Georgia Rules and Regulations
Administrative Bulletin for February 2025

OFFICE OF SECRETARY OF STATE
ADMINISTRATIVE PROCEDURE DIVISION
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Final rules filed with the Georgia Secretary of State during the month of *February 2025:*

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Final rules filed with the Georgia Secretary of State that became effective *February 2025:*

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511. RULES OF GEORGIA DEPARTMENT OF PUBLIC HEALTH	511-6-1-.01 --- 511-6-1-.08, 511-6-1-.10	amended	Jan. 13, 2025	Feb. 12
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Department 111. RULES OF DEPARTMENT OF COMMUNITY HEALTH

Chapter 111-8. HEALTHCARE FACILITY REGULATION

Subject 111-8-12. RULES AND REGULATIONS FOR CRIMINAL BACKGROUND CHECKS

111-8-12-.03 Definitions

In these rules, unless the context otherwise requires, the terms set forth herein shall mean the following:

(1) "Abuse" means the willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain, or mental anguish. Such term includes the deprivation by an individual of goods or services that are necessary to attain or maintain physical, mental, and psychosocial well-being. Such term includes verbal abuse, sexual abuse, physical abuse, and mental abuse, including abuse facilitated or enabled through the use of technology.

(2) "Conviction" means a finding or verdict of guilty or a plea of guilty regardless of whether an appeal of the conviction has been sought.

(3) "Crime" means commission of:

(a) Any of the following offenses:

1. A violation of O.C.G.A. § 16-5-70;

2. A violation of O.C.G.A. § 16-5-101;

3. A violation of O.C.G.A. § 16-5-102;

4. A violation of O.C.G.A. § 16-6-4;

5. A violation of O.C.G.A. § 16-6-5;

6. A violation of O.C.G.A. § 16-6-5.1; or

7. A violation of O.C.G.A. § 30-5-8;

(b) A felony violation of:

1. Chapter 5, 6, 8, 9, or 13 of O.C.G.A. Title 16;

2. O.C.G.A. § 16-4-1;

3. O.C.G.A. § 16-7-2; or

4. O.C.G.A. § 31-7-12.1; or

(c) Any other offense committed in another jurisdiction which, if committed in this state, would be deemed to constitute an offense identified in this paragraph without regard to its designation elsewhere.

(4) "Criminal background check" means a search of the criminal records maintained by the Georgia Crime Information Center and the Federal Bureau of Investigation to determine whether an owner, applicant for employment, or employee has a criminal record.

(5) "Criminal record" means any of the following:

(a) Conviction of a crime;

(b) Arrest, charge, and sentencing for a crime when:

1. A plea of nolo contendere was entered to the crime;

2. First offender treatment without adjudication of guilt was granted to the crime; or

3. Arrested and charged for a crime if the charge is pending, unless the time for prosecuting such crime has expired pursuant to Chapter 3 of Title 17;

(c) Such term shall not include an owner, applicant for employment, or employee for which at least ten years have elapsed from the date of his or her criminal background check since the completion of all of the terms of his or her sentence; provided, however, that such ten-year period or exemption shall never apply to any crime identified in subsection 0) of O.C.G.A. § 42-8-60.

(6) "Department" means the Department of Community Health of the State of Georgia, its agents and employees.

(7) "Direct access" means having, or expecting to have, duties that involve routine personal contact with a patient, resident, or client, including face-to-face contact, hands-on physical assistance, verbal cuing, reminding, standing by or monitoring or activities that require the person to be routinely alone with the patient's, resident's, or client's property or access to such property or financial information such as the patient's, resident's, or client's checkbook, debit and credit cards, resident trust funds, banking records, stock accounts, or brokerage accounts.

(8) "Employee" means any individual who has direct access and who is hired by a facility through employment, or through a contract with such facility, including, but not limited to, housekeepers, maintenance personnel, dieticians, and any volunteer who has duties that are equivalent to the duties of an employee providing such services. Such term shall not include an individual who contracts with the facility, whether personally or through a company, to provide utility, construction, communications, accounting, quality assurance, human resource management, information technology, legal, or other services if the contracted services are not directly related to providing services to a patient, resident, or client of the facility. Such term shall not include any licensed healthcare provider, including, but not limited to physicians, dentists, nurses, and pharmacists who are licensed by the Georgia Composite Medical Board, the Georgia Board of Dentistry, the Georgia Board of Nursing, or the State Board of Pharmacy.

(9) "Facility" means:

(a) A personal care home required to be licensed pursuant to O.C.G.A. § 31-7-12;

(b) An assisted living community required to be licensed pursuant to O.C.G.A. § 31-7-12.2;

(c) A private home care provider required to be licensed pursuant to O.C.G.A. § 31-7-301;

(d) A home health agency required to be licensed pursuant to O.C.G.A. § 31-7-151;

(e) A hospice required to be licensed pursuant to O.C.G.A. § 31-7-173;

(f) A nursing home, skilled nursing facility, or intermediate care home required to be licensed pursuant to O.C.G.A. § 31-7-1 et seq.;

(g) An adult day center required to be licensed pursuant to O.C.G.A. § 49-6-83; or

(h) An adult residential mental health program required to be licensed pursuant to O.C.G.A. § 37-3-206.

(10) "Fingerprint records check determination" means a satisfactory or unsatisfactory determination by the department based upon fingerprint based national criminal history information.

(11) "GCIC" means the Georgia Crime Information Center established under Article 2 of Chapter 3 of Title 35.

(12) "License" or "Permit" means the document issued by the department to authorize a facility to operate.

(13) "Owner" in the context of a nursing home or intermediate care home means an individual who is not an "excluded party" as such term is defined in O.C.G.A. § 31-7-3.3, otherwise such term means an individual or any person affiliated with a corporation, partnership, or association, who has 10 percent or greater ownership interest in a facility and who performs one or more of the following:

(a) Purports to or exercises authority of a facility;

(b) Applies to operate or operates a facility;

(c) Maintains an office on the premises of a facility;

(d) Resides at a facility;

(e) Has direct access at a facility;

(f) Provides direct personal supervision of facility personnel by being immediately available to provide assistance and direction when such facility services are being provided; or

(g) Enters into a contract to acquire ownership of a facility.

(14) "Records check application" means fingerprints in such form and of such quality as prescribed by GCIC under standards adopted by the Federal Bureau of Investigation and a records search fee to be established by the department by rule and regulation, payable in such form as the department may direct to cover the cost of obtaining a criminal background check.

(15) "Registry check" means a review of the nurse aide registry provided for in O.C.G.A. § 31-2-14, the state sexual offender registry, and the List of Excluded Individuals and Entities as authorized in Sections 1128 and 1156 of the federal Social Security Act, as it existed on February 1, 2018, or any other registry useful for the administration of, or mandated under, these rules.

(16) "Satisfactory determination" means a written determination that an individual for whom a criminal background check was performed was found to have no criminal record.

(17) "Unsatisfactory determination" means a written determination that an individual for whom a criminal background check was performed was found to have a criminal record.

(18) "Willful" means acting deliberately, not that there is an intention to inflict injury or harm.

Cite as Ga. Comp. R. & Regs. R. 111-8-12-.03 v2

AUTHORITY: O.C.G.A. §§ 31-7-351**,** 31-7-355**.**

HISTORY: Original Rule entitled "Definitions" adopted. F. Aug. 14, 2019; eff. Sept. 3, 2019.

Amended: F. Feb. 20, 2025; eff. Mar. 12, 2025.

Department 111. RULES OF DEPARTMENT OF COMMUNITY HEALTH

Chapter 111-8. HEALTHCARE FACILITY REGULATION

Subject 111-8-25. GENERAL LICENSING AND ENFORCEMENT REQUIREMENTS

111-8-25-.03 General Licensing Requirements and Fee Schedules

(1) No facility shall offer or provide services which are required to be licensed under rules enforced by the department without a current license issued by the department.

(2) No license shall be issued by the department unless the facility is in compliance with applicable rules set forth in these rules, specific rules applicable to the particular facility type and all licensure activity fees due the department have been paid.

(3) Fees will be assessed to facilities and applicants for licensure for the following licensure activities: processing applications for a new license or a change in ownership, initial license fees, annual licensure activity fees to maintain current license, follow-up visits to periodic inspections, training materials, returned check and mail processing charges and civil monetary penalties.

(4) Application for License. An application for a license to provide regulated services shall be submitted on forms made available by the department in a format acceptable to the department. No application shall be acted upon by the department until the application is determined complete by the department with all required attachments and applicable fees submitted.

(5) Where the department denies an initial license for non-payment of fees or any other reason, such action may be taken by the department prior to an administrative hearing on the denial being held. The applicant whose license has been denied may obtain an administrative hearing, subsequent to the decision to deny the license, as authorized under Georgia law.

(6) Ongoing Licensure Activity Fees. All licenses issued by the department require payment of ongoing licensure activity fees as calculated by the department each state fiscal year, including the state fiscal year that these rules take effect. For annual licenses, such licensure activity fees will be due on the anniversary date of the issuance of the previous year's license. For continuing licenses, such ongoing licensing activity fees will be due October 31st of each state fiscal year. The annual fees shall include the base licensure activity fee and any additional fees incurred during the previous year. Such fees are due and payable to the department within thirty (30) days of receipt of the licensure activity fee invoice. Fees will be calculated by the department in a manner so as to help defray the direct and indirect costs incurred by the department in providing such licensure activities for all programs, but in no event shall exceed such costs.

(7) Effective January 31, 2011, the department may revoke any license if the facility has failed to pay the annually recurring licensure activity fees within sixty (60) days of receipt of a written invoice from the department. The revocation action is subject to written notice of the proposed revocation and a right to receive an administrative hearing on the amount past due and owing prior to the revocation action becoming final.

(8) Schedule of Fees. Fees collected by the department are not refundable, except in extraordinary circumstances as determined by the department in its sole discretion. The decision of the department as to whether to refund a payment is final and may not be appealed. Payment of fees must be in a form of payment accepted by the department. Some forms of electronic payment may result in an additional convenience charge being added to the

licensing fee that is due. Any convenience charge for which the user is responsible must be disclosed to the potential user before completion of the transaction. No cash payments are accepted by the Department. The following schedule of fees applies for the listed licensure activities:

Licensure Activity	**Fee**	**Fee Frequency**
Application Processing Fee, Change in Ownership, Change in Service Level (requiring on site visit), Name Change - Any Program	$300	Upon submission
Initial Provisional or Regular License (Same as annual licensure activity fee for each program type)	Varies by program	Submitted with application processing fee
Involuntary Application Processing Fee subsequent to unlicensed complaint investigation	$550	
Follow-up Visit to Periodic Inspection - Any Program	$250	License renewal date
Licenses and Certificates		
Adult Day Centers **	$250 (social) $350 (medical)	Annually
Adult Residential Mental Health Programs**	$800	Annually
Ambulatory Surgical Treatment Centers **	$750	Annually
Assisted Living Communities ** (see Personal Care Homes)		
Birthing Centers **	$250	Annually
Clinical Laboratories **	$500	Annually
Community Living Arrangements **	$350	Annually
Drug Abuse Treatment Programs **	$500	Annually
End Stage Renal Disease Centers **	Annually	
1-12 stations	$600	Annually
13-24 stations	$1,000	Annually
25 or more	$1,100	Annually
Stand Alone ESRD Facilities Offering Peritoneal Dialysis Only	$800	Annually
Eye Banks	$250	Annually
HMOs (if subject to licensure)	$2,000	Annually
Home Health Agencies **	$1,000	Annually
Hospices **	$1,000	Annually
Hospitals **	Annually	
CAHS < 25 beds	$250	Annually
25 =< 50 beds	$750	Annually
>50 beds	$1,500	Annually
Imaging Centers (rules to be developed) **	$3,000	Annually
Infirmaries	$250	Annually
Intermediate Care Facilities/MR (private) **	$250	Annually
Memory Care Certificate **	$200	Annually
Narcotic Treatment Programs **	$1,500	Annually
Nursing Homes **	Annually	
1 =< 99	$500	Annually

Licensure Activity	Fee	Fee Frequency
>99	$750	Annually
Personal Care Homes **	Annually	
< 25 beds	$350	Annually
25 =< 50 beds	$750	Annually
>50 beds	$1,500	Annually
Private Home Care Providers **	Annually	
For each service offered: Companion Sitter, Personal Care and/or Nursing Maximum of $750	$250 (per service)	Annually
Traumatic Brain Injury Facilities	$250	Annually
X-Ray Facilities (per machine)	$300	Annually
Miscellaneous Fees		
Civil monetary penalties as finally determined	Case-by-case basis	
Late Fee: Sixty (60) days past due	$150	Per instance
Lists of Facilities by license type (electronic only)	$25	Per request
Replacement of Lost Permit	$50	Per request
Returned check charge - as assessed by bank	<$50	Per instance
Special handling charges when required (special courier/mailing costs)	Cost	Per instance
Training materials - cost to reproduce for participant	$.25 per page, $5 per disc	Per participant
** Eligible for a 25% discount if currently accredited by a nationally recognized accreditation organization approved by the department as having standards comparable to specific state licensure requirements, and complete copy of current decision is submitted to the department at the time of renewal or is already on file with the department.		

Cite as Ga. Comp. R. & Regs. R. 111-8-25-.03 v2

AUTHORITY: O.C.G.A. §§ 31-2-4**,** 31-2-7**,** 31-2-8**,** 31-7-3**.**

HISTORY: Original Rule entitled "Definitions" adopted. F. Mar. 17, 2010; eff. Apr. 6, 2010.

Repealed: New Rule entitled "General Licensing Requirements and Fee Schedules" adopted. F. July 14, 2010; eff. August 3, 2010.

Amended: F. Aug. 22, 2012; eff. Sept. 11, 2012.

Amended: F. Apr. 16, 2021; eff. May 6, 2021.

Amended: F. Feb. 18, 2025; eff. Mar. 10, 2025.

Department 111. RULES OF DEPARTMENT OF COMMUNITY HEALTH

Chapter 111-8. HEALTHCARE FACILITY REGULATION

Subject 111-8-40. RULES AND REGULATIONS FOR HOSPITALS

111-8-40-.24 Imaging and Therapeutic Radiology Services

(1) Imaging Services. The hospital shall maintain or arrange for effective imaging services to meet the needs of patients. The radiological imaging services shall be provided by the hospital in accordance with the rules under Chapter 111-8-90 Rules and Regulations for X-rays, where applicable.

(a) Organization and Staffing for Imaging Services. The hospital shall have an organizational plan for imaging services that identifies the scope of the services provided and the qualifications of the individuals necessary for the performance of various aspects of imaging services and delineates the lines of authority and accountability.

1. There shall be a qualified director of imaging services who is a member of the medical staff and a licensed doctor of medicine or osteopathy with knowledge and experience in imaging services to supervise the provision of imaging services on a full-time or part-time basis.

2. The director shall be responsible for all clinical aspects of the organization and delivery of imaging services, including the evaluation of the effectiveness of the services in coordination with the hospital's quality management program.

3. Basic radiological imaging services shall be available at all times, or there shall be an on-call procedure to provide access to qualified x-ray personnel within thirty (30) minutes.

4. The hospital shall have qualified staff performing imaging services.

(b) Orders of Imaging Procedures. No imaging procedures, except screening mammograms, shall be performed without an order or referral from a licensed doctor of medicine or osteopathy, chiropractor, dentist, podiatrist, physician assistant or nurse with advanced training where such order is in conformity with an approved job description or nurse protocol, and as authorized under state law for such licensed healthcare professionals.

(c) Verbal/telephone orders for imaging services shall be given only to health care professionals licensed or certified by state law or authorized by medical staff rules and regulations and other hospital policy to receive those orders, in accordance with these rules, and shall be entered into the patient's medical record by those licensed, certified, or authorized health care professionals.

(2) Reports of Imaging Interpretations. Interpretation of imaging test results or procedures shall be made only by those medical staff designated as qualified to interpret those tests or procedures. Interpretations must be signed and dated by the medical staff providing the interpretation.

(a) Reports of all imaging interpretations and consultations shall be included in the patient's medical record.

(b) The hospital shall have an effective procedure for notifying in a timely manner the patient's physician and responsible nursing staff of critical interpretations identified through imaging tests.

(c) Films, scans, and other images shall be retained by the hospital for at least five years after the date of the procedure unless the release of the original images is required for the care of the patient. When original images are

released, documentation of the disposition of the original images shall be retained for the applicable five-year period. If the patient is a minor, the records shall be retained for at least five years past the age of majority.

(3) Therapeutic Radiology Services. Radiation oncology services, if provided, must be directed by a physician with training and experience in therapeutic radiology. The service must have a medical oncologist and hematologist available for consultation.

(a) Therapeutic radiology procedures shall be ordered by a licensed Doctor of Medicine or osteopathy and administered by persons trained and qualified for those procedures and as required under current state law and regulations.

(b) Reports of all imaging interpretations, consultations, and therapies shall be included in the patient's medical record.

(c) Radiation Safety. If the hospital is providing diagnostic or therapeutic radiological services, hospital policies and procedures shall be implemented to ensure that patients and hospital staff are not exposed to unnecessary or unsafe levels of radiation. All imaging staff and therapeutic radiology staff shall be trained in these policies and procedures.

(d) Medical Emergencies. The hospital shall have written protocols for managing medical emergencies in the imaging area and therapeutic radiology area.

(e) Infectious Disease. The hospital shall have written protocols for managing patients with infectious diseases and critical care patients in the imaging area, or wherever imaging services are provided, and in the therapeutic radiology area.

Cite as Ga. Comp. R. & Regs. R. 111-8-40-.24 v2

AUTHORITY: O.C.G.A. §§ 31-7-2.1**,** 31-13-1 ***et seq*****.**

HISTORY: Original Rule entitled "Imaging and Therapeutic Radiology Services" adopted. F. Feb. 20, 2013; eff. Mar. 12, 2013.

Amended: F. Feb. 18, 2025; eff. Mar. 10, 2025.

Department 121. STATE CONSTRUCTION INDUSTRY LICENSING BOARD

Chapter 121-1. ORGANIZATION

121-1-.02 Meetings

(1) Regular Board meetings shall be held on dates as scheduled by the Board. Regular Division meetings shall be held on dates as scheduled by the respective Division.

(2) Special Board meetings shall be scheduled by the Division Director upon request by the Chairman or upon the recommendation of a majority of the Board members, by giving each member at least ten (10) days' notice of the time, place, and purpose of the meeting. By consent of a majority of the Board members and the Chairman, a special meeting may be called with less than ten (10) days' notice.

(3) Special Division meetings shall be scheduled by the Division Director upon request by the respective Chairman or upon the recommendation of a majority of the respective Division, by giving each member at least ten (10) days' notice of the time, place, and purpose of the meeting. By consent of a majority of the members of the respective Division and the respective Chairman, a special meeting may be called with less than ten (10) days' notice.

(4) For Board meetings, the quorum required shall be fifty percent (50%) of the members of the Board. For the Division meetings, the quorum required shall be three (3) members of the respective Division.

(5) Board and Division Chairs will be elected and serve in accordance with O.C.G.A. 43-14-4.

Cite as Ga. Comp. R. & Regs. R. 121-1-.02

AUTHORITY: O.C.G.A. §§ 43-1-2**,** 43-14-4**,** 50-13-3**.**

HISTORY: Original Rule entitled "Meetings," was filed as Emergency Rule 121-1-1-0.7-.02 on September 29, 1980; effective September 25, 1980, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.

Amended: Emergency Rule repealed and permanent Rule of the same title adopted. Filed November 7, 1980; effective November 27, 1980.

Amended: Rule 121-1-1-.02 repealed and Rule 121-1-.02, of the same title adopted. Filed July 30, 1981; effective August 19, 1981.

Amended: Rule repealed by Emergency Rule 121-1-0.20-.02. Filed March 22, 1983; effective March 16, 1983, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. (Said Emergency Rule expired July 13, 1983.)

Amended: Rule repealed and a new Rule of the same title adopted. Filed July 13, 1983; effective August 2, 1983.

Amended: F. Feb. 27, 2025; eff. Mar. 19, 2025.

121-1-.03 Administration of Rules and Regulations

Rules and Regulations pertaining to the administration of the State Construction Industry Licensing Board shall be administered by the Executive Director through the Division Director, Professional Licensing Boards Division of the Office of the Secretary of State.

Cite as Ga. Comp. R. & Regs. R. 121-1-.03

AUTHORITY: O.C.G.A. §§ 43-1-2**,** 43-14-4**,** 50-13-3**.**

HISTORY: Original Rule entitled "Administration of Rules and Regulations" was filed as Emergency Rule 121-1-1-0.7-.03 on September 29, 1980; effective September 25, 1980, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.

Amended: Emergency Rule repealed and permanent Rule of the same title adopted. Filed November 7, 1980; effective November 27, 1980.

Amended: Rule 121-1-1-.03 repealed and a new Rule 121-1-.03 of the same title adopted. Filed July 30, 1981; effective August 19, 1981.

Amended: Rule repealed by Emergency Rule 121-1-0.20-.03. Filed March 22, 1983; effective March 16, 1983, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. (Said Emergency Rule expired July 13, 1983).

Amended: Rule repealed and a new Rule of the same title adopted. Filed July 13, 1983; effective August 2, 1983.

Amended: F. Feb. 27, 2025; eff. Mar. 19, 2025.

Department 121. STATE CONSTRUCTION INDUSTRY LICENSING BOARD

Chapter 121-2. QUALIFICATIONS FOR LICENSURE

121-2-.01 Application for Statewide License

(1) Applications for license or certification must be completed in full on a form approved by the Division and submitted with the required fee.

(2) The application fee shall be set by the Board in order to recover costs associated with processing the application. Fees shall be published in a separate schedule and will be made available to all applicants. The application fee is non-refundable, unless otherwise approved by the Executive Director, Deputy Division Director, or Division Director.

(3) Applicants for license or certification must notify the Board, prior to becoming licensed, of any findings or pleas of guilty or pleas under nolo contendere or under the "First Offender Act" for the commission of any felony or misdemeanor, other than minor traffic violations, except that any misdemeanor committed more than five years prior to application need only be reported upon request.

(4) The Divisions of the Board may take disciplinary action on the license or certification of any person guilty of a felony or any crime involving moral turpitude or crime involving a violation of the Georgia Controlled Substances Act.

(5) A qualified applicant with a disability as defined by the Americans With Disabilities Act may request in writing for consideration an accommodation for testing and submit appropriate documents, as indicated in the *Request for Disability Accommodation Guidelines*.

Cite as Ga. Comp. R. & Regs. R. 121-2-.01

AUTHORITY: O.C.G.A. §§ 43-1-19**,** 43-14-2**,** 43-14-5**,** 43-14-6**,** 43-14-8.1**,** 43-14-8.2**,** 43-14-8.3**.**

HISTORY: Original Rule entitled "Fees," was filed as Emergency Rule 121-2-1-0.2-.01 on July 28, 1980; effective July 22, 1980, the date of adoption, to remain in effect for a period for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.

Amended: Emergency Rule repealed and Emergency Rule 121-2-1-0.8-.01 entitled "Qualifications for Licensure," adopted. Filed September 29, 1980; effective September 25, 1980, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.

Amended: Emergency Rule repealed and permanent Rule entitled "Qualifications for Licensure" adopted. Filed November 7, 1980; effective November 27, 1980.

Amended: Rule repealed by Emergency Rule 121-2-0.14-.01, entitled "Statewide Electrical Contractor License." Filed April 28, 1981; effective April 22, 1981, the date of adoption, to remain in effect for a period for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.

Amended: Emergency Rule repealed and permanent Rule 121-2-.01 of same title, adopted. Filed July 30, 1981; effective August 19, 1981.

Amended: Rule repealed by Emergency Rule 121-2-0.21-.01. Filed March 22, 1983; effective March 16, 1983, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. (Said Emergency Rule expired July 13, 1983.)

Amended: Rule repealed and a new Rule of the same title adopted. Filed July 13, 1983; effective August 2, 1983.

Amended: Filed December 6, 1988; effective December 26, 1988.

Repealed: New Rule of same title adopted. F. Oct. 26, 1989; eff. Nov. 15, 1989.

Amended: F. Jan. 31, 1991; eff. Feb. 20, 1991.

Amended: F. Jun. 18, 1993; eff. July 8, 1993.

Amended: New Rule entitled "Application for Statewide License" (i.e., Rule 121-3-.01 renumbered as Rule 121-2-.01). F. Feb. 27, 2025; eff. Mar. 19, 2025.

121-2-.02 Confidentiality of Applicant and Examination Information

Applications for examination and the names of applicants shall be confidential and shall not be disclosed without written authorization from the applicant and approval by the appropriate division. Personal references submitted by third parties as part of an application shall not be disclosed to the applicant without written authorization from the person who submitted the reference and approval by the appropriate division.

Cite as Ga. Comp. R. & Regs. R. 121-2-.02

AUTHORITY: O.C.G.A. §§ 43-1-3**,** 43-14-6**,** 43-14-8.1**.**

HISTORY: Original Rule entitled "Application and Examination for Licensure" adopted as ER. 121-2-0.8-.02. F. Sept. 29, 1980; eff. Sept. 25, 1980, the date of adoption.

Amended: Permanent Rule of same title adopted. F. Nov. 7, 1980; eff. Nov. 27, 1980.

Amended: ER. 121-2-0.14-.02 entitled "Statewide Master and Journeyman Plumber License" adopted. F. Apr. 28, 1981; eff. Apr. 22, 1981, the date of adoption.

Amended: Permanent Rule of same title adopted. F. July 30, 1981; eff. August 19, 1981.

Amended: F. Dec. 8, 1982; eff. Jan. 1, 1983, as specified by the Agency.

Amended: ER. 121-2-0.21-.02 adopted. F. Mar. 22, 1983; eff. Mar. 16, 1983, the date of adoption.

Amended: Permanent Rule adopted. F. July 13, 1983; eff. August 2, 1983.

Amended: F. Oct. 26, 1989; eff. Nov. 15, 1989.

Amended: F. June 18, 1993; eff. July 8, 1993.

Amended: F. Dec. 2, 1993; eff. Dec. 22, 1993.

Amended: F. June 27, 1994; eff. July 17, 1994.

Amended: New Rule entitled "Confidentiality of Applicant and Examination Information" (i.e., Rule 121-3-.02 renumbered as Rule 121-2-.02). F. Feb. 27, 2025; eff. Mar. 19, 2025.

121-2-.03 Statewide License by Reciprocity

(1) The respective Divisions may enter into a formal written agreement with other state licensing Boards to offer licenses by Endorsement or by Reciprocity.

(2) A person may be issued a Conditioned Air Contractor, Electrical Contractor, Low Voltage Contractor, Master Plumber, Journeyman Plumber, or Utility Manager license by submitting a completed application, fee, and evidence that they hold a current out-of-state license in an appropriate classification, with said license having been granted based on the applicant passing an examination issued and conducted by a licensing board qualifying under this rule. The applicant must demonstrate through documentation that he or she meets the prerequisite experience requirements and must submit other documentation as may be requested by the Board.

(3) To qualify for purposes of this rule, an out-of-state licensing board must conduct examinations and have requirements that are substantially equal to the examination and requirements of this Board at the time the application for license is filed, provided that a similar privilege is offered to persons licensed under this Board. The type and classification of license issued will be determined by this Board based on the requirements of the other licensing board.

(4) The appropriate division of the Board may deny a license under this rule if it appears that the applicant is attempting to circumvent the requirements of Georgia law by first becoming licensed in another state, or if the applicant has been the subject of disciplinary action in the state in which licensed or has committed any act which would be grounds for disciplinary action in this State.

(5) Persons licensed under grandfather provisions who have not passed an examination conducted by a licensing board qualifying under paragraph (2) of this rule will not qualify for license under this rule.

Cite as Ga. Comp. R. & Regs. R. 121-2-.03

AUTHORITY: O.C.G.A. §§ 43-14-5**,** 43-14-6**.**

HISTORY: Original Rule entitled "Issuance, Renewal and Expiration of Licenses" adopted as ER. 121-2-0.8-.03. F. Sept. 29, 1980; eff. Sept. 25, 1980, the date of adoption.

Amended: Permanent Rule of same title adopted. F. Nov. 7, 1980; eff. Nov. 27, 1980.

Amended: ER. 121-2-0.14-.03 entitled "Statewide Conditioned Air Contractor License" adopted. F. Apr. 28, 1981; eff. Apr. 22, 1981, the date of adoption.

Amended: Permanent Rule of same title adopted. F. July 30, 1981; eff. August 19, 1981.

Amended: ER. 121-2-0.21-.03 adopted. F. Mar. 22, 1983; eff. Mar. 16, 1983, the date of adoption.

Amended: Permanent Rule adopted. F. July 13, 1983; eff. August 2, 1983.

Amended: F. July 31, 1984; eff. August 20, 1984.

Repealed: New Rule of same title adopted. F. Aug. 24, 1989; eff. Sept. 13, 1989.

Amended: F. Feb. 22, 1990; eff. Mar. 14, 1990.

Amended: F. Jan. 31, 1991; eff. Feb. 20, 1991.

Amended: F. Sept. 16, 1992; eff. Oct. 6, 1992.

Amended: F. June 18, 1993; eff. July 8, 1993.

Amended: F. Dec. 2, 1993; eff. Dec. 22, 1993.

Repealed: New Rule entitled "Conditioned Air Contractor License" adopted. F. June 29, 2005; eff. July 19, 2005.

Amended: New Rule entitled "Statewide License by Reciprocity" (i.e., Rule 121-2-.05 entitled "Statewide License by Endorsement" renumbered as Rule 121-2-.03 with title change). F. Feb. 27, 2025; eff. Mar. 19, 2025.

121-2-.04 Renumbered as Rule 121-3-.06

Cite as Ga. Comp. R. & Regs. R. 121-2-.04

AUTHORITY: O.C.G.A. §§ 43-14-2, 43-14-5, 43-14-6**.**

HISTORY: Original Rule entitled "Disciplinary Proceedings" was filed as Emergency Rule 121-2-1-0.8-.04 on September 29, 1980; effective September 25, 1980, the date of adoption, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.

Amended: Emergency Rule repealed and permanent Rule of the same title adopted. Filed November 7, 1980; effective November 27, 1980.

Amended: Rule repealed by Emergency Rule 121-2-0.14-.04 entitled "Local Geographical Area License." Filed April 28, 1981; effective April 22, 1981, the date of adoption to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.

Amended: Emergency Rule 121-2-0.14-.04 repealed and permanent Rule 121-2-.04 of the same title, adopted. Filed July 30, 1981; effective August 19, 1981.

Amended: Rule repealed. Filed December 8, 1982; effective January 1, 1983, as specified by the Agency.

Amended: Emergency Rule 121-2-0.21-.04 entitled "Statewide License Without Examination" was filed on March 22, 1983; effective March 16, 1983, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the subject matter superseding this Emergency Rule, as specified by the Agency.

Amended: Emergency Rule 121-2-0.21-.04 repealed and Emergency Rule 121-2-0.26-.04 adopted. Filed May 24, 1983; effective May 18, 1983, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.

Amended: Emergency Rule 121-2-0.26-.04 repealed and a permanent Rule of the same title, adopted. Filed August 17, 1983; effective September 7, 1983.

Amended: Emergency Rule 121-2-0.28 was filed on July 31, 1984; effective July 25, 1984, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. (Said Emergency Rule repealed Rule 120-2-.04 and adopted a new Rule 120-2-.04.)

Amended: Emergency Rule 121-2-0.28 repealed and a new Rule entitled "Statewide Low Voltage Contractor License" adopted. Filed October 12, 1984; effective November 1, 1984.

Amended: Emergency Rule 121-2-0.31-.04(3) filed on October 5, 1984; effective September 26, 1984, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule superseding this Emergency Rule, as specified by the Agency. This Emergency Rule expired January 24, 1985.

Amended: Filed May 30, 1985; effective June 19, 1985.

Amended: Filed February 21, 1986; effective March 13, 1986.

Amended: Filed September 29, 1987; effective October 19, 1987.

Amended: Filed May 27, 1988; effective June 16, 1988.

Amended: F. Jun. 18, 1993; eff. July 8, 1993.

Amended: F. Mar. 7, 1996; eff. Mar. 27, 1996.

Amended: Rule renumbered as 121-3-.06. F. Feb. 27, 2025; eff. Mar. 19, 2025.

121-2-.05 Renumbered as Rule 121-2-.03

Cite as Ga. Comp. R. & Regs. R. 121-2-.05

AUTHORITY: O.C.G.A. §§ 43-14-5**,** 43-14-6**.**

HISTORY: Original Rule entitled "Statewide Low-Voltage Contractor License Without Examination" was adopted as Emergency Rule 121-2-0.28-.05. Filed July 31, 1984; effective July 25, 1984, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.

Amended: Emergency Rule repealed and a permanent Rule of the same title adopted. Filed October 12, 1984; effective November 1, 1984.

Amended: Rule repealed and a new Rule entitled "Statewide License by Endorsement" adopted. Filed May 27, 1988; effective June 16, 1988.

Amended: F. Jun. 18, 1993; eff. July 8, 1993.

Amended: Rule renumbered as 121-2-.03. F. Feb. 27, 2025; eff. Mar. 19, 2025.

Department 121. STATE CONSTRUCTION INDUSTRY LICENSING BOARD

Chapter 121-3. APPLICATION FOR LICENSURE

121-3-.01 Statewide Electrical Contractor License

(1) Statewide Class I Electrical Contractor licenses are restricted to electrical contracting involving single-phase electrical installations that do not exceed 200 amperes at the service drop or the service lateral. Class II Electrical Contractor licenses are unrestricted.

(2) To obtain a statewide Class I or Class II Electrical Contractor license, a person must be at least 21 years of age, submit a completed application, meet the experience requirements as described in this rule, obtain a minimum score of seventy (70) on the appropriate examination, and pay the fees required by the Board.

(3) An applicant must submit three (3) references on the required form from persons who can attest to the applicant's electrical experience to the satisfaction of the Division. At least one of the three references must be from a licensed electrical contractor who shall include his or her registration number on the form.

(4) Applicants for statewide Electrical Contractor license must document a minimum of 4 years of Primary experience in the electrical field as would be covered by the Georgia Electrical Code or the National Electrical Code.

(a) Primary Experience shall mean working experience gained through the direct installation of electrical systems and directly related activities of a type covered by the National Electrical Code. The public welfare and overall life safety responsibility require that an electrical contractor have actual in-the-field experience and be competent in all phases of electrical work.

(5) Applicants may be credited up to one (1) year of experience based on Secondary Experience or Education. Secondary Experience time will be credited at a rate of fifty percent (50%). (For example, three (3) years of Primary Experience and two (2) years of Secondary Experience would meet the 4 years of required experience.)

(a) Secondary Experience shall mean work or training experience related to electrical contracting work involving electrical systems covered by the National Electrical Code. Examples of Secondary Experience include:

(i) Instruction received on electrical installation, theory, and code by a full-time secondary or post-secondary instructor in an established class at a recognized learning center.

(ii) Inspection of electrical wiring by a full-time municipal or county inspector.

(iii) Electrical engineering design by a registered professional engineer.

(iv) Work performed for a licensed electrical contractor with the applicant having sole responsibility in at least three (3) of the following areas: estimating; project management; scheduling and assigning work; preparing progress charts (CPM or other flow charts); sales and cash flow responsibilities such as budgetary, preparation of pay request, and invoices.

(v) Installation of electrically lighted signs.

(b) Education may be applied toward the experience requirements as follows:

(i) Completion of a 2-year academic diploma program as 2 years of experience.

(ii) Completion of a 2-year academic certificate program offered by a vocational-technical school as 2 years of experience.

(6) Applicants for Class II Licenses must document experience with installations in excess of single phase, 200 amperes systems.

(7) Class I applicants must document experience in at least five (5) of the following, plus item (h), and Class II applicants must document work experience in all of the following areas:

(a) Installation of raceway systems, including pull boxes, junction boxes, conduit bodies and the connections in the system and to cabinets, panelboards, switchboards, and boxes, which meet all Code use and installation requirements.

(b) Installation of conductors, including flexible cords, cables, splices, taps, terminations, bonding jumpers, overcurrent protective devices, and metering devices, in cabinets, panelboards, switchboards, boxes, and conduit, which meet all Code use and installation requirements, such as to sizing, ampacity, and voltage.

(c) Installation of service entrances, metering devices, cabinets, switchboards, service risers and fasteners, overcurrent protective devices, disconnecting means, ground electrodes, main bonding jumpers, and ground fault protectors which all meet Code installation requirements, such as to sizing, rating, clearances, and weatherproofing.

(d) Installation of motors and generators with feeders, branch circuits, overcurrent protective devices, disconnect means, and controllers, all of which meet Code installation requirements, such as sizing, rating, usage, and location.

(e) Installation of switches, disconnects, and controls that supply lighting fixtures, appliances, electrical circuits, controls for heating and air conditioning equipment, and other utilization and general use equipment, according to use and Code installation requirements.

(f) Installation of materials and equipment required for use in special occupancies according to use and Code installation requirements, as defined by Chapter 5 of the National Electrical Code.

(g) Bonding of interior metal piping systems, installation of properly sized equipment grounding conductors, grounding of exposed noncurrent carrying metal parts of electrical equipment, and protection of grounding conductors from physical damage.

(h) Determination of general lighting loads, minimum branch circuits, minimum ampacity of conductors in feeder and branch circuits, maximum allowable conductor fill for raceways, net loads, using specified or optional methods, rates or demand factors, and derating factors given in the Code.

(8) Applicants who can demonstrate six (6) years of electrical contracting experience to the satisfaction of the Division are not required to demonstrate Primary Experience gained through the direct installation of electrical systems.

(a) Applicants shall notify the Division that he or she has the necessary knowledge of technology and related work experience for the license Class for which they are applying.

(b) Education will be credited at a rate of 50%, and no more than two (2) years of experience may be based on Education. (For example, four (4) years of experience and four (4) years of education would meet the required six (6) years of experience.)

(c) Applicants shall provide at least one (1) reference from a licensed architect, professional engineer, or electrical engineer who shall include his or her licensed number on the form and can attest to the applicant's submitted experience.

(9) Nothing in these rules shall be construed to permit the unlicensed practice of Electrical Contracting.

Cite as Ga. Comp. R. & Regs. R. 121-3-.01

AUTHORITY: O.C.G.A. §§ 43-14-1**,** 43-14-5**,** 43-14-6**,** 43-14-8**.**

HISTORY: Original Rule entitled "Applications" was filed as Emergency Rule 121-3-1-0.3-.01 on July 28, 1980; effective July 22, 1980, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.

Amended: Emergency Rule 121-3-1-0.3-.01 repealed and Emergency Rule 121-3-1-0.9-.01 entitled "Application and Examination for Licensure," adopted. Filed September 29, 1980; effective September 25, 1980, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.

Amended: Emergency Rule repealed and permanent Rule of same title adopted. Filed November 7, 1980; effective November 27, 1980.

Amended: Emergency Rule 121-3-1-0.13-.01 was filed on January 26, 1981, effective January 21, 1981, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. (Said Emergency Rule repealed paragraph (7) and adopted a new paragraph (7).)

Amended: Rule repealed by Emergency Rule 121-3-0.15-.01 entitled "Application for Statewide License." Filed April 28, 1981; effective April 22, 1981, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.

Amended: Emergency Rule 121-3-0.15-.01 repealed and permanent Rule 121-3-.01, of same title, adopted. Filed July 30, 1981; effective August 19, 1981.

Amended: Filed December 8, 1982; effective January 1, 1983, as specified by the Agency.

Amended: Rule repealed by Emergency Rule 121-3-0.22-.01. Filed March 22, 1983; effective March 16, 1983, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. (Said Emergency Rule expired July 13, 1983.)

Amended: Rule repealed and a new Rule of same title adopted. Filed July 13, 1983; effective August 2, 1983.

Amended: Filed July 31, 1984; effective August 20, 1984.

Amended: Filed May 30, 1985; effective June 19, 1985.

Amended: Emergency Rule 121-3-0.35 containing paragraph 121-3-0.35-.01(2) was filed and effective on June 6, 1986, to remain in effect for a period of 120 days or until the adoption of a new paragraph superseding this Emergency Rule, as specified by the Agency.

Amended: Emergency Rule repealed and Rule amended. Filed September 4, 1986; effective September 24, 1986.

Amended: F. Oct. 26, 1989; eff. Nov. 15, 1989.

Repealed: New Rule of same title adopted. F. Feb. 22, 1990; eff. Mar. 14, 1990.

Amended: F. Jun. 6, 1991; eff. Jun. 26, 1991.

Amended: F. Dec. 10, 1992; eff. Dec. 30, 1992.

Amended: F. Jun. 18, 1993; eff. July 8, 1993.

Amended: New Rule entitled "Statewide Electrical Contractor License" (i.e., Rule 121-2-.01 renumbered as Rule 121-3-.01). F. Feb. 27, 2025; eff. Mar. 19, 2025.

121-3-.02 Statewide Master and Journeyman Plumber License

(1) Statewide Class I Master Plumber licenses are limited to plumbing involving single-family dwellings and one-level dwellings designed for not more than two families and commercial structures not to exceed 10,000 square feet in area. Statewide Class II Master Plumber licenses are unrestricted.

(2) To obtain a statewide Class I or Class II Master Plumber or a statewide Journeyman Plumber license, a person must submit a completed application, meet the experience requirement, obtain a minimum score of seventy (70) on the appropriate examination, and pay the required fees.

(3) An applicant must provide the names of three (3) persons who are licensed as plumbers and can attest to the applicant's plumbing experience to the satisfaction of the Division. For Class I, at least one (1) of the three (3) references must be a licensed Master Plumber. For Class II, at least two (2) references must be from licensed Master Plumbers.

(4) Applicants for statewide Master Plumber license must document a minimum of five (5) years of experience in plumbing work as would be covered by items of the Georgia State Plumbing Code, with at least two (2) of the five (5) years being licensed as a Journeyman Plumber. Applicants for Class II Master Plumber license must also document experience in commercial or industrial plumbing.

(5) Applicants for statewide Journeyman Plumbers license must document a minimum of one (1) year of experience in plumbing work as would be covered by items of the Georgia State Plumbing Code. Such experience may be Primary or Secondary experience as defined in this section.

(6) Primary Experience shall mean working experience gained through the direct installation of plumbing systems and directly related activities of a type that would be covered by the Georgia State Plumbing Code and under the supervision of a licensed Master Plumber. Examples of Primary Experience include installation of plumbing pipes and fixtures by a plumbing contractor, Master Plumber, Journeyman Plumber, plumbing foreman, plumbing superintendent, a military plumber with a rank of at least a 3rd class petty officer or E-4 noncommissioned officer.

(7) Secondary Experience shall mean work experience gained while engaged in work or training related to the installation of plumbing and directly related activities that would be covered by the Georgia State Plumbing Code. Examples of Secondary Experience include:

(a) Plumbing work performed by a maintenance employee of a county water department or public works department.

(b) Inspection of plumbing by a full-time municipal or county inspector.

Cite as Ga. Comp. R. & Regs. R. 121-3-.02

AUTHORITY: O.C.G.A. §§ 43-14-5**,** 43-14-6**,** 43-14-8**.**

HISTORY: Original Rule entitled "Conduct of Examination," was filed as Emergency Rule 121-3-1-0.3-.02 on July 28, 1980; effective July 22, 1980, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.

Amended: Emergency Rule repealed and Emergency Rule 121-3-1-0.9-.02, entitled "Issuance, Expiration and Renewal of Licenses," adopted. Filed September 29, 1980; effective September 25, 1980, the date of adoption, to

remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.

Amended: Emergency Rule repealed and permanent Rule of the same title adopted. Filed November 7, 1980; effective November 27, 1980.

Amended: Rule repealed by Emergency Rule 121-3-0.15-.02, entitled "Application for Local Geographical Area License." Filed on April 28, 1981; effective April 22, 1981, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.

Amended: Emergency Rule repealed and permanent Rule 121-3-.02 of same title adopted. Filed July 30, 1981; effective August 19, 1981.

Amended: Rule repealed. Filed December 8, 1982; effective January 1, 1983, as specified by the Agency.

Amended: Rule entitled "Application for Statewide License Without Examination" was filed as Emergency Rule 121-3-0.22-.02 on March 22, 1983; effective March 16, 1983, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. (Said Emergency Rule expired July 13, 1983.)

Amended: Rule repealed and a new Rule of the same title adopted. Filed July 13, 1983; effective August 2, 1983.

Amended: Rule repealed by Emergency Rule 121-3-0.29 and a new Rule entitled "Application for Statewide Low-Voltage Contractor License Without Examination" adopted. Filed July 31, 1984; effective July 25, 1984, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.

Amended: Emergency Rule repealed and a permanent Rule of same title adopted. Filed October 12, 1984; effective November 1, 1984.

Amended: Rule repealed. Filed May 27, 1988; effective June 16, 1988.

Repealed: New Rule, entitled "Confidentiality of Applicant and Examination Information" adopted. F. Feb. 22, 1990; eff. Mar. 14, 1990.

Amended: New Rule entitled "Statewide Master and Journeyman Plumber License" (i.e., Rule 121-2-.02 renumbered as Rule 121-3-.02). F. Feb. 27, 2025; eff. Mar. 19, 2025.

121-3-.04 Conditioned Air Contractor License

(1) Class I Conditioned Air Contractor licenses are restricted to conditioned air contracting involving conditioned air systems or equipment not exceeding 175,000 BTU of heating and 60,000 BTU of cooling, and Class II licenses are unrestricted. For classifying systems, each complete system in a single installation is to be considered an individual job.

(2) To obtain a Class I (Restricted) or Class II (Non-restricted) Conditioned Air Contractor license, a person must submit a completed application, meet the prerequisite experience requirement, obtain a minimum score of seventy (70) on the appropriate examination, and pay all fees required by the Board.

(3) An applicant must submit three (3) references on the required form from persons who can attest to the applicant's conditioned air experience to the satisfaction of the Division. References must be from an Architect, Professional Engineer, Inspector, or licensed Conditioned Air Contractor who shall include his or her registration or license number on the form.

(4) Applicants must document a minimum of four (4) years of experience for Class I and five (5) years for Class II in conditioned air work of a type covered by the Georgia Heating and Air Conditioning Code, regardless of whether such Code applied to the work in the area or at the time such work was performed by the applicant. Applicants for Class II licenses must document experience with installations of conditioned air systems that exceed 175,000 BTU (net) of heating and 60,000 BTU of cooling.

(5) "Experience" shall mean working experience gained through the direct installation of and responsibility for conditioned air systems and directly related activities of a type covered by the Georgia Heating and Air Conditioning Code (regardless of whether such Code was in effect in the area or at the time the applicant gained such experience.

(a) Experience for Class I shall consist of two (2) years of residential installation experience as a lead mechanic, one year as a service technician, evidence of having an E.P.A. (Environmental Protection Agency) certification, one year of residential supervisory experience, and a completion of a Board-approved heat loss and gain and duct design course.

(b) Experience for Class II shall consist of two (2) years of installation as a lead mechanic with at least one of the years being commercial only, one year as a service technician or service supervisor evidence of having an E.P.A. (Environmental Protection Agency) certification, two years of commercial supervisory experience and a Board-approved heat loss and gain and duct design course.

(6) Education may be applied toward the experience requirements as follows:

(a) completion of a technical school diploma program in engineering or engineering technology may be credited as no more than two (2) years of experience;

(b) completion of a vocational-technical school certificate program may be credited as no more than one (1) year of experience.

(7) All classifications of Conditioned Air Contractor work experience, unless specifically listed in the examples provided in this rule, shall be made by the Board. Such classifications of experience by the Board shall be final except that, within the Board's sole discretion, an applicant may be allowed to appear before the Board to explain such experience.

Cite as Ga. Comp. R. & Regs. R. 121-3-.04

AUTHORITY: O.C.G.A. §§ 43-1-19**,** 43-1-24**,** 43-1-25**,** 43-14-2**,** 43-14-5**,** 43-14-6**,** 43-14-8**,** 43-14-13**.**

HISTORY: Original Rule entitled "Passing Grade" was filed as Emergency Rule 121-3-1-0.3-.04 on July 28, 1980; effective July 22, 1980, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule as specified by the Agency.

Amended: Emergency Rule 121-3-1-0.3-.04 repealed by Emergency Rule 121-3-1-0.9. Filed September 29, 1980; effective September 25, 1980, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. (Emergency Rule 121-3-1-0.9-.04 expired January 22, 1981.) (By filing of July 30, 1981, Chapter 121-3-1 was renumbered as 121-3; effective August 19, 1981.)

Adopted: New Rule entitled "Conditioned Air Contractor License" (i.e., Rule 121-2-.03 renumbered as Rule 121-3-.04). F. Feb. 27, 2025; eff. Mar. 19, 2025.

121-3-.05 Display of Business Registration Number

Effective December 1, 2021, any business performing conditioned air contracting shall display, as set forth below, the business registration number.

(a) The business registration number is the license number of the qualifying licensee, including the prefix CN or CR preceded by "GA. REG." For example, a licensee holding the license number "CN-555123" would display "GA. REG. CN-555123" as outlined (2), (3), and (4) below.

(b) If a licensee no longer qualifies a business to perform conditioned air contracting, the business shall cease conditioned air contracting until a licensee qualifies the business and all displays of the registration number are changed to include the license number of the new qualifying licensee.

(c) All commercial vehicles used by Conditioned Air Contractors exclusively in the daily operation of their business shall have prominently displayed thereon the business registration number. This number shall be legibly and visibly displayed on both sides of the vehicle in characters at least two inches high.

(d) Any advertisements for conditioned air contracting work covered by these Rules which appear in telephone yellow pages other than a standard listing, in a newspaper, or in printed matter proposing to perform services which is distributed to the public shall have prominently and legibly displayed therein the business registration number.

(e) All invoices and proposal forms used for conditioned air contracting shall have prominently and legibly displayed thereon the business registration number.

Cite as Ga. Comp. R. & Regs. R. 121-3-.05

AUTHORITY: O.C.G.A. §§ 43-14-5**,** 43-14-6**,** 43-14-8**,** 43-14-9**.**

HISTORY: Original Rule entitled "Examination Result Appeals" was filed as Emergency Rule 121-3-1-0.3-.05 on July 28, 1980; effective July 22, 1980, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule as specified by the Agency.

Amended: Emergency Rule 121-3-1-0.3 repealed by Emergency Rule 121-3-1-0.9. Filed September 29, 1980; effective September 25, 1980, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. (Emergency Rule 121-3-1-0.9-.05 expired January 22, 1981.) (By filing of July 30, 1981, Chapter 121-3-1 was renumbered as 121-3; effective August 19, 1981.)

Adopted: New Rule entitled "Display of Business Registration Number" (i.e., Rule 121-6-.04 renumbered as Rule 121-3-.05). F. Feb. 27, 2025; eff. Mar. 19, 2025.

121-3-.06 Statewide Low-Voltage Contractor License

(1) Statewide Class LV-A low-voltage contractor licenses are restricted to alarm and general system low-voltage contracting. Statewide Class LV-T low voltage contractors licenses are restricted to telecommunication and general system low-voltage contracting. Statewide Class LV-G low voltage contractor licenses are restricted to general system low-voltage contracting. Statewide Class LV-U low-voltage licenses are unrestricted.

(2) General low-voltage systems mean any electrical systems, other than alarm or telecommunication systems, involving low-voltage wiring, as defined in Code Section 43-14-2(10.3), including, but not limited to stand-alone intercom systems and call alert systems (audio or visual); distribution wiring for alarm systems and telecommunications systems including local area network systems; sound systems; public address systems; the low voltage side of energy management systems; antenna systems and satellite dish systems, except CATV systems that are exempted in Code Section 43-14-13(i); irrigation system wiring; and low voltage lighting.

(3) To obtain a statewide Class LV-A, Class LV-T, Class LV-U, or Class LV-G contractor license, a person must submit a completed application, meet the prerequisite experience requirements, obtain a score of seventy (70) on the appropriate examination, and pay the required fees.

(4) To qualify to take the examination, applicants for statewide low-voltage contractor license must have a minimum of one (1) year of experience in low-voltage wiring in the license category for which the applicant is applying. Completion of courses in electronics through a school of engineering technology or a technical trade school will be credited as experience equivalent to the actual instructional time up to a maximum of six (6) months.

Cite as Ga. Comp. R. & Regs. R. 121-3-.06

AUTHORITY: O.C.G.A. §§ 43-14-2**,** 43-14-5**,** 43-14-6**.**

HISTORY: Original Rule entitled "Fees" was filed as Emergency Rule 121-3-1-0.3-.06 on July 28, 1980; effective July 22, 1980, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule as specified by the Agency.

Amended: Emergency Rule 121-3-1-0.3-.06 repealed by Emergency Rule 121-3-1-0.9. Filed September 29, 1980; effective September 25, 1980, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. (Emergency Rule 121-3-1-0.9-.06 expired January 22, 1981.) (By filing of July 30, 1981, Chapter 121-3-1 was renumbered as 121-3; effective August 19, 1981.)

Adopted: New Rule entitled "Statewide Low-Voltage Contractor License" (i.e., Rule 121-2-.04 renumbered as Rule 121-3-.06). F. Feb. 27, 2025; eff. Mar. 19, 2025.

Department 121. STATE CONSTRUCTION INDUSTRY LICENSING BOARD

Chapter 121-4. LICENSE ISSUANCE, RENEWAL, REINSTATEMENT, EXPIRATION, AND ACTIVATION

121-4-.02 Renewal, Reinstatement, and Expiration

(1) Licenses and certificates will be renewed biennially by the expiration date as provided by Rules of the Joint Secretary, Professional Licensing Boards Division. The renewal fees, late fees, and reinstatement fees will be set by the Board. Fees will be published in a separate schedule and will be made publicly available.

(2) Persons may apply for renewal by submitting on or before the expiration date a completed renewal application, renewal fee, and other information as may be required by the Board. If not renewed by the expiration date, licenses or certificates shall be deemed invalid. Any person holding such a license or certificate shall not be authorized to engage in the business or profession for which licensed.

(3) Neither the failure of the Board to send nor the failure of the licensee or certificate holder to receive a renewal form or reminder of such renewal date shall excuse the failure to renew the license or certificate.

(4) Persons not renewing a license or certificate on or before the expiration date may apply for renewal during the established late renewal period by submitting the required renewal information, late renewal fee as published on the Fee Schedule, and other information as required by the Board.

(5) Licenses not renewed will be lapsed and will require reinstatement to be in good standing again. Renewal of a lapsed license is at the discretion of the appropriate Division, and such Division may deny or approve such renewal with any conditions it may deem necessary, including retaking of the licensure examination.

(a) Persons may apply for reinstatement of a lapsed license or certificate by submitting a reinstatement application, reinstatement fee, and other information as requested by the Board.

(b) If the reinstatement application is submitted more than 3 years after the expiration date of the license or certificate, the applicant shall submit a reinstatement application, application fee, and any other information requested by the appropriate Division, and the applicant shall be required to take and pass the appropriate examination.

(6) Applications for renewal or reinstatement of licenses and certificates must include the following:

(a) any findings or pleas of guilty or pleas under nolo contendere or under the "First Offender Act" for the commission of any felony or misdemeanor, other than minor traffic violations, made after approval of the previous renewal application or licensure application.

(b) authorization for the division to receive any criminal history record information pertaining to the applicant which may be in the files of any state or local criminal justice agency, with such record being obtained through a Board-approved entity.

(7) Applications for renewal or late renewal of Conditioned Air Contractors, electrical contractors, Master Plumbers and Journeyman Plumbers, and utility contractors licenses shall:

(a) include a statement from the licensee indicating whether continuing education requirements provided for in this Chapter of the Board Rules have been completed. Licensees must submit documentation of completion of the continuing education requirements to the division upon request.

(b) include evidence of completion of 4 hours of continuing education for each year since the last renewal of the license or since the initial issuance of the license if the license has not yet been through a renewal cycle or has not been reinstated if education is required by the Division, as defined in this Chapter for each year since the last renewal of the license.

(8) Divisions may offer an Inactive License Status in accordance with the Joint Secretary Rule 295-15-19.

Cite as Ga. Comp. R. & Regs. R. 121-4-.02

AUTHORITY: O.C.G.A §§ 43-1-4**,** 43-1-19**,** 43-14-5**,** 43-14-6**.**

HISTORY: Original Rule entitled "Qualifications for Licensure and Registration" was filed as Emergency Rule 121-4-1-0.10-.02 on September 29, 1980; effective September 25, 1980, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.

Amended: Emergency Rule repealed and permanent Rule of same title adopted. Filed November 7, 1980; effective November 27, 1980.

Amended: Emergency Rule 121-4-1-0.12-.02 was filed on November 10, 1980; effective November 5, 1980, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.

Amended: Rule repealed by Emergency Rule 121-4-0.16-.02 entitled "Renewal and Expiration." Filed April 28, 1981; effective April 22, 1981, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.

Amended: Emergency Rule 121-4-0.16-.02 repealed and permanent Rule 121-4-.02, of same title, adopted Filed July 30, 1981; effective August 19, 1981.

Amended: Emergency Rule 121-4-0.19 was filed March 2, 1982; effective March 3, 1982, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.

Amended: Filed December 8, 1982; effective January 1, 1983, as specified by the Agency.

Amended: Rule repealed by Emergency Rule 121-4-0.23-.02. Filed March 22, 1983; effective March 16, 1983, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. (Said Emergency Rule expired July 13, 1983.)

Amended: Emergency Rule 121-4-0.30, which repealed the Rule and adopted a new Rule of same title, was filed on July 31, 1984; effective July 25, 1984, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.

Amended: Emergency Rule 121-4-0.30 repealed and a permanent Rule of the same title adopted. Filed October 12, 1984; effective November 1, 1994.

Amended: Emergency Rule 121-4-0.34-.02(3) adopted. Filed June 11, 1985, effective June 7, 1985, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the

same subject matter superseding this Emergency Rule, as specified by the Agency. (Said Emergency Rule expired October 4, 1985.)

Amended: Filed October 11, 1985; effective October 31, 1985.

Amended: F. Jun. 6, 1991; eff. Jun. 26, 1991.

Amended: F. July 9, 1991; eff. July 29, 1991.

Amended: Rule retitled "Renewal, Reinstatement, and Expiration". F. Sept. 3, 1993; eff. Sept. 23, 1993.

Amended: F. Jun. 27, 1994; eff. July 17, 1994.

Amended: F. Dec. 4, 1996; eff. Dec. 24, 1996.

Amended: F. Feb. 27, 2025; eff. Mar. 19, 2025.

121-4-.03 Continuing Education for Conditioned Air Contractors

(1) Conditioned Air Contractors are required to complete, prior to license renewal, continuing education as described in this Rule. Failure to document completion of the continuing education requirements to the satisfaction of the Division of Conditioned Air Contractors shall be grounds for disciplinary action, including denial of renewal of license or revocation of the license.

(2) Any applicant for renewal of a Conditioned Air Contractor license is required to complete four (4) hours of continuing education per year. However, an applicant for renewal who has been initially licensed for less than two (2) years must have completed four (4) hours of continuing education while licensed prior to renewal. An applicant for renewal who has been initially licensed for less than one (1) year is not required to complete continuing education.

(3) Credit for continuing education hours occurs at a rate of one hour for each hour of instruction. For courses that report instructional time in "Continuing Education Units" (CEU), one CEU is defined as 10 hours of credit for this requirement.

(4) Continuing education courses shall be in the areas related to conditioned air contracting concerning safety, technological advances, business management, or government regulations. Such continuing education courses must be conducted by an institution of higher education; vocational-technical school; trade, technical, or accredited college or university; a post-secondary institute under the jurisdiction of the Georgia Board of Technical and Adult Education or the equivalent agency of another state or local government; an organization consisting of members of trade, technical, or professional group; a public utility; or a conditioned air equipment manufacturer. However, courses conducted by manufacturers specifically to promote their products shall not be approved under this Rule.

(5) Applicants for renewal of Conditioned Air Contractors license must report on the application for renewal whether all applicable continuing education requirements have been met. Licensees shall maintain, for at least five (5) years after completion of the course, records confirming attendance at and completion of continuing education courses, including the following information:

(a) school, company, or organization conducting the course;

(b) title of course;

(c) location and date of the course;

(d) course outline or topics covered;

(e) hours of instruction;

(f) documentation of attendance and satisfactory completion.

(6) Licensees must provide to the division the records described in paragraph (5) of this Rule upon request.

(7) The requirements for continuing education may be waived by the Division of Conditioned Air Contractors based on documentation of hardship, disability, or illness which, to the satisfaction of the Division, prevented the applicant from completing the requirements, or under such other circumstances as the Division deems appropriate. The decision of the division as to the waiver of the requirements shall be conclusive.

(8) As provided under O.C.G.A. 43-14-6(d)(5), the continuing education requirements shall not be required of any licensed Conditioned Air Contractor who is a registered professional engineer.

Cite as Ga. Comp. R. & Regs. R. 121-4-.03

AUTHORITY: O.C.G.A §§ 43-14-5**,** 43-14-6**.**

HISTORY: Original Rule entitled "Grounds for Disciplinary Action" was filed as Emergency Rule 121-4-1-0.10-.03 on September 29, 1980; effective September 25, 1980, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.

Amended: Emergency Rule repealed and permanent Rule of same title adopted. Filed November 7, 1980; effective November 27, 1980.

Amended: Rule repealed by Emergency Rule 121-4-0.16-.03, entitled "Replacement." Filed April 28, 1981; effective April 22, 1981, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.

Amended: Emergency Rule 121-4-0.16-.03 repealed and permanent Rule 121-4-.03 of same title, adopted. Filed July 30, 1981; effective August 19, 1981.

Amended: Rule repealed by Emergency Rule 121-4-0.23-.03. Filed March 22, 1983; effective March 16, 1983, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. (Said Emergency Rule expired July 13, 1983.)

Amended: Rule repealed and a new Rule of same title adopted. Filed July 13, 1983; effective August 2, 1983.

Repealed: New Rule entitled "Continuing Education for Conditioned Air Contractors" (i.e., Rule 121-4-.05 renumbered as Rule 121-4-.03). F. Feb. 27, 2025; eff. Mar. 19, 2025.

121-4-.04 Continuing Education for Master and Journeyman Plumbers

(1) Any applicant for renewal of master or journeyman license is required to complete a minimum of 8 hours of continuing education within the 24 months prior to the license or certificate expiration date. An applicant for renewal who has been initially licensed for less than two (2) years must have completed four (4) hours of continuing education while licensed prior to renewal. An applicant for renewal who has been initially licensed for less than one (1) year is not required to complete continuing education prior to the applicant's initial renewal.

(2) Continuing education courses shall be in the areas of plumbing installation, design, state codes, products, innovations or new techniques, tools and materials, safety, or work-related legal issues. Courses for Master Plumbers also may be in the areas of environmental or business issues. Such continuing education courses must be

conducted by an institute of higher education; vocational-technical school; trade, technical, or professional organization; or institute under the State Board of Technical and Adult Education.

(3) Applicants for renewal of Master or Journeyman Plumber license must report on the application for renewal whether all applicable continuing education requirements have been met. Licensees shall maintain, for at least five (5) years after completion of the course, records confirming attendance at and completion of continuing education courses, including the following information:

(a) school or organization conducting the course;

(b) title of course;

(c) location and date of the course;

(d) course outline or topics covered;

(e) hours of instruction;

(f) documentation of attendance and satisfactory completion.

(4) Licensees must provide to the division the records described in paragraph (5) of this Rule upon request.

Cite as Ga. Comp. R. & Regs. R. 121-4-.04

AUTHORITY: O.C.G.A. §§ 43-14-5**,** 43-14-6**.**

HISTORY: Original Rule entitled "Rosters" was filed on February 11, 1983; effective March 3, 1983.

Amended: Rule repealed by Emergency Rule 121-4-0.23-.04. Filed March 22, 1983; effective March 16, 1983, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. (Said Emergency Rule expired July 13, 1983.)

Amended: Rule repealed and a new Rule of same title adopted. Filed July 13, 1983; effective August 2, 1983.

Repealed: New Rule entitled "Continuing Education for Master and Journeyman Plumbers" (i.e., Rule 121-4-.06 renumbered as Rule 121-4-.04). F. Feb. 27, 2025; eff. Mar. 19, 2025.

121-4-.05 Continuing Education for Electrical Contractors

(1) Electrical Contractors are required to complete, prior to license renewal, continuing education as described in this Rule. Failure to document completion of the continuing education requirements to the satisfaction of the Division of Electrical Contractors shall be grounds for disciplinary action, including denial of renewal of the license or revocation of the license.

(2) Any applicant for renewal of an electrical contractor license is required to complete four (4) hours of continuing education per year. However, an applicant for renewal who has been initially licensed for less than two (2) years, but more than 1 year must have completed four (4) hours of continuing education while licensed prior to initial renewal. An applicant for renewal who has been initially licensed for one (1) year or less is not required to complete continuing education prior to initial renewal.

(3) Credit for continuing education hours occurs at a rate of one hour for each hour of instruction.

(4) Continuing education courses shall be in the area related to electrical contracting as prescribed by the division. Such continuing education courses must be conducted by an accredited college or university; a post-secondary institute under the jurisdiction of the Georgia Board of Technical and Adult Education or the equivalent agency of another state or local government; an organization consisting of members of a trade, technical, or professional group; a public utility; or an electrical equipment manufacturer. However, courses conducted by manufacturers specifically to promote their products shall not be approved under this Rule.

(5) Applicants for renewal of electrical contractor license must report on the application for renewal whether all applicable continuing education requirements have been met. Licensees shall maintain, for at least five (5) years after completion of the course, records confirming attendance at and completion of continuing education courses, including the following information:

(a) school, company, or organization conducting the course;

(b) title of the course;

(c) location and date of the course;

(d) course outline or topics covered;

(e) hours of instruction;

(f) documentation of attendance and satisfactory completion.

(6) Licensees must provide to the division the records described in paragraph (5) of this Rule upon request.

(7) The requirements for continuing education may be waived by the Division of Electrical Contractors based on documentation of hardship, disability, or illness which, to the satisfaction of the Division, prevented the applicant from completing the requirements, or under such other circumstances as the Division deems appropriate. The decision of the division as to the waiver of the requirements shall be conclusive.

Cite as Ga. Comp. R. & Regs. R. 121-4-.05

AUTHORITY: O.C.G.A §§ 43-14-5**,** 43-14-6**.**

HISTORY: Original Rule entitled "Continuing Education" adopted. F. Oct. 10, 1991; eff. Oct. 30, 1991.

Amended: Rule retitled "Continuing Education for Air Contractors" F. Nov. 13, 1998 eff. Dec. 3, 1998.

Amended: New Rule entitled "Continuing Education for Electrical Contractors" (i.e., Rule 121-4-.07 renumbered as Rule 121-4-.05). F. Feb. 27, 2025; eff. Mar. 19, 2025.

121-4-.06 Renumbered as Rule 121-4-.04

Cite as Ga. Comp. R. & Regs. R. 121-4-.06

AUTHORITY: O.C.G.A. §§ 43-14-5**,** 43-14-6**.**

HISTORY: Original Rule entitled "Revision" adopted. F. Sept. 3, 1993; eff. Sept. 23, 1993.

Repealed: New Rule entitled "Continuing Education for Master and Journeyman Plumbers," adopted. F. Jun. 27, 1994; eff. July 17, 1994.

Amended: F. Sept. 13, 1996; eff. Oct. 3, 1996.

Amended: F. Nov. 13, 1998; eff. Dec. 3, 1998.

Amended: Rule renumbered as 121-4-.04. F. Feb. 27, 2025; eff. Mar. 19, 2025.

121-4-.07 Renumbered as Rule 121-4-.05

Cite as Ga. Comp. R. & Regs. R. 121-4-.07

AUTHORITY: O.C.G.A §§ 43-14-5**,** 43-14-6**.**

HISTORY: Original Rule entitled "Continuing Education for Electrical Contractors" adopted. F. Dec. 4, 1996; eff. Dec. 24, 1996.

Amended: F. Nov. 13, 1998; eff. Dec. 3, 1998.

Amended: Rule renumbered as 121-4-.05. F. Feb. 27, 2025; eff. Mar. 19, 2025.

Department 121. STATE CONSTRUCTION INDUSTRY LICENSING BOARD

Chapter 121-5. DISCIPLINARY PROCEEDING

121-5-.02 Unprofessional Conduct, Defined

"Unprofessional conduct" shall include, but not be limited to the following:

(a) Violating local ordinances relating to the performance of contracted work covered by O.C.G.A. Chapter 43-14 including failure to obtain the required permits and inspections required by local ordinance;

(b) Establishing a pattern of charging amounts substantially in excess of any original estimate given by the licensee without having informed the consumer, prior to the accrual of such charges, that the final amount due would or could be substantially in excess of the original estimate;

(c) Knowingly charging for unnecessary work;

(d) Diverting funds or property received or obtained for the completion of a specific contract without the specific authorization of the consumer and/or the contractor for that particular job;

(e) Failing to disclose the name and license number of the person or persons supervising and performing contracted work for a sole proprietorship, partnership, or corporation whenever such information is reasonably requested by the Board or its designee, any other state agency or representative, or any consumer or member of the public.

(f) Failing to register with the Division the name of the business which the licensee or certificate holder qualifies under Chapter 121-6 or failing to notify the Division in writing within five (5) days of the severance of connection with a registered business.

(g) Operating as a utility contractor without employing a person who holds a current utility manager certificate to supervise the work performed by each permanent office.

(h) Registering a sole proprietorship, partnership, limited liability company, or corporation which the Division determines to be in violation of O.C.G.A. 10-1-490, which requires the registration of trade names with the Superior Court.

(i) Failing to provide documentation of the registration with Superior Court of trade names to the division upon request.

Cite as Ga. Comp. R. & Regs. R. 121-5-.02

AUTHORITY: O.C.G.A §§ 43-14-5, 43-14-6, 43-14-8.2**.**

HISTORY: Original Rule entitled "Unprofessional Conduct, Defined." F. Feb. 27, 1989; eff. Mar. 19, 1989.

Amended: F. Jan. 31, 1991; eff. Feb. 20, 1991.

Amended: F. Jun. 18, 1993; eff. July 8, 1993.

Amended: F. Jun. 27, 1994; eff. July 17, 1994.

Amended: F. Mar. 7, 1996; eff. Mar. 27, 1996

Amended: F. Feb. 27, 2025; eff. Mar. 19, 2025.

Department 121. STATE CONSTRUCTION INDUSTRY LICENSING BOARD

Chapter 121-6. BUSINESS REGISTRATION

121-6-.02 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 121-6-.02

AUTHORITY: O.C.G.A. §§ 43-14-5**,** 43-14-6**,** 43-14-8**,** 43-14-9**.**

HISTORY: Original Rule entitled "Branch Offices" was filed as Emergency Rule 121-6-0.32-.02 on October 9, 1984; effective September 26, 1984, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. (This Emergency Rule expired January 24, 1985.)

Amended: Rule entitled "Branch Offices" adopted. Filed February 21, 1986; effective March 13, 1986.

Repealed: Rule entitled "Primary Contractors and Subcontractors" renumbered from 121-6-.03. F. Mar. 2, 1993; eff. Mar. 22, 1993.

Amended: F. Aug. 23, 1996; eff. Sept. 12, 1996.

Repealed: F. Feb. 27, 2025; eff. Mar. 19, 2025.

Department 160. RULES OF GEORGIA DEPARTMENT OF EDUCATION

Chapter 160-1.

Subject 160-1-4. GRANT PROGRAMS

160-1-4-.322 Student Vaping Mini Grant

1. **Purpose of Grant Program**. The purpose of the Student Vaping Mini Grant is to support middle and high schools by providing funding for localized interventions to decrease the incidence of vaping by students in Georgia.

2. **Terms and Conditions**. This competitive grant is awarded to Georgia local educational agencies (LEA). Recipients must use the awarded grant funds to address student vaping in middle and high schools, deliver *Know Your Risks: A Youth Guide to E-Cigarettes* to students, implement the *Live Vape Free* program as an intervention for students who have received disciplinary infractions for vaping, and review and update, if needed, its tobacco-free policy. Recipients must also provide aggregate data regarding the delivery of the *Live Vape Free* program and submit a completion report at the end of the grant period or upon full liquidation of funds, whichever is sooner.

3. **Eligible Recipients**. All Georgia LEAs are eligible to receive this grant.

4. **Criteria for Award**. Applications will be scored using a GaDOE grants scoring tool. Applications will be ranked from highest to lowest based on the total number of student discipline infractions related to vaping from the most recent completed school year, then scored based on the following open-ended questions: description of intended use of funds; description of intended delivery of *Know Your Risks: A Youth Guide to E-Cigarettes* for students; description of intended delivery of the *Live Vape Free* program as an intervention for students who have received disciplinary infractions for vaping; and description of how funds are intended to decrease the amount of vaping-related discipline incidents. Funding will be awarded based on rank (highest score first) and available funding.

5. **Directions and Deadlines for Applying**. Eligible applicants must complete and submit the electronic application by the deadline located online at the GaDOE Grant Opportunities webpage. All additional requests for information should be made to wholechild@doe.k12.ga.us.

Cite as Ga. Comp. R. & Regs. R. 160-1-4-.322

AUTHORITY: O.C.G.A. § 20-2-240**.**

HISTORY: Original grant description entitled "Student Vaping Mini Grant." Submitted February 10, 2025.

Department 160. RULES OF GEORGIA DEPARTMENT OF EDUCATION

Chapter 160-5.

Subject 160-5-1. REGIONAL EDUCATIONAL SERVICES

160-5-1-.34 Georgia Special Needs Scholarship Program

(1) **DEFINITIONS.**

(a) **Americans with Disabilities Act, Amendments Act of 2008** - a federal law, codified at 42 U.S.C. § 12101, et seq, that was enacted to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.

(b) **Authorized private school** - a private school that has submitted a completed application to the Georgia Department of Education, complies with all program requirements, and has been authorized by the State Board of Education to enroll students in the Georgia Special Needs Scholarship Program per O.C.G.A. § 20-2-2115(f).

(c) **Full-time Equivalent (FTE)** - a student count consisting of six state-funded segments per student authorized under O.C.G.A. § 20-2-161.

(d) **Georgia Department of Education (GaDOE)** - the state agency charged with the fiscal and administrative management of certain aspects of K-12 public education, including the implementation of federal and state mandates. Such management is subject to supervision and oversight by the State Board of Education.

(e) **Georgia Special Needs Scholarship (GSNS)** - the Georgia Special Needs Scholarship Program, O.C.G.A. § 20-2-2110 through O.C.G.A. § 20-2-2118. The GSNS Program allows parents of eligible special needs students to transfer their children to another public school, public school system, state school, or authorized participating private school within Georgia.

(f) **Individuals with Disabilities Education Act (IDEA)** - the federal law, codified at 20 U.S.C. § 1400, et seq, that was enacted to ensure that all students with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living; to ensure that the rights of students with disabilities and their parents are protected; to assist states, localities, educational service agencies, and federal agencies to provide for the education of students with disabilities; and to assess and ensure the effectiveness of efforts to educate students with disabilities.

(g) **Individualized Education Program (IEP)** - a written statement for each student with a disability that is developed, reviewed, and revised in accordance with Individuals with Disabilities Education Act, 20 U.S.C. § 1414(d).

(h) **Public School District** - a local school system pursuant to local board of education control and management. It is also known as a local education agency (LEA).

(i) **Parent(s)** - a biological parent, legal guardian, custodian, or other person with legal authority to act on behalf of a child.

(j) **Prior school year in attendance** - the reporting of a student as enrolled in a public school for funding purposes during the preceding October and March full-time equivalent (FTE) program counts in accordance with O.C.G.A. § 20-2-160.

(k) **Private school** - a nonpublic, sectarian or nonsectarian school, which is accredited or in the process of becoming accredited by one or more of the entities listed:

1. The Georgia Accrediting Commission;

2. The Georgia Association of Christian Schools;

3. The Georgia Private School Accreditation Council;

4. The Association of Christian Schools International;

5. The Southern Association of Colleges and Schools;

6. The Southern Association of Independent Schools; and/or

7. The Georgia Independent School Association.

(l) **Quality Basic Education Formula (QBE Formula)** - the State of Georgia funding formula used for determining the amount of state education funds a public school district earns annually as described in O.C.G.A. § 20-2-161.

(m) **Resident school district** - the public school district in which the student would be enrolled based on his/her residence.

(n) **Scholarship** - a Georgia Special Needs Scholarship awarded pursuant to O.C.G.A. § 20-2-2114 and § 20-2-2116. A scholarship is received when a parent enrolls an eligible student in a private school participating in the GSNS Program.

(o) **State Board of Education (SBOE)** - the constitutional authority which defines education policy for the public K-12 education agencies in Georgia.

(p) **State School** - the Atlanta Area School for the Deaf, Georgia Academy for the Blind, or the Georgia School for the Deaf.

(2) **Public School District Requirements.**

(a) The resident school district shall provide specific written notice of the options available under the Georgia Special Needs Scholarship Program to the parent at the initial IEP meeting in which a disability, as defined by IDEA, of the parent's child is identified. Thereafter, the resident school district must annually notify the parent of a student with a disability by letter, electronic means, or other reasonable means of the options available to the parent under the GSNS Program. Notification for the upcoming school year must take place no later than ten business days prior to the last day of the current school year.

(3) **Student Eligibility.**

(a) In order to participate in the GSNS Program, a student must meet all eligibility requirements under O.C.G.A. § 20-2-2114.

1. The student´s parent(s) currently resides within Georgia and has been a Georgia resident for at least one year; provided, however, that the one-year residency requirement shall not apply if the student's parent is an active duty military service member stationed in Georgia within the previous year.

2. The student has one or more of the following disabilities:

(i) Autism;

(ii) Deaf/blind;

(iii) Deaf/hard of hearing;

(iv) Emotional and behavioral disorder;

(v) Intellectual disability;

(vi) Orthopedic impairment;

(vii) Other health impairment;

(viii) Specific learning disability;

(ix) Speech-language impairment;

(x) Traumatic brain injury; or

(xi) Visual impairment.

3. The student was enrolled and reported by a public school district or public school districts for funding purposes during the preceding October and March FTE program counts of the prior school year in accordance with O.C.G.A. § 20-2-160. The GaDOE will verify that a student has attended one full school year as required by O.C.G.A. § 20-2-2112(5) unless the student meets the military or medically fragile exceptions.

(i) Parents may request a waiver of the prior school year attendance requirement in accordance with O.C.G.A. § 20-2-2114(a)(3). Requests shall be filed with the State Board of Education.

4. The student received services under an IEP written by a public school in accordance with federal and state laws and regulations at any point during the prior school year.

(b) If a student meets the eligibility criteria, a parent has the right to request a transfer from the student's current public school to:

1. Another public school within their resident school district; or

2. Another public school outside their resident school district; or

3. One of the three State Schools for the blind or deaf, if placement is consistent with the student's IEP; or

4. A private school authorized to participate in the GSNS Program. The student must be accepted for admission to an eligible private school participating in the GSNS Program.

(c) The following students are not eligible for the program:

1. Toddler and Pre-K students;

2. Home school students;

3. Students in residential treatment facilities that were privately placed by their parents;

4. Students attending a Department of Juvenile Justice School; and/or

5. Students otherwise not eligible per O.C.G.A. § 20-2-2114.

(4) **Private School Eligibility Requirements.**

(a) In order to participate in the GSNS Program, a private school must comply with all requirements under O.C.G.A. §§ 20-2-690 and 20-2-2115.

1. The private school must be physically located in the state of Georgia where students attend classes and have direct contact with the school's teachers.

2. The private school shall either be:

(i) Accredited by one of the entities defined in O.C.G.A. § 20-3-519(6)(A); or

(ii) In the process of becoming accredited. A private school which was in process of receiving accreditation at the time it was authorized by the State Board of Education to participate in the GSNS Program must demonstrate it is making significant progress as defined by the GaDOE in program guidance toward receiving full accreditation by the end of the first school year of its participation. A private school that cannot demonstrate it is making significant progress toward receiving full accreditation with an accrediting agency will be removed from the authorized private school list until the school receives full accreditation from an agency listed in O.C.G.A. § 20-3-519(6)(A). A private school that does not receive full accreditation by the end of the second year of its participation will be removed from the authorized private school list until the school receives full accreditation from an agency listed in O.C.G.A. § 20-3-519(6)(A).

3. The private school must demonstrate fiscal soundness to the GaDOE by being in operation as a private school in Georgia for at least one full school year or by submitting financial documentation for the school that complies with uniform financial accounting standards established by the GaDOE and conducted by a Certified Public Accountant per O.C.G.A. § 20-2-2115(2).

4. The private school must employ or contract only with teachers who hold a baccalaureate or higher degree or have at least three years of experience in either education or health.

5. The private school must meet applicable state and local health, safety, and welfare laws, codes, and rules.

6. The private school must comply with 42 U.S.C. Section 2000(d), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA) Amendments Act of 2008.

7. Before a teacher is assigned an eligible student participating in the GSNS Program, the private school must conduct criminal background checks of such teacher to ensure that potential educational employees have not been convicted of crimes that could invalidate their acceptability for employment. The school shall maintain documentation of this process. The private school shall have protocol in place and take proper administrative action in the event a criminal background check or other inspection reveals criminal history.

8. To be considered for participation in the GSNS Program a private school must submit a completed application by the deadline defined in law O.C.G.A. § 20-2-2115(e).

(5) **Private School Participation Requirements**

(a) The private school must be physically located in the state of Georgia where students physically attend classes and have direct contact with the school´s teachers. The private school must offer a program of instruction sufficient to allow students to maintain regular attendance to meet the minimum compulsory attendance requirements of 180 days of instruction for 4.5 hours per day or its equivalent as required by O.C.G.A. § 20-2-690.

(b) The private school shall provide clear written descriptions of academic progress to the parents of GSNS students during a school year.

(c) The private school shall employ or contract only with teachers who hold a baccalaureate or higher degree or have at least three years of experience in either education or health.

(d) The private school shall annually provide in writing to parents the relevant credentials of the teachers who are teaching their children.

(e) The private school shall report quarterly or as directed by the GaDOE the enrolled roster of eligible and approved scholarship students on dates specified by the GaDOE.

(f) The private school shall administer valid and reliable pre- and post-academic assessments to GSNS students. The private school shall report in writing to the parent and the GaDOE the results of the pre- and post-academic assessments.

(g) The private school shall notify parents of students participating in the GSNS Program immediately if the private school becomes ineligible to participate in the GSNS Program.

(h) The private school shall ensure that requests for information and access to a school for monitoring and evaluation purposes by the GaDOE are provided in a timely manner.

(i) The private school shall annually submit a completed and signed GSNS compliance form as developed by the GaDOE and available in program guidance.

(j) Failure by a private school to comply with any applicable state or federal law or regulation may result in the removal of the school from the Georgia Special Needs Scholarship authorized private school list.

(6) **Parent Responsibilities for Selecting Eligible Private Schools**

(a) A parent must submit a scholarship application for an eligible student to the GaDOE by September 15, December 15, and February 15 during a school year.

(b) In order to be eligible to receive funds through the GSNS Program, a parent must enroll a child at a private school authorized by the State Board of Education to participate in the GSNS Program by the deadline established annually by the GaDOE.

(c) When selecting a private school which is participating in the GSNS Program, an eligible parent must provide a copy of the scholarship award sheet that applies to the current school year to the authorized private school of choice. If a parent fails to notify a private school of a student's eligibility, the student will not be eligible to receive a scholarship.

(d) A student cannot be dually enrolled at a public and private school and receive a scholarship. Once accepted into a private school, a parent must withdraw his or her child from the public school. The parent may be required to submit appropriate withdrawal documentation to the public school.

(e) Acceptance of scholarship shall have the same effect as a parental refusal to consent to services in a public school pursuant to the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section 1400, et seq. Acceptance of a scholarship waives a parent's rights under IDEA therefore, a private school is not required to follow a student's IEP developed by the public school. Nonetheless, refusal of services does not meet the standard of revocation under IDEA. (34 C.F.R. § 300.9) Therefore, the regulations regarding proportionate share for students parentally placed in private schools shall apply to students who receive a scholarship under this Rule. (34 C.F.R. §§ 300.132-133 and Ga. Rules & Regs. 160-4-7-.13(3))

(f) When enrolling a student in an eligible private school, the parent assumes full financial responsibility for all educational costs incurred at the eligible private school.

Cite as Ga. Comp. R. & Regs. R. 160-5-1-.34 v2

AUTHORITY: O.C.G.A. §§ 20-2-2110 **to** 20-2-2118**;** 20-2-160**;** 20-2-161**;** 20-3-519**;** 49-5-110**.**

HISTORY: Original Rule entitled "Georgia Special Needs Scholarship Program" adopted F. Jan. 14, 2010; eff. Feb. 3, 2010.

Amended: F. Nov. 5, 2015; eff. Nov. 25, 2015.

Amended: F. Feb. 20, 2025; eff. Mar. 12, 2025.

Department 160. RULES OF GEORGIA DEPARTMENT OF EDUCATION

Chapter 160-5.

Subject 160-5-4. SCHOOL FACILITIES AND CAPITAL OUTLAY MANAGEMENT

160-5-4-.04 Special Appropriation for Public School Capital Outlay

(1) **DEFINITIONS.**

(a) **Capital Outlay** - expenditures which result in the acquisition of fixed assets, improvements to sites, construction of buildings, construction of additions to buildings, retrofitting of existing buildings for energy conservation, renovation and modification of existing buildings, initial and additional equipment, and furnishings for Pre-Kindergarten (Pre-K)-12 educational facilities. For the purposes of the special appropriation, expenditures for the acquisition of property, swimming pools, tracks, stadiums, and other facilities or portions of facilities used primarily for athletic competition, non-permanent instructional units, and the central and area administrative offices of local units of administration shall be excluded.

(b) **Facilities Inventory** - all existing instructional units meeting minimum state requirements used in the delivery of the Pre-K-12 instructional program planned by the local school system plus any instructional unit(s) planned (or currently under construction) for which local, state, or federal funding is available.

(c) **Georgia Department of Education (GaDOE)** - the state agency charged with the fiscal and administrative management of certain aspects of K-12 public education.

(d) **Instructional Units Earned** - the number of instructional units (IUs) that should be available to provide adequate school facilities to deliver the approved Pre-K-12 instructional programs planned at a school based on the grade configuration and the student population at the school. The number of IUs earned at each school shall be derived from the applicable IU allocation chart provided by the GaDOE.

(e) **Instructional Units Needed** - the number of instructional units needed at each school is determined by subtracting the number of units earned from the number of IUs currently available and/or the number of IUs for which funding is currently available.

(f) **Pre-Kindergarten (Pre-K)** - any voluntary pre-kindergarten programs provided and operated by the local school system as part of Georgia's Pre-K Program.

(g) **Special Appropriation for Public School Capital Outlay** - any appropriation of state funds authorized for public school capital outlay activities in addition to the appropriations approved for capital outlay projects under the provisions of O.C.G.A. § 20-2-260 and O.C.G.A. § 20-2-262.

(2) **REQUIREMENTS.**

(a) Local boards of education, with assistance from GaDOE's Facilities Services staff, shall develop an application (or applications) in the format specified by GaDOE to request funding for the IUs determined to be needed and eligible for funding from this special appropriation.

(b) All IUs included in an application and constructed with funds from this special appropriation shall meet the common minimum facility requirements defined in State Board of Education Rule 160-5-4-.16 Educational Facility Site, Construction, and Reimbursement and any associated guidelines.

(c) Funds from this special appropriation may be combined with funds from other state or local fund sources in a single application. However, any application utilizing multiple fund sources shall be developed to comply with all the laws, rules, and guidelines applicable to each of the fund sources.

(d) While no local matching funds shall be required for the funds derived from this special appropriation, the local board of education shall agree to provide any additional local funds which may be needed to ensure that the project can be completed as described in the approved application.

(e) Local boards of education shall adopt and sign the completed application(s) and return the approved application to GaDOE's Facilities Services Unit.

(f) Funds from this special appropriation shall be used to reimburse local boards of education for eligible expenditures incurred to complete the activities described in the approved application. Projects must be completed in accordance with any applicable laws, rules, and guidelines for capital outlay projects to qualify for reimbursement. Except as provided otherwise in these special rules and guidelines, the general rules and guidelines for capital outlay will apply to this program.

Cite as Ga. Comp. R. & Regs. R. 160-5-4-.04 v2

AUTHORITY: O.C.G.A. §§ 20-2-260**;** 20-2-262**.**

HISTORY: Original Rule entitled "Annual Entitlement, Funding Request, and Required Local Participation" adopted. F. Nov. 30, 1990; eff. Dec. 20, 1990.

Amended: Rule retitled "Entitlement, (Regular and Exceptional Growth), Funding Requests, and Required Local Participation." F. Sept. 19, 1994; eff. Oct. 9, 1994.

Repealed: F. Nov. 21, 1996; eff. Dec. 11, 1996.

Amended: New Rule entitled "Special Appropriation for Public School Capital Outlay" adopted. F. June 15, 2001; eff. July 5, 2001.

Amended: F. Nov. 18, 2003; eff. Dec. 8, 2003.

Amended: F. May 10, 2012; eff: May 30, 2012.

Amended: F. Feb. 20, 2025; eff. Mar. 12, 2025.

160-5-4-.05 Regular Advance and Low-Wealth Funding

(1) **REQUIREMENTS.**

(a) A local school system shall meet the following conditions to qualify for regular advance funding:

1. The local school system shall have a current approved facilities plan in which the advance funded project is identified as the next priority.

2. The requested project will require a minimum of five years of regular capital outlay program entitlement earnings after regular accumulated entitlement has been deducted to construct the project.

3. The local school system shall have no remaining entitlement due on previous advance funded or low-wealth projects.

4. The project applied for shall not be in addition to other projects funded in a given year under the regular capital outlay program.

5. Regular advance funding applications shall be for only one project as required by law.

6. Local school systems seeking regular advance funding for across-system-line schools shall be required to utilize up to five year's combined entitlements.

7. Local school systems applying for regular advance funding for an across-system-line school shall have executed a 25 year contract as specified by law.

(b) Local school systems applying for advance funding under the provisions of law relating to schools certified as hazards to health and safety shall provide the following appropriate certification with the application:

1. Certification from the appropriate Department of Human Resources District/Unit Health Director that such hazards exist.

2. Certification by the State Fire Marshal's Office specifying the life safety code violation.

(c) To qualify for low-wealth funding under the provisions of O.C.G.A. § 20-2-262, a local school system shall meet the following conditions:

1. The local school system shall satisfy one of the following:

(i) Low-Wealth Calculation: Sales tax revenues per Full-Time Equivalent (FTE) for the local school system shall currently be in the bottom 25 percent of the statewide sales tax revenues per FTE or was so ranked during any of the three most recently completed school years, and the value of property per FTE for the local school system shall currently be in the bottom 25 percent of the statewide property wealth per FTE or was so ranked during any of the three most recently completed school years; or

(ii) Project Specific Low-Wealth Calculation: A local school system was ranked in the bottom 25 percent of special purpose local option sales tax revenues (SPLOST) of eligible local school systems receiving SPLOST revenues. In the event a local school system's system-wide eligible need has been met as a result of an approved project specific low-wealth application, the local school system shall not be eligible to receive another approved project specific low-wealth application for ten years from the date the grant was received, which is defined as the fiscal year date the application was funded; or

(iii) Low-Wealth/Project Specific Low-Wealth Consolidation: The local school system shall include in the approved Local Facilities Plan (LFP) the intent to consolidate facilities that are more than 35 years old whereby the amount of SPLOST revenues over a five-year period would not generate the local contribution necessary to meet the difference between the state eligible cost and the agreed upon state eligible cost in the LFP. In the event a local school system's system-wide eligible need has been met as a result of an approved low-wealth/project specific low-wealth application, the local school system shall not be eligible to receive another approved low-wealth/project specific low-wealth application for ten years from the date the grant was received, which is defined as the fiscal year date the application was funded; and

2. The local school system's millage rate for maintenance and operation shall be at least 12 mills; and

3. A SPLOST is in effect in the local school district, or the local school system has in place a millage rate for debt service on bonds, or both; and

4. The local school system cannot have a current advance funding or low-wealth project; and

5. The local school system must use prototypical specifications approved by the Georgia Department of Education in the design and construction of the facility.

(d) The Required Local Participation (RLP) for low-wealth projects is 8 percent.

(e) A reduction of 1 percent in the RLP will be applied for every one mill or equivalent mill levied by the local school system for each mill or equivalent mill levied by the local school system at the time of the application.

(f) If the local funds needed for a project will be in excess of five years of projected SPLOST revenues (verified by the GaDOE), additional state funds will be applied to the project. The local funds needed will be equivalent to five years of projected SPLOST revenues.

(g) In the event state funding is not sufficient to cover the full amount low-wealth applications, eligible local school systems with lesser amounts of SPLOST revenues shall be prioritized over eligible local school systems with higher amount of SPLOST revenues.

Cite as Ga. Comp. R. & Regs. R. 160-5-4-.05 v2

AUTHORITY: O.C.G.A. §§ 20-2-260**;** 20-2-262**.**

HISTORY: Original Rule entitled "Regular Advanced Funding" adopted. F. Nov. 30, 1990; eff. Dec. 20, 1990.

Amended: F. Sept. 19, 1994; eff. Oct. 9, 1994.

Amended: Rule retitled "Regular Advance and Low-Wealth Funding". F. Apr. 19, 2004; eff. May 9, 2004.

Amended: F. May 10, 2012; eff.: May 30, 2012.

Amended: F. Feb. 20, 2025; eff. Mar. 12, 2025.

160-5-4-.08 School Size

(1) **DEFINITIONS.**

(a) **Elementary School** - a school which contains any grade below grade four and does not contain any grade above grade eight.

(b) **High School** - a school which contains any grade above grade eight.

(c) **Middle School** - a school which contains no grade below grade four and no grade above grade eight.

(d) **Pre-Kindergarten (Pre-K)** - any voluntary pre-kindergarten programs provided and operated by the local school system as part of Georgia's Pre-K Program.

(2) **REQUIREMENTS.**

(a) Local school systems shall be eligible to receive full funding under the capital outlay program when they have met the requirements of law regarding the minimum school size and system organizational pattern.

(b) Capital outlay program participation by local school systems shall be limited to administrative units with not less than 200 FTE in any single grade or combination of grades Pre-K-8 for elementary schools or not less than 400 FTE in any single grade or combination of grades 4-8 for middle schools or not less than 500 FTE in any single grade or combination of grades 9-12 for high schools.

(c) Local school systems with schools below the minimum size shall be eligible for capital outlay participation when they meet or exceed the allowable variations of size as described in this rule under one of the following conditions:

1. When the FTE is 100 percent of the local school system's population.

2. When sizes are approved as a result of a consolidation feasibility study.

(d) If a local school system chooses to continue the operation of schools below the minimum size, the school or schools in question shall be excluded from all calculations involving the allotment of state capital outlay funds. The local school system shall include as a part of the Local Facility Plan (LFP) a statement that the local school system assumes the responsibility for providing an instructional program and physical facilities essentially comparable to those offered at the other schools of the same grade level in the system. The school shall be listed in the local school system's order of priorities with all construction needs identified.

(e) Under the capital outlay program, entitlement earnings and funding levels are based on the minimum square footage requirements established for the grade configuration specified in the local school system's LFP and any subsequent application for state funding approved by the local board of education and the State Board of Education. If a local school system decides to reorganize to a different grade configuration with a lower square footage requirement after entitlement has been earned or state funds have been appropriated to construct the school, entitlement earnings or state funds shall be adjusted to reflect the lower square footage requirements.

Cite as Ga. Comp. R. & Regs. R. 160-5-4-.08 v2

AUTHORITY: O.C.G.A. § 20-2-260**.**

HISTORY: Original Rule entitled "School Size" adopted. F. Nov. 30, 1990; eff. Dec. 20, 1990.

Amended: F. Nov. 16, 1994; eff. Dec. 6, 1994.

Amended: F. Nov. 21, 1996; eff. Dec. 11, 1996.

Amended: F. Mar 9, 2001; eff. March 29, 2001.

Amended: F. Feb. 20, 2025; eff. Mar. 12, 2025.

Department 375. RULES OF DEPARTMENT OF DRIVER SERVICES

Chapter 375-3. DRIVER LICENSE SERVICES

Subject 375-3-3. REVOCATION AND SUSPENSION

375-3-3-.23 Pauper's Affidavit for Reinstatement or Restoration Fees

(1) (a) A customer who is a current Georgia resident may file a Pauper's Affidavit (DDS-355) with the Department in lieu of paying the required driver's license reinstatement or restoration fee.

(b) The Pauper's Affidavit (DDS-355) may be submitted via mail if the customer submits a sworn statement that they are incarcerated or has a physical disability preventing him/her from traveling to a customer service center.

(c) Upon the submission and approval of the Pauper's Affidavit (DDS-355), the driver's license reinstatement or restoration fee shall be waived.

(d) Reinstatement or restoration fees for the following suspensions or withdrawals are not eligible for reduction under this provision:

1. Super Speeder (40-6-189)

2. Safety Responsibility (40-9-3)

3. Any other reinstatement or restoration fee not required by provisions contained in Chapter 5 of Title 40

(2) (a) A customer seeking a waiver of the required reinstatement or restoration fee must do so by utilizing form DDS-355, "Pauper's Affidavit."

(b) The customer must provide proof of inability to pay along with the Pauper's Affidavit (DDS-355). Sufficient proof may be shown by a copy of the customer's eligibility for TANF, SNAP, WIC, or Medicaid, or a copy of his or her detention documentation. In the alternative, the customer may provide other documentation approved by the Department.

(c) The form will contain an oath for the customer to affirm his or her poverty and his or her resulting inability to pay the required driver's license reinstatement or restoration fee. The form will also contain the following notice: "WARNING: Any person knowingly making a false statement on this affidavit commits the offense of false swearing and shall be guilty of a felony."

(d) The Pauper's Affidavit (DDS-355) must be signed by the customer seeking the discounted fee and notarized by a duly authorized notary. For minors, a parent, legal guardian, or responsible adult will be required to complete and sign the Pauper's Affidavit (DDS-355). Verification of the identity of the parent, legal guardian, or responsible adult will be required.

(3) (a) If the information on the customer's Pauper's Affidavit (DDS-355) is not adequate to prove eligibility, the waiver will be denied.

(b) After a denial, the customer will not be allowed to reapply in that same visit. A customer may be reconsidered after completion of a new Pauper's Affidavit (DDS-355) no sooner than 30 days from submission of the previous Pauper's Affidavit (DDS-355).

(4) Provisions contained in this regulation only apply to reinstatement or restoration fees, and do not affect or eliminate other non-financial reinstatement requirements such as required courses or time required to be served on a suspension or withdrawal.

(5) A Pauper's Affidavit (DDS-355) does not waive fees associated with other DDS services or transactions, and no additional services may be combined with or waived under this Pauper's Affidavit (DDS-355).

(6) Pauper's Affidavits (DDS-355) submitted to the Department are subject to audit by the State of Georgia and Investigative Services Division of the Department of Driver Services. Such forms are not subject to Open Records.

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.23

AUTHORITY: O.C.G.A. §§ 40-16-2**,** 40-16-3**,** 40-5-4**,** 40-5-9**.**

HISTORY: Original Rule entitled "Pauper's Affidavit for Reinstatement or Restoration Fees" adopted. F. Dec. 21, 2016; eff. Jan. 10, 2017.

Amended: F. Feb. 12, 2025; eff. Mar. 4, 2025.

Department 391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES

Chapter 391-3. ENVIRONMENTAL PROTECTION

Subject 391-3-17. RADIOACTIVE MATERIALS

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

(1) **Purpose and Scope.**

(a) This Rule, 391-3-17-.02, provides for the licensing of radioactive material. No person shall receive, possess, use, transfer, own, or acquire radioactive material except as authorized in a specific or general license issued pursuant to this Rule or as otherwise provided in this Chapter. However, nothing in this Rule shall apply to any person to the extent such person is subject to regulation by the U.S. Nuclear Regulatory Commission.

(b) In addition to the requirements of this Rule, all licensees are subject to the requirements of Rules .01, .03, .06, .07, .10, and .11 of this Chapter. Licensees engaged in industrial radiographic operations are subject to the requirements of Rule .04 of this Chapter. Licensees using radioactive material in the healing arts are also subject to the requirements of Rule .05 of this Chapter. Licensees engaged in the extrusion, mining, storage, beneficiating, processing, use, transfer, or disposal of NORM in such a manner as to alter the chemical properties or physical state of the NORM or its potential exposure pathways to humans are also subject to the requirements of Rule .08 of this Chapter. Licensees using irradiators whose dose rate exceeds 500 rads (5 Grays) per hour at one meter from the radioactive sealed sources are also subject to the requirements of Rule .09 of this Chapter.

Note: All numbered and lettered references within this Rule refer to parts of this Rule, unless stated otherwise.

(2) **Exemptions/Source Material.**

(a) Any person is exempt from this Rule to the extent that such person receives, possesses, uses, owns, or transfers source material in any chemical mixture, compound, solution, or alloy in which the source material is by weight less than 1/20 of one percent (0.05 percent) of the mixture, compound, solution, or alloy.

(b) Any person is exempt from this Rule to the extent that such person receives, possesses, uses, or transfers unrefined and unprocessed ore containing source material; provided that, except as authorized in a specific license, such person shall not refine or process such ore.

(c) Any person is exempt from this Rule to the extent that such person receives, possesses, uses, or transfers:

1. Any quantities of thorium contained in:

(i) Incandescent gas mantles,

(ii) Vacuum tubes,

(iii) Welding rods,

(iv) Electric lamps for illuminating purposes provided that each lamp does not contain more than 50 milligrams of thorium,

(v) Germicidal lamps, sunlamps, and lamps for outdoor or industrial lighting provided that each lamp does not contain more than two grams of thorium,

(vi) Rare earth metals and compounds, mixtures, and products containing not more than 0.25 percent by weight thorium, uranium, or any combination of these, or

(vii) Personnel neutron dosimeters, provided that each dosimeter does not contain more than 50 milligrams of thorium;

2. Source material contained in the following products:

(i) Glazed ceramic tableware manufactured before August 27, 2013, provided that the glaze contains not more than 20 percent by weight source material,

(ii) Glassware containing not more than ten percent by weight source material, but not including commercially manufactured glass brick, pane glass, ceramic tile, or other glass or ceramic used in construction,

(iii) Glassware containing not more than 2 percent by weight source material, or for glassware manufactured before August 27, 2013, 10 percent by weight source material; but not including commercially manufactured glass brick, pane glass, ceramic tile, or other glass or ceramic used in construction, or

(iv) Piezoelectric ceramic containing not more than two percent by weight source material;

3. Photographic film, negatives, and prints containing uranium or thorium;

4. Any finished product or part fabricated of, or containing, tungsten-thorium or magnesium-thorium alloys, provided that the thorium content of the alloy does not exceed four percent by weight and that this exemption shall not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of any such product or part;

5. Uranium contained in counterweights installed in aircraft, rockets, projectiles, and missiles, or stored or handled in connection with installation or removal of such counterweights, provided that:

(i) Each such counterweight has been impressed with the following legend clearly legible through any plating or other covering: "DEPLETED URANIUM",

(ii) Each counterweight is durably and legibly labeled or marked with the identification of the manufacturer and the statement: "UNAUTHORIZED ALTERATIONS PROHIBITED", and

(iii) This exemption shall not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of any such counterweights other than repair or restoration of any plating or other covering;

Note: The requirements specified in (2)(c)5.(i) and (ii) need not be met by counterweights manufactured prior to December 31, 1969, provided that such counterweights are impressed with the legend: "CAUTION - RADIOACTIVE MATERIAL - URANIUM".

6. Natural or depleted uranium metal used as shielding constituting part of any shipping container which is conspicuously and legibly impressed with the legend: "CAUTION - RADIOACTIVE SHIELDING - URANIUM" and the uranium metal is encased in mild steel or equally fire-resistant metal of minimum wall thickness of 1/8 inch (3.2 mm);

7. Thorium or uranium contained in or on finished optical lenses and mirrors, provided that each lens or mirror does not contain more than 10 percent by weight thorium or uranium or, for lenses manufactured before August 27, 2013, 30 percent by weight of thorium; and that this exemption contained in this subparagraph (c) does not authorize either:

(i) The shaping, grinding, or polishing of such lens or mirror or manufacturing processes other than the assembly of such lens or mirror into optical systems and devices without any alteration of the lens or mirror; or

(ii) The receipt, possession, use, or transfer of uranium or thorium contained in contact lenses, in spectacles, or in eyepieces in binoculars or other optical instruments;

8. Uranium contained in detector heads for use in fire detection units, provided that each detector head contains not more than 0.005 microcurie of uranium; or

9. Thorium contained in any finished aircraft engine part containing nickel-thoria alloy, provided that:

(i) The thorium is dispersed in the nickel-thoria alloy in the form of finely divided thoria (thorium dioxide), and

(ii) The thorium content in the nickel-thoria alloy does not exceed four percent by weight.

10. No person may initially transfer for sale or distribution a product containing source material to persons exempt under this subparagraph (c), or equivalent regulations of an Agreement State or the U.S. Nuclear Regulatory Commission, unless authorized by a license issued under 10 CFR 40.52 to initially transfer such products for sale or distribution.

(i) Persons initially distributing source material in products covered by the exemptions in this subparagraph (c) before August 27, 2013, without specific authorization may continue such distribution for 1 year beyond this date. Initial distribution may also be continued until the Commission takes final action on a pending application for license or license amendment to specifically authorize distribution submitted no later than 1 year beyond this date.

(ii) Persons authorized to manufacture, process, or produce these materials or products containing source material by an Agreement State, and persons who import finished products or parts, for sale or distribution must be authorized by a license issued under 10 CFR 40.52 for distribution only and are exempt from the requirements of 10 CFR 19 and 20, and 10 CFR 40.32(b) and (c).

(d) The exemptions in paragraph (2)(c) do not authorize the manufacture of any of the products described.

(3) **Exemptions/Radioactive Material Other Than Source Material.**

(a) Exempt Concentrations.

1. Except as provided in (3)(a)3. and 4., any person is exempt from this Chapter to the extent that such person receives, possesses, uses, transfers, owns, or acquires products containing radioactive material in concentrations not in excess of those listed in (21)(a), Schedule A.

2. This section shall not be deemed to authorize the import of radioactive material or products containing radioactive material.

3. A manufacturer, processor, or producer of a product or material is exempt from the requirements of this Rule to the extent that this person transfers products containing radioactive material in concentrations not in excess of those listed in (21)(a), Schedule A and introduced into the product or material by a licensee holding a specific license issued by the Director expressly authorizing such introduction. This exemption does not apply to the transfer of radioactive material contained in any food, beverage, cosmetic, drug, or other commodity or product designed for ingestion or inhalation by, or application to, a human being.

4. No person may introduce radioactive material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under (3)(a) or equivalent Regulations of the U.S. Nuclear Regulatory Commission or any Agreement State, except in accordance with a specific license issued pursuant to 10 CFR 32.11.

(b) Exempt Quantities.

1. Except as provided in (3)(b)3. through 5., any person is exempt from this Chapter to the extent that such person receives, possesses, uses, transfers, owns, or acquires radioactive material in individual quantities each of which does not exceed the applicable quantity set forth in (21)(b), Schedule B.

2. Any person, who possesses radioactive material received or acquired before September 25, 1971, under the general license then provided in 10 CFR 31.4, or similar general license of an Agreement State, is exempt from the requirements of this Chapter to the extent that this person possesses, uses, transfers, or owns byproduct material.

3. Paragraph (3)(b) does not authorize the production, packaging, repackaging, or transfer of radioactive material for purposes of commercial distribution, or the incorporation of radioactive material into products intended for commercial distribution.

4. No person may, for purposes of commercial distribution, transfer radioactive material in the individual quantities set forth in (21)(b), Schedule B, knowing or having reason to believe that such quantities of radioactive material will be transferred to persons exempt under (3)(b) or equivalent regulations of the U.S. Nuclear Regulatory Commission or any Agreement State, except in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to Section 32.18 of 10 CFR, Part 32, or by the Director pursuant to (11)(b) which license states that the radioactive material may be transferred by the licensee to persons exempt under (3)(b) or the equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State.

5. No person may, for purposes of producing an increased radiation level, combine quantities of byproduct material covered by this exemption so that the aggregate quantity exceeds the limits set forth in (21)(b), Schedule B, except for radioactive material combined within a device placed in use before May 3, 1999, or as otherwise permitted by this Chapter.

(c) Exempt Items.

1. Certain Items Containing Radioactive Material. Except for persons who apply radioactive material to, or who incorporate radioactive material into, the following products, or persons who initially transfer for sale or distribution the following products containing radioactive material, any person is exempt from the requirements for a license set forth in this Chapter to the extent that he receives, possesses, uses, transfers, owns, or acquires the following products:

Note: Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing radioactive material whose subsequent possession, use, transfer, and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555.

(i) Timepieces or hands or dials containing not more than the following specified quantities of radioactive material and not exceeding the following specified radiation dose rates:

(I) 25 millicuries (925 MBq) of tritium per timepiece.

(II) 5 millicuries (185 MBq) of tritium per hand.

(III) 15 millicuries (555 MBq) of tritium per dial (bezels when used shall be considered as part of the dial).

(IV) 100 microcuries (3.7 MBq) of promethium-147 per watch or 200 microcuries (7.4 MBq) of promethium-147 per any other timepiece.

(V) 20 microcuries (0.74 MBq) of promethium-147 per watch hand or 40 microcuries (1.48 MBq) of promethium-147 per other timepiece hand.

(VI) 60 microcuries (2.22 MBq) of promethium-147 per watch dial or 120 microcuries (4.44 MBq) of promethium-147 per other timepiece dial (bezels when used shall be considered as part of the dial).

(VII) The levels of radiation from hands and dials containing promethium-147 will not exceed, when measured through 50 milligrams per square centimeter of absorber:

I. For wrist watches, 0.1 millirad (1 μGy) per hour at ten centimeters from any surface.

II. For pocket watches, 0.1 millirad (1 μGy) per hour at one centimeter from any surface.

III. For any other timepiece, 0.2 millirad (2 μGy) per hour at ten centimeters from any surface.

(VIII) One microcurie (37 kBq) of radium-226 per timepiece in intact timepieces manufactured prior to November 30, 2007.

(ii) Static elimination devices which contain, as a sealed source or sources, byproduct material consisting of a total of not more than 18.5 MBq (500 μCi) of polonium-210 per device.

(iii) Ion generating tubes designed for ionization of air that contain, as a sealed source or sources, byproduct material consisting of a total of not more than 18.5 MBq (500 μCi) of polonium-210 per device or of a total of not more than 1.85 GBq (50 mCi) of hydrogen-3 (tritium) per device.

(iv) Such devices authorized before October 23, 2012, for use under the general license then provided in Section 31.3 of 10 CFR, Part 31 and equivalent regulations of Agreement States and manufactured, tested, and labeled by the manufacturer in accordance with the specifications contained in a specific license issued by the Director.

(v) Precision balances containing not more than one millicurie (37 MBq) of tritium per balance or not more than 0.5 millicurie (18.5 MBq) of tritium per balance part manufactured before December 17, 2007.

(vi) [Reserved]

(vii) Marine compasses containing not more than 750 millicuries (27.8 GBq) of tritium gas and other marine navigational instruments containing not more than 250 millicuries (9.25 GBq) of tritium gas manufactured before December 17, 2007.

(viii) [Reserved]

(ix) Ionization chamber smoke detectors containing not more than 1 microcurie (μCi) of americium-241 per detector in the form of a foil and designed to protect life and property from fires.

(x) Electron tubes, provided that the levels of radiation from each electron tube containing radioactive material will not exceed one millirad (10 μGy) per hour at one centimeter from any surface when measured through seven milligrams per square centimeter of absorber. Provided also, that each tube does not contain more than one of the following specified quantities of radioactive material:

(I) 150 millicuries (5.55 GBq) of tritium per microwave receiver protector tube or ten millicuries (370 MBq) of tritium per any other electron tube.

(II) 1 microcurie (37 kBq) of cobalt-60.

(III) 5 microcuries (185 kBq) of nickel-63.

(IV) 30 microcuries (1.11 MBq) of krypton-85.

(V) 5 microcuries (185 kBq) of cesium-137.

(VI) 30 microcuries (1.11 MBq) of promethium-147.

NOTE: For the purpose of .02(3)(c)1.(x), "Electron tubes" includes spark gap tubes, power tubes, gas tubes including glow lamps, receiving tubes, microwave tubes, indicator tubes, pick-up tubes, radiation detection tubes, and any other completely sealed tube that is designed to conduct or control electrical currents.

(xi) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, one or more sources of radioactive material, provided that:

(I) Each source contains no more than one exempt quantity set forth in (21)(b), Schedule B;

(II) Each instrument contains no more than ten exempt quantities. For purposes of this requirement, an instrument's source(s) may contain either one or different types of radionuclides and an individual exempt quantity may be composed of fractional parts of one or more of the exempt quantities specified in (21)(b), Schedule B, provided that the sum of such fractions shall not exceed unity; and

(III) For purposes of .02(3)(c)1.(xi), 0.05 microcurie (1.85 kBq) of americium-241 is considered an exempt quantity under (21)(b), Schedule B.

(xii) [Reserved]

(xiii) Any person who desires to apply byproduct material to, or to incorporate byproduct material into, the products exempted in 3(c)1., or who desires to initially transfer for sale or distribution such products containing radioactive material, should apply for a specific license with the U.S. Nuclear Regulatory Commission pursuant to Section 32.14 of 10 CFR, Part 32, which license states that the product may be distributed by the licensee to persons exempt under (3)(c)1., or the equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State.

2. Self-Luminous Products Containing Radioactive Material.

(i) Tritium, krypton-85, or promethium-147. Except for persons who manufacture, process, produce, or initially transfer for sale or distribution self-luminous products containing tritium, krypton-85, or promethium-147, any person is exempt from the requirements for a license set forth in this Chapter to the extent that such person receives, possesses, uses, transfers, owns, or acquires tritium, krypton-85 or promethium-147 in self-luminous products manufactured, processed, produced, or initially transferred in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to Section 32.22 of 10 CFR, Part 32, which license authorizes the initial transfer of the product to persons who are exempt from regulatory requirements. This exemption does not apply to tritium, krypton-85, or promethium-147 used in products for frivolous purposes or in toys or adornments.

(ii) Radium-226. Any person is exempt from this Chapter to the extent that such person receives, possesses, uses, transfers, or owns articles containing less than 0.1 microcurie (3.7 kBq) of radium-226 that were acquired prior to July 12, 1982.

(iii) Any person who desires to manufacture, process, or produce, or initially transfer for sale or distribution self-luminous products containing tritium, krypton-85, or promethium-147 for use under paragraph .02(3)(c)2.(i) should apply for a license with the U.S. Nuclear Regulatory Commission pursuant to Section 32.22 of 10 CFR Part 32 and apply to the U.S. Nuclear Regulatory Commission for a certificate of registration in accordance with Section 32.210 of 10 CFR Part 32.

