NOTICE OF INTENT

Department of Environmental Quality

Office of the Secretary

Legal Affairs Division

Miscellaneous Corrections

(LAC 33:XV.328, 709, and 778)

 Under the authority of the Louisiana 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.328, 709, and 778 (RP072).

 The proposed Rule updates the regulations pertaining to dosimetry and makes miscellaneous corrections to the Radiation Protection regulations. The changes in the state regulations are category B requirements for the State of Louisiana to remain a Nuclear Regulatory Commission (NRC) Agreement State. This Rule was promulgated by the NRC as RATS ID 2023-1. The basis and rationale for the proposed Rule are to mirror the federal regulations and maintain an adequate Agreement State Program. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Family Impact Statement**

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

This Rule has no known impact on poverty as described in R.S. 49:973.

**Small Business Analysis**

This Rule has no known impact on small business as described in R.S. 49:974.1 - 974.8.

**Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

**Public Comments**

 All interested persons are invited to submit written comments on the proposed Rule. Persons commenting should reference this proposed Rule by RP072. Such comments must be received no later than November 6, 2025, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of the proposed Rule can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of RP072. The proposed regulation is available on the Internet at https://deq.louisiana.gov/page/monthly-regulation-changes-2025%20.

**Public Hearing**

A public hearing will be held on October 30, 2025, 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 in person or online via Zoom at https://deqlouisiana.zoom.us/j/6836133613?omn=96029909881or by phone at (646) 255-1997 Meeting ID 683 613 3613. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

 The proposed Rule is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, 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; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

 Jill C. Clark

 General Counsel

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part XV. Radiation Protection**

**Chapter 3. Licensing of Byproduct Material**

**Subchapter D. Specific Licenses**

**§328. Special Requirements for Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Byproduct Material**

 A. **—** J.1.b. …

 i. registered or licensed with the U.S. Food and Drug Administration (FDA) as the owner or operator of a drug establishment that engages in the manufacture, preparation, propagation, compounding, or processing of a drug under 21 CFR 207.~~20~~17(a);

 J.1.b.ii. — M.4.g. …

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 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 18:34 (January 1992), LR 24:2092 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2569 (November 2000), LR 26:2768 (December 2000), LR 27:1228 (August 2001), LR 30:1664 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2526 (October 2005), LR 33:2179 (October 2007), LR 36:1771 (August 2010), amended by the Office of the Secretary, Legal Division, LR 38:2746 (November 2012), LR 40:286 (February 2014), LR 40:1341 (July 2014), LR 41:1278 (July 2015), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:2137 (December 2018), LR 47:1853 (December 2021), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

**Chapter 7. Use of Radionuclides in the Healing Arts**

**§709. Supervision**

 A. — A.3. …

 4. require the authorized user to be immediately available to communicate with the supervised individual; and

 ~~5. require the authorized user to be able to be physically present and available to the supervised individual on one hour's notice (The supervising authorized user need not be present for each use of radioactive material.); and~~

 ~~6~~5. require that only those individuals specifically trained, and designated by the authorized user, shall be permitted to administer radionuclides or radiation to patients.

 B. — D. …

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

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 24:2102 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:1173 (June 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

**§778. Other Medical Uses of Byproduct Material or Radiation From Byproduct Material**

 A. A licensee may use byproduct material or a radiation source approved for medical use which is not specifically addressed in this Chapter if the applicant or licensee has:

 1. submitted the information required by LAC 33:XV.324; and

 2. received written approval from the department, the Nuclear Regulatory Commission (NRC), or an agreement state in a license or license amendment and uses the material in accordance with the regulations and specific conditions the department, the NRC, or an agreement state considers necessary for the medical use of the material.

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

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 51: