**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 5. Certification of Industrial Radiographers

252:410-5-5 Certification of Industrial Radiographers [AMENDED]

Subchapter 7. Radiation Management Authorizations; Procedures and Requirements

252:410-7-1 Radiation Management Authorizations in General [AMENDED]

252:410-7-5 Authorization Transfers [AMENDED]

252:410-7-31 DEQ Reciprocity Recognition [AMENDED]

Subchapter 10. Radioactive Materials Program

252:410-10-37 Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material [AMENDED]

252:410-10-71 Packaging and Transporting Radioactive Materials [AMENDED]

**SUMMARY:**

 The proposed rulemaking consists of four main elements: (1) The first element is to amend Chapter 410, Subchapter 1 (General Provisions) [See OAC 252:410-1-7(a) and (b)] to change the date for incorporation of federal regulations by reference to January 1, 2021 for 10 CFR and July 1, 2020 for 40 CFR. (2) The second element of this rulemaking is to amend the regulations related to the industrial radiography certification. All industrial radiography certification requests for active-duty military personnel and their spouse will be processed pursuant to 59 O.S. § 4100.8. (3) The third element is to remove references to revoked Subchapter 19. (4) The fourth element is to clarify communication requirements in 252:410-10-37 and 252:410-10-71.

 The gist of this rulemaking is to maintain compatibility with federal regulations and meet the requirements of 59 O.S. § 4100.8. This rulemaking also completes the rule review directed by the Governor.

**AUTHORITY:**

 Environmental Quality Board; 27A O.S. §§ 2-2-101, and 2-2-104.

 Radiation Management Advisory Council; 27A O.S. § 2-2-201.

 Radiation Management Act; 27A O.S. §§ 2-9-104, and 2-9-105.

**COMMENT PERIOD:**

 Written comments on the proposed rules may be submitted to the contact person from August 16, 2021 through September 29, 2021. Oral comments may be made at the Radiation Management Advisory Council meeting at 10:00 a.m. on September 30, 2021 and at the Environmental Quality Board meeting at 9:30 a.m. on November 9, 2021.

**PUBLIC HEARINGS:**

 Before the Radiation Management Advisory Council at 9:00 a.m. on September 30, 2021, at the DEQ Headquarters, located at 707 North Robinson, Oklahoma City, OK 73102.

 If the Council recommends adoption, the proposed rules will be considered by the Environmental Quality Board at 9:30 a.m. on Tuesday, November 9, 2021, at Tri-County Tech, 6101 SE Nowata Road, Bartlesville, OK, 74006.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

 The Department requests that business entities affected by these proposed rules provide the Department, 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, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

**PROPOSED RULES:**

 Copies of the proposed rules may be obtained from the contact person, may be viewed on the DEQ website at www.deq.ok.gov/land-protection-division/land-protection-division-proposed-rules/, or may be reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

**RULE IMPACT STATEMENT:**

 The Rule Impact Statement for the proposed rules will be on file at the Department of Environmental Quality and may be requested from the contact person, or viewed on the DEQ website at www.deq.ok.gov/land-protection-division/land-protection-division-proposed-rules/.

**CONTACT PERSON:**

 Mike Broderick, Environmental Programs Manager, Land Protection Division, Radiation Management Section, may be reached by phone at (405) 702-5100 or fax at (405) 702-5101. Please email written comments to mike.broderick@deq.ok.gov. Mail should be addressed to Department of Environmental Quality, Radiation Management Section, P.O. Box 1677, Oklahoma City, OK 73101-1677.

**ADDITIONAL INFORMATION:**

 Persons with disabilities who desire to attend the public hearing and need assistance should notify the contact person three days in advance of the meeting during business hours at 405-702-5100 or by using TDD relay number 1-800-522-8506.