3. Gas and Aerosol Detectors Containing Radioactive Material.

(i) Except for persons who manufacture, process, produce, or initially transfer for sale or distribution gas and aerosol detectors containing radioactive material, any person is exempt from the requirements for a license set forth in this Chapter to the extent that such person receives, possesses, uses, transfers, owns, or acquires radioactive material in gas and aerosol detectors designed to protect health, safety, or property provided that detectors containing radioactive material shall have been manufactured, processed, produced, or initially transferred in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to Section 32.26 of 10 CFR, Part 32. This exemption also covers gas and aerosol detectors manufactured or distributed before November 30, 2007, in

accordance with a specific license issued by a State under comparable provisions to Section 32.26 of 10 CFR, Part 32 authorizing distribution to persons exempt from regulatory requirements.

(ii) Gas and aerosol detectors containing naturally-occurring and accelerator-produced radioactive material (NARM) previously manufactured and distributed to general licensees in accordance with a specific license issued by an Agreement State shall be considered exempt under (3)(c)3.(i), provided that the device is labeled in accordance with the specific license authorizing distribution of the generally licensed device, and provided further that they meet the requirements of 10 CFR 32.26.

(iii) Gas and aerosol detectors containing NARM previously manufactured and distributed in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission or another Agreement State shall be considered exempt under (3)(c)3.(i), provided that the device is labeled in accordance with the specific license authorizing distribution, and provided further that they meet the requirements of 10 CFR 32.26.

(iv) Any person who desires to manufacture, process, or produce gas and aerosol detectors containing radioactive material, or to initially transfer such products for use under .02(3)(c)3.(i) should apply for a license with the U.S. Nuclear Regulatory Commission pursuant to Section 32.26 of 10 CFR Part 32 and apply to the U.S. Nuclear Regulatory Commission for a certificate of registration in accordance with Section 32.210 of 10 CFR, Part 32.

4. Radioactive drug: Capsules containing carbon-14 urea for "in vivo" diagnostic use for humans.

(i) Except as provided in .02(3)(c)4.(ii) and .02(3)(c)4.(iii), any person is exempt from the requirements for a license set forth in O.C.G.A. Section 31-13-5(a)(9) (Georgia Radiation Control Act) and from the regulations in this Chapter provided that such person receives, possesses, uses, transfers, owns, or acquires capsules containing one µCi (37 kBq) carbon-14 urea (allowing for nominal variation that may occur during the manufacturing process) each, for "in vivo" diagnostic use for humans.

(ii) Any person who desires to use the capsules for research involving human subjects shall apply for and receive a specific license pursuant to Rule .02 and Rule .05 of this chapter.

(iii) Any person who desires to manufacture, prepare, process, produce, package, repackage, or transfer for commercial distribution such capsules shall apply for and receive a specific license pursuant to Rule .02 of this chapter.

(iv) Nothing in .02(3)(c)4. relieves persons from complying with applicable FDA, other Federal, and State requirements governing receipt, administration, and use of drugs.

5. Except for persons who manufacture, process, produce, or initially transfer for sale or distribution industrial devices containing byproduct material designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing an ionized atmosphere, any person is exempt from the requirements for a license set forth in this Chapter to the extent that such person receives, possesses, uses, transfers, owns, or acquires byproduct material, in these certain detecting, measuring, gauging, or controlling devices and certain devices for producing an ionized atmosphere, and manufactured, processed, produced, or initially transferred in accordance with a specific license issued under Section 32.30 of 10 CFR Part 32, which license authorizes the initial transfer of the device for use under this section. This exemption does not cover sources not incorporated into a device, such as calibration and reference sources.

6. Any person who desires to manufacture, process, produce, or initially transfer for sale or distribution industrial devices containing byproduct material for use under .02(3)(c)5. should apply for a license to the U.S. Nuclear Regulatory Commission pursuant to Section 32.30 of 10 CFR Part 32 and to the U.S. Nuclear Regulatory Commission for a certificate of registration in accordance with §32.210 of 10 CFR, Part 32.

(4) **Types of Licenses.** Licenses for radioactive materials are of two types: general and specific.

(a) General licenses provided in this Rule are effective without the filing of applications with the Division or the issuance of licensing documents to the particular persons, although the filing of a certificate with the Division may be required by the particular general license. The general licensee is subject to all other applicable portions of this Chapter and any limitations of the general license.

(b) Specific licenses require the submission of an application to the Division and the issuance of a licensing document by the Director to a named person. The licensee is subject to all applicable portions of this Chapter as well as any limitations specified in the licensing document.

(5) **General Licenses - Source Material.**

(a) A general license is hereby issued authorizing persons to hold bare title to source material without regard to quantity. This general license does not authorize any person to receive, possess, use, or transfer source material.

(b) A general license is hereby issued authorizing commercial and industrial firms; research, educational, and medical institutions; and Federal, State and local government agencies to receive, possess, use, and transfer uranium and thorium, in their natural isotopic concentrations and in the form of depleted uranium, for research, development, educational, commercial, or operational purposes in the following forms and quantities:

1. No more than 1.5 kg (3.3 lb) of uranium and thorium in dispersible forms (e.g., gaseous, liquid, powder, etc.) at any one time. Any material processed by the general licensee that alters the chemical or physical form of the material containing source material must be accounted for as a dispersible form. A person authorized to possess, use, and transfer source material under this subparagraph may not receive more than a total of 7 kg (15.4 lb) of uranium and thorium in any one calendar year. Persons possessing source material in excess of these limits as of August 27, 2013, may continue to possess up to 7 kg (15.4 lb) of uranium and thorium at any one time for one year beyond this date, or until the Nuclear Regulatory Commission takes final action on a pending application submitted on or August 27, 2014, for a specific license for such material; and receive up to 70 kg (154 lb) of uranium or thorium in any one calendar year until December 31, 2014, or until the Nuclear Regulatory Commission takes final action on a pending application submitted on or before August 27, 2014, for a specific license for such material; and

2. No more than a total of 7 kg (15.4 lb) of uranium and thorium at any one time. A person authorized to possess, use, and transfer source material under this subparagraph may not receive more than a total of 70 kg (154 lb) of uranium and thorium in any one calendar year. A person may not alter the chemical or physical form of the source material possessed under this subparagraph unless it is accounted for under the limits of subparagraph (b)(1) of this section; or

3. No more than 7 kg (15.4 lb) of uranium, removed during the treatment of drinking water, at any one time. A person may not remove more than 70 kg (154 lb) of uranium from drinking water during a calendar year under this subparagraph; or

4. No more than 7 kg (15.4 lb) of uranium and thorium at laboratories for the purpose of determining the concentration of uranium and thorium contained within the material being analyzed at any one time. A person authorized to possess, use, and transfer source material under this subparagraph may not receive more than a total of 70 kg (154 lb) of source material in any one calendar year.

(c) Any person who receives, possesses, uses, or transfers source material in accordance with the general license in subparagraph (b) of this section.

1. Is prohibited from administering source material, or the radiation there from, either externally or internally, to human beings except as may be authorized by the NRC in a specific license.

2. Shall not abandon such source material. Source material may be disposed of as follows:

(i) A cumulative total of 0.5 kg (1.1 lb) of source material in a solid, non-dispersible form may be transferred each calendar year, by a person authorized to receive, possess, use, and transfer source material under this general license to persons receiving the material for permanent disposal. The recipient of source material transferred under the

provisions of this subparagraph (c) is exempt from the requirements to obtain a license under paragraph (5) to the extent the source material is permanently disposed. This provision does not apply to any person who is in possession of source material under a specific license issued under 391-3-17-.02(7) through 391-3-17-.02(13); or

(ii) In accordance with 391-3-17-.03(13) of this Chapter.

3. Is subject to the provisions of 391-3-17-.03(13) of this Chapter.

4. Is subject to the provisions in 391-3-17-.01(4), (5), (6) and (8), 391-3-17-.02(13), (18) and (19), and 391-3-17-.03(14) and (15).

5. Shall not export such source material except in accordance with 10 CFR Part 110.

(d) Depleted Uranium in Industrial Products and Devices.

1. A general license is hereby issued to receive, acquire, possess, use, or transfer, in accordance with the provisions of (5)(d)2., 3., 4., and 5., depleted uranium contained in industrial products or devices for the purpose of providing a concentrated mass in a small volume of the product or device.

2. The general license in (5)(d)1. applies only to industrial products or devices which have been manufactured either in accordance with a specific license issued to the manufacturer of the products or devices in accordance with a specific license issued to the manufacturer by the U.S. Nuclear Regulatory Commission or an Agreement State which authorizes manufacture of the products or devices for distribution to persons generally licensed by the U.S. Nuclear Regulatory Commission or an Agreement State.

3. Persons who receive, acquire, possess, or use depleted uranium pursuant to the general license established by (5)(d)1. shall:

(i) File Division form "Registration Certificate - Use of Depleted Uranium Under General License" with the Division. The form shall be submitted within 30 days after the first receipt or acquisition of such depleted uranium. The registrant shall furnish on the form the following information and such other information as may be required by that form:

(I) Name and address of the registrant;

(II) A statement that the registrant has developed and will maintain procedures designed to establish physical control over the depleted uranium described in (5)(d)1. and designed to prevent transfer of such depleted uranium in any form, including metal scrap, to persons not authorized to receive the depleted uranium; and

(III) Name and/or title, address, and telephone number of the individual duly authorized to act for and on behalf of the registrant in supervising the procedures identified in (5)(d)3.(i)(II); and

(ii) Report in writing to the Division any changes in information furnished by him in Division form "Registration Certificate - Use of Depleted Uranium Under General License". The report shall be submitted within 30 days after the effective date of such change.

4. A person who receives, acquires, possesses, or uses depleted uranium pursuant to the general license established by (5)(d)1:

(i) Shall not introduce such depleted uranium, in any form, into a chemical, physical, or metallurgical treatment or process, except a treatment or process for repair or restoration of any plating or other covering of the depleted uranium;

(ii) Shall not abandon such depleted uranium;

(iii) Shall transfer or dispose of such depleted uranium only by transfer in accordance with the provisions of (19). In the case where the transferee receives the depleted uranium pursuant to the general license established by (5)(d)1., the transferor shall furnish the transferee a copy of this Regulation and a copy of Division form "Registration Certificate - Use of Depleted Uranium Under General License". In the case where the transferee receives the depleted uranium pursuant to a general license contained in the U.S. Nuclear Regulatory Commission's or Agreement State's regulation equivalent to (5)(d)1., the transferor shall furnish the transferee a copy of this Regulation and a copy of Division form "Registration Certificate - Use of Depleted Uranium Under General License" accompanied by a note explaining that use of the product or device is regulated by the U.S. Nuclear Regulatory Commission or Agreement State under requirements substantially the same as those in this Regulation;

(iv) Shall report in writing to the Division the name and address of the person receiving the depleted uranium pursuant to such transfer within 30 days of any transfer.

5. Any person receiving, acquiring, possessing, using, or transferring depleted uranium pursuant to the general license established by (5)(d)1. is exempt from the requirements of Rule .03 and Rule .07 of this Chapter with respect to the depleted uranium covered by that general license.

(e) Any person who receives, possesses, uses, or transfers source material in accordance with subparagraph (b) of this section shall conduct activities so as to minimize contamination of the facility and the environment. When activities involving such source material are permanently ceased at any site, if evidence of significant contamination is identified, the general licensee shall notify the Division about such contamination and may consult with the Division as to the appropriateness of sampling and restoration activities to ensure that any contamination or residual source material remaining at the site where source material was used under this general license is not likely to result in exposures that exceed the limits in 10 CFR 20.1402.

(f) Any person who receives, possesses, uses, or transfers source material in accordance with the general license granted in subparagraph (b) of this section is exempt from the provisions of 391-3-17-.03 and 391-3-17-.07 to the extent that such receipt, possession, use, and transfer are within the terms of this general license, except that such person shall comply with the provisions of 391-3-17-.03(7)(b) and 391-3-17-.03(13)(a) to the extent necessary to meet the provisions of subparagraphs (c)(2) and (e) of this section. However, this exemption does not apply to any person who also holds a specific license issued under this Chapter.

(g) No person may initially transfer or distribute source material to persons generally licensed under subparagraph (b) of this section, or equivalent regulations of an Agreement State or NRC, unless authorized by a specific license issued in accordance with 391-3-17-.02(5)(h), 10 CFR 40.54, or equivalent provisions of an Agreement State. This prohibition does not apply to analytical laboratories returning processed samples to the client who initially provided the sample.

(h) An application for a specific license to initially transfer source material for use under 391-3-17-.02 will be approved if:

1. The applicant satisfies the general requirements specified in this Chapter; and

2. The applicant submits adequate information on, and the Division approves the methods to be used for quality control, labeling, and providing safety instructions to recipients.

(i) Each person licensed under 391-3-17-.02 shall label the immediate container of each quantity of source material with the type of source material and quantity of material and the words, "radioactive material."

(j) Each person licensed under 391-3-17-.02 shall ensure that the quantities and concentrations of source material are as labeled and indicated in any transfer records.

(k) Each person licensed under 391-3-17-.02 shall report transfers as follows:

1. File a report with the Division. The report shall include the following information:

(i) The name, address, and license number of the person who transferred the source material;

(ii) For each general licensee under 391-3-17-.02, 10 CFR 40.22 and equivalent Agreement State regulations or provisions to whom greater than 50 grams (0.11 lb) of source material has been transferred in a single calendar quarter, the name and address of the general licensee to whom source material is distributed; a responsible agent, by name and/or position and phone number, of the general licensee to whom the material was sent; and the type, physical form, and quantity of source material transferred; and

(iii) The total quantity of each type and physical form of source material transferred in the reporting period to all such generally licensed recipients.

2. File a report with each responsible Agreement State agency or NRC that identifies all persons, operating under provisions equivalent to this Chapter, to whom greater than 50 grams (0.11 lb) of source material has been transferred within a single calendar quarter. The report shall include the following information specific to those transfers made to the Agreement State or NRC being reported to:

(i) The name, address, and license number of the person who transferred the source material; and

(ii) The name and address of the general licensee to whom source material was distributed; a responsible agent, by name and/or position and phone number, of the general licensee to whom the material was sent; and the type, physical form, and quantity of source material transferred.

(iii) The total quantity of each type and physical form of source material transferred in the reporting period to all such generally licensed recipients within the Agreement State or NRC.

3. Submit each report by January 31 of each year covering all transfers for the previous calendar year. If no transfers were made to persons generally licensed under 10 CFR Part 40.22 or equivalent Agreement State or NRC provisions during the current period, a report shall be submitted indicating so. If no transfers have been made to general licensees in a particular Agreement State or falling under the jurisdiction of the NRC, during the reporting period, this information shall be reported to the NRC or responsible Agreement State agency upon request of the agency or NRC.

(l) Each person licensed under 391-3-17-.02 shall maintain all information that supports the reports required by this subparagraph concerning each transfer to a general licensee for a period of 1 year after the event is included in a report to the Division, Commission or to an Agreement State agency.

(m) Each person licensed under 391-3-17-.02(5)(h) shall provide the information specified in this paragraph to each person to whom source material is transferred for use under 391-3-17-.02(5)(b). This information must be transferred before the source material is transferred for the first time in each calendar year to the particular recipient. The required information includes:

1. A copy of 391-3-17-.02(5)(b) and .02(19) or relevant equivalent regulations of the NRC or an Agreement State.

2. Appropriate radiation safety precautions and instructions relating to handling, use, storage, and disposal of the material.

(6) **General Licenses - Radioactive Materials Other Than Source Material.** Each general license issued under (6) has its own specific conditions and requirements.

(a) Ownership of Radioactive Material. A general license is hereby issued to own radioactive material without regard to quantity. Notwithstanding any other provisions of this Rule, this general license does not authorize the manufacture, production, transfer, receipt, possession, or use of radioactive material.

(b) [Reserved]

(c) Certain Detecting, Measuring, Gauging, or Controlling Devices and Certain Devices for Producing Light or an Ionizing Atmosphere.

1. A general license is hereby issued to commercial and industrial firms and to research, educational and medical institutions, individuals in the conduct of their business, and State or local government agencies to own, receive, acquire, possess, use, or transfer, in accordance with the provisions of (6)(c)2., 3., and 4., radioactive material, excluding special nuclear material, contained in devices designed and manufactured for the purpose of detecting, measuring, gauging, or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.

2. The general license in (6)(c)1. applies only to radioactive material contained in devices which have been manufactured or initially transferred and labeled in accordance with the specifications contained:

(i) in a specific license issued by the Director pursuant to (11)(d); or

(ii) in accordance with the specifications contained in a specific license issued by the U.S. Nuclear Regulatory Commission or an Agreement State, which authorizes distribution of devices to persons generally licensed by the U.S. Nuclear Regulatory Commission or an Agreement State.

The devices must have been received from one of the specific licensees described in (i) or (ii) above or through a transfer made under (6)(c)3.(viii).

Note: Regulations under the Federal Food, Drug, and Cosmetic Act authorizing the use of radioactive control devices in food production require certain additional labeling thereon which is found in Section 179.21 of the Code of Federal Regulations, Title 21.

3. Any person who owns, receives, acquires, possesses, uses, or transfers radioactive material in a device pursuant to the general license in (6)(c)1.:

(i) Shall assure that all labels affixed to the device at the time of receipt, and bearing a statement that removal of the label is prohibited, are maintained thereon and shall comply with all instructions and precautions provided by such labels;

(ii) Shall assure that the device is tested for leakage of radioactive material and proper operation of the on/off mechanism and indicator, if any, at no longer than six-month intervals or at such other intervals as are specified in the label; however,

(I) Devices containing only krypton need not be tested for leakage of radioactive material, and

(II) Devices containing only tritium or not more than 100 microcuries (3.7 MBq) of other beta- and/or gamma-emitting material or ten microcuries (0.37 MBq) of alpha-emitting material and devices held in storage in the original shipping container prior to initial installation need not be tested for any purpose;

(iii) Shall assure that the tests required by (6)(c)3.(ii) and other testing, installation, servicing, and removal from installation involving the radioactive material, its shielding or containment, are performed:

(I) In accordance with the instructions provided by the labels, or

(II) By a person holding an applicable specific license from the Director, the U.S. Nuclear Regulatory Commission or an Agreement State to perform such activities;

(iv) Shall maintain records showing compliance with the requirements of (6)(c)3.(ii) and (iii). The records shall show the results of tests. The records also shall show the dates of performance of, and the names of persons performing, testing, installation, servicing, and removal from installation concerning the radioactive material, its shielding, or containment. Records of tests for leakage of radioactive material required by (6)(c)3.(ii) shall be maintained for three years after the next required leak test is performed. Records of tests of the on/off mechanism

and indicator required by (6)(c)3.(ii) shall be maintained for three years after the next required test of the on/off mechanism and indicator is performed. Records which are required by (6)(c)3.(iii) shall be maintained for three years. In case of transfer or disposal, records required by this paragraph (iv) shall be maintained for three years after the transfer or disposal.

(v) Shall, upon the occurrence of a failure of or damage to, or any indication of a possible failure of or damage to, the shielding of the radioactive material or the on/off mechanism or indicator, or upon the detection of 0.005 microcurie (185 Bq) or more removable radioactive material, immediately suspend operation of the device. The device may not be operated until it has been repaired by the manufacturer or other person holding an applicable specific license from the Director, the U.S. Nuclear Regulatory Commission or an Agreement State to repair such devices. The device and any radioactive material from the device may only be disposed of by transfer to a person authorized by an applicable specific license to receive the radioactive material contained in the device or as otherwise approved by the Division. A report containing a brief description of the event and the remedial action taken; and, in the case of detection of 0.005 microcurie (185 Bq) or more of removable radioactive material, or failure or damage to a source likely to result in contamination of the premises or environs, a plan for ensuring that the premises and environs are acceptable for unrestricted use, must be furnished to the Division within 30 days. Under these circumstances, the criteria set out in Rule .03(7)(b) "Radiological requirements for unrestricted use" may be applicable, as determined by the Division on a case-by-case basis;

(vi) Shall not abandon the device containing radioactive material;

(vii) (I) Shall transfer or dispose of the device containing radioactive material only by export as provided in (6)(c)3.(xiv), by transfer to another general licensee as specified in (6)(c)3.(viii) or equivalent regulations of the NRC or another Agreement State, by transfer to a specific licensee of the Director, the U.S. Nuclear Regulatory Commission or an Agreement State whose specific license authorizes him to receive the device or authorizes him to collect waste, or as otherwise approved under (6)(c)(3)(vii)(III).

(II) Within 30 days after transfer of a device to a specific licensee or export, the licensee shall furnish to the Division a report containing identification of the device by manufacturer's (or initial transferor's) name, model number, serial number, the name and address and license number (license number not applicable if exported) of the person receiving the device and the date of transfer;

(III) If transfer is to any other licensee not identified in (vii)(I), the licensee shall obtain written approval from the Division before transferring the device to any other person; however, a holder of a specific license may transfer a device for possession and use under its own specific license without prior approval, if, the holder:

I. Verifies that the specific license authorizes the possession and use, or applies for and obtains an amendment to the license authorizing the possession and use;

II. Removes, alters, covers, or clearly and unambiguously augments the existing label (otherwise required by Rule .02(6)(c)3.(i) so that the device is labeled in compliance with Rule .03(12)(d); however the manufacturer, model number, and serial number must be retained;

III. Obtains the manufacturer's or initial transferor's information concerning maintenance that would be applicable under the specific license (such as leak testing procedures); and

IV. Reports the transfer under Rule .02(6)(c)3.(vii)

(viii) Shall transfer the device to another general licensee only:

(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. Within 30 days of the transfer, report to the Division the manufacturer's (or initial transferor's) name, model number, serial number of the device transferred, the name and mailing address for place of use of the transferee, and the name, title and telephone number of a person identified by the transferee as the individual responsible for having knowledge of and authority to take actions to ensure compliance with the appropriate regulations and requirements; or

(II) Where the device is held in storage by an intermediate person in the original shipping container at its intended location of use prior to initial use by a general licensee;

(ix) Shall comply with the provisions of Rule .03(15) of this Chapter for reporting radiation incidents, or the theft or loss of licensed material, but shall be exempt from the other requirements contained in Rules .03 and .07 of this Chapter;

(x) Shall appoint an individual responsible for having knowledge of the appropriate regulations and requirements and the authority for taking required actions to comply with appropriate regulations and requirements. The general licensee, through this individual, shall ensure the day-to-day compliance with appropriate regulations and requirements. This appointment does not relieve the general licensee of any of its responsibility in this regard;

(xi) (I) Shall register, in accordance with paragraphs (6)(c)3.(xi)(II) and (III), devices containing at least 10 mCi (370 Mbq) of cesium-137, 0.1 mCi (3.7 MBq) of strontium-90, 1 mCi (37 MBq) of cobalt-60, 0.1 mCi (3.7 MBq) of radium 226, or 1 mCi (37 MBq) of americium-241 or any other transuranic [i.e., element with atomic number greater than uranium (92)], based on the activity indicated on the label. Each address for a location of use, as described under paragraph 3.(xi)(III)IV. of this section, represents a separate general licensee and requires a separate registration.

(II) If in possession of a device meeting the criteria of paragraph (6)(c)3.(xi)(I), shall register these devices annually with the Division. Registration must be done by verifying, correcting, and/or adding to the information provided in a request for registration received from the Division. The registration information must be submitted to the Division within 30 days of the date of the request for registration or as otherwise indicated in the request. In addition, a general licensee holding devices meeting the criteria of (6)(c)3.(xi)(I) is subject to the bankruptcy notification requirement in (13)(e) of this rule.

(III) In registering devices, the general licensee shall furnish the following information and any other information specifically requested by the Division;

I. Name and mailing address of the general licensee.

II. Information about each device: the manufacturer (or initial transferor), model number, serial number, the radioisotope and activity (as indicated on the label).

III. Name, title, and telephone number of the responsible person designated as a representative of the general licensee under (6)(c)3.(x).

IV. Address or location at which the device(s) are used and/or stored.

V. Certification by the responsible representative of the general licensee that the information concerning the device(s) has been verified through a physical inventory and checking of label information.

VI. Certification by the responsible representative of the general licensee that they are aware of the requirements of the general license.

(IV) Persons generally licensed by the NRC or an Agreement State are not eligible for reciprocity.

(xii) Shall report changes to the mailing address for the location of use (including change in name of general licensee) to the Division within 30 days of the effective date of the change;

(xiii) May not hold devices that are not in use for longer than two years. If devices with shutters are not being used, the shutter must be locked in the closed position. The testing required by (6)(c)3.(ii) need not be performed during the period of storage only. However, when devices are put back into service or transferred to another person, and have not been tested within the required test interval, they must be tested for leakage before use or transfer and the

shutter tested before use. Devices kept in standby for future use are excluded from the two-year time limit if the general licensee performs quarterly physical inventories of these devices while they are in standby.

(xiv) Shall not export the device containing byproduct material except in accordance with the requirements of 10 CFR Part 110.

(xv) Shall respond to written requests from the Program to provide information relating to the general license within 30 calendar days of the date of the request, or other time specified in the request. If the general licensee cannot provide the requested information within the allotted time, it shall, within that same time period, request a longer period to supply the information by providing the Program a written justification for the request.

4. The general license in (6)(c)1. does not authorize the manufacture or import of devices containing radioactive material.

5. The general license provided in (6)(c)1. is subject to the provisions of (13), (18), and (19) of this rule, of paragraphs (4), (5), (6), (7), (8), (9) and (10) of Rule .01, and of Rule .06 of this Chapter.

(d) Luminous Safety Devices for Aircraft.

1. A general license is hereby issued to own, receive, acquire, possess, and use tritium or promethium-147 contained in luminous safety devices for use in aircraft, provided:

(i) Each device contains not more than ten Curies (370 GBq) of tritium or 300 millicuries (11.1 GBq) of promethium-147; and

(ii) Each device has been manufactured, assembled, or imported in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission, or each device has been manufactured or assembled in accordance with the specifications contained in a specific license issued by the Director or any Agreement State to the manufacturer or assembler of such device pursuant to licensing requirements equivalent to those in Section 32.53 of 10 CFR, Part 32, of the regulations of the U.S. Nuclear Regulatory Commission.

2. Persons who own, receive, acquire, possess, or use luminous safety devices pursuant to the general license in (6)(d) are exempt from the requirements of Rules .03 and .07 of this Chapter, except that they shall comply with the provisions of Rule .03(15) of this Chapter.

3. This general license does not authorize the manufacture, assembly, or repair of luminous safety devices containing tritium or promethium-147.

4. This general license does not authorize the ownership, receipt, acquisition, possession, or use of promethium-147 contained in instrument dials.

5. This general license is subject to the provisions of paragraphs (13), (18), and (19) of this Rule, of paragraphs (4), (5), (6), (7), (8), (9) and (10) of Rule .01, and of Rule .06 of this Chapter.

(e) Ice-Detection Devices.

1. A general license is hereby issued to own, receive, acquire, possess, use, and transfer strontium-90 contained in ice-detection devices, provided each device contains not more than 50 microcuries (1.85 MBq) of strontium-90 and each device has been manufactured or imported in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission or each device has been manufactured in accordance with the specifications contained in a specific license issued by the Director or any Agreement State to the manufacturer of such device pursuant to licensing requirements equivalent to those in Section 32.61 of 10 CFR, Part 32, of the regulations of the U.S. Nuclear Regulatory Commission.

2. Persons who own, receive, acquire, possess, use, or transfer strontium-90 contained in ice-detection devices pursuant to the general license in (6)(e)1.:

(i) Shall, upon occurrence of visually observable damage, such as a bend or crack or discoloration from overheating to the device, discontinue use of the device until it has been inspected, tested for leakage, and repaired by a person holding a specific license or equivalent licensing document from the U.S. Nuclear Regulatory Commission or an Agreement State to manufacture or service such devices; or shall dispose of the device pursuant to the provisions of Rule .03(13) of this Chapter;

(ii) Shall assure that all labels affixed to the device at the time of receipt and which bear a statement that prohibits removal of the labels are maintained thereon; and

(iii) Are exempt from the requirements of Rules .03 and .07 of this Chapter except that such persons shall comply with the provisions of Rule .03(13) and (15) of this Chapter.

3. This general license does not authorize the manufacture, assembly, disassembly, or repair of strontium-90 in ice-detection devices.

4. This general license is subject to the provisions of paragraphs (13), (18), and (19) of this Rule, of paragraphs (4), (5), (6), (7), (8), (9) and (10) of Rule .01, and of Rule .06 of this Chapter.

(f) Calibration and Reference Sources.

1. A general license is hereby issued to those persons listed below to own, receive, acquire, possess, use, and transfer, in accordance with the provisions of (6)(f)4. and 5., americium-241 in the form of calibration or reference sources:

(i) Any person who holds a specific license issued by the Director which authorizes him to receive, possess, use, and transfer radioactive material; and

(ii) Any person who holds a specific license issued by the U.S. Nuclear Regulatory Commission which authorizes him to receive, possess, use, and transfer special nuclear material.

