

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 410. RADIATION MANAGEMENT**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

252:410-1-7 Incorporation of federal regulations by reference [AMENDED]

Subchapter 10. Radioactive Materials Program

Part 1. General Provisions

252:410-10-1 Radioactive Materials Program [AMENDED]

Part 37. Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material [NEW]

252:410-10-37 10 CFR 37 incorporations by reference [NEW]

Part 40. Domestic Licensing of Source Material

252:410-10-40 10 CFR 40 incorporations by reference [AMENDED]

SUMMARY:

The proposed rulemaking consists of three main elements. (1) The first element is to amend Chapter 410, Subchapter 1 (General Provisions) [See OAC 252:410-1-7(a)] to change the date for incorporation of federal regulations by reference to January 1, 2015. (2) The second element of this rulemaking is to make a correction in Subchapter 10 (Radioactive Materials Program) [See OAC 252:410-10-1(b)] from the 2013 rulemaking to exclude the definitions of “Construction” and “Commencement of Construction” which are reserved to the NRC. Also, in OAC 252:410-10-1(b) a new exclusion has been inserted pursuant to 10 CFR Part 37. (3) The third element of this rulemaking is to amend Subchapter 10, Part 1 (General Provisions) to conform the Oklahoma rules to the updated federal regulations which includes revisions to 10 CFR Part 40 and the addition of a new Part 37 that was established to provide physical protection for certain quantities of radioactive materials.

AUTHORITY:

Environmental Quality Board and Radiation Management Advisory Council powers and duties, 27A O.S. §§2-2-101, 2-2-104, 2-2-201, 2-9-104, and 2-9-105.

COMMENT PERIOD:

Written comments may be submitted to the contact person from June 15, 2015, through July 29, 2015. Oral comments may be made at the Radiation Management Advisory Council meeting on July 30, 2015, and the Environmental Quality Board meeting on September 15, 2015.

PUBLIC HEARINGS:

Before the Radiation Management Advisory Council on July 30, 2015, at 10:00 a.m., in room A-229, Tulsa Tech - Riverside Campus, 801 E. 91st Street, Tulsa, Oklahoma 74132.

Before the Environmental Quality Board meeting on September 15, 2015, at 9:30 a.m., at Roman Nose State Park, 3236 Highway 8A, Watonga, Oklahoma 73772.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by this proposed rulemaking provide the DEQ, within the comment period and in dollar amounts if possible, the increase or decrease in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule.

COPY OF PROPOSED RULE:

The proposed rule may be obtained from the contact person, reviewed in person at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, or reviewed online at the DEQ website at www.deq.state.ok.us/LPDnew/LPPProprules.htm.

RULE IMPACT STATEMENT:

The rule impact statement for the proposed rule will be on file at the Department of Environmental Quality and may be requested from the contact person or reviewed online at the DEQ website at www.deq.state.ok.us/LPDnew/LPPProprules.htm.

CONTACT PERSON:

Contact Mike Broderick, Environmental Programs Manager, Radiation Management Section, Land Protection Division at mike.broderick@deq.ok.gov or (405) 702-5100 (phone) or (405) 702-5101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. The TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.