

Responses to Comments Received on the Proposed Amendments to the Rules for Radioactive Materials, Subject 391-3-17**August 29, 2025 through October 8, 2025**

On August 29, 2025, the Georgia Environmental Protection Division (EPD) issued a public notice requesting comments on Georgia's proposed amendments to the Rules for Radioactive Materials, Subject 391-3-17. The public hearing was held on October 1, 2025. The public comment period ended on October 8, 2025. On August 29, 2025, Georgia EPD received a written comment from West Physics. On September 24, 2025, Georgia EPD received written comments from the American Registry of Radiologic Technologists. On September 25, 2025, Georgia EPD received written comments from Emory University Environmental Health and Safety Office (EHSO). On October 6, 2025, Georgia EPD received written comments from the American Society of Radiologic Technologists. On October 8, Georgia EPD received comments from the Georgia Society of Radiologic Technologists (GSRT). Representatives from the EHSO and GSRT shared their comments verbally at the public hearing. A summary of the comments and Georgia EPD's responses have been summarized below.

American Registry of Radiologic Technologists

Comment: The American Registry of Radiologic Technologist (ARRT), together with other industry stakeholders, respectfully submitted recommended changes in a letter dated August 22, 2024, to Georgia State Administrative Code Regulations, overseen by the Department of Natural Resources, Division of Environmental Protection. Subsequently, and upon state agency request, ARRT also provided additional information on October 29, 2024, which summarized similar regulations in surrounding states.

The proposed changes in Rules & Regulations 319-3-17, Radioactive Materials, which are now incorporated into the final proposed rules, aim to help update the rules and regulations to current industry practices.

We believe the final updated language will allow the department to better manage their authority to regulate Nuclear Medicine and Radiation Therapy within these specific areas in alignment with current industry practices.

It has been my distinct pleasure to work with you and the Georgia Department of Natural Resources to help effectuate these changes. Thank you for your willingness to review and implement these changes, as they will no doubt more accurately reflect current practice in these two disciplines.

Response: Georgia EPD appreciates the comments of support.

Comment: The ARRT recommends that the "Grandfathering provision" date be updated to September 1, 2025, not 2024, as long as they do not change place of employment.

Response: A change in the initially proposed date would require re-briefing the DNR Board thus delaying the adoption of the rule by a minimum of 6 months. Based on discussions with the ARRT throughout the rule update process, ARRT indicated that faster adoption was the preferred course of action. Not changing the date may potentially force a very small number of nuclear medicine technologists and radiation therapists to obtain certifications; however, the implementation of more consistency and the reduction in EPD staff resources to conduct comprehensive individual evaluation outweigh the minimal effort to obtain certification.

American Society of Radiologic Technologists

Comment: As the premier association for the medical imaging and radiation therapy profession, the American Society of Radiologic Technologist (ASRT) supports the proposed amendments to the Department of Natural Resources' Subject 391-3-17-17, Radioactive Materials. By requiring nuclear medicine technologists and radiation therapists to be certified or registered by the Nuclear Medicine Technology Certification Board or the American Registry of Radiologic Technologists, Georgia is taking a critical step to ensure Georgians receive safe, high-quality care.

ASRT appreciates your commitment to providing patients' access to quality health care services that only individuals who meet national education and clinical standards can provide and looks forward to working with you in the future to achieve this goal.

Response: Georgia EPD appreciates the comments of support.

Georgia Society of Radiologic Technologists

Comment: On behalf of the Georgia Society of Radiologic Technologists (GSRT), I thank you for the opportunity to provide written comments in support of the proposed changes for Rules and Regulations 319-3-17, Radioactive Materials.

It has been several decades since the current rules and regulation language has been updated.

Due to technological advancements in the field, the current minimum of six (6) hours of instruction is insufficient to administer medical imaging and radiation therapy procedures for patients in this state.

The recommendations are timely due to recent updates from the U.S. Nuclear Regulatory Commission.

The Georgia Society of Radiologic Technologists is here today to overwhelmingly support the proposed changes for Rules and Regulations 319-3-17, Radioactive materials. These changes would bring the language in line with the current industry practices, eliminate outdated language, and would more clearly define the current role of the Radiation Therapist and a Nuclear Medicine Technologist. These changes would allow the department to better manage the regulation of Nuclear Medicine and Radiation Therapy, and the changes would also establish consistency and uniformity among states in the Southeast.