2. A general license is hereby issued to own, receive, possess, use, and transfer plutonium in the form of calibration or reference sources in accordance with the provisions of (6)(f)4. and 5. to any person who holds a specific license issued by the Director which authorizes him to receive, possess, use, and transfer radioactive material.

3. A general license is hereby issued to own, receive, possess, use, and transfer radium-226 in the form of calibration or reference sources in accordance with the provisions of (6)(f)4. and 5. to any person who holds a specific license issued by the Director which authorizes him to receive, possess, use, and transfer radioactive material.

4. The general licenses in (6)(f)1., 2., and 3. apply only to calibration or reference sources which have been manufactured in accordance with the specifications contained in a specific license issued to the manufacturer or importer of the sources by the U.S. Nuclear Regulatory Commission pursuant to Section 32.57 of 10 CFR, Part 32, or Section 70.39 of 10 CFR, Part 70, or which have been manufactured in accordance with the specifications contained in a specific license issued to the manufacturer by the Director or any Agreement State pursuant to licensing requirements equivalent to those contained in Section 32.57 of 10 CFR, Part 32, or Section 70.39 of 10 CFR, Part 70, of the regulations of the U.S. Nuclear Regulatory Commission.

5. The general licenses provided in (6)(f)1., 2., and 3. are subject to the provisions of paragraphs (13), (18), and (19) of this Rule, of paragraphs (4), (5), (6), (7), (8), (9) and (10) of Rule .01, and of Rules .03, .06, and .07 of this Chapter. In addition, persons who own, receive, acquire, possess, use, or transfer one or more calibration or reference sources pursuant to these general licenses:

(i) Shall not possess at any one time, at any one location of storage or use, more than five microcuries (185 kBq) of americium-241, five microcuries (185 kBq) of plutonium, or five microcuries (185 kBq) of radium-226 in such sources;

(ii) Shall not receive, possess, use, or transfer such source unless the source, or the storage container, bears a label that includes the following statement, or a substantially similar statement that contains the information called for, as appropriate:

(I) The receipt, possession, use, and transfer of this source, Model _____, Serial No. _____, are subject to a general license and the regulations of the U.S. Nuclear Regulatory Commission or of a State with which the U.S. Nuclear Regulatory Commission has entered into an agreement for the exercise of regulatory authority. Do not remove this label.

CAUTION - RADIOACTIVE MATERIAL -

THIS SOURCE CONTAINS (AMERICIUM-241)*

(PLUTONIUM)*. DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

_____

(NAME OF MANUFACTURER OR IMPORTER)

*Note: Showing only the name of the appropriate material, i.e., either plutonium or americium.

(iii) Shall not transfer, abandon, or dispose of such source except by transfer to a person authorized by a license from the Director, the U.S. Nuclear Regulatory Commission or an Agreement State to receive the source;

(iv) Shall store such source, except when the source is being used, in a closed container adequately designed and constructed to contain americium-241, plutonium, or radium-226 which might otherwise escape during storage; and

(v) Shall not use such source for any purpose other than the calibration of radiation detectors or the standardization of other sources.

6. These general licenses do not authorize the manufacture of calibration or reference sources containing americium-241, plutonium, or radium-226.

(g) General License for Use of Radioactive Material for Certain In Vitro Clinical or Laboratory Testing.

Note: The new drug provisions of the Federal Food, Drug, and Cosmetic Act also govern the availability and use of any specified diagnostic drugs in interstate commerce.

1. A general license is hereby issued to any physician, veterinarian in the practice of veterinary medicine, clinical laboratory, or hospital to receive, acquire, possess, transfer, or use, for any of the following radioactive material, in accordance with the provisions of (6)(g) 2., 3., 4., 5., and 6., the following radioactive materials in prepackaged units for use in in-vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals:

(i) Iodine-125, in units not exceeding ten microcuries (370 kBq) each.

(ii) Iodine-131, in units not exceeding ten microcuries (370 kBq) each.

(iii) Carbon-14, in units not exceeding ten microcuries (370 kBq) each.

(iv) Hydrogen-3 (tritium), in units not exceeding 50 microcuries (1.85 MBq) each.

(v) Iron-59, in units not exceeding 20 microcuries (740 kBq) each.

(vi) Cobalt-57, in units not exceeding ten microcuries (370 kBq) each.

(vii) Selenium-75, in units not exceeding ten microcuries (370 kBq) each.

(viii) Mock Iodine-125 reference or calibration sources, in units not exceeding 0.05 microcurie (1.85 kBq) of iodine-129 and 0.005 microcurie (185 Bq) of americium-241 each.

2. No person shall receive, acquire, possess, use, or transfer radioactive material pursuant to the general license established by (6)(g)1. until he has filed Division form, "Certificate - In-Vitro Testing with Radioactive Material Under General License" with the Division and received from the Division a validated copy of this form with certification number assigned or until he has been authorized pursuant to (9)(e)3. to use radioactive material under the general license in (6)(g). The physician, veterinarian in the practice of veterinary medicine, clinical laboratory, or hospital shall furnish on the form the following information and such other information as may be required by that form:

(i) Name and address of the physician, veterinarian in the practice of veterinary medicine, clinical laboratory, or hospital;

(ii) The location of use; and

(iii) A statement that the physician, veterinarian in the practice of veterinary medicine, clinical laboratory, or hospital has appropriate radiation measuring instruments to carry out in vitro clinical or laboratory tests with radioactive material as authorized under the general license in (6)(g)1. and that such tests will be performed only by personnel competent in the use of such instruments and in the handling of the radioactive material.

3. A person who receives, acquires, possesses, or uses radioactive material pursuant to the general license established by (6)(g)1. shall comply with the following:

(i) The general licensee shall not possess at any one time, pursuant to the general license in (6)(g)1., at any one location of storage or use, a total amount of iodine-125, iodine-131, selenium-75, iron-59, and/or cobalt-57 in excess of 200 microcuries (7.4 MBq).

(ii) The general licensee shall store the radioactive material, until used, in the original shipping container or in a container providing the equivalent amount of radiation protection.

(iii) The general licensee shall use the radioactive material only as authorized by (6)(g)1.

(iv) The general licensee shall not transfer the radioactive material to a person who is not authorized to receive it pursuant to a license issued by the Director, the U.S. Nuclear Regulatory Commission or any Agreement State, nor transfer the radioactive material in any manner other than in the unopened, labeled shipping container as received from the supplier.

(v) The general licensee shall dispose of the Mock Iodine-125 reference or calibration sources described in (6)(g)1.(viii) as required by Rule .03(13) of this Chapter.

4. The general licensee shall not receive, acquire, possess, or use radioactive material pursuant to (6)(g)1.:

(i) Except as prepackaged units which are labeled in accordance with the provisions of an applicable specific license issued pursuant to (11)(g) or in accordance with the provisions of a specific license issued by the U.S. Nuclear Regulatory Commission or any Agreement State which authorizes the manufacture and distribution of iodine-125, iodine-131, carbon-14, hydrogen-3 (tritium), iron-59, selenium-75, cobalt-57, or Mock Iodine-125 to persons generally licensed under (6)(g) or its equivalent, and

(ii) Unless the following statement, or a statement which contains the information called for, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure which accompanies the package:

(I) This radioactive material shall be received, acquired, possessed, and used only by physicians, veterinarians in the practice of veterinary medicine, clinical laboratories, or hospitals and only for in vitro clinical or laboratory tests not

involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use, and transfer are subject to the regulations and a general license of the U.S. Nuclear Regulatory Commission or of a State with which the Commission has entered into an agreement for the exercise of regulatory authority.

_____

(NAME OF MANUFACTURER)

5. The physician, veterinarian in the practice of veterinary medicine, clinical laboratory, or hospital possessing or using radioactive material under the general license of (6)(g)1. shall report in writing to the Division any changes in the information furnished by him in the "Certificate - In Vitro Testing with Radioactive Material Under General License". The report shall be furnished within 30 days after the effective date of such change.

6. Any person using radioactive material pursuant to the general license of (6)(g)1. is exempt from the requirements of Rules .03 and .07 of this Chapter with respect to radioactive material covered by that general license, except that such persons using the Mock Iodine-125 described in (6)(g)1.(viii) shall comply with the provisions of (13) and (15) of Rule .03 of this Chapter.

(7) **Filing Application for Specific Licenses.**

(a) Applications for specific licenses shall be filed on forms supplied by the Georgia Department of Natural Resources, Environmental Protection Division, Radioactive Materials Program, 4244 International Parkway, Suite 120, Atlanta, Georgia, 30354, or current mailing address. The application shall set forth all applicable information called for by the form.

(b) The Division may at any time after the filing of the original application, and before the expiration of the license, require further statements in order to enable the Director to determine whether the application should be granted or denied or whether a license should be modified or revoked.

(c) Each application shall be signed by the applicant or person duly authorized to act for and on his behalf.

(d) An application for a license may include a request for a license authorizing one or more activities.

(e) In his application, the applicant may incorporate, by reference, information contained in previous applications, statements, or reports filed with the Division, provided that such references are clear and specific by page, paragraph, and date.

(f) Applications and documents submitted to the Division may be made available for public inspection except those documents described in Rule .01(5)(c) which may be withheld from public inspection or discovery.

(g) The Division may verify information contained in applications and secure additional information deemed necessary to make a reasonable determination as to whether to issue a license and whether special conditions should be attached thereto by visiting the facility or location where radioactive materials would be possessed, or used, and by discussing details of proposed possession or use of the radioactive materials with the applicant or the applicant's designated representatives.

(h) Emergency Plan for Large Quantity Users.

1. Each application to possess radioactive materials in unsealed form, on foils or plated sources, or sealed in glass in excess of the quantities specified in (21)(e), Schedule E, must contain either:

(i) An evaluation showing that the maximum dose to a person offsite due to a release of radioactive materials would not exceed one rem (.01 Sv) effective dose equivalent or five rems (.05 Sv) to the thyroid; or

(ii) An emergency plan for responding to a release of radioactive material.

2. One or more of the following factors may be used to support an evaluation submitted under (7)(h)1.(i):

(i) The radioactive material is physically separated so that only a portion could be involved in an accident;

(ii) All or part of the radioactive material is not subject to release during an accident because of the way it is stored or packaged;

(iii) The release fraction in the respirable size range would be lower than the release fraction shown in (21)(e), Schedule E, due to the chemical or physical form of the material;

(iv) The solubility of the radioactive material would reduce the dose received;

(v) Facility design or engineered safety features in the facility would cause the release fraction to be lower than shown in (21)(e), Schedule E;

(vi) Operating restrictions or procedures would prevent a release fraction as large as that shown in (21)(e), Schedule E; or

(vii) Other factors appropriate for the specific facility.

3. An emergency plan for responding to a release of radioactive material submitted under (7)(h)1.(ii) must include the following information:

(i) Facility description - a brief description of the licensee's facility and the area near the site.

(ii) Types of accidents - an identification of each type of radioactive materials accident for which protective actions may be needed.

(iii) Classification of accidents - a classification system for classifying accidents as alerts or site area emergencies.

(iv) Detection of accidents - identification of the means of detecting each type of accident in a timely manner.

(v) Mitigation of consequences - a brief description of the means and equipment for mitigating the consequences of each type of accident, including those provided to protect workers on site, and a description of the program for maintaining the equipment.

(vi) Assessment of releases - a brief description of the methods and equipment to assess releases of radioactive materials.

(vii) Responsibilities - a brief description of the responsibilities of licensee personnel should an accident occur, including identification of personnel responsible for promptly notifying offsite response organizations and the Division; also responsibilities for developing, maintaining, and updating the plan.

(viii) Notification and coordination - a commitment to and a brief description of the means to promptly notify offsite response organizations and request offsite assistance, including medical assistance for the treatment of contaminated injured onsite workers when appropriate. A control point must be established to prevent spreading of contamination during recovery activities. The notification and coordination must be planned so that unavailability of some personnel, parts of the facility, and some equipment will not prevent the notification and coordination. The licensee shall also commit to notify the Division immediately after notification of the appropriate offsite response organizations and not later than one hour after the licensee declares an emergency.

Note: This Chapter does not supersede or release licensees from complying with the requirements under the Emergency Planning and Community Right-to-Know Act of 1986, Title III, Pub. L-99-499 or other State or Federal reporting requirements.

(ix) Information to be communicated - a brief description of the types of information on facility status, radioactive releases, and recommended protective actions, if necessary, to be given to offsite response organizations and to the Division.

(x) Training - a brief description of the frequency, performance objectives, and plans for the training that the licensee will provide workers on how to respond to an emergency, including any special instruction and orientation tours the licensee would offer to fire, police, medical, and other emergency personnel. The training shall familiarize personnel with site-specific emergency procedures. Also, the training shall thoroughly prepare site personnel for their responsibilities in the event of accident scenarios postulated as most probable for the specific site, including the use of team training for such scenarios.

(xi) Safe shutdown - a brief description of the means of restoring the facility to a safe condition after an accident.

(xii) Exercises - provisions for conducting quarterly communications checks with offsite response organizations and biennial onsite exercises to test response to simulated emergencies. Quarterly communications checks with offsite response organizations must include the check and update of all necessary telephone numbers. The licensee shall invite offsite response organizations to participate in the biennial exercises. Participation of offsite response organizations in biennial exercises, although recommended, is not required. Exercises must use accident scenarios postulated as most probable for the specific site, and the scenarios shall not be known to most exercise participants. The licensee shall critique each exercise using individuals not having direct implementation responsibility for the plan. Critiques of exercises must evaluate the appropriateness of the plan, emergency procedures, facilities, equipment, training of personnel, and the overall effectiveness of the response. These exercises must be documented and deficiencies found by the critiques must be corrected.

(xiii) Hazardous chemicals - a certification that the applicant has met its responsibilities under the Emergency Planning and Community Right-to-Know Act of 1986, Title III, Pub. L.99-499, if applicable to the applicant's activities at the proposed place of use of the radioactive material.

4. The licensee shall allow the offsite response organizations expected to respond in case of an accident 60 days to comment on the licensee's emergency plan before submitting it to the Division. The licensee shall provide any comments received within the 60 days to the Division with the emergency plan.

(i) Except as provided in paragraphs 2., 3. and 4. of this section, an application for a specific license to use radioactive material in the form of a sealed source or in a device that contains the sealed source must:

1. Identify the source or device by manufacturer and model number as registered with the Nuclear Regulatory Commission, an Agreement State, or for a source or a device containing radium-226 or accelerator produced radioactive material with a State under provisions comparable to Section 32.210 of 10 CFR Part 32.

2. For sources or devices manufactured before October 23, 2012, that are not registered with the Commission under Section 32.210 of 10 CFR, Part 32 or with an Agreement State, and for which the applicant is unable to provide all categories of information specified in Section 32.210(c) of 10 CFR, Part 32, the application must include:

(i) All available information identified in Section 32.210(c) of 10 CFR, Part 32 concerning the source, and, if applicable, the device; and

(ii) Sufficient additional information to demonstrate that there is reasonable assurance that the radiation safety properties of the source or device are adequate to protect health and minimize danger to life and property. Such information must include a description of the source or device, a description of radiation safety features, the intended use and associated operating experience, and the results of a recent leak test.

3. For sealed sources and devices allowed to be distributed without registration of safety information in accordance with Section 32.210(g)(1) of 10 CFR, Part 32, the applicant may supply only the manufacturer, model number, and radionuclide and quantity.

4. If it is not feasible to identify each sealed source and device individually, the applicant may propose constraints on the number and type of sealed sources and devices to be used and the conditions under which they will be used, in lieu of identifying each sealed source and device.

(j) An application from a medical facility, educational institution, or Federal facility to produce Positron Emission Tomography (PET) radioactive drugs for noncommercial transfer to licensees in its consortium authorized for medical use under Rule .05 or equivalent Nuclear Regulatory Commission or Agreement State requirements shall include:

1. A request for authorization for the production of PET radionuclides or evidence of an existing license issued under Rule .02, Nuclear Regulatory Commission or of this chapter or Agreement State requirements for a PET radionuclide production facility within its consortium from which it receives PET radionuclides.

2. Evidence that the applicant is qualified to produce radioactive drugs for medical use by meeting one of the criteria in .02(11)(i)2. of this Rule.

3. Identification of individual(s) authorized to prepare the PET radioactive drugs if the applicant is a pharmacy, and documentation that each individual meets the requirements of an authorized nuclear pharmacist as specified in .02(11)(i)5. of this Rule.

4. Information identified in Rule .02(11)(i)3. of this Rule on the PET drugs to be noncommercially transferred to members of its consortium.

(8) **General Requirements for the Issuance of Specific Licenses.** A license application will be approved if the Division determines the following:

(a) That the applicant is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with this Chapter in such a manner as to minimize danger to public health and safety or property;

(b) That the applicant's proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property;

(c) That the issuance of the license will not be inimical to the health and safety of the public; and

(d) That the applicant satisfies any applicable special requirements in (9), (10), and (11).

(e) Bonding Requirements.

1. Pursuant to Georgia Laws 1979, pp. 1059, 1060, a specific license will be issued to a Major Processor as defined in Rule .01(2) of this Chapter only if the applicant has posted a surety bond with, and made payable to, the Director, Environmental Protection Division, Department of Natural Resources, to ensure the protection of the public health and safety in the event of abandonment, insolvency, or other inability of the licensee to meet the requirements of the Act and this Chapter.

(i) The bond provided shall be not less than $100,000.00, nor more than $5,000,000.00.

(ii) The exact amount of the bond shall be determined by the Director, Environmental Protection Division, and shall be based on the probable extent of contamination, the amount of possible property damage, the costs of removal and disposal of sources of radiation used by the licensee, and the costs of reclamation of the property in the event of abandonment, insolvency, or other inability of the licensee to meet the requirements of the Act and this Chapter, including performing such services to the satisfaction of the Division.

2. Persons licensed at the time the bonding requirements of this Chapter became effective, and upon notice by the Division, must, within a period of 90 days following such notice, provide the bond required by (8)(e)1. as a condition for continuation of the license.

(f) Environmental Report, Commencement of Construction. In the case of an application for a license to receive and possess radioactive material for the conduct of any activity which the Division determines will significantly affect the quality of the environment, commencement of construction of the plant or facility in which the activity will be conducted shall not begin until the Director has concluded, after weighing the environmental, economic, technical, and other benefits against environmental costs and considering available alternatives, that the action called for is the issuance of the proposed license, with any appropriate conditions to protect environmental values. Commencement of construction prior to such conclusion shall be grounds for denial of a license to receive and possess radioactive material in such plant or facility. As used in this paragraph, the term "commencement of construction" means any clearing of land, excavation, or other substantial action that would adversely affect the environment of a site. The term does not mean site exploration, necessary borings to determine foundation conditions, or other preconstruction monitoring or testing to establish background information related to the suitability of the site or the protection of environmental values.

(g) Financial assurance and record-keeping for decommissioning.

1. The following are required to furnish financial assurance and record-keeping for decommissioning:

(i) Each applicant for a specific license authorizing the possession and use of unsealed radioactive material of half-life greater than 120 days and in quantities exceeding 10^5 times the applicable quantities set forth in Schedule F shall submit a decommissioning funding plan as described in subparagraphs (8)(g)5 and (8)(g)6. The decommissioning funding plan must also be submitted when a combination of isotopes is involved if R divided by 10^5 is greater than 1 (unity Rule), where R is defined here as the sum of the ratios of the quantity of each isotope to the applicable value in Schedule F.

(ii) Each applicant for a specific license authorizing the possession and use of sealed sources or plated foils of half-life greater than 120 days and in quantities exceeding 10^{12} times the applicable quantities set forth in Schedule F shall submit a decommissioning funding plan as described in subparagraphs (8)(g)5 and (8)(g)6. The decommissioning funding plan must also be submitted when a combination of isotopes is involved if R divided by 10^{12} is greater than 1 (unity Rule), where R is defined here as the sum of the ratios of the quantity of each isotope to the applicable value in Schedule F.

2. Each applicant for a specific license authorizing the possession and use of radioactive material of half-life greater than 120 days and in quantities specified in subparagraphs (8)(g)4. shall either:

(i) Submit a decommissioning funding plan as described in subparagraphs (8)(g)5 and (8)(g)6.; or

(ii) Submit a certification that financial assurance for decommissioning has been provided in the amount prescribed by (8)(g)4. using one of the methods described in (8)(g)7. For an applicant, this certification may state that the appropriate assurance will be obtained after the application has been approved and the license issued but prior to the receipt of licensed material. As part of the certification, a copy of the financial instrument obtained to satisfy the requirements of (8)(g)7. is to be submitted to the Division. If the applicant defers execution of the financial instrument until after the license has been issued, a signed original of the financial instrument obtained to satisfy the requirements (8)(g)7. must be submitted to the Division before the receipt of licensed material. If the applicant does not defer execution of the financial instrument, the applicant shall submit to the Division, as part of the certification a signed original of the financial instrument obtained to satisfy the requirements of (8)(g)7.

3. (i) Each holder of a specific license issued on or after January 1, 1993, which is of a type described in (8)(g)1. or 2. shall provide financial assurance for decommissioning in accordance with the criteria set forth in this Rule.

(ii) Each holder of a specific license issued before January 1, 1993, which is of a type described in (8)(g)1. shall submit, on or before January 1, 1993, a decommissioning funding plan or a certification of financial assurance for decommissioning in an amount at least equal to $1,125,000 in accordance with the criteria set forth in this Rule. If the licensee submits the certification of financial assurance rather than a decommissioning funding plan at this time, the licensee shall include a decommissioning funding plan in any application for license renewal.

(iii) Each holder of a specific license issued before January 1, 1993, and of a type described in (8)(g)2. shall submit, on or before January 1, 1993, a certification of financial assurance for decommissioning or a decommissioning funding plan in accordance with the criteria set forth in this .02(8)(g).

(iv) Waste collectors and waste processors shall provide financial assurance in an amount based on a decommissioning funding plan as described in subparagraphs .02(8)(g)5 and (8)(g)6. The decommissioning funding plan must also include the cost of disposal of the maximum amount (curies) of radioactive material permitted by the license, and the cost of disposal of the maximum quantity, by volume, of radioactive material that could be present at the licensee's facility at any time, in addition to the cost to remediate the licensee's site to meet the license termination requirements in .02(18).

4. Table of required amounts of financial assurance for decommissioning by quantity of material.

Greater than 10^4 but less than or equal to 10^5 times the applicable quantities of Schedule F in unsealed form. (For a combination of isotopes, if R, as defined in (8)(g), divided by 10^4 is greater than 1 but R divided by 10^5 is less than or equal to 1): $1,125,000

Greater than 10^3 but less than or equal to 10^4 times the applicable quantities of Schedule F in unsealed form. (For a combination of isotopes, if R, as defined in (8)(g), divided by 10^3 is greater than 1 but R divided by 10^4 is less than or equal to 1): $225,000

Greater than 10^{10} times the applicable quantities of Schedule F in sealed sources or plated foils. (For a combination of isotopes, if R, as defined in (8)(g), divided by 10^{10} is greater than 1): $113,000

5. Each decommissioning funding plan must be submitted for review and approval and must contain

(i) A detailed cost estimate for decommissioning, in an amount reflecting:

(I) The cost of an independent contractor to perform all decommissioning activities;

(II) The cost of meeting the .03(7)(b) criteria for unrestricted use, provided that, if the applicant or licensee can demonstrate its ability to meet the provisions of .03(7)(c), the cost estimate may be based on meeting the .03(7)(c) criteria;

(III) The volume of onsite subsurface material containing residual radioactivity that will require remediation to meet the criteria for license termination; and

(IV) An adequate contingency factor.

(ii) Identification of and justification for using the key assumptions contained in the DCE;

(iii) A description of the method of assuring funds for decommissioning from subparagraph 7 of this section, including means for adjusting cost estimates and associated funding levels periodically over the life of the facility;

(iv) A certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate for decommissioning; and

(v) A signed original of the financial instrument obtained to satisfy the requirements of subparagraph 7 of this section (unless a previously submitted and accepted financial instrument continues to cover the cost estimate for decommissioning).

6. At the time of license renewal and at intervals not to exceed 3 years, the decommissioning funding plan must be resubmitted with adjustments as necessary to account for changes in costs and the extent of contamination. If the amount of financial assurance will be adjusted downward, this cannot be done until the updated decommissioning funding plan is approved. The decommissioning funding plan must update the information submitted with the

original or prior approved plan, and must specifically consider the effect of the following events on decommissioning costs:

(i) Spills of radioactive material producing additional residual radioactivity in onsite subsurface material;

(ii) Waste inventory increasing above the amount previously estimated;

(iii) Waste disposal costs increasing above the amount previously estimated;

(iv) Facility modifications;

(v) Changes in authorized possession limits;

(vi) Actual remediation costs that exceed the previous cost estimate;

(vii) Onsite disposal; and

(viii) Use of a settling pond.

7. Financial assurance for decommissioning must be provided by one or more of the following methods:

(i) Prepayment. Prepayment is the deposit prior to the start of operation into an account segregated from licensee assets and outside the licensee's administrative control of cash or liquid assets such that the amount of funds would be sufficient to pay decommissioning costs. Prepayment may be in the form of a trust, escrow account, government fund, certificate of deposit, or deposit of government securities.

(ii) A surety method, insurance, or other guarantee method. These methods guarantee that decommissioning costs will be paid. A surety method may be in the form of a surety bond, letter of credit, or line of credit. A parent company guarantee of funds for decommissioning costs based on a financial test may be used if the guarantee and test are as contained in (21)(d) Schedule D. A parent company guarantee may not be used in combination with other financial methods to satisfy the requirements of this section. For commercial corporations that issue bonds, a guarantee of funds by the applicant or licensee for decommissioning costs based on a financial test may be used if the guarantee and test are as contained in (21)(g) Schedule G. For commercial companies that do not issue bonds, a guarantee of funds by the applicant or licensee for decommissioning: costs may be used if the guarantee and test are as contained in (21)(d) Schedule D. For nonprofit entities, such as colleges, universities, and nonprofit hospitals, a guarantee of funds by the applicant or licensee may be used if the guarantee and test are as contained in (21)(h) Schedule H. A guarantee by the applicant or licensee may not be used in combination with any other financial methods used to satisfy the requirements of this section or in any situation where the applicant or licensee has a parent company holding majority control of the voting stock of the company. Any surety method or insurance used to provide financial assurance for decommissioning must contain the following conditions:

(I) The surety method or insurance must be open-ended or, if written for a specified term, such as five years, must be renewed automatically, unless 90 days or more prior to the renewal date the issuer notifies the Division, the beneficiary, and the licensee of its intention not to renew. The surety method or insurance must also provide that the full face amount be paid to the beneficiary automatically prior to the expiration without proof of forfeiture if the licensee fails to provide a replacement acceptable to the Division within 30 days after receipt of notification of cancellation.

(II) The surety method or insurance must be payable to a trust established for decommissioning costs. The trustee and trust must be acceptable to the Division. An acceptable trustee includes an appropriate State or Federal government agency or an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or State agency.

(III) The surety method or insurance must remain in effect until the Director has terminated the license.

(iii) An external sinking fund in which deposits are made at least annually, coupled with a surety method or insurance, the value of which may decrease by the amount being accumulated in the sinking fund. An external sinking fund is a fund established and maintained by setting aside funds periodically in an account segregated from licensee assets and outside the licensee's administrative control in which the total amount of funds would be sufficient to pay decommissioning costs at the time termination of operation is expected. An external sinking fund may be in the form of a trust, escrow account, government fund, certificate of deposit, or deposit of government securities. The surety or insurance provisions must be as stated in (8)(g)2.

(iv) In the case of Federal, State, or local government licensees, a statement of intent containing a cost estimate for decommissioning or an amount based on the Table in (8)(g)4., and indicating that funds for decommissioning will be obtained when necessary.

8. Each person licensed under this Chapter shall keep records of information important to the safe and effective decommissioning of the facility in an identified location until the site is released for unrestricted use by the Division. Before licensed activities are transferred or assigned in accordance with .02(13)(b), licensees shall transfer all records described in (7)(i) through (iv) to the new licensee. In this case, the new licensee will be responsible for maintaining these records until the license is terminated. If records of relevant information to the decommissioning of a facility are kept for other purposes, references to these records and their locations may be used. Information the Division considers important to decommissioning consists of:

(i) Records of spills or other unusual occurrences involving the spread of contamination in and around the facility, equipment, or site. These records may be limited to instances when contamination remains after any cleanup procedures or when there is reasonable likelihood that contaminants may have spread to inaccessible areas as in the case of possible seepage into porous materials such as concrete. These records must include any known information on identification of involved nuclides, quantities, forms, and concentrations.

(ii) As-built drawings and modifications of structures and equipment in restricted areas where radioactive materials are used and/or stored, and of locations of possible inaccessible contamination such as buried pipes which may be subject to contamination. If required drawings are referenced, each relevant document need not be indexed individually. If drawings are not available, the licensee shall substitute appropriate records of available information concerning these areas and locations.

