

70.51(c),(d) and (e), § 70.52 through § 70.54, § 70.55(c), § 70.56, and §70.59; Subpart H - Additional Requirements for Certain Licensees Authorized to Possess a Critical Mass of Special Nuclear Material, § 70.60 through 70.76; Subpart I - Modification and Revocation of Licenses, § 70.81 and § 70.82; Subpart J - Enforcement, §§ 70.91 and 70.92;

(8) **In 10 CFR 71.** Subpart A - General Provisions, § 71.10; Subpart B - Exemptions, § 71.14(b); Subpart D - Application for Package Approval, §§ 71.31 through 71.39; Subpart E - Package Approval Standards, §§ 71.41 through 71.45 and §§ 71.51 through 71.65; Subpart F - Package, Special Form, and LSA-III Tests, §§ 71.71 through 71.77; Subpart H - Quality Assurance, §§ 71.107 through 71.125;

(9) **In 10 CFR 150.** Persons in offshore waters not exempt, § 150.7; Persons in agreement states exempt, § 150.10; Commission regulatory authority for physical protection in agreement states, § 150.14; Persons in agreement states not exempt, Continued Commission authority pertaining to byproduct material in agreement states, § 150.17; Compliance with requirements of US/IAEA safeguards agreement for source material under state agreement license; Submission to Commission of reports for tritium in agreement states, § 150.19; Recognition of Agreement State licenses, § 150.20; Transportation by aircraft of special nuclear material by agreement state licensee, § 150.21; Violations, § 150.30; Requirements for Agreement State regulation of byproduct material, § 150.31; Funds for reclamation or maintenance of byproduct material, §150.32; and Criminal penalties, § 150.33.

(c) **Effective date.**

The requirements of this Subchapter became effective September 29, 2000, the date upon which jurisdiction over all unrevoked and unexpired NRC licenses and plan approvals was transferred to DEQ.

252:410-10-2. Using provisions incorporated by reference as state rules

(a) **Extent of incorporations by reference.** Each regulation from 10 CFR is incorporated in its entirety unless specified otherwise.

(b) **Interfacing terms.** For purposes of the Radioactive Materials Program, these 10 CFR terms shall be interpreted as follows unless specified otherwise in specific incorporating sections:

(1) **"Commission"** or the **"Nuclear Regulatory Commission"** or **"NRC"** means DEQ.

(2) **"Commissioner"**, **"Regional Administrator"**, **"Administrator"**, **"Director"** or **"Executive Director"** means DEQ's Executive Director.

(3) **"License"** means a valid NRC or Radioactive Materials Program license issued under or subject to DEQ jurisdiction.

(4) **"Licensee"** means the holder of a NRC or Radioactive Materials Program license.

(5) **"NRC Operation Center"** means DEQ's hotline, 1-800/522-0206.

(6) **"Order"** means an administrative order issued by DEQ.

(7) **"10 CFR 170.31"** or **"Schedule of Material Fees"** means those fees listed in 252:410-10-101 through 121.

(c) **Alternate forms.** In lieu of a referenced NRC form, persons reporting to DEQ may use their own computer-generated form or a Radioactive Materials Program form available from DEQ.

(d) **Inconsistencies.** Whenever a requirement which has

been incorporated by reference is inconsistent with another rule of this Chapter, the requirement incorporated by reference shall prevail.

(e) **Exceptions.** The provisions for enforcement in 10 CFR Part 2, subpart B referenced in 10 CFR 30.10 (b), 40.10(b), 61.9b (b) and 70.10 are not incorporated by reference. Any violation of Chapter 410 rules is subject to enforcement in accordance with the requirements of 27A O.S. § 2-3-501 *et seq.*, and OAC 252:4, Department of Environmental Quality Rules of Practice and Procedure.

252:410-10-3. Radioactive Materials Program authorizations

(a) **License.** Except as otherwise specifically provided in this Chapter or in the State Agreement, a person shall only manufacture, produce, transfer, receive, acquire, own, possess or use byproduct, source or special nuclear material in the State of Oklahoma when authorized under an NRC or agreement state general license, a DEQ-issued specific license, or a DEQ reciprocity recognition.

(b) **Certification.** Prior to performing work as an industrial radiographer using sealed sources in the state, an individual must be authorized through either DEQ certification or DEQ reciprocity recognition in accordance with Subchapters 5 and 7.

(c) **Related provisions.** Persons subject to this Subchapter are also subject to the requirements of Subchapters 1, 7, 9 and 20 and may be subject to Subchapter 21.

252:410-10-4. Specific licenses

(a) **Described.** Specific licenses require application, fee payment, and DEQ review and approval. For licensing requirements, an applicant must comply with Subchapter 7 and the following Parts from 10 CFR which are incorporated by reference in this Subchapter:

(1) Domestic licensing of Byproduct Material [Part 30]

(2) Manufacture or initial transfer of items containing byproduct material. [Part 32]

(3) Broad scope licenses, Types A, B and C. [Part 33]

(4) Sealed sources in radiography. [Part 34]

(5) Medical use of byproduct material. [Part 35]

(6) Sealed sources in irradiators. [Part 36]

(7) Licensed materials in well logging. [Part 39]

(8) Low-level radioactive waste disposal. [Part 61]

(9) Special nuclear material not reserved to NRC. [Part 70]

(b) **Term.** Specific licenses shall be issued for a fixed term, not to exceed ten (10) years from the date of issuance.

