

## NOTICE OF INTENT

Department of Environmental Quality  
Office of the Secretary  
Legal Affairs Division

Miscellaneous Corrections  
(LAC 33:XV.322, 399.Schedule B, and 607) (RP043ft)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Radiation Protection regulations, LAC 33:XV.322, 399.Schedule B, and 607 (Log #RP043ft).

This proposed rule is identical to federal regulations found in 10 CFR 31.5; and SSRCR, which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3550 or Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the proposed rule; therefore, the rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

This rule will update the state radiation protection regulations to more closely reflect federal language. LAC 33:XV.322 is being updated to meet a compatibility designation under the agreement state programs. A footnote in Schedule B of LAC 33:XV.399 was inadvertently left out in previous rulemaking and is being corrected in this rule. LAC 33:XV.607 is being updated to more closely reflect current instrumentation used in intraoral dental radiographic systems. The reference to an "open ended" PID (position-indicating device) is removed. The Conference of Radiation Control Program Directors (CRCPD) removed this requirement from the Suggested State Regulations in 1984. The basis and rationale for this proposed rule are to mirror federal regulations and to correct language in the radiation regulations to reflect current practices pertaining to instrumentation used in intraoral dental radiographic systems.

This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on February 27, 2007, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Parking in the Galvez Garage is free with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by RP043ft. Such comments must be received no later than February 27, 2007, at 4:30 p.m., and should be sent to Judith A.

Schuerman, Ph.D., Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3582 or by e-mail to [judith.schuerman@la.gov](mailto:judith.schuerman@la.gov). The comment period for this rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of RP043ft. This regulation is available on the Internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471.

Herman Robinson, CPM  
Executive Counsel

**Title 33  
ENVIRONMENTAL QUALITY**

**Part XV. Radiation Protection**

**Chapter 3. Licensing of Radioactive Material**

**Subchapter C. General Licenses**

**§322. General Licenses: Radioactive Material Other Than Source Material**

A. – D.3.f. ...

g. except as provided in Subparagraph D.3.h of this Section, transfer or dispose of the device containing radioactive material only by export as provided in 10 CFR Part 110 or by transfer to a specific licensee of the department, the U.S. Nuclear Regulatory Commission, or any other agreement state or licensing state whose specific license authorizes him or her to receive the device and, within 30 days after transfer of a device to a specific licensee, except when the device is transferred to the specific licensee in order to obtain a replacement device, shall furnish to the Office of Environmental Compliance, Emergency and Radiological Services Division, a report containing:

- i. identification of the device by the manufacturer's name and, model number, and serial number, or by the initial transferor's name; and
- ii. the name, and address, and license number of the person receiving the device; and
- iii. the date of the transfer; ~~No report is required if the device is transferred to the specific licensee in order to obtain a replacement device;~~

h. ...

i. where the device remains in use at a particular location. In such case the transferor shall give the transferee a copy of this regulation and any safety documents identified in the label on the device and, within 30 days of the transfer, report to the Office of Environmental Compliance, Emergency and Radiological Services Division, the manufacturer's (or the initial transferor's) name; and the model number and serial number of the device transferred; the name, and mailing address for the location of use, and license number of the transferee; the date of the transfer; and the name and/or position of an individual who may constitute a point of contact between the department and the transferee; or

h.ii. – n. ...

4. The general license in LAC 33:XV.322.D.1 does not authorize the manufacture or import of devices containing radioactive material.

D.5. – J.4. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2567 (November 2000), LR 27:1226 (August 2001), LR 30:1663 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2524 (October 2005), LR 32:811 (May 2006), LR 33:\*\*.

**Subchapter Z. Appendices**

**§399. Schedules A and B, and Appendices A, B, C, D, E, and F**

Schedule A. – Schedule B. ...

Footnotes to Schedule B

Note 1: For purposes of subdivision where a combination of radionuclides is involved, the limit for the combination shall be derived as follows: For each radionuclide, determine the amount possessed, and 1,000 times the amount given in Schedule B for that radionuclide. The sum of the ratios of these two quantities, for all the combinations involved, may not exceed 1.

Example:

$$\frac{\text{Amt. of Radionuclide A possessed}}{1000 \times \text{Schedule B quantity for Radionuclide A}} + \frac{\text{Amt. of Radionuclide B possessed}}{1000 \times \text{Schedule B quantity for Radionuclide B}} \leq 1$$

Note 2: To convert microcuries (µCi) to SI units of kilobecquerels (kBq), multiply the values given in Schedule B by 37.

Example:

Zirconium-97 (10 µCi × 37 = 370 kBq).

Appendix A. – Appendix F. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), LR 20:180 (February 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2574 (November 2000), LR 27:1228 (August 2001), amended by the Office of Environmental Assessment, LR 31:46 (January 2005), LR 31:1580 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2528 (October 2005), LR 32:820 (May 2006), LR 32:1853 (October 2006), LR 33:\*\*.

**Chapter 6. X-Rays in the Healing Arts**

**§607. Intraoral Dental Radiographic Systems**

A. – A.2.a. ...

b. ~~an opened-ended~~, shielded PID (position-indicating device) shall be used. The shielding shall be equivalent to the requirements of LAC 33:XV.604.A.3; and

2.c. – 8.d. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of the Secretary, Legal Affairs Division, LR 33:\*\*.