Thank you for your willingness to review and update these significant rules affecting patient safety and quality of care.

Response: Georgia EPD appreciates the comments of support.

Comment: One change GSRT recommends is that the “grandfather clause” date be updated to September 1, 2025, as long as technologists do not change their place of employment.

Response: A change in the initially proposed date would require re-briefing the DNR Board thus delaying the adoption of the rule by a minimum of 6 months. Based on discussions with the ARRT throughout the rule update process, ARRT indicated that faster adoption was the preferred course of action. Not changing the date may potentially force a very small number of nuclear medicine technologists and radiation therapists to obtain certifications; however, the implementation of more consistency and the reduction in EPD staff resources to conduct comprehensive individual evaluation outweigh the minimal effort to obtain certification.

West Physics

Comment: In the proposed updated standards due in Dec 2025, it uses the date 09/1/2024 as the grandfather date threshold. Is this correct? Should it have been 2025?

(c) Individuals working as nuclear medicine technologists or radiation therapists prior to ~~July 1, 2003~~September 1, 2024 for a facility holding a Division license need not comply with the training requirements of this section as long as they do not change place of employment.

Response: A change in the initially proposed date would require re-briefing the DNR Board thus delaying the adoption of the rule by a minimum of 6 months. Based on discussions with the ARRT throughout the rule update process, ARRT indicated that faster adoption was the preferred course of action. Not changing the date may potentially force a very small number of nuclear medicine technologists and radiation therapists to obtain certifications; however, the implementation of more consistency and the reduction in EPD staff resources to conduct comprehensive individual evaluation outweigh the minimal effort to obtain certification.

Emory University Health and Safety Office

Comment: 391-3-17-.03(12), “Precautionary Procedures”, and 391-3-17-.03(15), “Reports”: *Revise multiple subparagraphs to update the requirement for immediate telephone notification to the NRC Headquarters Operations Center and to add a reference to where the NRC contact information can be found.*

As we did the last time such changes were proposed, Emory University requests a more complete explanation of the proposed NRC notification requirement, including reference to federal regulations that require this change, as this represents a significant change to the current notification and reporting requirements. The proposed change raises several questions, including but not limited to: 1) Will the required emergency postings be altered to include the NRC telephone

number? 2) Which organization must be notified first? 3) Will that depend on the severity of the incident? 4) Will we need to report to multiple agencies as events escalate? 5) Will the follow-up to licensee reports be made by the NRC, the Division, or both? 6) Would fines resulting from incidents reported to both organizations be levied by more than one organization? 7) Are all Agreement States subject to this requirement?

Response: Georgia EPD's answers for the questions in the above comment are listed below:

1) Emergency postings should be modified to include reference to the NRC's Appendix A to Part 73—U.S. Nuclear Regulatory Commission Offices and Classified Mailing Addresses Website <https://www.nrc.gov/reading-rm/doc-collections/cfr/part073/part073-appa> which includes all contact information. The NRC has routinely changed their contact information necessitating formal rulemaking modification to the Georgia Rules and Regulations for Radioactive Materials. A reference to a static, updated webpage makes a better use of EPD resources.

2) As always, the Division should be notified first.

3) Reporting timeframes are noted in existing rule 391-3-17-.03(15) - Reports.

4) You will need to report to multiple agencies as events escalate only if you are unable to contact someone in the Division during business hours. This may need to be noted as a hierarchy on the emergency posting placard.

5) No. This would be to fulfill the initial reporting requirements. Follow-up correspondence would be made to the Division and (as we currently do) the Division would forward any updated reports to the NRC.

6) No. Georgia is an agreement state. If fines were to be levied, they would be from Georgia only.

7) The elements are required to differing degrees based on Compatibility Category. Event Reporting Procedures has been assigned Compatibility Category C and Event Reporting to NRC as Compatibility Category B; however, Agreement State event reporting to NRC was made mandatory as directed by the Commission in a Staff Requirements Memorandum dated June 30, 1997. How each state chooses to codify these requirements is up to the individual Agreement State and acceptance by the NRC as a program element.

