**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 [AMENDED]

Subchapter 10. Radioactive Materials Program

252:410-10-1 [AMENDED]

**SUMMARY:**

 The proposed rulemaking consists of two main elements. 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, 2023 for 10 C.F.R., and July 1, 2023 for 40 C.F.R.. The second element of this rulemaking is to exclude the phrase “certificate holder” and “applicant for a certificate of compliance” from OAC 252:410-10-1(b)(10) to clearly indicate that these terms apply to the NRC as the NRC has sole authority for issuing a Certificate of Compliance.

      The gist of this rulemaking is to maintain compatibility with federal regulations and meet the requirements of 59 O.S. § 4100.8.

**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 15, 2023 through September 20, 2023.

**PUBLIC HEARINGS:**

 Before the Radiation Management Advisory Council on Thursday, September 21, 2023 at 10:00 a.m. at the Department of Environmental Quality offices, first floor, 707 N. Robinson, Oklahoma City, OK 73101. If the Council recommends adoption, the proposed rules will be considered by the Environmental Quality Board at the regularly scheduled meeting to be held in February 2024 at the Department of Environmental Quality offices, first floor, 707 N. Robinson, Oklahoma City, OK 73101.

**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:**

 Keisha Cornelius, 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 keisha.cornelius@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.