

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

Before the Radiation Management Advisory Council on July 30, 2015
Before the Environmental Quality Board on September 15, 2015

RULE IMPACT STATEMENT

DESCRIPTION: The proposed rulemaking consists of three main elements:

(1) The first element amends Chapter 410, Subchapter 1 (General Provisions) [See OAC 252:410-1-7(a)] to change the incorporation date of federal regulations to January 1, 2015.

(2) The second element of this rulemaking makes 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.

(3) The third element of this rulemaking amends Subchapter 10 (Radioactive Materials Program) to conform the Oklahoma rules to the updated federal regulations which includes changes governing source material, and the addition of a new Part 37 that was established to replace the existing Increased Control orders requiring provision of physical protection for large quantities of certain radioactive materials.

CLASSES OF PERSONS AFFECTED: Persons possessing radioactive material subject to regulation under Title 252, Chapter 410, Radiation Management are potentially affected by this rulemaking.

CLASSES OF PERSONS WHO WILL BEAR COSTS: Some cost will be required for licensees to train staff on revised requirements and incorporate revisions into operating procedures.

INFORMATION ON COST IMPACTS FROM PRIVATE/PUBLIC ENTITIES: None received to date.

CLASSES OF PERSONS BENEFITTED: The public is benefitted by the reassurance of enhanced security of radioactive materials.

PROBABLE ECONOMIC IMPACT ON AFFECTED CLASSES OF PERSONS: No substantive economic impact on affected persons is anticipated. Failure of the state to pass these rules would result in enforcement in Oklahoma by the Nuclear Regulatory Commission, with the same impact.

PROBABLE ECONOMIC IMPACT ON POLITICAL SUBDIVISIONS: No economic impact on political subdivisions is anticipated.

POTENTIAL ADVERSE EFFECT ON SMALL BUSINESS: None anticipated.

LISTING OF ALL FEE CHANGES, INCLUDING A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE: There will be no fee changes associated with the proposed rules.

PROBABLE COSTS AND BENEFITS TO DEQ TO IMPLEMENT AND ENFORCE: Some costs will be required to train inspectors on the proposed rules and to incorporate the new requirements into inspection programs. These rules changes are required to maintain consistency with federal regulations.

PROBABLE COSTS AND BENEFITS TO OTHER AGENCIES TO IMPLEMENT AND ENFORCE: None.

SOURCE OF REVENUE TO BE USED TO IMPLEMENT AND ENFORCE RULE: The NRC provides funding for Agreement State staff training. There will be no additional revenue required to implement and enforce the proposed rules.

PROJECTED NET LOSS OR GAIN IN REVENUES FOR DEQ AND/OR OTHER AGENCIES, IF IT CAN BE PROJECTED: No change in revenue for DEQ and/or other agencies is expected.

COOPERATION OF POLITICAL SUBDIVISIONS REQUIRED TO IMPLEMENT OR ENFORCE RULE: None.

EXPLANATION OF THE MEASURES THE DEQ TOOK TO MINIMIZE COMPLIANCE COSTS: The DEQ opted to delay adoption of Part 37 rules as long as possible to allow licensees the maximum amount of time to become familiar and implement the changes. No substantive compliance costs are expected to be incurred due to the implementation of the proposed rules.

DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY OR LESS INTRUSIVE METHODS OF ACHIEVING THE PURPOSE OF THE PROPOSED RULE: There are no other such methods of achieving the purpose of the proposed rulemaking.

DETERMINATION OF THE EFFECT ON PUBLIC HEALTH, SAFETY, AND ENVIRONMENT: Part of this proposed rulemaking is to implement enhanced security measures to prevent theft or diversion of risk-significant radioactive materials, potentially averting malevolent use of radioactive materials.

IF THE PROPOSED RULE IS DESIGNED TO REDUCE SIGNIFICANT RISKS TO THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT, EXPLANATION OF THE NATURE OF THE RISK AND TO WHAT EXTENT THE PROPOSED RULE WILL REDUCE THE RISK: There are heightened concerns that the unauthorized use of category 1 or category 2 quantities of radioactive material could lead to malevolent use in a radiological

dispersal device (RDD) or a radiological exposure device (RED). The additional requirements are intended to provide reasonable assurance that public health and safety and the common defense and security continue to be adequately protected.

DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:

Agreement States are required by the Nuclear Regulatory Commission to issue compatible and adequate security requirements for radioactive materials. If the state fails to implement the rules, they would be enforced by the Nuclear Regulatory Commission.

PROBABLE QUANTITATIVE AND QUALITATIVE IMPACT ON BUSINESS ENTITIES, INCLUDING QUANTIFIABLE DATA WHERE POSSIBLE: There will be no significant qualitative or quantitative impact on Oklahoma businesses.

THIS RULE IMPACT STATEMENT WAS PREPARED ON: June 4th, 2015.