**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY**

**CHAPTER 410. RADIATION MANAGEMENT**

**SUBCHAPTER 1. GENERAL PROVISIONS**

**252:410-1-7. Incorporation of federal regulations by reference**

(a) **10 CFR.** References in this Chapter to Title 10 of the Code of Federal Regulations (10 CFR) mean the January 1, ~~2019~~2021 publication of 10 CFR.

(b) **40 CFR.** References in this Chapter to Title 40 of the Code of Federal Regulations (40 CFR) mean the July 1, ~~1998~~2020 publication of 40 CFR and 64 Fed. Reg. 5574 (February 3, 1999).

(c) **Citations incorporated.** When a provision of the Code of Federal Regulations is incorporated by reference, all citations contained therein are also incorporated by reference.

**SUBCHAPTER 5. CERTIFICATION OF INDUSTRIAL RADIOGRAPHERS**

**252:410-5-5. Out-of-state certification; Reciprocity recognition**

An industrial radiographer certified by an out-of-state entity can become authorized under reciprocity to perform industrial radiography in Oklahoma without becoming DEQ-certified ~~if the individual or his licensee-employer registers the individual's name, address, card number, expiration date, and name and address of the certifying entity with DEQ before the individual performs radiography work in Oklahoma. An applicant for reciprocity recognition must comply with the rules in Part 3 of Subchapter 7, except that the recognition of an industrial radiographer certification will not be limited to 180 days in a year but will remain valid until the primary authorization has expired or has been suspended or revoked by the issuing entity~~. All industrial radiography certification requests for active-duty military personnel and their spouse will be processed pursuant to 59 O.S. § 4100.8.

**SUBCHAPTER 7. RADIATION MANAGEMENT AUTHORIZATIONS; PROCEDURES AND REQUIREMENTS**

**252:410-7-1. Radiation management authorizations in general**

(a) **Purpose.** This Subchapter sets forth the basic procedural requirements that apply to all radiation management authorizations.

(b) **Applicability.** This Subchapter applies to all persons required by this Chapter to hold DEQ authorizations.

(c) **Effect.** An authorization does not convey any property rights of any sort or any exclusive privilege; does not sanction any invasion of other private rights or any infringement of federal, state, or local law or rules; and does not legalize any radiation management activity outside its scope.

(d) **Types.** Authorizations include:

(1) industrial radiographer certification (Subchapter 5);

~~(2) LBP-XRF permit and registration (Subchapter 19);~~

(~~3~~2) radiation machine operating permits and registration for:

(A) x-ray systems and particle accelerators used for therapeutic purposes (Subchapters 3 and 11);

(B) analytical and industrial x-ray systems (Subchapters 3 and 13);

(C) industrial x-ray radiography systems (Subchapters 3, 13 and 15); and

(D) particle accelerators used for purposes other than therapy (Subchapters 3 and 17);

(~~4~~3) Radioactive Materials licenses (Subchapter 10);

(~~5~~4) approval of Radioactive Materials license termination and/or decommissioning plans (Subchapter 10) and decontamination plans (Subchapter 20); and

(~~6~~5) reciprocity recognition and registration (Part 3 of this Subchapter).

**252:410-7-5. Authorization transfers**

(a) **"Transfer" defined.** For purposes of this section, "transfer" means to convey from one person to another a majority ownership interest in an entity holding a DEQ authorization by any means other than gift or devise and includes the transfer of deed, transfer of more than 50 percent of the entity's assets or stock, and/or creation of a legal entity as a new holder of the authorization.

(b) **Transferability.** ~~Industrial radiographer certifications and reciprocity~~Reciprocity recognitions are not transferable. ~~LBP-XRF permits, radiation~~Radiation machine operating permits and Radioactive Materials specific licenses are transferable. Transfers will be approved by DEQ only when:

(1) A DEQ inspection has shown the transferor and transferee to be in compliance with this Chapter;

(2) The transferee has agreed in writing to comply with this Chapter and the Act, all permit or license conditions, approved plans, and the terms of any orders issued pursuant thereto;

(3) All monies owed to DEQ by transferor or transferee have been paid;

(4) For permits or licenses requiring financial assurances, DEQ has reviewed and adjusted as needed the amount of financial assurance required and has received the requisite amount of new financial assurances from or on behalf of the transferee; and

(5) For Radioactive Materials specific licenses, the licensees have also complied with all applicable requirements of 10 CFR.

(c) **Operation by transferee.** A transferee cannot commence radiation management activities under a DEQ authorization until the authorization has been fully transferred and approved by DEQ.

**252:410-7-31. DEQ reciprocity recognition**

Out-of-state authorizations eligible for DEQ recognition are:

~~LBP-XRF permits (Subchapter 19);~~

~~Industrial radiographer certifications (Subchapter 5);~~

(1) NRC and Radioactive Materials licenses (Subchapter 10); and

(2) Radiation machine operating permits (Subchapters 3, 11, 13, 15 and 17).