(c) **Reciprocity.** To apply for reciprocity, an applicant must comply with Part 3 of Subchapter 7.

(d) **Other licensing requirements.** For other licensing requirements, see Subchapter 7.

(e) **Criteria for issuance.** To be approvable, a Radioactive Materials Program license application must comply with applicable requirements of the state agreement; the Oklahoma Radiation Management Act, 27A O.S. §2-9-101 *et seq.*; and this Chapter.

252:410-10-5. General licenses

General licenses are effective without application, fees or issued authorization. For general licenses, see 10 CFR including the following provisions which are incorporated by reference in this Subchapter:

(1) **Byproduct material general licenses.**

(A) Certain devices and equipment. [§ 31.3 (a) and (d)]

(B) Measuring, gauging or controlling devices. [§

- 31.5]
- (C) Install devices generally licensed in § 31.5. [§ 31.6]
- (D) Luminous safety devices used in aircraft. [§ 31.7]
- (E) Americium-241/calibration/reference sources. [§ 31.8]
- (F) Ownership. [§ 31.9]
- (G) Strontium 90 in ice detection devices. [§ 31.10]
- (H) *In vitro* clinical or laboratory testing, including registration. [§ 31.11]
- (2) **Source material general licenses.** Certain industrial products or devices. [§ 40.25]
- (3) **Special nuclear material general licenses.**
 - (A) Calibration or reference sources. [§ 70.19]
 - (B) Ownership. [§ 70.20]

PART 19. WORKER COMMUNICATIONS

252:410-10-19. 10 CFR 19 incorporations by reference [AMENDED AND RENUMBERED TO 252:410-23-4]

PART 30. BYPRODUCT MATERIAL LICENSING IN GENERAL

252:410-10-30. 10 CFR 30 incorporations

The following provisions are hereby incorporated by reference from 10 CFR 30, Rules of General Applicability to Domestic Licensing of Byproduct Material:

- (1) **General Provisions.**
 - (A) 30.1 - Scope
 - (B) 30.2 - Resolution of conflict
 - (C) 30.3(a), (c) and (d) - Activities requiring license
 - (D) 30.4 - Definitions
 - (E) 30.7 - Employee protection
 - (F) 30.9 - Completeness and accuracy of information
 - (G) 30.10 - Deliberate misconduct
- (2) **Exemptions.**
 - (A) 30.11 - Specific exemptions
 - (B) 30.12 - Persons using byproduct material under certain Department of Energy and Nuclear Regulatory Commission contracts
 - (C) 30.13 - Carriers
 - (D) 30.14 - Exempt concentrations
 - (E) 30.15 - Certain items containing byproduct material
 - (F) 30.18 - Exempt quantities
 - (G) 30.19 - Self luminous products containing tritium, krypton-85 or promethium-147
 - (H) 30.20 - Gas and aerosol detectors containing byproduct material
 - (I) 30.21 - Radioactive drug: Capsules containing carbon-14 urea for "*in vivo*" diagnostic use for humans
- (3) **Licenses.**
 - (A) 30.31 - Types of licenses
 - (B) 30.32 (a) through (d) and (g) through (j) - Application for specific licenses
 - (C) 30.33 - General requirements for issuance of specific licenses
 - (D) 30.34(a), (b), (c), (e)(2), (e)(4), (f), (g), (h), (i), and (j) - Terms and conditions of licenses
 - (E) 30.35 - Financial assurance and recordkeeping for decommissioning
 - (F) 30.36 - Expiration and termination of licenses

and decommissioning of sites and separate buildings or outdoor areas, except (a)(2)

- (G) 30.37 - Application for renewal of licenses
- (H) 30.38 - Application for amendment of licenses
- (I) 30.39 - Commission action on applications to renew or amend
- (J) 30.41 - Transfer of byproduct material, except (b)(6)
- (4) **Records, inspections, tests and reports.**
 - (A) 30.50 - Reporting requirements
 - (B) 30.51 - Records
 - (C) 30.52 - Inspections
 - (D) 30.53 - Tests
- (5) **Enforcement.**
 - (A) 30.61 - Modification and revocation of licenses
 - (B) 30.62 - Right to cause the withholding or recall of byproduct material
- (6) **Schedules.**
 - (A) 30.70 - Schedule A - Exempt concentrations
 - (B) 30.71 - Schedule B
 - (C) 30.72 - Schedule C - Quantities of radioactive materials requiring consideration of the need for an emergency plan for responding to a release.
- (7) **Appendices.**
 - (A) Appendix A - Criteria relating to use of financial tests and parent company guarantees for providing reasonable assurance of funds for decommissioning.
 - (B) Appendix B - Quantities of licensed material requiring labeling.
 - (C) Appendix C - Criteria relating to use of financial tests and self guarantees for providing reasonable assurance of funds for decommissioning.
 - (D) Appendix D - Criteria relating to use of financial tests and self-guarantee for providing reasonable assurance of funds for decommissioning by commercial companies that have no outstanding rated bonds.
 - (E) Appendix E - Criteria relating to use of financial tests and self-guarantee for providing reasonable assurance of funds for decommissioning by nonprofit colleges, universities, and hospitals.