(iii) Except for areas containing only sealed sources (provided the sources have not leaked or no contamination remains after any leak) or radioactive materials having only half-lives of less than 65 days, or depleted uranium used only for shielding or as penetrators in unused munitions, a list contained in a single document and updated every two years, of the following:

(I) All areas designated and formerly designated as restricted areas as defined under Rule 391-3-17-.01(2);

(II) All areas outside of restricted areas that require documentation under (8)(g)8.(i);

(III) All areas outside of restricted areas where current and previous wastes have been buried as documented under Rule .03(14)(i) of this Chapter; and

(IV) All areas outside of restricted areas that contain materials such that, if the license expired, the licensee would be required to either decontaminate the area to unrestricted release levels or apply for approval for disposal under Rule .03(13)(b) of this Chapter.

(iv) Records of the cost estimate performed for the decommissioning funding plan or of the amount certified for decommissioning, and records of the funding method used for assuring funds if either a funding plan or certification is used.

9. Teletherapy licensees are exempted from decommissioning financial assurance requirements for possession of licensed material in sealed sources in quantities greater than 10^{10} times the applicable quantities of Schedule F of this rule, for the purpose of source changes only. This exemption is granted for no more than 30 days for any one source change.

(h) Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas.

1. Each specific license continues in effect, beyond the expiration date if necessary, with respect to possession of radioactive material until the Director notifies the licensee in writing that the license is terminated. During this time, the licensee shall:

(i) Limit actions involving radioactive material to those related to decommissioning; and

(ii) Continue to control entry to restricted areas until they are suitable for release in accordance with Division requirements.

2. Within 60 days of the occurrence of any of the following, each licensee shall provide notification to the Division in writing of such occurrence, and either begin decommissioning its site, or any separate building or outdoor area that contains residual radioactivity so that the building or outdoor area is suitable for release in accordance with Division requirements, or submit within 12 months of notification a decommissioning plan, if required by (8)(h)5.(i), and begin decommissioning upon approval of that plan if:

(i) The license has expired pursuant to (14) or (18)(c); or

(ii) The licensee has decided to permanently cease principal activities, as defined in this part, at the entire site or in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with Division requirements; or

(iii) No principal activities under the license have been conducted for a period of 24 months; or

(iv) No principal activities have been conducted for a period of 24 months in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with Division requirements.

3. Coincident with the notification required by (8)(h)2., the licensee shall maintain in effect all decommissioning financial assurances established by the licensee pursuant to (8)(g) in conjunction with a license issuance or renewal or as required by this section. The amount of the financial assurance must be increased or may be decreased, as appropriate, to cover the detailed cost estimate for decommissioning established pursuant to (8)(h)5.(iv)(V).

(i) Any licensee who has not provided financial assurance to cover the detailed cost estimate submitted with the decommissioning plan shall do so when this rule becomes effective.

(ii) Following approval of the decommissioning plan, a licensee may reduce the amount of the financial assurance as decommissioning proceeds and radiological contamination is reduced at the site with the approval of the Director.

4. The Division may grant a request to extend the time periods in (8)(h)2. if the Division determines that this relief is not detrimental to the public health and safety and is otherwise in the public interest. The request must be submitted no later than 30 days before notification pursuant to (8)(h)2. The schedule for decommissioning set forth in (8)(h)2. may not commence until the Director has made a determination on the request.

5. (i) A decommissioning plan must be submitted if required by license condition or if the procedures and activities necessary to carry out decommissioning of the site or separate building or outdoor area have not been previously approved by the Division and these procedures could increase potential health and safety impacts to workers or to the public, such as in any of the following cases:

(I) Procedures would involve techniques not applied routinely during cleanup or maintenance operations;

(II) Workers would be entering areas not normally occupied where surface contamination and radiation levels are significantly higher than routinely encountered during operation;

(III) Procedures could result in significantly greater airborne concentrations of radioactive materials than are present during operation or;

(IV) Procedures could result in significantly greater releases of radioactive material to the environment than those associated with operation.

(ii) The Division may approve an alternate schedule for submittal of a decommissioning plan required pursuant to (8)(h)2. if the Division determines that the alternative schedule is necessary to the effective conduct of decommissioning operations and presents no undue risk from radiation to the public health and safety and is otherwise in the public interest.

(iii) Procedures such as those listed in (8)(h)5.(i) with potential health and safety impacts may not be carried out prior to approval of the decommissioning plan.

(iv) The proposed decommissioning plan for the site or separate building or outdoor area must include:

(I) A description of the conditions of the site or separate building or outdoor area sufficient to evaluate the acceptability of the plan;

(II) A description of planned decommissioning activities;

(III) A description of methods used to ensure protection of workers and the environment against radiation hazards during decommissioning;

(IV) A description of the planned final radiation survey; and

(V) An updated detailed cost estimate for decommissioning, comparison of that estimate with present funds set aside for decommissioning, and a plan for assuring the availability of adequate funds for completion of decommissioning.

(VI) For decommissioning plans calling for completion of decommissioning later than 24 months after plan approval, the plan shall include a justification for the delay based on the criteria in (8)(h)7.

(v) The proposed decommissioning plan will be approved by the Division if the information therein demonstrates that the decommissioning will be completed as soon as practicable and that the health and safety of workers and the public will be adequately protected.

6. (i) Except as provided in (8)(h)7., licensees shall complete decommissioning of the site or separate building or outdoor area as soon as practical but no later than 24 months following the initiation of decommissioning.

(ii) Except as provided in (8)(h)7. when decommissioning involves the entire site, the licensee shall request license termination as soon as practical but no later than 24 months following the initiation of decommissioning.

7. The Division may approve a request for an alternative schedule for completion of decommissioning of the site or separate building or outdoor area, and license termination if appropriate, if the Division determines that the alternative is warranted by consideration for the following:

(i) Whether it is technically feasible to complete decommissioning within the allotted 24-month period;

(ii) Whether sufficient waste disposal capacity is available to allow completion of decommissioning within the allotted 24-month period;

(iii) Whether a significant volume reduction in wastes requiring disposal will be achieved by allowing short-lived radionuclides to decay;

(iv) Whether a significant reduction in radiation exposure to workers can be achieved by allowing short-lived radionuclides to decay; and

(v) Other site-specific factors which the Division may consider appropriate on a case-by-case basis, such as the regulatory requirements of other government agencies, lawsuits, ground-water treatment activities, monitored natural ground-water restoration, actions that could result in more environmental harm than deferred cleanup, and other factors beyond the control of the licensee.

8. As the final step in decommissioning, the licensee shall follow the requirements of Rule .02(18)(d).

(9) **Special Requirements for Issuance of Certain Specific Licenses for Radioactive Material.**

(a) Use of Sealed Sources in Industrial Radiography. In addition to the requirements set forth in (8), a specific license for the use of sealed sources in industrial radiography will be issued if the licensee meets all of the requirements of Rule .04 of this Chapter.

(b) Human Use of Radioactive Materials in Institutions. In addition to the requirements set forth in (8), a specific license for the human use of radioactive material in an institution will be issued only if the licensee also meets all of the requirements of Rule .05 of this Chapter.

(c) Specific Licenses to Individual Physicians for Human Use of Radioactive Material.

1. An application by an individual physician or group of physicians for a specific license for human use of radioactive material will be approved if:

(i) The applicant satisfies the general requirements specified in (8), and all of the requirements of Rule .05 of this Chapter;

(ii) The application is for use in the applicant's practice in an office outside a medical institution;

(iii) The applicant has access to a hospital possessing adequate facilities to hospitalize and monitor the applicant's radioactive patients whenever it is advisable; and

(iv) The applicant has extensive experience in the proposed use, the handling and administration of radionuclides, and where applicable, the clinical management of radioactive patients.

2. The Director will not approve an application by an individual physician or group of physicians for a specific license to receive, possess, or use radioactive material on the premises of a medical institution unless:

(i) The use of radioactive material is limited to:

(I) The administration of radiopharmaceuticals for diagnostic or therapeutic purposes;

(II) The performance of diagnostic studies on patients to whom a radiopharmaceutical has been administered;

(III) The performance of in vitro diagnostic studies; or

(IV) The calibration and quality control checks of radioactive assay instrumentation, radiation safety instrumentation, and diagnostic instrumentation;

(ii) The physician brings the radioactive material with him and removes the radioactive material when he departs (The institution cannot receive, possess, or store radioactive material other than the amount of material remaining in the patient.); and

(iii) The medical institution does not hold a radioactive material license under (9)(b).

(d) Human Use of Sealed Sources Containing Radioactive Material. In addition to the requirements set forth in (8), a specific license for the human use of sealed sources containing radioactive material will be issued only if the applicant, or, if the application is made by an institution, the individual user is a physician and either:

1. Has specialized training in the therapeutic use of the sealed source considered (e.g., teletherapy unit, beta applicator), or has experience equivalent to such training; or

2. Has specialized training in the diagnostic use of the sealed source considered (e.g., bone mineral analyzer) or has experience equivalent to such training.

(e) Specific Licenses for Certain Medical Uses of Radioactive Material.

1. Subject to the provisions of (9)(e)2. and 3., an application for a specific license pursuant to (9)(b), (c), or (d), for any medical use or uses of radioactive material specified in Rule .05 of this Chapter, will be approved if:

(i) The applicant satisfies the requirements of (9)(b), (c), or (d);

(ii) The applicant, or the physician designated in the application as the individual user, has adequate clinical experience in the types of uses specified in the application;

(iii) The applicant, or the physicians and all other personnel who will be involved in the preparation and use of the radioactive material, has adequate training and experience in the handling of radioactive material appropriate to his participation in the uses specified in the application;

(iv) The applicant's radiation detection and measuring instrumentation is adequate for conducting the procedures involved in the uses specified in the application;

(v) The applicant's radiation safety operating procedures are adequate for handling and disposal of the radioactive material involved in the uses specified in the application; and

(vi) For uses regulated by Rules .05(41) and (44) of this Chapter, any licensee using radioactive material for clinical procedures other than those specified in the product labeling (package insert) shall comply with the product labeling regarding:

(I) Chemical and physical form,

(II) Route of administration, and

(III) Dosage range.

2. Any licensee who is authorized to use radioactive material pursuant to (9)(e) and to Rule .05 of this Chapter is subject to the following conditions:

(i) For paragraphs (41), (44), and (48) of Rule .05 of this Chapter, no licensee shall receive, possess, or use radioactive material except as a radiopharmaceutical manufactured in the form to be administered to the patient, and labeled, packaged, and distributed in accordance with a specific license issued by the Director pursuant to (11)(i), a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to Section 32.72 of 10 CFR, Part 32, or a specific license issued by an Agreement State pursuant to equivalent regulations.

(ii) For Rule 391-3-17-.05(44), no licensee shall receive, possess, or use generators or reagent kits containing radioactive material or shall use reagent kits that do not contain radioactive material to prepare radiopharmaceuticals containing radioactive material, except:

(I) Reagent kits not containing radioactive material that are approved by the Division, the U.S. Nuclear Regulatory Commission or an Agreement State for use by persons licensed pursuant to (9)(d) and to Rule .05 of this Chapter or

(II) Generators or reagent kits containing radioactive material that are manufactured, labeled, packaged, and distributed in accordance with a specific license issued by the Director pursuant to (11)(i), a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to Section 32.73 of 10 CFR, Part 32, or a specific license issued by an Agreement State pursuant to equivalent regulations; and

(iii) For Brachytherapy, regulated by Rule .05 of this Chapter, no licensee shall receive, possess, or use radioactive material except as contained in a source or device that has been manufactured, labeled, packaged, and distributed in accordance with a specific license issued by the Director pursuant to (11)(j), a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to Section 32.74 of 10 CFR, Part 32, or a specific license issued to the manufacturer by an Agreement State pursuant to equivalent regulations.

3. Any licensee who is licensed pursuant to (9) for one or more of the medical uses regulated by Rule .05 of this Chapter also is authorized to use radioactive material under the general license in (6)(g) for in vitro uses without filing the Certificate as required by (6)(g)2, provided that the licensee is subject to the other provisions of (6)(g).

(f) Use of Naturally-Occurring Radioactive Material (NORM). In addition to the requirements set forth in (8), a specific license for the use of NORM will be issued if the licensee meets all of the requirements of Rule .08 of this Chapter.

(g) Use of Sealed Sources in Irradiators. In addition to the requirements set forth in (8), a specific license for the use of sealed sources in large irradiators will be issued if the licensee meets all of the requirements of Rule .09 of this Chapter.

(10) **Special Requirements for Specific Licenses of Broad Scope.** These requirements are for the issuance of non-medical specific licenses of broad scope for radioactive material ("broad licenses") and contain certain regulations governing holders of such licenses. (The issuance of medical specific licenses of broad scope is addressed in (9).)

Nota Bene: See Note, in (3)(c)1.

(a) The different types of broad scope licenses are set forth below:

1. A "Type A specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use, and transfer of any chemical or physical form of the radioactive material specified in the license, but not exceeding quantities specified in the license, for any authorized purpose. The quantities specified are usually in the multicurie range.

2. A "Type B specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use, and transfer of any chemical or physical form of radioactive material specified in (21)(c), Schedule C, for any authorized purpose. The possession limit for a Type B broad license, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in (21)(c), Schedule C, Column I. If two or more radionuclides are possessed thereunder, the possession limit for each is determined as follows: For each radionuclide, determine the ratio of the quantity possessed to the applicable quantity specified in (21)(c), Schedule C, Column I, for that radionuclide. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.

3. A "Type C specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use, and transfer of any chemical or physical form of radioactive material specified in (21)(c), Schedule C, for any authorized purpose. The possession limit for a Type C broad license, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in (21)(c), Schedule C, Column II. If two or more radionuclides are possessed thereunder, the possession limit is determined for each as follows: For each radionuclide, determine the ratio of the quantity possessed to the applicable quantity specified in (21)(c), Schedule C, Column II, for that radionuclide. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.

(b) An application for a Type A specific license of broad scope will be approved if:

1. The applicant satisfies the general requirements specified in (8);

2. The applicant has engaged in a reasonable number of activities involving the use of radioactive material; and

3. The applicant has established administrative controls and provisions relating to organization and management, procedures, record-keeping, material control and accounting, and management review that are necessary to assure safe operations, including:

(i) The establishment of a Radiation Safety Committee composed of such persons as a Radiation Safety Officer, a representative of management, and persons trained and experienced in the safe use of radioactive material;

(ii) The appointment of a Radiation Safety Officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiation safety matters; and

(iii) The establishment of appropriate administrative procedures to assure:

(I) Control of procurement and use of radioactive material;

(II) Completion of safety evaluations of proposed uses of radioactive material which take into consideration such matters as the adequacy of facilities and equipment, the training and experience of the user, and the operating or handling procedures; and

(III) Review, approval, and recording by the Radiation Safety Committee of safety evaluations of proposed uses prepared in accordance with (10)(b)3.(iii)(II) prior to the use of the radioactive material.

(c) An application for a Type B specific license of broad scope will be approved if:

1. The applicant satisfies the general requirements specified in (8); and

2. The applicant has established administrative controls and provisions relating to organization and management, procedures, record-keeping, material control and accounting, and management review that are necessary to assure safe operations, including:

(i) The appointment of a Radiation Safety Officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiation safety matters, and

(ii) The establishment of appropriate administrative procedures to assure:

(I) Control of procurement and use of radioactive material,

(II) Completion of safety evaluations of proposed uses of radioactive material which take into consideration such matters as the adequacy of facilities and equipment, the training and experience of the user, and the operating or handling procedures, and

(III) Review, approval, and recording by the Radiation Safety Officer of safety evaluations of proposed uses prepared in accordance with (10)(c)2.(ii)(II) prior to the use of the radioactive material.

(d) An application for a Type C specific license of broad scope will be approved if:

1. The applicant satisfies the general requirements specified in (8);

2. The applicant submits a statement that radioactive material will be used only by, or under the direct supervision of, individuals who have received:

(i) A college degree at the bachelor level, or equivalent training and experience, in the physical or biological sciences or in engineering, and

(ii) At least 40 hours of training and experience in the safe handling of radioactive material, and in the characteristics of ionizing radiation, units of radiation dose and quantities, radiation detection instrumentation, and biological hazards of exposure to radiation appropriate to the type and forms of radioactive material to be used; and

3. The applicant has established administrative controls and provisions relating to procurement of radioactive material, procedures, record-keeping, material control and accounting, and management review necessary to assure safe operations.

(e) Specific non-medical licenses of broad scope are subject to the following conditions:

1. Unless specifically authorized, persons licensed pursuant to (10) shall not:

(i) Conduct tracer studies in the environment involving direct release of radioactive material;

(ii) Receive, acquire, own, possess, use, or transfer devices containing 100,000 Curies (3.7 PBq) or more of radioactive material in sealed sources used for irradiation of materials;

(iii) Conduct activities for which a specific license issued by the Division under (9) or (11) is required; or

(iv) Add or cause the addition of radioactive material to any food, beverage, cosmetic, drug, or other product designed for ingestion or inhalation by, or application to, a human being.

2. Each Type A specific license of broad scope issued under (10) shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's Radiation Safety Committee.

3. Each Type B specific license of broad scope issued under (10) shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's Radiation Safety Officer.

4. Each Type C specific license of broad scope issued under (10) shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals who satisfy the requirements of (10)(d).

(11) **Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices which Contain Radioactive Material.**

(a) [Reserved]

(b) Licensing the Distribution of Naturally-Occurring and Accelerator-Produced Radioactive Material (NARM) in Exempt Quantities.

Nota Bene: See Note, in (3)(c)1.

1. An application for a specific license to distribute NARM to persons exempted from this Chapter pursuant to (3)(b) will be approved if:

(i) The radioactive material is not contained in any food, beverage, cosmetic, drug, or other commodity designed for ingestion or inhalation by, or application to, a human being;

(ii) The radioactive material is in the form of processed chemical elements, compounds, mixtures, tissue samples, bioassay samples, counting standards, plated or encapsulated sources, or similar substances identified as radioactive and to be used for its radioactive properties, but is not incorporated into any manufactured or assembled commodity, product, or device intended for commercial distribution; and

(iii) The applicant submits copies of prototype labels and brochures and the Division approves such labels and brochures.

2. The license issued under (11)(b)1. is subject to the following conditions:

(i) No more than ten exempt quantities shall be sold or transferred in any single transaction. However, an exempt quantity may be composed of fractional parts of one or more of the exempt quantities provided the sum of the fractions shall not exceed unity.

(ii) Each exempt quantity shall be separately and individually packaged. No more than ten such packaged exempt quantities shall be contained in any outer package for transfer to persons exempt pursuant to (3)(b). The outer package shall be such that the dose rate at the external surface of the package does not exceed 0.5 millirem (5 μSv) per hour.

(iii) The immediate container of each quantity or separately- packaged fractional quantity of radioactive material shall bear a durable and legible label which:

(I) Identifies the radionuclide and the quantity of radioactivity, and

(II) Bears the words "Radioactive Material".

(iv) In addition to the labeling information required by (11)(b)2.(iii), the label affixed to the immediate container, or an accompanying brochure, shall:

(I) State that the contents are exempt from applicable U.S. Nuclear Regulatory Commission or Agreement State requirements,

(II) Bear the words "Radioactive Material - Not for Human Use - Introduction into Foods, Beverages, Cosmetics, Drugs, or Medicinals, or into Products Manufactured for Commercial Distribution is Prohibited - Exempt Quantities Should Not Be Combined", and

(III) Set forth appropriate additional radiation safety precautions and instructions relating to the handling, use, storage, and disposal of the radioactive material.

3. Each person licensed under (11)(b) shall maintain records identifying, by name and address, each person to whom radioactive material is transferred for use under (3)(b) or the equivalent regulations of the U.S. Nuclear Regulatory Commission or another Agreement State, and stating the kinds and quantities of radioactive material transferred. An annual summary report stating the total quantity of each radionuclide transferred under the specific license shall be filed with the Division. Each report shall cover the year ending June 30, and shall be filed within 30 days thereafter. If no transfers of radioactive material have been made pursuant to (11)(b) during the reporting period, the report shall so indicate.

(c) [Reserved]

(d) Licensing the Manufacture and Initial Transfer of Devices to Persons Generally Licensed Under (6)(c).

1. An application for a specific license to initially transfer devices containing radioactive material to persons generally licensed under (6)(c) or equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State will be approved if:

(i) The applicant satisfies the general requirements of (8);

(ii) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control, labels, proposed uses, installation, servicing, leak testing, operating and safety instructions, and potential hazards of the device to provide reasonable assurance that:

(I) The device can be safely operated by persons not having training in radiological protection,

(II) Under ordinary conditions of handling, storage, and use of the device, the radioactive material contained in the device will not be released or inadvertently removed from the device, and it is unlikely that any person will receive in any period of one year a dose in excess of ten percent of the annual limits specified in Rule .03(5)(a)1. of this Chapter, and

(III) Under accident conditions (such as fire and explosion) associated with handling, storage, and use of the device, it is unlikely that any person would receive an external radiation dose or dose commitment in excess of the following organ doses:

I. Whole body; head and trunk; active blood-forming organs; gonads; or lens of eye 15 rem (150 mSv);

II. Hands and forearms; feet and ankles; localized areas of skin averaged over areas no larger than one square centimeter 200 rem (2 Sv);

III. Other Organs 50 rem (500 mSv); and

(iii) Each device bears a durable, legible, and clearly visible label or labels approved by the Division, which contain in a clearly identified and separate statement:

(I) Instructions and precautions necessary to assure safe installation, operation, and servicing of the device (documents such as operating and service manuals may be identified in the label and used to provide this information);

(II) The requirement, or lack of requirement, for leak testing, or for testing any on/off mechanism and indicator, including the maximum time interval for such testing, and the identification of radioactive material by isotope, quantity of radioactivity, and date of determination of the quantity; and

(III) The information called for in the following statement, in the same or substantially similar form:

I. The receipt, possession, use, and transfer of this device, Model ____, Serial No.____, are subject to a general license or the equivalent and to the regulations of the U.S. Nuclear Regulatory Commission or of a State with which the U.S. Nuclear Regulatory Commission has entered into an agreement for the exercise of regulatory authority. This label shall be maintained on the device in a legible condition. Removal of this label is prohibited.

CAUTION - RADIOACTIVE MATERIAL

_____

(NAME OF MANUFACTURER OR INITIAL TRANSFEROR)

Note: The model, serial number, and name of the manufacturer or distributor may be omitted from the appropriate label provided the information is elsewhere specified in labeling affixed to the device. Devices distributed pursuant to Regulations equivalent to (11)(d) prior to January 1, 1981, may bear labels authorized by the Regulations in effect on January 1, 1980. Devices distributed on or after January 1, 1981, including devices redistributed upon radioactive sources exchange, shall bear labels authorized in (11)(d).

(iv) Each device having a separable source housing that provides the primary shielding for the source also bears, on the source housing, a durable label containing the device model number and serial number, the isotope and quantity, the words, "Caution-Radioactive Material," the radiation symbol described in Rule .03(12), and the name of the manufacturer or initial distributor.

(v) Each device meeting the criteria of (6)(c)3.(xii), bears a permanent (e.g., embossed, etched, stamped, or engraved) label affixed to the source housing if separable, or the device if the source housing is not separable, that

includes the words, "Caution-Radioactive Material," and, if practical, the radiation symbol described in Rule .03(12).

(vi) The device has been registered in the Sealed Source and Device Registry.

2. In the event the applicant desires that the device be tested at intervals longer than six months, either for proper operation of the on/off mechanism and indicator, if any, or for leakage of radioactive material, or for both, the applicant shall include in his application sufficient information to demonstrate that such longer interval is justified by performance characteristics of the device or similar devices and by design features which have a significant bearing on the probability or consequences of leakage of radioactive material from the device or failure of the on/off mechanism and indicator. In determining the acceptable interval for the test for leakage of radioactive material, the Division will consider information that includes, but is not limited to:

(i) Primary containment (source capsule);

(ii) Protection of primary containment;

(iii) Method of sealing containment;

(iv) Containment construction materials;

(v) Form of contained radioactive material;

(vi) Maximum temperature withstood during prototype tests;

(vii) Maximum pressure withstood during prototype tests;

(viii) Maximum quantity of contained radioactive material;

(ix) Radiotoxicity of contained radioactive material; and

(x) Operating experience with identical devices or similarly designed and constructed devices.

3. In the event the applicant desires that the general licensee under (6)(c), or under equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State, be authorized to install the device, collect the sample to be analyzed by a specific licensee for leakage of radioactive material, service the device, test the on/off mechanism and indicator, or remove the device from installation, the applicant shall include in his application written instructions to be followed by the general licensee, estimated calendar quarter doses associated with such activity or activities, and the basis for such estimates. The submitted information shall demonstrate that the performance of such activity or activities by an individual untrained in radiological protection, in addition to other handling, storage, and use of devices under the general license, is unlikely to cause that individual to receive a dose in excess of ten percent of the annual limits specified in Rule .03(5)(a)1. of this Chapter.

4. Each person licensed under (11)(d) shall provide the information specified in (11)(d)4.(i) to each generally licensed recipient to whom a device is to be transferred. This information must be provided before the device may be transferred. In the case of a transfer through an intermediate person, the information must also be provided to the intended user prior to initial transfer to the intermediate person.

(i) The required information includes:

(I) A copy of the general license contained in (6)(c); if (6)(c)3.(ii) through (iv) or (6)(c)3.(xii) do not apply to the particular device, these rules may be omitted.

(II) A copy of Rule .01(4), (5), (6), (7), (8), (9) and (10), Rule .02(13), (18), and (19), Rule .03(15)(a) and (b) and Rule .06;

(III) A list of the services that can only be performed by a specific licensee;

(IV) Information on acceptable disposal options including estimated costs of disposal; and

(V) An indication that improper disposal can result in high civil penalties.

(ii) If a device containing radioactive material is to be transferred for use under a general license contained in the U.S. Nuclear Regulatory Commission's or Agreement State's regulation equivalent to (6)(c), the licensee shall provide the information specified in (11)(d)4.(ii) to each person to whom a device is to be transferred. This information must be provided before the device may be transferred. In the case of a transfer through an intermediate person, the information must also be provided to the intended user prior to initial transfer to the intermediate person. The required information includes:

(I) A copy of this equivalent regulation or, alternatively, furnish a copy of the general license contained in (6)(c) to each person to whom he directly or through an intermediate person transfers radioactive material in a device for use pursuant to the general license of the U.S. Nuclear Regulatory Commission or the Agreement State. In the case of a transfer through an intermediate person, the information must also be provided to the intended user prior to initial transfer to the intermediate person. If a copy of the general license in (6)(c) is furnished to such a person, it shall be accompanied by a note explaining that the use of the device is regulated by the U.S. Nuclear Regulatory Commission or the Agreement State under requirements substantially the same as those in (6)(c); if certain paragraphs of the regulations do not apply to the particular device, those paragraphs may be omitted;

(II) A list of the services that can only be performed by a specific licensee;

(III) Information on acceptable disposal options including estimated costs of disposal;

(IV) An indication that improper disposal can result in high civil penalties; and

(V) The name or title, address, and telephone number of the contact at the appropriate NRC Regional Office or Agreement State from which additional information may be obtained.

(iii) An alternative approach to informing customers may be proposed by the licensee for approval by the Division.

5. Each device that is transferred after January 1, 2003, must meet the labeling requirements of (11)(d)1.(iii) through (v).

6. If a notification of bankruptcy has been made under (13)(e) or the license is to be terminated, each person licensed under (11)(d) shall provide, upon request, to the Division and as appropriate to any Agreement State or the NRC, records of final disposition required under (11)(d)4.(viii).

7. The licensee shall report to the Division all transfers of such devices to persons for use under the general license in (6)(c) and report all receipts of such devices from persons licensed under (6)(c).

(i) Such report shall identify each general licensee by the following:

(I) The name and mailing address for the location of use; if there is no mailing address for the location of use, an alternate address for the general licensee shall be submitted along with information on the actual location of use;

(II) The name, title, and telephone number of the person identified by the general licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements;

(III) The date of the transfer;

(IV) The type, model number, and serial number of the device transferred; and

(V) The quantity and type of radioactive material contained in the device.

(ii) If one or more intermediate persons will temporarily possess the device at the intended place of use prior to its possession by the user, the report shall include the same information for both the intended user and each intermediate person, and clearly designate the intermediate person(s).

(iii) For devices received from a (6)(c) general licensee, the report must include the identity of the general licensee by name and address, the type, model number, and serial number of the device received, the date of receipt, and, in the case of devices not initially transferred by the reporting licensee, the name of the manufacturer or initial transferor.

(iv) If the licensee makes changes to a device possessed by a (6)(c) general licensee, such that the label must be changed to update required information, the report must identify the general licensee, the device, and the changes to information on the device label.

(v) The report must cover each calendar quarter, must be filed within 30 days of the end of the calendar quarter, and must clearly indicate the period covered by the report.