**SUBCHAPTER 10. RADIOACTIVE MATERIALS PROGRAM**

**252:410-10-37. 10 CFR 37 Incorporations by reference**

(a) **Incorporations by reference.** The following provisions are hereby incorporated by reference from 10 CFR 37, Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material:

(1) **Subpart A; General Provisions.**

(A) 37.1 - Purpose

(B) 37.3 - Scope

(C) 37.5 - Definitions

(D) 37.7 - Communications

(E) 37.9 - Interpretations

(F) 37.11 - Specific exemptions

(G) 37.13 - Information collection requirements: OMB approval

(2) **Subpart B; Background Investigations and Access Control Program.**

(A) 37.21 - Personnel access authorization requirements for category 1 or category 2 quantities of radioactive material

(B) 37.23 - Access authorization program requirements

(C) 37.25 - Background investigations

(D) 37.27 - Requirements for criminal history records checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material

(E) 37.29 - Relief from fingerprinting identification, and criminal history records checks and other elements of background investigations for designated categories of individuals permitted unescorted access to certain radioactive materials

(F) 37.31 - Protection of information

(G) 37.33 - Access authorization program review

(3) **Subpart C; Physical Protection Requirements During Use.**

(A) 37.41 - Security program

(B) 37.43 - General security program requirements, except (d)(9)

(C) 37.45 - LLEA coordination

(D) 37.47 - Security zones

(E) 37.49 - Monitoring, detection, and assessment

(F) 37.51 - Maintenance and testing

(G) 37.53 - Requirements for mobile devices

(H) 37.55 - Security program review

(I) 37.57 - Reporting of events

(4) **Subpart D; Physical Protection in Transit.**

(A) 37.71 - Additional requirements for transfer of category 1 and category 2 quantities of radioactive material

(B) 37.73 - Applicability of physical protection of category 1 and category 2 quantities of radioactive material during transit

(C) 37.75 - Preplanning and coordination of shipment of category 1 or category 2 quantities of radioactive material

(D) 37.77 - Advance notification of shipment of category 1 quantities of radioactive material.

(E) 37.79 - Requirements for physical protection of category 1 and category 2 quantities of radioactive material during shipment

(F) 37.81 - Reporting of events

(5) **Subpart E; Reserved.**

(6) **Subpart F; Records.**

(A) 37.101 - Form of records

(B) 37.103 - Record retention

(7) **Appendix A to Part 37.** Category 1 and Category 2 Radioactive Materials

(b) **Exceptions.** Regarding the provisions for communication with NRC of 10 CFR 37.7, 37.23, 37.77 and 30.6 referenced in 37.45, all correspondence regarding license requirements, and any notification or reports required by this Part, shall be directed to DEQ as referenced in 410-10-2(b).

**252:410-10-71. 10 CFR 71 incorporations by reference**

(a) The following provisions are hereby incorporated by reference from 10 CFR 71, Packaging and Transportation of Radioactive Material:

(1) **Subpart A; General provisions.**

(A) 71.0 - Purpose and scope

(B) 71.1(b) - Communications and records

(C) 71.3 - Requirement for license

(D) 71.4 - Definitions

(E) 71.5 - Transportation of licensed material

(F) 71.7 - Completeness and accuracy of information

(G) 71.8 - Deliberate misconduct

(H) 71.9 - Employee protection

(2) **Subpart B; Exemptions.**

(A) 71.12 - Specific exemptions

(B) 71.13 - Exemptions of physicians

(C) 71.14(a) - Exemption for low-level materials

(D) 71.15 - Exemption from classification as fissile material

(3) **Subpart C; General licenses.**

(A) 71.17 - General license: NRC-approved package

(B) 71.20 - General license: DOT specification container

(C) 71.21 - General license: Use of foreign approved package

(D) 71.22 - General license: Fissile material

(E) 71.23 - General license: Plutonium-beryllium special form material

(4) **Subpart E; Package Approval Standards.** 71.47 - External radiation standards for all packages

(5) **Subpart G; Operating controls and procedures.**

(A) 71.81 - Applicability of operating controls and procedures

(B) 71.83 - Assumptions as to unknown properties

(C) 71.85(d) - Preliminary determinations

(D) 71.87 - Routine determinations

(E) 71.88 - Air transport of plutonium

(F) 71.89 - Opening instructions

(G) 71.91(a), (c), and (d) - Records

(H) 71.93 - Inspection and tests

(I) 71.95 - Reports

(J) 71.97 - Advance notice of shipment of irradiated reactor fuel and nuclear waste

(6) **Subpart H; Quality assurance.**

(A) 71.101(a), (b), (c)(1), (f), and (g) - Quality assurance requirements

(B) 71.103 - Quality assurance organization

(C) 71.105 - Quality assurance program

(D) 71.106 - Changes to quality assurance program

(E) 71.127 - Handling, storage and shipping control

(F) 71.129 - Inspection, test and operating status

(G) 71.131 - Nonconforming materials, parts or components

(H) 71.133 - Corrective action

(I) 71.135 - Quality assurance records

(J) 71.137 - Audits

(7) Appendix A to Part 71--Determination of A1 and A2.

(b) Regarding the provisions for communication with NRC of 10 CFR 71.101, all correspondence regarding license requirements, and any notifications or reports required by this Part, shall be directed to DEQ.