(11)(k)4. is being amended to remove a reference to (11)(l).

Subparagraph 391-17-.02(13) is being amended to revise subparagraph (e)2. text "11 U.S.C. 101(14)" to "11 U.S.C. 101(15)".

Subparagraph 391-3-17-.02(21)(b) is being amended to include the current listing of 10 CFR 30.71 Schedule B, Exempt Quantities. This includes removing "Oxygen-15(O 15)" from the schedule.

Rule 391-3-17-.04, "Special Radiation Safety Requirements for Industrial Radiographic Operations," is being amended.

Purpose: The purpose of this amendment is to revise the Special Radiation Safety Requirements for Industrial Radiographic Operations to be consistent with the requirements of the Nuclear Regulatory Commission.

Main Features: Subparagraph 391-3-17-.04(5)(a) is revised to reflect current address information for the American National Standards Institute and the Georgia Radioactive Materials Program.

Subparagraph 391-3-17-.04(9)(c)5. is revised to replace "μCi" with "microcuries" to be consistent with previous subparagraphs.

Subparagraph 391-3-17-.04(19)(g)2. is revised to replace "five" with the numeral.

Subparagraph 391-3-17-.04(36) is revised to add an "s" to "Record."

Subparagraph 391-3-17-.04(41)(g)2. is revised to replace the word "requirements" with "evaluations."

Subparagraph 391-3-17-.04 Appendix A III has been revised to add an “s” to “examination.”

Rule 391-3-17-.05, “Use of Radionuclides in the Healing Arts,” is being amended.

Purpose: The purpose of this amendment is to revise the Use of Radionuclides in the Healing Arts to be consistent with the requirements of the Nuclear Regulatory Commission.

Main Features: Subparagraph 391-3-17-.05(54)(b) is being amended to revise and correct a reference to another subparagraph.

Rule 391-3-17-.06, “Transportation of Radioactive Material,” is being amended.

Purpose: The purpose of this amendment is to revise the Transportation of Radioactive Material to be consistent with the requirements of the Nuclear Regulatory Commission.

Main Features: Subparagraph 391-3-17-.06(3)(p) is being amended to add a definition for “Indian tribe.”

Subparagraph 391-3-17-.06(3)(hh) is being amended to add a definition for “Tribal official.”

Note that previous subparagraphs (3)(p) through (3)(mm) under “Definitions” have been renumbered to reflect the two new definitions above.

Subparagraphs 391-3-17-.06(21)(a)1 and (a)(2) are added to address additional transportation notification requirements that include those applicable to Tribal officials.

Subparagraph 391-3-17-.06(21)(c)(4) is revised to address specific notification information requirements that include those applicable to Tribal officials.

Subparagraphs 391-3-17-.06(21)(c) and (d) are being amended to correct a reference to (21)a.

Subparagraph 391-3-17-.06(21)(d)(1) is revised to address submittals of advance notifications that include those applicable to Tribal officials.

Subparagraph 391-3-17-.06(21)(d)(3) is revised to provide information where names and mailing addresses of governors’ designees and Tribal officials’ designees can be found.

Subparagraph 391-3-17-.06(21)(e) is revised to address notifications required when a change occurs to the schedule included in a previously submitted transportation notification..

Subparagraph 391-3-17-.06(21)(f) is revised to address cancellation of

shipment notifications after advance notifications have been made to the appropriate officials.

Rule 391-3-17-.10, “Administration. Amended.” is being amended.

Purpose: The purpose of this amendment is to revise and clarify the requirements for annual fee payments by in-state licensees and out-of-state reciprocal licensees.

Main Features: Subparagraph 391-3-17.10(2)(d) is revised to address in-state licenses and to establish an annual date/deadline for payment of license fees.

Subparagraph 391-3-17.10(2)(e) is added to revise the time frame for submitting reciprocity fees and to establish the new license application fee as the annual fee amount since a new application for reciprocity must be submitted and approved each calendar year.

Subparagraph 391-3-17.10(2)(f) is added to provide mailing and emailing instructions for applicants.

**STATEMENT OF RATIONALE
Rules for Radioactive Materials**

Rule 391-3-17-.01 – General Provisions

The basis of this rule is to specify the general provision requirements for the Rules for Radioactive Materials. The purpose for this revision is to revise the requirements to be consistent with the requirements of the U.S. Nuclear Regulatory Commission as found in Title 10, Chapter 1, of the Code of Federal Regulations, as amended.

This revision is administrative in nature and is in no way any more restrictive than the Federal requirements and does not incur any additional costs to the regulated industry or public beyond those that are required to meet the Federal rule.

Rule 391-3-17-.02 – Licensing of Radioactive Material

The basis of this rule is to specify the licensing requirements for persons that receive, possess, use, transfer, own or acquire radioactive materials. The purpose for this revision is to revise the requirements to be consistent with the requirements of the U.S. Nuclear Regulatory Commission.

This revision is administrative in nature and is in no way any more restrictive than the Federal requirements and does not incur any additional costs to the regulated industry or public beyond those that are required to meet the Federal rule.

Rule 391-3-17-.04, - Special Radiation Safety Requirements for Industrial Radiographic Operations

The basis of this rule is to establish standards for radiation safety and certification procedures for persons utilizing radioactive materials for industrial radiography conducted pursuant to licenses issued by EPD. The purpose for this revision is to revise the requirements to be consistent with the requirements of the U.S. Nuclear Regulatory Commission.

This revision is administrative in nature and is in no way any more restrictive than the Federal requirements and does not incur any additional costs to the regulated industry or public beyond those that are required to meet the Federal rule.

Rule 391-3-17-.05 – Use of Radionuclides in the Healing Arts

The basis of this rule is to establish requirements and provisions for the production, preparation, compounding and use of radionuclides in the healing arts and for issuance of licenses authorizing these activities. The purpose for this revision is to revise the requirements to be consistent with the requirements of the U.S. Nuclear Regulatory Commission.

This revision is administrative in nature and is in no way any more restrictive than the Federal requirements and does not incur any additional costs to the regulated industry or public beyond those that are required to meet the Federal rule.

Rule 391-3-17-.06 - Transportation of Radioactive Material

The basis of this rule is to establish requirements for packaging, preparation for shipment, and transportation of radioactive material for persons subject to these requirements. The purpose for this revision is to revise the requirements to be consistent with the requirements of the U.S. Nuclear Regulatory Commission.

This revision is administrative in nature and is in no way any more restrictive than the Federal requirements and does not incur any additional costs to the regulated industry or public beyond those that are required to meet the Federal rule.

Rule 391-3-17-.10 - Administration. Amended

The basis of this rule is to establish administrative procedures for the submittal and review of applications, filing of papers, and the payment of fees. The purpose for this revision is establish specific dates for payment of in-state licensing fees and to clarify which fees are applicable to out-of-state applicants seeking reciprocity.

This revision is administrative in nature and is in no way any more restrictive than the Federal requirements and does not incur any additional costs to the regulated industry or public beyond those that are required to meet the Federal rule.