

**SYNOPSIS OF
PROPOSED AMENDMENTS TO THE RULES OF THE
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION
RADIOACTIVE MATERIALS, CHAPTER 391-3-17**

Rule 391-3-17-.01, “General Provisions,” is being amended.

Purpose: The purpose of this amendment is to revise the requirements of General Provisions to be consistent with the requirements of the Nuclear Regulatory Commission (NRC).

Main Features: Subparagraph .01(2)(fff) is being revised to remove the definition of “Licensing State” to be consistent with NRC Rules.

Rule 391-3-17-.02, “Licensing of Radioactive Material,” is being amended.

Purpose: The purpose of this amendment is to revise the requirements for the Licensing of Radioactive Material to be consistent with the requirements of the NRC.

Main Features: Multiple subparagraphs within paragraphs .02(3), .02(6), .02(9), .02(11), .02(19), and .02(20) are being revised to remove and update language related to the NRC’s removal of the term “Licensing State.”

Rule 391-3-17-.03, “Standards for Protection Against Radiation,” is being amended.

Purpose: The purpose of this amendment is to revise the requirements for the Standards for Protection Against Radiation to be consistent with the requirements of the NRC.

Main Features: Subparagraphs .03(2)(n), .03(2)(fff), .03(2)(hhh), .03(2)(iii), .03(6)(b), and .03(13)(a)2. are being revised to remove and update language related to the NRC’s removal of the term “Licensing State.”

Rule 391-3-17-.04, “Special Radiation Safety Requirements for Industrial Radiographic Operations,” is being amended.

Purpose: The purpose of this amendment is to revise the requirements for Special Radiation Safety Requirements for Industrial Radiographic Operations to be consistent with the requirements of the NRC.

Main Features: Subparagraphs .04(3)(e) and .04(36)(b)13. are being revised to remove and update language related to the NRC’s removal of the term “Licensing State.”

Rule 391-3-17-.05, “Use of Radionuclides in the Healing Arts,” is being amended.

Purpose: The purpose of this amendment is to revise the requirements for the Use of Radionuclides in the Healing Arts to be consistent with the requirements of the NRC.

Main Features: Multiple subparagraphs are being revised to remove and update language related to the NRC’s removal of the term “Licensing State.” Subparagraph .05(19)(b)5.(ii) is being revised to add the words “and date” to existing recordkeeping requirements. Subparagraph .05(22)(a) is being revised to remove the reference to .05(22)(e) since it no longer exists. Subparagraph .05(23)(b)2. is being revised to remove a duplicate reference to .05(23)(c). Subparagraph .05(26)(a)1. is being revised to add “authorized medical physicist” and “authorized nuclear pharmacist” to the list of applicable individuals listed, replace “Director” with “Division,” and update two citations. Subparagraph .05(26)(a)2. is being revised to add clarifying language. Subparagraphs .05(26)(b)1. and (b)2. are being revised to replace “Director” with “Division.” Additionally, subparagraph .05(26)(b)1. is being revised to replace “the effective date of this rule” with the actual effective date of the rule (March 17, 2020). Subparagraph .05(63)(b)3. is being revised to remove incorrect language.

Rule 391-3-17-.06(7), “General License: NRC-Approved Packages,” is being amended.

Purpose: The purpose of this amendment is to revise the requirements of General License: NRC-Approved Packages to be consistent with the requirements of the NRC.

Main Features: Subparagraph .06(7)(b)3. is being revised to reflect a change in NRC Division name.

Rule 391-3-17-.08, “Regulation and Licensing of Naturally-Occurring Radioactive Materials (NORM),” is being amended.

Purpose: The purpose of this amendment is to revise the requirements for Regulation and Licensing of Naturally-Occurring Radioactive Materials (NORM) to be consistent with the requirements of the NRC.

Main Features: Subparagraphs .08(4)(b), .08(5)(c)1., .08(7)(b), .08(7)(f), .08(9)(a)3., .08(10)(a), .08(15)(b)3., paragraph .08(20), and subparagraph .08(20)(e)1. are being revised to remove and update language related to the NRC’s removal of the term “Licensing State.”

Rule 391-3-17-.13, “Physical Protection of Category 1 and Category 2 Quantities of Radioactive Materials,” is being amended.

Purpose: The purpose of this amendment is to revise the requirements of Physical Protection of Category 1 and Category 2 Quantities of Radioactive Materials to be consistent with the requirements of the NRC.

Main Features: Paragraph .13(1) is being updated to the most recent effective date of 10 CFR Part 37 (December 30, 2019) to incorporate several NRC Rule changes by reference.

STATEMENT OF RATIONALE
Rules for Radioactive Materials

The purpose for the revisions to the following rules is to be consistent with the requirements of the U.S. Nuclear Regulatory Commission and to make administrative updates:

Rule 391-3-17-.01 – General Provisions

The basis of this rule is to specify requirements to all persons who manufacture, produce, receive, possess, use, transfer, own, or acquire any source of radiation.

Rule 391-3-17-.02 – Licensing of Radioactive Material

The basis of this rule is to specify the licensing requirements for persons that receive, possess, use, transfer, own, or acquire radioactive materials.

Rule 391-3-17-.03 – Standards for Protection Against Radiation

The basis of this rule is to specify the standards for protection against ionizing radiation resulting from activities conducted pursuant to licenses issued by the Director.

Rule 391-3-17-.04 – Special Radiation Safety Requirements for Industrial Radiographic Operations

The basis of this rule is to establish standards for radiation safety and certification procedures for persons utilizing radioactive materials for industrial radiography conducted pursuant to licenses issued by EPD.

Rule 391-3-17-.05 – Use of Radionuclides in the Healing Arts

The basis of this rule is to specify the requirements for the production, preparation, compounding and use of radionuclides in the healing arts and for the radiation safety of workers, the general public, patients, and human research subjects.

Rule 391-3-17-.06(7) – General License: NRC-Approved Packages

The basis of this rule is to establish requirements for packaging, preparation for shipment, and transportation of radioactive material for general licenses of NRC-approved packages.

Rule 391-3-17-.08 – Regulation and Licensing of Naturally-Occurring Radioactive Materials (NORM)

The basis of this rule is to establish radiation protection standards for the possession, use, transfer, and disposal of naturally-occurring radioactive materials (NORM) not subject to regulation under the Atomic Energy Act of 1954, as amended.

Rule 391-3-17-.13 – Physical Protection of Category 1 and Category 2 Quantities of Radioactive Materials

The basis of this rule is to establish requirements for the physical protection program for any licensee that possesses an aggregated category 1 or category 2 quantity of radioactive material listed in Appendix A to this part. These requirements provide reasonable assurance of the security of category 1 or category 2 quantities of radioactive material by protecting these materials from

theft or diversion. Specific requirements for access to material, use of material, transfer of material, and transport of material are included. No provision of this part authorizes possession of licensed material.

The proposed rule revisions are required to comply with federal requirements or are administrative in nature. They are in no way any more restrictive than the Federal requirements and do not incur any additional costs to the Environmental Protection Division or the regulated community beyond those that are required to meet the Federal rule.