PART 31. BYPRODUCT MATERIAL: GENERAL LICENSES

252:410-10-31. 10 CFR 31 incorporations by reference

The following provisions are hereby incorporated by reference from 10 CFR 31, General Domestic Licenses for Byproduct Material:

- (1) **General provisions.**
 - (A) 31.1 - Purpose and scope
 - (B) 31.2 - Terms and conditions
- (2) **General licenses.**
 - (A) 31.3(a) and (d) - Certain devices and equipment
 - (B) 31.5 - Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere
 - (C) 31.6 - General license to install devices generally licensed in 31.5
 - (D) 31.7 - Luminous safety devices for use in aircraft
 - (E) 31.8 - Americium-241 and radium-226 in the form of calibration or reference sources
 - (F) 31.9 - General license to own byproduct material.

- (G) 31.10 - General license for strontium 90 in ice detection devices
- (H) 31.11 - General license for use of byproduct material for certain *in vitro* clinical or laboratory testing.
- (I) 31.12 - General license for certain items and self-luminous products containing radium-226
- (3) **Recordkeeping.** 31.21 - Maintenance of records.

PART 32. BYPRODUCT MATERIAL: SPECIFIC LICENSES FOR MANUFACTURING AND TRANSFERRING CERTAIN ITEMS

252:410-10-32. 10 CFR 32 incorporations by reference

The following provisions are hereby incorporated by reference from 10 CFR 32, Specific Domestic Licenses to Manufacture or Transfer Certain Items Containing Byproduct Material:

- (1) **General provisions.**
 - (A) 32.1(a), (b) and (c)(2) - Purpose and scope, excluding issuance of certificates of registration
 - (B) 32.2 - Definitions
 - (C) 32.3 - Maintenance of records
- (2) **Subpart A - Exempt concentrations and items.**
 - (A) 32.13 - Same: Prohibition of introduction
 - (B) 32.24 - Same: Table of organ doses
- (3) **Subpart B - Generally licensed items.**
 - (A) Byproduct material contained in devices for use under 31.5:
 - (i) 32.51 - Requirements for license to manufacture or initially transfer
 - (ii) 32.51a - Conditions of licenses
 - (iii) 32.52 - Material transfer reports and records
 - (B) Luminous safety devices for use in aircraft:
 - (i) 32.53 - Requirements for license to manufacture, assemble, repair or initially transfer
 - (ii) 32.54 - Labeling of devices
 - (iii) 32.55 - Quality assurance; prohibition of transfer
 - (iv) 32.56 - Material transfer reports
 - (C) Calibration or reference sources containing americium 241:
 - (i) 32.57 - Calibration or reference sources containing americium-241 or radium-226: Requirements for license to manufacture or initially transfer
 - (ii) 32.58 - Same: Labeling of devices
 - (iii) 32.59 - Same: Leak testing of each source
 - (D) Ice detection devices containing strontium-90:
 - (i) 32.61 - Requirements for license to manufacture or initially transfer
 - (ii) 32.62 - Quality assurance; prohibition of transfer
 - (E) 32.71 - Manufacture and distribution of byproduct material for certain *in vitro* clinical or laboratory testing under general license
 - (F) 32.72 - Manufacture, preparation or transfer for commercial distribution of radioactive drugs containing byproduct material for medical use under part 35
 - (G) 32.74 - Manufacture and distribution of sources or devices containing byproduct material for medical use
- (4) **Subpart B Schedules.**
 - (A) 32.101 - Schedule B, prototype tests for luminous safety devices for use in aircraft

- (B) 32.102 - Schedule C, prototype tests for calibration or reference sources containing americium-241 or radium-226
- (C) 32.103 - Schedule D, prototype tests for ice detection devices containing strontium-90
- (5) **Subpart C - Quality control sampling procedures.** 32.110 - Acceptance sampling procedures under certain specific licenses.
- (6) **Subpart D - Specifically licensed items.** 32.201 - Serialization of nationally tracked sources

PART 33. BYPRODUCT MATERIAL: SPECIFIC LICENSES OF BROAD SCOPE

252:410-10-33. 10 CFR 33 incorporations by reference

The following provisions are hereby incorporated by reference from 10 CFR 33, Specific Domestic Licenses of Broad Scope for Byproduct Material:

- (1) **General provisions.** 33.1 - Purpose and scope
- (2) **Specific licenses of broad scope.**
 - (A) 33.11 - Types of specific licenses of broad scope
 - (B) 33.12 - Applications for specific licenses of broad scope
 - (C) 33.13 - Requirements for the issuance of a Type A specific license of broad scope
 - (D) 33.14 - Requirements for the issuance of a Type B specific license of broad scope
 - (E) 33.15 - Requirements for the issuance of a Type C specific license of broad scope
 - (F) 33.16 - Application for other specific licenses
 - (G) 33.17 - Conditions of specific licenses of broad scope
- (3) **Schedule.** 33.100 - Schedule A

PART 34. INDUSTRIAL RADIOGRAPHIC OPERATIONS

252:410-10-34. 10 CFR 34 incorporations

The following provisions are hereby incorporated by reference from 10 CFR Part 34, Licenses for Radiography and Radiation Safety Requirements for Radiographic Operations:

- (1) **Subpart A; General provisions.**
 - (A) 34.1 - Purpose and scope
 - (B) 34.3 - Definitions
- (2) **Subpart B; Specific licensing provisions.**
 - (A) 34.11 - Application for a specific license
 - (B) 34.13 - Specific license for industrial radiography
- (3) **Subpart C; Equipment.**
 - (A) 34.20 - Performance requirements for industrial radiography equipment
 - (B) 34.21 - Limits on external radiation levels from storage containers and source changers
 - (C) 34.23 - Locking of radiographic exposure devices, storage containers and source changers
 - (D) 34.25 - Radiation survey instruments
 - (E) 34.27 - Leak testing and replacement of sealed sources
 - (F) 34.29 - Quarterly inventory
 - (G) 34.31 - Inspection and maintenance of radiographic exposure devices, transport and storage containers, associated equipment, source changers and survey instruments
 - (H) 34.33 - Permanent radiographic installations
 - (I) 34.35 - Labeling, storage and transportation
- (4) **Subpart D; Radiation safety requirements.**
 - (A) 34.41 - Conducting industrial radiographic

- operations
- (B) 34.42 - Radiation safety officer for industrial radiography
- (C) 34.43 - Training
- (D) 34.45 - Operating and emergency procedures
- (E) 34.46 - Supervision of radiographers' assistants
- (F) 34.47 - Personnel monitoring
- (G) 34.49 - Radiation surveys
- (H) 34.51 - Surveillance
- (I) 34.53 - Posting

(5) **Subpart E; Recordkeeping requirements.**

- (A) 34.61 - Records of the specific license for industrial radiography
- (B) 34.63 - Records of the receipt and transfer of sealed sources
- (C) 34.65 - Records of radiation survey instruments
- (D) 34.67 - Records of leak testing of sealed sources and devices containing depleted uranium
- (E) 34.69 - Records of quarterly inventory
- (F) 34.71 - Utilization logs
- (G) 34.73 - Records of inspection and maintenance of radiographic exposure devices, transport and storage containers, associated equipment, source changers and survey instruments
- (H) 34.75 - Records of alarm system and entrance control checks at permanent radiographic installations
- (I) 34.79 - Records of training and certification
- (J) 34.81 - Copies of operating and emergency procedures
- (K) 34.83 - Records of personnel monitoring procedures
- (L) 34.85 - Records of radiation surveys
- (M) 34.87 - Form of records
- (N) 34.89 - Location of documents and records

(6) **Subpart F; Notifications** - 34.101

(7) **Appendix** - Appendix A to 10 CFR 34 - Radiographer Certification.

PART 35. MEDICAL USE OF BYPRODUCT MATERIAL

252:410-10-35. 10 CFR 35 incorporations by reference

(a) **Incorporations by reference.** The following provisions are hereby incorporated by reference from 10 CFR 35, Medical Use of Byproduct Material:

(1) **Subpart A; General information.**

- (A) 35.1 - Purpose and scope
- (B) 35.2 - Definitions
- (C) 35.5 - Maintenance of records
- (D) 35.6 - Provisions for the protection of human research subjects
- (E) 35.7 - FDA, other Federal and State requirements
- (F) 35.10 - Implementation
- (G) 35.11(a), (b) and (c)(2) - License required
- (H) 35.12 - Application for license, amendment or renewal
- (I) 35.13 - License amendments
- (J) 35.14 - Notifications
- (K) 35.15 - Exemptions regarding Type A specific licenses of broad scope
- (L) 35.18 - License issuance
- (M) 35.19 - Specific exemptions

(2) **Subpart B; General Administrative Requirements.**

- (A) 35.24 - Authority and responsibilities for the radiation protection program
- (B) 35.26 - Radiation protection program changes
- (C) 35.27 - Supervision
- (D) 35.40 - Written directives
- (E) 35.41 - Procedures for administrations requiring a written directive
- (F) 35.49 - Suppliers for sealed sources or devices for medical use
- (G) 35.50 - Training for Radiation Safety Officer
- (H) 35.51 - Training for an authorized medical physicist
- (I) 35.55 - Training for an authorized nuclear pharmacist
- (J) 35.57 - Training for experienced Radiation Safety Officer, teletherapy or medical physicist, authorized user, nuclear pharmacist, and authorized nuclear pharmacist
- (K) 35.59 - Recency of Training

(3) **Subpart C; General Technical Requirements.**

- (A) 35.60 - Possession, use, and calibration of instruments used to measure the activity of unsealed byproduct material
- (B) 35.61 - Calibration of survey instruments
- (C) 35.63 - Determination of dosages of unsealed byproduct material for medical use
- (D) 35.65 - Authorization for calibration, transmission, and reference sources
- (E) 35.67 - Requirements for possession of sealed sources and brachytherapy sources
- (F) 35.69 - Labeling of vials and syringes
- (G) 35.70 - Surveys of ambient radiation exposure rate
- (H) 35.75 - Release of individuals containing unsealed byproduct material or implants containing byproduct material
- (I) 35.80 - Provision of mobile medical service
- (J) 35.92 - Decay-in-storage

(4) **Subpart D; Unsealed Byproduct Material—Written Directive Not Required.**

- (A) 35.100 - Use of unsealed byproduct material for uptake, dilution, and excretion studies for which a written directive is not required
- (B) 35.190 - Training for uptake, dilution, and excretion studies
- (C) 35.200 - Use of unsealed byproduct material for imaging and localization studies for which a written directive is not required
- (D) 35.204 - Permissible molybdenum-99, strontium-82, and strontium-85 concentrations
- (E) 35.290 - Training for imaging and localization studies

