NOTICE OF INTENT

Department of Environmental Quality

Office of the Secretary

Legal Affairs Division

Miscellaneous Corrections

(LAC 33:XV.430, 455, 493, 763, and 1699 Appendix A) (RP071)

 Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Radiation Protection regulations, LAC 33:XV.331, 430, 455, 493, 763, 1613, and 1699 Appendix A (RP071).

 This Rule updates the regulations pertaining to dosimetry and makes miscellaneous corrections to be compatible with changes in the federal regulations. This Rule was promulgated by the Nuclear Regulatory Commission as RATS IDs 2021-1 and 2021-2. The basis and rationale for this Rule are to mirror the federal regulations and maintain an adequate agreement state program. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Family Impact Statement**

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

This Rule has no known impact on poverty as described in R.S. 49:973.

**Small Business Analysis**

This Rule has no known impact on small business as described in R.S. 49:974.1 - 974.8.

**Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

**Public Comments**

 All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by RP071. Such comments must be received no later than November 6, 2024, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of the proposed regulation can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of RP071. The proposed regulation is available on the Internet at https://deq.louisiana.gov/page/monthly-regulation-changes-2024%20.

**Public Hearing**

A public hearing will be held at the on October 30, 2024, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or via Zoom at https://deqlouisiana.zoom.us/j/93713913864?pwd=gs6n6d3WEoKQzntrEfwhvWewKI9sFC.1 or by telephone by dialing (646) 255-1997 using the meeting ID 937 1391 3864, passcode 6150003. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

 The proposed regulation is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

 Aurelia S. Giacometto

 Secretary

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part XV. Radiation Protection**

**Chapter 4. Standards for Protection against Radiation**

**Subchapter C. Surveys and Monitoring**

**§430. General**

 A. **—** C.2. …

 3. No licensee or registrant shall subtract radiation exposures from official personnel monitoring records without the prior written approval of the department.

 D. — E. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and 2104(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended LR 20:653 (June 1994), LR 22:971 (October 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:1468 (August 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2529 (October 2005), LR 33:2181 (October 2007), amended by the Office of the Secretary, Legal Division, LR 41:2134 (October 2015), amended by the Office of the Secretary, Legal Affairs Division LR 50:

**Subchapter G. Precautionary Procedures**

**§455. Procedures for Receiving and Opening Packages**

 A. — D. …

 1. removable radioactive surface contamination exceeds the limits of LAC 33:XV.1516.~~A~~B.9; or

1. 2. external radiation levels exceed the limits of LAC 33:XV.1516. ~~A~~B.10.
2. E. — F. …
3. \* \* \*

 AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), LR 22:973 (October 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2577 (November 2000), LR 28:1951 (September 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 34:2103 (October 2008), LR 50:

**Subchapter J. Reports**

**§493. Reports of Transactions Involving Nationally Tracked Sources**

 A. — H. …

 ~~I. Each licensee who possesses Category 1 nationally tracked sources shall report the initial inventory of the licensee’s Category 1 nationally tracked sources to the national source tracking system by January 31, 2009. Each licensee who possesses Category 2 nationally tracked sources shall report the initial inventory of the licensee's Category 2 nationally tracked sources to the national source tracking system by January 31, 2009. The information may be submitted by using any of the methods specified in Paragraphs G.1-4 of this Section. The initial inventory report must include the following information:~~

1. ~~1. the name, address, and license number of the reporting licensee;~~
2. ~~2. the name of the individual preparing the report;~~
3. ~~3. the manufacturer, model, and serial number of each nationally tracked source or, if not available, other information to uniquely identify the source;~~
4. ~~4. the radioactive material in the sealed source;~~
5. ~~5. the initial or current source strength in becquerels (curies); and~~
6. ~~6. the date for which the source strength is reported.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:2361 (November 2007), amended LR 34:243 (February 2008), LR 50:

**Chapter 7.** **Use of Radionuclides in the Healing Arts**

**§763. Training**

 A.— A.3.b. …

 c. has experience with the radiation safety aspects of the types of use of byproduct material for which the individual is seeking simultaneous approval both as the radiation safety officer and the authorized user on the same new medical use license or new medical use permit issued by a NRC master material ~~license~~licensee. The individual shall also meet the requirements in Paragraph A.4 of this Section.