Per Office of Nuclear Materials Safety and Safeguards Procedure Approval = Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements, State Agreements (SA) Procedure SA-200:

B = These limited number of program elements apply to activities that cross jurisdictional boundaries. These program elements have a particular impact on public health and safety and need to be adopted in an essentially identical manner in order to ensure uniformity of regulation on a nationwide basis.

C = These program elements are important for an Agreement State to have in order to avoid conflict, duplication, gaps, or other conditions that would jeopardize an orderly pattern in the regulation of agreement material on a nationwide basis. The Agreement State program elements may be more restrictive than the NRC program elements provided that the essential objective is met, and the State requirements do not jeopardize an orderly pattern of regulation of agreement material on a nationwide basis.

Comment: 391-3-17-.05(2), “Definitions”: *Revise subparagraph .05(2)(v) to update the definition of “Nuclear medicine technologist”; revise subparagraph .05(2)(w) to update the definition of “Nuclear medicine technology”.*

Emory University has questions about these changes. The terms “Nuclear medicine technologist” and “Nuclear medicine technology” are not included in the definitions in the Code of Federal Regulations, Title 10, Part 35, even though the changes are justified as improving consistency with NRC regulations.

Response: The Division acknowledges that the statement “to provide consistency with NRC Regulations” could be better stated as “the definitions are consistent with NRC requirements,” and EPD would contend they were initially provided to supply clarifications for a specific subset of radiation workers.

Comment: 391-3-17-.05(2), “Definitions”: *Revise subparagraph .05(2)(ii) to update the definition of “Radiation therapist”. Revise subparagraph .05(2)(jj) to update the definition of “Radiation therapy technology”.*

Emory University has questions about these changes. The terms “Radiation therapist” and “Radiation therapy technology” are not included in the definitions in the Code of Federal Regulations, Title 10, Part 35, even though the proposed changes are justified as improving consistency with NRC regulations.

Response: The Division acknowledges that the statement “to provide consistency with NRC Regulations” could be better stated as “the definitions are consistent with NRC requirements,” and EPD would contend they were initially provided to supply clarifications for a specific subset of radiation workers.

Comment: 391-3-17-.05(2), “Definitions”: *Revise subparagraph .05(2)(ii) to update the definition of “Radiation therapist”. Revise subparagraph .05(2)(jj) to update the definition of “Radiation therapy technology”.*

Also, does the term “external beam therapy” in this context include radiation from radiation-producing machines, such as linear accelerators or proton beam accelerators? Is the State of Georgia striving for consistency with other States that have a single program for regulating radiation-producing machines and radioactive materials?

Response: This is beyond the scope of this rulemaking action. O.C.G.A. TITLE 31 Chapter 13 - Radiation Control currently delineates the separation of X-ray and Laser Radiation to the

Department of Community Health and Radioactive Materials to the Department of Natural Resources. As technologies evolve over time, this separation may need further clarification at a future date.

Comment: 391-3-17-.05(25), “Training and Technical Requirements for Nuclear Medicine Technologists and Radiation Therapists”: *Revise subparagraph .05(25)(a)2. to give more information about examinations. Revise subparagraphs .05(25)(a)3. Through .05(25)(a)5.(iii) to remove training requirements. Revise subparagraph .05(25)(b) to add “or external beam radiation”. Revise subparagraph .05(25)(b)2. to give more information about examinations. Revise subparagraphs .05(25)(b)3. Through .05(25)(b)5.(iii) to remove training requirements. Revise subparagraph .05(25)(c) to update a date and add additional information.*

Emory University has questions about these changes. Although Emory’s policy is to hire only certified nuclear medicine technologists and radiation therapists, we recognize that this practice may not be standard throughout Georgia, and this definition precludes reasonable alternate pathways of education and experience. Indeed, subparagraph .05(25)(c) prevents an otherwise fully qualified and experienced worker from changing employers without having to successfully complete the CNMT or ARRT(N) examination within 12 months of becoming eligible for examination.

Response: As regulators, we rarely, if ever, have seen technologists who are not board certified. If this becomes an issue in the future, EPD will look at the situation on a case-by-case basis and determine an acceptable timetable for the worker to come in compliance.

Comment: Emory University agrees with the rest of the changes to the proposed amendments to Georgia’s Rules for Radioactive Materials Chapter 391-3-17, published August 29, 2025.

Response: Georgia EPD appreciates the comments of support.