(5) **Subpart E; Unsealed Byproduct Material – Written Directive Required.**

- (A) 35.300 - Use of unsealed byproduct material for which a written directive is required
- (B) 35.310 - Safety instruction
- (C) 35.315 - Safety precautions
- (D) 35.390 - Training for use of unsealed byproduct material for which a written directive is required
- (E) 35.392 - Training for the oral administration of sodium iodide I-131 requiring a written directive in quantities less than or equal to 1.22 gigabecquerels (33 millicuries)
- (F) 35.394 - Training for the oral administration of sodium iodide I-131 requiring a written directive in quantities greater than 1.22 gigabecquerels (33 millicuries)

- (G) 35.396 - Training for the parenteral administration of unsealed byproduct material requiring a written directive
- (6) **Subpart F; Manual Brachytherapy.**
- (A) 35.400 - Use of sources for manual brachytherapy
- (B) 35.404 - Surveys after source implant and removal
- (C) 35.406 - Brachytherapy sources accountability
- (D) 35.410 - Safety instruction
- (E) 35.415 - Safety precautions
- (F) 35.432 - Calibration measurements of brachytherapy sources
- (G) 35.433 - Decay of strontium-90 sources for ophthalmic treatments
- (H) 35.457 - Therapy related computer systems
- (I) 35.490 - Training for use of manual brachytherapy sources
- (J) 35.491 - Training for ophthalmic use of strontium-90
- (7) **Subpart G; Sealed Sources for diagnosis.**
- (A) 35.500 - Use of sealed sources for diagnosis
- (B) 35.590 - Training for use of sealed sources for diagnosis
- (8) **Subpart H; Photon Emitting Remote Afterloader Units, Teletherapy Units, and Gamma Stereotactic Radiosurgery Units.**
- (A) 35.600 - Use of a sealed source in a remote afterloader unit, teletherapy unit, or gamma stereotactic radiosurgery unit
- (B) 35.604 - Surveys of patients and human research subjects treated with a remote afterloader unit
- (C) 35.605 - Installation, maintenance, adjustment, and repair
- (D) 35.610 - Safety procedures and instructions for remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units
- (E) 35.615 - Safety precautions for remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units
- (F) 35.630 - Dosimetry equipment
- (G) 35.632 - Full calibration measurements on teletherapy units
- (H) 35.633 - Full calibration measurements on remote afterloader units
- (I) 35.635 - Full calibration measurements on gamma stereotactic radiosurgery units
- (J) 35.642 - Periodic spot-checks for teletherapy units
- (K) 35.643 - Periodic spot-checks for remote afterloader units
- (L) 35.645 - Periodic spot-checks for gamma stereotactic radiosurgery units
- (M) 35.647 - Additional technical requirements for mobile remote afterloader units
- (N) 35.652 - Radiation surveys
- (O) 35.655 - Five year inspection for teletherapy and gamma stereotactic radiosurgery units
- (P) 35.657 - Therapy-related computer systems
- (Q) 35.690 - Training for use of remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units
- (9) **Subpart I.**
- (10) **Subpart K; Other Medical Uses of Byproduct Material or Radiation From Byproduct Material.**
- 35.1000 - Other medical uses of byproduct material or radiation from byproduct material
- (11) **Subpart L; Records.**

- (A) 35.2024 - Records of authority and responsibilities for radiation protection programs
- (B) 35.2026 - Records of radiation protection program changes
- (C) 35.2040 - Records of written directives
- (D) 35.2041 - Records for procedures for administration requiring a written directive
- (E) 35.2060 - Records of calibrations of instruments used to measure the activity of unsealed byproduct materials
- (F) 35.2061 - Records of radiation survey instrument calibrations
- (G) 35.2063 - Records of dosages of unsealed byproduct material for medical use
- (H) 35.2067 - Records of leaks tests and inventory of sealed sources and brachytherapy sources
- (I) 35.2070 - Records of survey for ambient radiation exposure rate
- (J) 35.2075 - Records of the release of individuals containing unsealed byproduct material or implants containing byproduct material
- (K) 35.2080 - Records of mobile medical services
- (L) 35.2092 - Records of decay-in-storage
- (M) 35.2204 - Records of molybdenum-99, strontium-82, and strontium 85 concentrations.
- (N) 35.2310 - Records of safety instruction
- (O) 35.2404 - Records of surveys after source implant and removal
- (P) 35.2406 - Records of brachytherapy source accountability
- (Q) 35.2432 - Records of calibration measurements of brachytherapy sources
- (R) 35.2433 - Records of decay of strontium-90 sources for ophthalmic treatments
- (S) 35.2605 - Records of installation, maintenance, adjustment, and repair of remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units
- (T) 35.2610 - Records of safety procedures
- (U) 35.2630 - Records of dosimetry equipment used with remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units
- (V) 35.2632 - Records of teletherapy, remote afterloader, and gamma stereotactic radiosurgery full calibrations
- (W) 35.2642 - Records of periodic spot-checks for teletherapy units
- (X) 35.2643 - Records of periodic spot-checks for remote afterloader units
- (Y) 35.2645 - Records of periodic spot checks for gamma stereotactic radiosurgery units
- (Z) 35.2647 - Records of additional technical requirements for mobile remote afterloader units
- (AA) 35.2652 - Records of surveys of therapeutic treatment units
- (BB) 35.2655 - Records of 5-year inspection for teletherapy and gamma stereotactic radiosurgery units
- (12) **Subpart M; Reports.**
- (A) 35.3045 - Report and notification of a medical event
- (B) 35.3047 - Report and notification of a dose to an embryo/fetus or a nursing child
- (C) 35.3067 - Report of a leaking source
- (b) **Exceptions.** The provisions for communication with NRC of 10 CFR § 30.6 referenced in §§ 35.12 and 35.14 are not incorporated by reference. All correspondence regarding license requirements, and any notifications or reports required by this Part, shall be directed to DEQ.