 A.4. — B.5. …

 6. Physicians, dentists, or podiatrists not identified as authorized users for the medical use of byproduct material on a license issued by the NRC or agreement state, a permit issued by a NRC master material licensee, a permit issued by a NRC or an agreement state broad scope licensee, or a permit issued ~~by~~in accordance with a NRC master material license of broad scope on or before October 24, 2005, need not comply with the training requirements of this Chapter for those materials and uses that these individuals performed on or before October 24, 2005, as follows:

 B.6.a. — K.1. …

 a. have graduated from a pharmacy program accredited by the ~~American~~Accreditation Council ~~on~~for ~~Pharmaceutical~~Pharmacy Education (ACPE) or have passed the Foreign Pharmacy Graduate Examination Committee (FPGEC) examination;

 K.1.b. — M. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 24:2106 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2590 (November 2000), LR 30:1186 (June 2004), amended by the Office of Environmental Assessment, LR 31:1061 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:814 (May 2006), LR 34:983 (June 2008), LR 34:2121 (October 2008), LR 36:1772 (August 2010), amended by the Office of the Secretary, Legal Division, LR 38:2748 (November 2012), LR 40:1342 (July 2014), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:2138 (December 2018), LR 45:1179 (September 2019), LR 47:1860 (December 2021), amended by the Office of the Secretary, Legal Affairs Division, LR 49:62 (January 2023), LR 50:

**Chapter 16.** **Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material**

**Subchapter Z.** **Appendices**

**§1699. Appendices**

Appendix A—Category 1 and Category 2 Threshold

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Radioactive Material** | **Category 1 (TBq)** | **Category 1 (Ci)** | **Category 2 (TBq)** | **Category 2 (Ci)** |
| \* \* \* |

The terabecquerel (TBq) values are the regulatory standard. The curie (Ci) values specified are obtained by converting from the TBq value. The curie values are provided for practical usefulness only.

**Note**: *Calculations Concerning Multiple Sources or Multiple Radionuclides*

The "sum of fractions" methodology for evaluating combinations of multiple sources or multiple radionuclides is to be used in determining whether a location meets or exceeds the threshold and is thus subject to the requirements of this Chapter.

I. If multiple sources of the same radionuclide and/or multiple radionuclides are aggregated at a location, the sum of the ratios of the total activity of each of the radionuclides shall be determined to verify whether the activity at the location is less than the category 1 or category 2 thresholds of Table 1, as appropriate. If the calculated sum of the ratios, using the equation below, is greater than or equal to 1.0, then the applicable requirements of this Chapter apply.

II. First determine the total activity for each radionuclide from Table 1. This is done by adding the activity of each individual source, material in any device, and any loose or bulk material that contains the radionuclide. Then use the equation below to calculate the sum of the ratios by inserting the total activity of the applicable radionuclides from Table 1 in the numerator of the equation and the corresponding threshold activity from Table 1 in the denominator of the equation.

Calculations shall be performed in metric values (i.e., TBq) and the numerator and denominator values shall be in the same units.

R1 = total activity for radionuclide 1

R2 = total activity for radionuclide 2

RN = total activity for radionuclide n

AR1 = activity threshold for radionuclide 1

AR2 = activity threshold for radionuclide 2

ARN = activity threshold for radionuclide n

$$\sum\_{1}^{n}\left[\frac{R\_{1}}{AR\_{1}}+\frac{R\_{2}}{AR\_{2}}+\frac{R\_{n}}{AR\_{n}}\right]\geq 1.0$$

$$\frac{R\_{1}}{AR\_{1}}+\frac{R\_{2}}{AR\_{2}}+\cdots +\frac{R\_{n}}{AR\_{n}}\geq 1.0$$

 AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and 2104(B).

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 41:2338 (November 2015), amended by the Office of the Secretary, Legal Affairs Division, LR 50:

**FISCAL AND ECONOMIC IMPACT STATEMENT**

**FOR ADMINISTRATIVE RULES**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Person Preparing Statement:  | Richard S. Blackwell |  | Dept.:  | Environmental Quality |
| Phone:  | (225) 219-3639 |  | Office:  | OEC/ERSD/Radiation |
| Return Address:  | 602 North 5th Street |  | Rule Title:  | Radiation Misc. Corrections (LAC 33:XV.331, 430, 455, 493, |
|  | Baton Rouge, LA 70821 |  |  | 763, 1613, and 1699 App. A) |
|  |  |  | Date Rule Takes Effect:  | Upon Promulgation |

SUMMARY

(Use complete sentences)

In accordance with Section 961 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

1. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no anticipated implementation costs or savings to state or local governmental units from the proposed rule change.

This rule change updates the regulations pertaining to dosimetry and makes miscellaneous technical corrections, to update the state regulations to be compatible with changes in the federal regulations.

1. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated increase or decrease on revenue collections of state or local governmental units from the proposed rule change.

1. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

No persons, small businesses, or nongovernmental groups are anticipated to be directly affected by the proposed rule change.

1. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule change will have no impact on competition and employment in the public or private sectors.

|  |  |  |
| --- | --- | --- |
|  |  |  |
| Signature of Head or Designee |  | Legislative Fiscal Officer or Designee |
| Aurelia S. Giacometto, Secretary |  |  |
| Typed Name & Title of Agency Head or Designee  |  |  |
|  |  |  |
| Date of Signature  |  | Date of Signature  |

**FISCAL AND ECONOMIC IMPACT STATEMENT**

**FOR ADMINISTRATIVE RULES**

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

1. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

This rule change updates the regulations pertaining to dosimetry and makes miscellaneous technical corrections. This rule was promulgated by the Nuclear Regulatory Commission (NRC) as RATS IDs 2021-1 and 2021-2. This rule change will update the state regulations to be compatible with changes in the federal regulations.
2. Summarize the circumstances, which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

This rule change is being taken to more closely align Louisiana's radiation regulations with the U.S. Nuclear Regulatory Commission regulations.
3. Compliance with Act 11 of the 1986 First Extraordinary Session
4. Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

This proposed rule change will not result in any increase in the expenditure of funds.

(2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

 (a) YES. If yes, attach documentation.

(b) NO. If no, provide justification as to why this rule change should be published at this time

 Not applicable.

**FISCAL AND ECONOMIC IMPACT STATEMENT**

**WORKSHEET**

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

|  |  |  |  |
| --- | --- | --- | --- |
| **COSTS** | **FY 25** | **FY 26** | **FY 27** |
| PERSONAL SERVICES | $0 | $0 | $0 |
| OPERATING EXPENSES | $0 | $0 | $0 |
| PROFESSIONAL SERVICES | $0 | $0 | $0 |
| OTHER CHARGES | $0 | $0 | $0 |
| EQUIPMENT | $0 | $0 | $0 |
| MAJOR REPAIR & CONSTR. | $0 | $0 | $0 |
| **TOTAL** | **$0** | **$0** | **$0** |
| **POSITIONS (#)** | **0** | **0** | **0** |

1. Provide a narrative explanation of the costs or savings shown in "A. 1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

There will be no increase or reduction in workload anticipated from the implementation of the proposed action.
2. Sources of funding for implementing the proposed rule or rule change.

|  |  |  |  |
| --- | --- | --- | --- |
| **SOURCE** | **FY 25** | **FY 26** | **FY 27** |
| STATE GENERAL FUND | $0 | $0 | $0 |
| AGENCY SELF-GENERATED | $0 | $0 | $0 |
| DEDICATED | $0 | $0 | $0 |
| FEDERAL FUNDS | $0 | $0 | $0 |
| OTHER (Specify) | $0 | $0 | $0 |
| **TOTAL** | **$0** | **$0** | **$0** |

1. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

The department has sufficient funds to implement this rule, since no additional funds will be required.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There is no anticipated impact on local governmental units as a result of this proposed action.
2. Indicate the sources of funding of the local governmental unit, which will be affected by these costs or savings.

There is no source funding necessary as there will be no impact on local governmental units.

**FISCAL AND ECONOMIC IMPACT STATEMENT**

**WORKSHEET**

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

1. What increase (decrease) in revenues can be anticipated from the proposed action?

|  |  |  |  |
| --- | --- | --- | --- |
| **REVENUE INCREASE/DECREASE** | **FY 25** | **FY 26** | **FY 27** |
| STATE GENERAL FUND | $0 | $0 | $0 |
| AGENCY SELF-GENERATED | $0 | $0 | $0 |
| DEDICATED | $0 | $0 | $0 |
| FEDERAL FUNDS | $0 | $0 | $0 |
| LOCAL FUNDS | $0 | $0 | $0 |
| **TOTAL** | **$0** | **$0** | **$0** |

\*Specify the particular fund being impacted.

 There is no anticipated increase or decrease on revenue collections of state or local governmental units from the proposed rule change.

1. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

Not applicable.

**FISCAL AND ECONOMIC IMPACT STATEMENT**

**WORKSHEET**

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS

 A. What persons, small businesses, or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

No persons, small businesses, or nongovernmental groups are anticipated to be affected by this proposed action.

1. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

There will be no anticipated impact on receipts and/or income resulting from this rule change.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment

 in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

This proposed action will have no impact on competition and employment in the public and private sectors.