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Department of Environmental Quality

Office of the Secretary

Legal Affairs Division

Notice of Public Hearing

Substantive Changes to Proposed Rule RP068

Chapter 6 X-Rays in the Healing Arts Update

(LAC 33:XV.602, 603, and 610)

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 the department is seeking to incorporate substantive changes to proposed regulation (LAC 33:XV.602, 603, and 610) (Log # RP068S), which was originally noticed as RP068 in the January 20, 2022, issue of the *Louisiana Register*. (2209Pot2)

 The department has proposed substantive changes to address comments received during the public comment period of proposed rule RP068. In the interest of clarity and transparency, the department is providing public notice and opportunity to comment on the proposed changes to the amendments of the regulation in question. The department is also providing an interim response to comments received on the initial regulation proposal.

 A strikeout/underline/shaded version of the proposed rule that distinguishes original proposed language from language changed by this proposal and the interim response to comments are available on the department’s website under Rules and Regulations at http://deq.louisiana.gov/page/rules-regulations.

 The following changes are to be incorporated into the Notice of Intent:

Title 33

ENVIRONMENTAL QUALITY

**Part XV. Radiation Protection**

Chapter 6. X-Rays in the Healing Arts

§602. Definitions

 A. …

\* \* \*

 *Qualified Expert*―an individual who meets one of the following criteria:

 a. …

 b. not board certified in the required subspecialty but with a graduate degree in medical physics, radiologic physics, physics, or other relevant physical science or engineering discipline from an accredited institution, and formal coursework in the biological sciences with at least one course in biology or radiation biology and one course in anatomy, physiology, or similar topics related to the practice of medical physics and three years of documented experience in a clinical CT environment (for purposes of CT evaluations), three years of documented experience in fluoroscopic environment (for purposes of fluoroscopic evaluations), or three years of documented experience in general radiographic environment (for purposes of general radiographic evaluations);

 c. — d. …

\* \* \*

 AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

 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), LR 23:1139 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2585 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2362 (November 2007), amended by the Office of the Secretary, Legal Affairs Division, LR 48:

§603. General and Administrative Requirements

 A. — A.7. …

 a. all individuals shall be positioned such that no part of the body will be struck by the useful beam unless protected by not less than 0.5 millimeter lead equivalent;

 A.7.b. — F.1.f. …

 AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

 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), LR 22:976 (October 1996), LR 23:1139 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2585 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2532 (October 2005), LR 33:2184 (October 2007), amended by the Office of the Secretary, Legal Affairs Division, LR 48:

§610. Computed Tomography X-Ray Systems

 A. — E. …

 F. PET CT and SPECT CT Systems. CT systems solely used to calculate attenuation coefficients in nuclear medicine studies shall meet the requirements in Subsections A – D of this Section, unless ~~otherwise exempted below~~the following criteria are met.

 1. — 2. …

 ~~3. Accreditation. Unless otherwise authorized by the department, all diagnostic CT x-ray systems for human use shall be accredited by a department-recognized accredited organization.~~

 G. — H. …

 AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.

 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 Environmental Assessment, Environmental Planning Division, LR 26:2586 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 48:

A public hearing on the substantive changes will be held via Zoom on October 27, 2022, at 1:30 p.m. Interested persons are invited to attend and submit oral comments via PC, Mac, Linux, iOS or Android at https://deqlouisiana.zoom.us/j/9373792954 or by telephone by dialing 636-651-3182 using the conference code 725573. Interested persons are invited to attend and submit oral comments on the substantive changes. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985.

All interested persons are also invited to submit written comments on the substantive changes. Persons commenting should reference this proposed regulation as RP068S. Such comments must be received no later than October 27, 2022, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or emailed to DEQ.Reg.Dev.Comments@la.gov. The comment period for the substantive changes ends on the same date as the public hearing. Copies of these substantive changes 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 RP068S. These proposed regulations are available on the internet at http://deq.louisiana.gov/page/rules-regulations.

These substantive changes to RP068S are available for inspection at the following LDEQ office locations from 8:00 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; and 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

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 Executive Counsel