PART 36. IRRADIATOR LICENSES AND RADIATION SAFETY REQUIREMENTS

252:410-10-36. 10 CFR 36 incorporations by reference

The following provisions are hereby incorporated by reference from 10 CFR 36, Licenses and Radiation Safety Requirements for Irradiators:

- (1) **Subpart A; General provisions.**
 - (A) 36.1 - Purpose and scope
 - (B) 36.2 - Definitions
- (2) **Subpart B; Specific licensing requirements.**
 - (A) 36.11 - Application for a specific license, except fees and fee exemptions which are set forth in Part 101 of this Subchapter
 - (B) 36.13 - Specific licenses for irradiators
 - (C) 36.15 - Start of construction
 - (D) 36.17 - Applications for exemptions
 - (E) 36.19 - Request for written statements
- (3) **Subpart C; Design and performance requirements.**
 - (A) 36.21 - Performance criteria for sealed sources
 - (B) 36.23 - Access control
 - (C) 36.25 - Shielding
 - (D) 36.27 - Fire protection
 - (E) 36.29 - Radiation monitors
 - (F) 36.31 - Control of source movement
 - (G) 36.33 - Irradiator pools
 - (H) 36.35 - Source rack protection
 - (I) 36.37 - Power failures
 - (J) 36.39 - Design requirements
 - (K) 36.41 - Construction monitoring and acceptance testing
- (4) **Subpart D; Operation of irradiators.**
 - (A) 36.51 - Training
 - (B) 36.53 - Operating and emergency procedures
 - (C) 36.55 - Personnel monitoring
 - (D) 36.57 - Radiation surveys
 - (E) 36.59 - Detection of leaking sources
 - (F) 36.61 - Inspection and maintenance
 - (G) 36.63 - Pool water purity
 - (H) 36.65 - Attendance during operation
 - (I) 36.67 - Entering and leaving the radiation room
 - (J) 36.69 - Irradiation of explosive or flammable materials
- (5) **Subpart E; Records.**
 - (A) 36.81 - Records and retention periods
 - (B) 36.83 - Reports

PART 39. WELL LOGGING

252:410-10-39. 10 CFR 39 incorporations by reference

(a) **Incorporations by reference.** The following provisions are hereby incorporated by reference from 10 CFR 39, Licenses and Radiation Safety Requirements for Well Logging:

- (1) **Subpart A; General provisions.**
 - (A) 39.1 - Purpose and scope
 - (B) 39.2 - Definitions
- (2) **Subpart B; Specific licensing requirements.**
 - (A) 39.11 - Application for a specific license
 - (B) 39.13 - Specific licenses for well logging
 - (C) 39.15 - Agreement with well owner or operator
 - (D) 39.17 - Request for written statements
- (3) **Subpart C; Equipment.**
 - (A) 39.31 - Labels, security and transportation precautions
 - (B) 39.33 - Radiation detection instruments
 - (C) 39.35 - Leak testing of sealed sources

- (D) 39.37 - Physical inventory
- (E) 39.39 - Records of material use
- (F) 39.41 - Design and performance criteria for sources
- (G) 39.43 - Inspection, maintenance and opening of source or source holder
- (H) 39.45 - Subsurface tracer studies
- (I) 39.47 - Radioactive markers
- (J) 39.49 - Uranium sinker bars
- (K) 39.51 - Use of a sealed source in a well without surface casing
- (L) 39.53 - Energy compensation source
- (M) 39.55 - Tritium neutron generator target source

- (4) **Subpart D; Radiation safety requirements.**
 - (A) 39.61 - Training
 - (B) 39.63 - Operating and emergency procedures
 - (C) 39.65 - Personnel monitoring
 - (D) 39.67 - Radiation surveys
 - (E) 39.69 - Radioactive contamination control
- (5) **Subpart E; Security, Records, Notifications.**
 - (A) 39.71 - Security
 - (B) 39.73 - Documents and records required at field stations
 - (C) 39.75 - Documents and records required at temporary job-sites
 - (D) 39.77 - Notification of incidents and lost sources; abandonment procedures for irretrievable sources

(b) **Exceptions.** The provisions to apply for exemption from the requirements of this Part contained in § 39.91 are not incorporated by reference. Applications for exemption should be addressed to DEQ as authorized in 252:410-1-3.

PART 40. DOMESTIC LICENSING OF SOURCE MATERIAL

252:410-10-40. 10 CFR 40 incorporations by reference

The following provisions are hereby incorporated by reference from 10 CFR 40, Domestic Licensing of Source Material.

- (1) **General Provisions.**
 - (A) 40.1 - Purpose
 - (B) 40.2 - Scope
 - (C) 40.4 - Definitions
 - (D) 40.7 - Employee Protection
 - (E) 40.9 - Completeness and accuracy of information
 - (F) 40.10 - Deliberate misconduct
- (2) **Exemptions.**
 - 40.13(c)(6) - Unimportant quantities of source material
- (3) **General Licenses.**
 - 40.25 - General license for use of certain industrial products or devices.
- (4) **License Applications.**
 - (A) 40.31 (a) through (e) - Application for specific licenses
 - (B) 40.32 (a) through (c) - General requirements for issuance of licenses.
- (5) **Licenses.**
 - (A) 40.41 (a) through (c) and (e) - Terms and conditions of licenses
 - (B) 40.43 - Renewal of licenses
 - (C) 40.44 - Amendment of licenses at request of licensee
 - (D) 40.45 - Commission action on applications to renew or amend
- (6) **Transfer of Source Material.**

- 40.51 (a), (b)(1) through (5), (b)(7), (c) and (d) - Transfer of source or byproduct material
- (7) **Records, Reports and Inspections.**
 (A) 40.60 (a), (b), (c)(1) and (2) - Reporting requirements
 (B) 40.61 (a) through (f) - Records
 (C) 40.62 - Inspections
 (D) 40.63 - Tests
- (8) **Modification and Revocation of Licenses.**
 40.71 - Modification and revocation of licenses

PART 61. LOW-LEVEL RADIOACTIVE WASTE: LAND DISPOSAL

252:410-10-61. 10 CFR 61 incorporations by reference

(a) The following provisions are hereby incorporated by reference from 10 CFR 61, Licensing Requirements for Land Disposal of Radioactive Waste:

- (1) **Subpart A; General Provisions.**
 (A) 61.1 - Purpose and scope
 (B) 61.2 - Definitions
 (C) 61.3 - License required
 (D) 61.7 - Concepts
 (E) 61.9 - Employee Protection
 (F) 61.9a - Completeness and accuracy of information
 (G) 61.9b - Deliberate Misconduct
- (2) **Subpart B; Licenses.**
 (A) 61.10 - Content of application
 (B) 61.11 - General information
 (C) 61.12 - Specific technical information
 (D) 61.13 - Technical analyses
 (E) 61.14 - Institutional information
 (F) 61.15 - Financial information
 (G) 61.20 - Filing and distribution of application
 (H) 61.21 - Elimination of repetition
 (I) 61.22 - Updating of application
 (J) 61.23 (a) through (h) - Standards for license issuance
 (K) 61.24 - Conditions of licenses
 (L) 61.25 (a) and (b) - Changes
 (M) 61.26 - Amendment of license
 (N) 61.27 - Application for renewal or closure
 (O) 61.28 - Contents of application for closure
 (P) 61.29 - Post-closure observation and maintenance
 (Q) 61.30 - Transfer of license
 (R) 61.31 - Termination of license
- (3) **Subpart C; Performance objectives.**
 (A) 61.40 - General requirement
 (B) 61.41 - Protection of general population from releases of radioactivity
 (C) 61.42 - Protection of individuals from inadvertent intrusion
 (D) 61.43 - Protection of individuals during operations
 (E) 61.44 - Stability of the disposal site after closure
- (4) **Subpart D; Technical requirements for disposal facilities.**
 (A) 61.50 - Disposal site suitability requirements for land disposal
 (B) 61.51 - Disposal site design for land disposal
 (C) 61.52 - Land disposal facility operation and disposal site closure
 (D) 61.53 - Environmental monitoring
 (E) 61.54 - Alternative requirements for design and operations
 (F) 61.55 - Waste classification

- (G) 61.56 - Waste characteristics
 (H) 61.57 - Labeling
 (I) 61.58 - Alternative requirements for waste classification and characteristics
 (J) 61.59 - Institutional requirements
- (5) **Subpart E; Financial assurances.**
 (A) 61.61 - Applicant qualifications and assurances
 (B) 61.62 - Funding for site closure and stabilization
 (C) 61.63 - Financial assurances for institutional controls
- (6) **Subpart G; Records, reports, tests and inspections.**
 (A) 61.80 - Maintenance of records, reports and transfers
 (B) 61.81 - Tests at land disposal facilities
 (C) 61.82 - Commission inspections of facilities

(b) **Central Interstate Low-Level Radioactive Waste Compact.** This incorporation by reference shall not supersede, conflict with or interfere with the legal rights and duties of the State of Oklahoma under the Central Interstate Low-Level Radioactive Waste Compact.

(c) **Terms.** For purposes of this incorporation by reference:

- (1) "100-year floodplain" means an area designated by the Federal Emergency Management Agency as being subject to a one percent or greater chance of flooding in any given year.
 (2) "Coastal high hazard area" means 100-year floodplain.
 (3) "Wetland" means an area determined by the Corps of Engineers to be inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction.

PART 70. SPECIAL NUCLEAR MATERIAL: LICENSING

252:410-10-70. 10 CFR 70 incorporations by reference

The following provisions are hereby incorporated by reference from 10 CFR 70, Domestic Licensing of Special Nuclear Material:

- (1) **Subpart A; General provisions.**
 (A) 70.1 - Purpose, except (c),(d) and (e)
 (B) 70.2 - Scope
 (C) 70.3 - License requirements
 (D) 70.4 - Definitions
 (E) 70.7 - Employee protection
 (F) 70.9 - Completeness and accuracy of information
 (G) 70.10 - Deliberate misconduct
- (2) **Subpart B; Exemptions.**
 (A) 70.11 - Persons using special nuclear material under certain Department of Energy and Nuclear Regulatory Commission contracts
 (B) 70.12 - Carriers
 (C) 70.17 - Specific exemptions
- (3) **Subpart C; General licenses.**
 (A) 70.18 - Types of licenses
 (B) 70.19 - General license for calibration or reference sources
 (C) 70.20 - General license to own special nuclear material
- (4) **Subpart D; License applications.**
 (A) 70.22 (a), (d) and (e) - Contents of

applications

(B) 70.23 (a)(1) through (5) - Requirements for the approval of applications

(C) 70.25 - Financial assurance and recordkeeping for decommissioning.

(5) **Subpart E; Licenses.**

(A) 70.31 (a) and (d) - Issuance of licenses

(B) 70.32 (a)(2), (a)(3), (a)(8), (a)(9), (b)(2) and (b)(5) - Conditions of licenses

(C) 70.33 - Renewal of licenses

(D) 70.34 - Amendment of licenses

(E) 70.35 - Commission action on applications to renew or amend

(F) 70.36 - Inalienability of licenses

(G) 70.38 - Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas.

(H) 70.39 - Specific licenses for the manufacture or initial transfer of calibration or reference sources.

(6) **Subpart F; Acquisition, use and transfer of special nuclear material; Creditor's rights.**

(A) 70.41 - Authorized use of special nuclear material

(B) 70.42 - Transfer of special nuclear material, except (b)(6)

(7) **Subpart G; Special nuclear material control, records, reports and inspections.**

(A) 70.50 (a), (b) and (c)(1) and (2) - Reporting requirements.

(B) 70.51 (a) and (b) - Material balance, inventory, and records requirements

(C) 70.55 (a) and (b) - Inspections

(D) 70.56 (a) and (b) - Tests

(8) **Subpart I; Modification and revocation of licenses.** 70.81 - Modification and revocation of licenses

PART 71. PACKAGING AND TRANSPORTING RADIOACTIVE MATERIAL

252:410-10-71. 10 CFR 71 incorporations by reference

The following provisions are hereby incorporated by reference from 10 CFR 71, Packaging and Transportation of Radioactive Material:

(1) **Subpart A; General provisions.**

(A) 71.0 - Purpose and scope

(B) 71.1(b) - Communications and records

(C) 71.3 - Requirement for license

(D) 71.4 - Definitions

(E) 71.5 - Transportation of licensed material

(F) 71.7 - Completeness and accuracy of

information

(G) 71.8 - Deliberate misconduct

(H) 71.9 - Employee protection

(2) **Subpart B; Exemptions.**

(A) 71.12 - Specific exemptions

(B) 71.13 - Exemptions of physicians

(C) 71.14 - Exemption for low-level materials

(D) 71.15 - Exemption from classification as fissile material

(3) **Subpart C; General licenses.**

(A) 71.17 - General license: NRC-approved package

(B) 71.20 - General license: DOT specification container

(C) 71.21 - General license: Use of foreign approved package

(D) 71.22 - General license: Fissile material

(E) 71.23 - General license: Plutonium-beryllium special form material

(4) **Subpart E; Package Approval Standards.** 71.47 - External radiation standards for all packages

(5) **Subpart G; Operating controls and procedures.** (A) 71.81 - Applicability of operating controls and procedures

(B) 71.83 - Assumptions as to unknown properties

(C) 71.85 - Preliminary determinations

(D) 71.87 - Routine determinations

(E) 71.88 - Air transport of plutonium

(F) 71.89 - Opening instructions

(G) 71.91 - Records

(H) 71.93 - Inspection and tests

(I) 71.95 - Reports

(J) 71.97 - Advance notice of shipment of irradiated reactor fuel and nuclear waste

(6) **Subpart H; Quality assurance.**

(A) 71.101 - Quality assurance requirements

(B) 71.103 - Quality assurance organization

(C) 71.105 - Quality assurance program

(D) 71.127 - Handling, storage and shipping

control

(E) 71.129 - Inspection, test and operating status

(F) 71.131 - Nonconforming materials, parts or components

(G) 71.133 - Corrective action

(H) 71.135 - Quality assurance records

(I) 71.137 - Audits

(7) Appendix A to Part 71--Determination of A₁ and A₂.

PART 101. RADIOACTIVE MATERIALS PROGRAM FEES

252:410-10-101. Fee schedules.

Radioactive Materials Program fees are set forth in this part. Categories of Radioactive Materials Program licenses set forth in this Part, but not the amount of the fees, are the same as categories of materials licenses set forth by NRC in a schedule following 10 CFR §171.16. The NRC schedule number for each license category is noted in brackets.

252:410-10-102. Fees for special nuclear material licensing

(a) **Industrial measuring systems.** Licenses to possess and use special nuclear material in sealed sources contained in devices used in industrial measuring systems, including x-ray fluorescence analyzers. License application fee and annual fee - \$1,100.00.[1.C.].

(b) **Other - \$2,000.00.** All other special nuclear material licenses. License application fee and annual fee - \$2,500.00.[1.D.].

252:410-10-103. Fees for source material licensing

(a) **Shielding.** Licenses to possess, use and/or install source material for shielding: License application fee and annual fee - \$420.00. [2.B.].

(b) **Other.** Other source material licenses: License application fee and annual fee - \$7,250.00. [2.C.].

252:410-10-104. Fees for byproduct material licensing

(a) **Processing and manufacturing.** Licenses to possess and use byproduct material for processing or manufacturing of items containing byproduct material for commercial distribution:

(1) **Broad scope.** Broad scope licenses issued under 252:410-10-30 and 252:410-10-33: License application