(vi) The report must clearly identify the specific licensee submitting the report and include the license number of the specific licensee.

(vii) If no transfers have been made to or from persons generally licensed under (6)(c) during the reporting period, the report shall so indicate.

8. The licensee shall furnish reports to other agencies as follows:

(i) Report to the U.S. Nuclear Regulatory Commission all transfers of such devices to persons for use under the U.S. Nuclear Regulatory Commission general license in Section 31.5 of 10 CFR, Part 31 and all receipts of devices from U.S. Nuclear Regulatory Commission Section 31.5 general licensees;

(ii) Report to the responsible state agency all transfers of devices manufactured and distributed pursuant to (11)(d) for use under a general license in that state's regulations equivalent to (6)(c) and all receipts of devices from general licensees in the state agency's jurisdiction;

(iii) The reports identified in 8.(i) and 8.(ii) shall identify each general licensee by the following:

(I) The name and mailing address for the location of use; if there is no mailing address for the location of use, an alternate address for the general licensee shall be submitted along with information on the actual location of use.

(II) The name, title and telephone number the person identified by the general licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements;

(III) The date of the transfer;

(IV) The type, model, and serial number of the device transferred; and

(V) The quantity and type of radioactive material contained in the device.

(iv) If one or more intermediate persons will temporarily possess the device at the intended place of use prior to its possession by the user, the report shall include the same information for both the intended user and each intermediate person, and clearly designate the intermediate person(s).

(v) For devices received from a (6)(c) general licensee, the report must include the identity of the general licensee by name and address, the type, model number, and serial number of the device received, the date of receipt, and, in the case of devices not initially transferred by the reporting licensee, the name of the manufacturer or initial transferor.

(vi) If the licensee makes changes to a device possessed by a general licensee, such that the label must be changed to update required information, the report must identify the general licensee, the device, and the changes to information on the device label.

(vii) The report must cover each calendar quarter, must be filed within 30 days of the end of the calendar quarter, and must clearly indicate the period covered by the report.

(viii) The report must clearly identify the specific licensee submitting the report and must include the license number of the specific licensee.

(ix) If no transfers have been made to U.S. Nuclear Regulatory Commission licensees during the reporting period, report this information to the U.S. Nuclear Regulatory Commission; and

(x) If no transfers have been made to general licensees within a particular state during the reporting period, report this information to the responsible state agency upon request of that agency.

9. Each person licensed under (11)(d) to distribute devices to generally licensed persons shall maintain all information concerning transfers and receipts of devices that supports the reports required by (11)(d)4. These records shall be maintained for a period of three years following the date of the recorded event.

(e) Special Requirements for the Manufacture, Assembly, or Repair of Luminous Safety Devices for Use in Aircraft. An application for a specific license to manufacture, assemble, repair, or initially transfer luminous safety devices containing tritium or promethium-147 for use in aircraft, and for distribution to persons generally licensed under (6)(d), will be approved subject to the following conditions:

1. The applicant satisfies the general requirements specified in (8), and

2. The applicant satisfies the requirements of Sections 32.53, 32.54, 32.55, and 32.56 of 10 CFR, Part 32, or their equivalent.

(f) Special Requirements for License to Manufacture or Initially Transfer Calibration Sources Containing Americium-241, Plutonium, or Radium-226 for Distribution to Persons Generally Licensed Under (6)(f). An application for a specific license to manufacture or initially transfer calibration and reference sources containing americium-241, plutonium, or radium-226 to persons generally licensed under (6)(f) will be approved subject to the following conditions:

1. The applicant satisfies the general requirement of (8), and

2. The applicant satisfies the requirements of Sections 32.57, 32.58, and 32.59 of 10 CFR, Part 32, and Section 70.39 of 10 CFR, Part 70, or their equivalent.

(g) Manufacture and Distribution of Radioactive Material for Certain In Vitro Clinical or Laboratory Testing Under General License. An application for a specific license to manufacture or distribute radioactive material for use under the general license of (6)(g) will be approved subject to the following conditions:

1. The applicant satisfies the general requirements specified in (8);

2. The radioactive material is to be prepared for distribution in prepackaged units of:

(i) Iodine-125 in units not exceeding ten microcuries (370 kBq) each,

(ii) Iodine-131 in units not exceeding ten microcuries (370 kBq) each,

(iii) Carbon-14 in units not exceeding ten microcuries (370 kBq) each,

(iv) Hydrogen-3 (tritium) in units not exceeding 50 microcuries (1.85 MBq) each,

(v) Iron-59 in units not exceeding 20 microcuries (740 kBq) each,

(vi) Cobalt-57 in units not exceeding ten microcuries (370 kBq) each,

(vii) Selenium-75 in units not exceeding ten microcuries (370 kBq) each,

(viii) Mock Iodine-125 in units not exceeding 0.05 microcurie (1.85 kBq) of iodine-129 and 0.005 microcurie (185 Bq) of americium-241 each;

3. Each prepackaged unit bears a durable and clearly visible label:

(i) Identifying the radioactive contents as to chemical form and radionuclide, and indicating that the amount of radioactivity does not exceed ten microcuries (370 kBq) of iodine-125, iodine-131, carbon-14, cobalt-57, or selenium-75; 50 microcuries (1.85 Mbq) of hydrogen-3 (tritium); 20 microcuries (740 kBq) of iron-59; or Mock Iodine-125 in units not exceeding 0.05 microcurie (1.85 kBq) of iodine-129 and 0.005 microcurie (185 Bq) of americium-241 each; and

(ii) Displaying the radiation caution symbol described in Rule 391-3-17-.03, of this Chapter, and the words, "CAUTION, RADIOACTIVE MATERIAL", and "Not for Internal or External Use in Humans or Animals";

4. The following statement, as appropriate, or a substantially similar statement which contains the information called for in the following statement, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure which accompanies the package:

(i) This radioactive material may be received, acquired, possessed, and used only by physicians, veterinarians in the practice of veterinary medicine, clinical laboratories, or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use, and transfer are subject to the regulations of and a general license of the U.S. Nuclear Regulatory Commission or of a State with which the U.S. Nuclear Regulatory Commission has entered into an agreement for the exercise of regulatory authority.

_____

(NAME OF MANUFACTURER)

and

5. The label affixed to the unit, or the leaflet or brochure, which accompanies the package, contains adequate information as to the precautions to be observed in handling and storing such radioactive material. In the case of the Mock Iodine-125 reference or calibration source, the information accompanying the source must also contain directions to the licensee regarding the waste disposal requirements set out in Rule .03(13) of this Chapter.

(h) Licensing the Manufacture and Distribution of Ice-Detection Devices. An application for a specific license to manufacture and initially transfer ice-detection devices to persons generally licensed under (6)(e) will be approved subject to the following conditions:

1. The applicant satisfies the general requirements of (8), and

2. The criteria of Sections 32.61 and 32.62 of 10 CFR, Part 32, are met.

(i) Manufacture, Preparation, or Transfer, for Commercial Distribution of Pharmaceuticals Containing Radioactive Material for Medical Use. An application for a specific license to manufacture, prepare, or transfer for commercial distribution pharmaceuticals containing radioactive material for use by persons licensed pursuant to (9) for the uses listed in (41), (44), and (48) of Rule .05 of this Chapter will be approved subject to the following conditions:

1. The applicant satisfies the general requirements specified in (8);

2. The applicant submits evidence that the applicant is at least one of the following:

(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 207.17(a);

(ii) Registered or licensed with a State Agency as a drug manufacturer;

(iii) Licensed as a pharmacy by the Georgia State Board of Pharmacy;

(iv) Operating as a nuclear pharmacy within a Federal medical institution; or

(v) A Positron Emission Tomography (PET) drug production facility registered with a State agency.

3. The applicant submits information on the radionuclide, chemical and physical form, packaging including maximum activity per vial, syringe, generator, or other container of the radiopharmaceutical, and shielding provided by the packaging to show it is appropriate for safe handling and storage of radiopharmaceuticals by licensees; and

4. The applicant commits to the following labeling requirements:

(i) A label is affixed to each transport radiation shield, whether it is constructed of lead, glass, plastic, or other material, of a radiopharmaceutical to be transferred for commercial distribution. The label must include the radiation symbol and words "Caution, Radioactive Material" or "Danger Radioactive Material"; the name of the radiopharmaceutical or its abbreviation, and quantity of radioactivity at a specified date and time. For radiopharmaceuticals with a half-life greater than 100 days, the time may be omitted.

(ii) A label is affixed to each syringe, vial, or other container used to hold a radiopharmaceutical to be transferred for commercial distribution. The label must include the words "Caution, Radioactive Material" or "Danger Radioactive Material" and an identifier that ensures that the syringe, vial, or other container can be correlated with the information on the transport radiation shield label, leaflet, or brochure.

5. A licensee described by (11)(i)2.(iii) or (iv):

(i) May prepare radiopharmaceuticals for medical use, as defined in Rule .05(2)(s) provided that the radiopharmaceutical is prepared by either an authorized nuclear pharmacist, as specified in (ii) and (iv) or an individual under the supervision of an authorized nuclear pharmacist as specified in Rule .05(18)(b).

(ii) May allow a pharmacist to work as an authorized nuclear pharmacist if this individual:

(I) Qualifies as an authorized nuclear pharmacist as defined in .05(2)(e),

(II) Meets the requirements specified in Rule .05(24)(b) and .05(27) and the licensee has received an approved license amendment identifying this individual as an authorized nuclear pharmacist, or has notified the Division in accordance with Rule .05(11), or

(III) Is designated as an authorized nuclear pharmacist in accordance with (iv).

(iii) The actions authorized in (i) and (ii) are permitted not withstanding more restrictive language in license conditions.

(iv) May designate a nuclear pharmacist in accordance with Rule .05(26) as an authorized nuclear pharmacist if the individual is identified as of December 31, 1996, as an "authorized user" on a license issued by the Director, the NRC, or an Agreement State, under this rule or equivalent requirements, or if the individual was a nuclear pharmacist preparing only radiopharmaceuticals containing accelerator produced radioactive material and the

individual practiced at a Government Agency or Federally recognized Indian Tribe before November 30, 2007 or at all other pharmacies before August 8, 2009, or an earlier date as noticed by the NRC.

(v) Shall provide to the Division a copy of each individual's certification by a specialty board whose certification process has been recognized by the Commission or an Agreement State as specified in 391-3-17-.05(24), or a Division, NRC, or Agreement State issued license, or permit issued by a licensee of broad scope, or documentation that only accelerator-produced radioactive materials were used in the practice of nuclear pharmacy at a Government agency or Federally recognized Indian Tribe before November 30, 2007 or at all other locations of use before August 8, 2009, or an earlier date as noticed by the NRC, and a copy of the individual's license to practice pharmacy in the State of Georgia issued by the Secretary of State's office, no later than 30 days after the date that the licensee allows pursuant to (ii) and (iii), the individual to work as an authorized nuclear pharmacist.

6. A licensee shall possess and use instrumentation to measure the radioactivity of radiopharmaceuticals. The licensee shall measure, by direct measurements or by combination of measurements and calculations, the amount of radioactivity in dosages of alpha-, beta-, or photon-emitting radiopharmaceuticals prior to transfer for commercial distribution. In addition, the licensee shall:

(i) Perform test before initial use, periodically, and following repair, on each instrument for accuracy, linearity, and geometry dependence, as appropriate for the use of the instrument; and make adjustments when necessary; and

(ii) Check each instrument for constancy and proper operation at the beginning of each day of use.

7. A licensee shall satisfy the labeling requirements in subparagraph (11)(i)4.

8. Nothing in this subparagraph relieves the licensee from complying with applicable FDA, other Federal, or other State requirements governing radiopharmaceuticals.

(j) Manufacture and Distribution of Sources or Devices Containing Radioactive Material for Medical Use. An application for a specific license to manufacture and distribute sources and devices containing radioactive material to persons licensed pursuant to Rule .05 of this chapter for use as a calibration, transmission, or reference source or for medical uses regulated by Rule .05(55), (65), or (67) of this Chapter will be approved subject to the following conditions:

1. The applicant satisfies the general requirements of (8);

2. The applicant submits sufficient information regarding each type of source or device pertinent to an evaluation of its radiation safety, including:

(i) The radioactive material contained, its chemical and physical form, and amount,

(ii) Details of design and construction of the source or device,

(iii) Procedures for, and results of, prototype tests to demonstrate that the source or device will maintain its integrity under stresses likely to be encountered in normal use and accidents,

(iv) For devices containing radioactive material, the radiation profile of a prototype device,

(v) Details of quality control procedures to assure that production sources and devices meet the standards of the design and prototype tests,

(vi) Procedures and standards for calibrating sources and devices,

(vii) Legend and methods for labeling sources and devices as to their radioactive content, and

(viii) Instructions for handling and storing the source or device from the radiation safety standpoint. (These instructions are to be included on a durable label attached to the source or device or attached to a permanent storage

container for the source or device. Instructions which are too lengthy for such label may be summarized on the label and printed in detail on a brochure that is referenced on the label.)

3. The label affixed to the source or device, or to the permanent storage container for the source or device, contains information on the radionuclide, quantity, and date of assay, and a statement that the source or device is licensed by the Director for distribution to persons licensed pursuant to (9) and to Rule .05(55), (65), or (67) of this Chapter or under equivalent licenses of the U.S. Nuclear Regulatory Commission or an Agreement State;

4. The source or device has been registered in the Sealed Source and Device Registry;

5. In the event the applicant desires that the source or device be required to be tested for leakage of radioactive material at intervals longer than six months, he shall include in his application sufficient information to demonstrate that such longer interval is justified by performance characteristics of the source or device or similar sources or devices and by design features that have a significant bearing on the probability or consequences of leakage of radioactive material from the source;

6. In determining the acceptable interval for test of leakage of radioactive material, the Division will consider information that includes, but is not limited to, that which is listed in (11)(d)2.

(k) Requirements for License to Manufacture and Distribute Industrial Products Containing Depleted Uranium for Mass-Volume Applications.

1. An application for a specific license to manufacture industrial products and devices containing depleted uranium for use pursuant to (5)(d) or equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State will be approved subject to the following conditions:

(i) The applicant satisfies the general requirements specified in (8);

(ii) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control procedures, labeling or marking, proposed uses, and potential hazards of the industrial product or device to provide reasonable assurance that possession, use, or transfer of the depleted uranium in the product or device is not likely to cause any individual to receive in any period of 1 year a radiation dose in excess of ten percent of the annual limits specified in Rule .03(5)(a)1. of this Chapter; and

(iii) The applicant submits sufficient information regarding the industrial product or device and the presence of depleted uranium for a mass-volume application in the product or device to provide reasonable assurance that unique benefits will accrue to the public because of the usefulness of the product or device.

2. In the case of an industrial product or device whose unique benefits are questionable, the Director will approve an application for a specific license under (11)(k) only if the product or device is found to combine a high degree of utility and low probability of uncontrolled disposal and dispersal of significant quantities of depleted uranium into the environment.

3. The Director may deny any application for a specific license under (11)(k) if the end use(s) of the industrial product or device cannot be reasonably foreseen.

4. Each person licensed pursuant to (11)(k)1. shall:

(i) Maintain the level of quality control required by the license in the manufacture of the industrial product or device and in the installation of the depleted uranium into the product or device;

(ii) Label or mark each unit to:

(I) Identify the manufacturer of the product or device and the number of the license under which the product or device was manufactured, the fact that the product or device contains depleted uranium, and the quantity of depleted uranium in each product or device; and

(II) State that the receipt, possession, use, and transfer of the product or device are subject to a general license or the equivalent and to the regulations of the U.S. Nuclear Regulatory Commission or an Agreement State;

(iii) Assure that the depleted uranium before being installed in each product or device has been impressed with the following legend clearly legible through any plating or other covering: "Depleted Uranium";

(iv) Furnish a copy of the general license contained in:

(I) (5)(d) and a copy of Division form "Registration Certificate - Use of Depleted Uranium Under General License" to each person to whom he transfers depleted uranium in a product or device for use pursuant to the general license contained in (5)(d), or

(II) The U.S. Nuclear Regulatory Commission's or Agreement State's regulation equivalent to (5)(d) and a copy of the U.S. Nuclear Regulatory Commission's or Agreement State's certificate, or, alternatively, furnish a copy of the general license contained in (5)(d) and a copy of Division form "Registration Certificate - Use of Depleted Uranium Under General License" to each person to whom he transfers depleted uranium in a product or device for use pursuant to the general license of the U.S. Nuclear Regulatory Commission or an Agreement State, with a note explaining that use of the product or device is regulated by the U.S. Nuclear Regulatory Commission or an Agreement State under requirements substantially the same as those in (5)(d);

(v) Report to the Division all transfers of industrial products or devices to persons for use under the general license in (5)(d). Such report shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the Division and the general licensee, the type and model number of device transferred, and the quantity of depleted uranium contained in the product or device. The report shall be submitted within 30 days after the end of each calendar quarter in which such a product or device is transferred to the generally licensed person. If no transfers have been made to persons generally licensed under (5)(d) during the reporting period, the report shall so indicate;

(vi) Report to other agencies as follows:

(I) To the U.S. Nuclear Regulatory Commission all transfers of industrial products or devices to persons for use under the U.S. Regulatory Commission general license in Section 40.25 of 10 CFR, Part 40 ;

(II) To the responsible state agency all transfers of devices manufactured and distributed pursuant to 10 CFR 32.210 for use under a general license in that state's regulations equivalent to (5)(d);

(III) Have such reports identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the agency and the general licensee, the type and model number of the device transferred, and the quantity of depleted uranium contained in the product or device. The report shall be submitted within 30 days after the end of each calendar quarter in which such product or device is transferred to the generally licensed person;

(IV) If no transfers have been made to U.S. Nuclear Regulatory Commission licensees during the reporting period, report this information to the U.S. Nuclear Regulatory Commission; and

(V) If no transfers have been made to general licensees within a particular Agreement State during the reporting period, report this information to the responsible Agreement State agency upon the request of that agency; and

(vii) Keep records showing the name, address, and point of contact for each general licensee to whom he transfers depleted uranium in industrial products or devices for use pursuant to the general license provided in (5)(d) or equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State. The records shall be maintained for a period of two years and shall show the date of each transfer, the quantity of depleted uranium in each product or device transferred, and compliance with the report requirements of (11).

(l) [Reserved]

(12) **Issuance of Specific Licenses.**

(a) Upon a determination that an application meets the requirements of the Act and the Rules of the Division, the Director may issue a specific license authorizing the proposed activity in such form and containing such conditions and limitations as it deems appropriate or necessary to effectuate the purposes of the Act.

(b) The Director may incorporate in any license at the time of issuance, or thereafter, such additional requirements and conditions, as authorized by the Act or Rules, or Order, with respect to the licensee's receipt, possession, use, and transfer of radioactive material subject to this Chapter as necessary in order to:

1. Minimize danger to public health and safety or property;

2. Require such reports and the keeping of such records, and to provide for such inspections of activities under the license as necessary to effectuate the purposes of the Act; and

3. Prevent loss or theft of material subject to this Rule.

(13) **Specific Terms and Conditions of Licenses.**

(a) Each license issued pursuant to this Rule shall be subject to all the provisions of the Act, and to all Rules of the Division and Orders of the Director.

(b) No license issued or granted under this Rule and no right to possess or utilize radioactive material granted by any license issued pursuant to this Rule shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person unless the Division, after securing full information, finds that the transfer is in accordance with the provisions of the Act, and gives its consent in writing.

1. An application for transfer of license must include:

(i) The identity, technical and financial qualification of the proposed transferee; and

(ii) Financial assurance for decommissioning information required by .02(8)(g).

(c) Each person licensed by the Director pursuant to this Rule shall confine use and possession of the material licensed to the locations and purposes authorized in the license.

(d) Each licensee shall notify the Division in writing immediately and request termination of his license when the licensee decides to terminate all activities involving radioactive materials authorized under the license. This notification and request for termination must include the information specified in (18)(d).

(e) Each general licensee required to register by (6)(c)3.(xi) and each specific licensee shall notify the Division in writing immediately following the filing of a voluntary or involuntary petition for bankruptcy under any Chapter of Title 11 (Bankruptcy) of the United States Code by or against:

1. The licensee;

2. An entity (as that term is defined in 11 U.S.C. 101(15)) controlling the licensee or listing the license or licensee as property of the estate; or

3. An affiliate (as that term is defined in 11 U.S.C. 101(2)) of the licensee.

(f) The notification specified in (13)(e) shall indicate the bankruptcy court in which the petition for bankruptcy was filed and the date of the filing of the petition.

(g) Security requirements for portable gauges. Each portable gauge licensee shall use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee.

(h) Each licensee preparing technetium-99m radiopharmaceuticals from molybdenum-99/technetium-99m generators or rubidium-82 from strontium-82/rubidium-82 generators shall test the generator eluates for molybdenum-99 breakthrough or strontium-82 and strontium-85 contamination, respectively, in accordance with Rule .05(45)(a)(b) and (c). The licensee shall record the results of each test and retain each record for 3 years after the record is made. The licensee shall report the results of any test that exceeds the permissible concentration listed in 391-3-17-.05(45) at the time of generator elution, in accordance with 391-3-17-.05(120).

(i) Authorization under .02(7)(j) to produce Positron Emission Tomography (PET) radioactive drugs for noncommercial transfer to medical use licensees in its consortium does not relieve the licensee from complying with applicable FDA, other Federal, and State requirements governing radioactive drugs.

1. Each licensee authorized under .02(7)(j) to produce PET radioactive drugs for noncommercial transfer to medical use licensees in its consortium shall:

(i) Satisfy the labeling requirements in .02(11)(i)4. of this Rule for each PET radioactive drug transport radiation shield and each syringe, vial, or other container used to hold a PET radioactive drug intended for noncommercial distribution to members of its consortium.

(ii) Possess and use instrumentation to measure the radioactivity of the PET radioactive drugs intended for noncommercial distribution to members of its consortium and meet the procedural, radioactivity measurement, instrument test, instrument check, and instrument adjustment requirements in .02(11)(i)6. of this Rule.

2. A licensee that is a pharmacy authorized under .02(7)(j) to produce PET radioactive drugs for noncommercial transfer to medical use licensees in its consortium shall require that any individual that prepares PET radioactive drugs shall be:

(i) an authorized nuclear pharmacist that meets the requirements in .02(11)(i)5. of this Rule, or

(ii) an individual under the supervision of an authorized nuclear pharmacist as specified in Rule .05(18).

3. A pharmacy, authorized under .02(7)(j) to produce PET radioactive drugs for noncommercial transfer to medical use licensees in its consortium that allows an individual to work as an authorized nuclear pharmacist, shall meet the requirements of .02(11)(i)5.(v) of this Rule.

(14) **Expiration of Licenses.** Except as provided in (15)(b), each specific license shall expire at the end of the day, in the month and year stated therein.

(15) **Renewal of Licenses.**

(a) No less than 30 days before the expiration date specified in a specific license, the licensee shall either:

1. Submit an application for license renewal filed in accordance with (7), or

2. Notify the Division in writing in accordance with (13)(d) and (15)(c) if the licensee decides not to renew the license.

(b) In any case in which a licensee, not less than 30 days prior to the expiration of his existing license, has filed an application in proper form for renewal or for a new license authorizing the same activities, such existing license shall not expire until the application has been finally determined by the Division.

(c) If a licensee does not submit an application for license renewal on or before the expiration date specified in the license, then the licensee shall, on or before that expiration date:

1. Terminate the use of radioactive material,

2. Remove radioactive contamination to the extent practicable,

3. Properly dispose of the radioactive material, and

4. Submit the information specified in (18)(d).

(16) **Amendment of Licenses at Request of Licensee.** Applications for amendment of a license shall be filed in accordance with (7) and shall specify the respects in which the licensee desires the license to be amended and the grounds for such amendment.

(17) **Action on Applications to Renew or Amend.** In considering an application by a licensee to renew or amend the license, the Director will apply the criteria set forth in (8), (9), (10), or (11), as applicable.

(18) **Modification, Revocation, and Termination of Licenses.**

(a) The terms and conditions of all licenses shall be subject to amendment, revision, or modification, or the license may be suspended or revoked by reason of amendments to the Act, or by reason of Rules, and Orders issued by the Director.

(b) Any license may be revoked, suspended, or modified, in whole or in part, for any material false statement in the application or any statement of fact required under provisions of the Act or of this Rule, or because of conditions revealed by such application or statement of fact or any report, record, or inspection or other means which would warrant the Director to refuse to grant a license on an original application, or for violation of, or failure to observe, any of the terms and conditions of the Act, of the license, or of any Rule or Order of the Director.

(c) Each specific license revoked by the Director expires at the end of the day on the date of the Director's final determination to revoke the license, or on the expiration date stated in the determination, or as otherwise provided by Order of the Director.

(d) The Director may terminate a specific license upon request submitted by the licensee to the Division in writing provided the following:

1. The licensee certifies the disposition of all licensed material, including accumulated wastes, by submitting a completed "Request to Terminate Radioactive Materials License" form or equivalent information; and

2. The licensee conducts a radiation survey of the premises where the licensed activities were carried out and submits a report of the results of the survey unless the licensee demonstrates that the premises are suitable for release in accordance with the requirements for decommissioning in Rule .03(7). As appropriate, the licensee shall:

(i) Report levels of gamma radiation in units of microroentgen (millisieverts) per hour at one meter from surfaces, and report levels of radioactivity, including alpha and beta, in units of disintegrations per minute or microcuries (megabecquerels) per 100 square centimeters - removable and fixed - for surfaces, microcuries (megabecquerels) per milliliter for water, and picocuries (becquerels) per gram for solids such as soils or concrete; and

(ii) Specify the survey instrument(s) used and certify that each instrument is properly calibrated and tested.

3. If detectable levels of residual radioactive contamination are found, the license continues to be in effect, even beyond the expiration date if necessary, with respect to possession of residual radioactive material as contamination until the Division notifies the licensee in writing that the license is terminated. Each licensee who possesses residual radioactive material under this paragraph shall initiate decommissioning activities as required by (8)(h).

4. If no residual radioactive contamination is detected, the licensee shall submit a certification that no detectable radioactive contamination was found. If the information submitted is found to be adequate, the Director will notify the licensee in writing that the license is terminated.

(e) Specific licenses, including expired licenses, will be terminated by written notice to the licensee when the Director determines that:

1. Radioactive material has been properly disposed;

2. Reasonable effort has been made to eliminate residual radioactive contamination, if present; and

3. (i) A radiation survey has been performed which demonstrates that the premises are suitable for release in accordance with Division requirements for decommissioning in Rule .03(7); or

(ii) Other information submitted by the licensee is sufficient to demonstrate that the premises are suitable for release in accordance with Division requirements for decommissioning in Rule .03(7).

4. Prior to license termination, each licensee authorized to possess radioactive material with a half-life greater than 120 days, in an unsealed form, shall forward the following records to the Division:

(i) Records of disposal of licensed material made under Rule .03(13)(b) (including burials authorized before January 28, 1982), .03(13)(c), .03(13)(d), .03(13)(e); and

(ii) Records required by Rule .03(14)(c)2.(iv).

5. If licensed activities are transferred or assigned in accordance with Rule .02(13)(b), each licensee authorized to possess radioactive material, with a half-life greater than 120 days, in an unsealed form, shall transfer the following records to the new licensee and the new licensee will be responsible for maintaining these records until the license is terminated:

(i) Records of disposal of licensed material made under Rule .03(13)(b) (including burials authorized before January 28, 1982), .03(13)(c), .03(13)(d), .03(13)(e); and

(ii) Records required by Rule .03(14)(c)2.(iv).

6. Prior to license termination, each licensee shall forward the records required by Rule .02(8)(g)8. to the Division.

(19) **Transfer of Material.**

(a) Authorization for Transfer. No licensee shall transfer radioactive material except as authorized pursuant to (19)(b).

(b) Condition of Transfer. Any licensee may transfer radioactive material, subject to acceptance by the transferee, to:

1. The Division, after receiving prior approval from the Division;

2. The United States Department of Energy or any successor thereto;

3. Any person exempt from this Rule to the extent permitted under such exemption;

4. Any person licensed to receive such material under terms of a general license or its equivalent, or specific license or equivalent licensing document issued by the Director, the U.S. Nuclear Regulatory Commission or any Agreement State, to any person otherwise authorized to receive such material by the Federal Government or any agency thereof, the Division or any Agreement State; or

5. Any person authorized by the Division in writing.

(c) Before transferring radioactive material to a specific licensee of the Director, the U.S. Nuclear Regulatory Commission or an Agreement State or to a general licensee who is required to register with the Division, the U.S. Nuclear Regulatory Commission or an Agreement State prior to receipt of the radioactive material, the licensee transferring the material shall verify that the transferee's license authorizes the receipt of the type, form, and quantity of radioactive material to be transferred.

(d) The following methods for the verification required by (19)(c) are acceptable:

1. The transferor may possess, and read, a current copy of the transferee's specific license or registration certificate.

2. The transferor may have in his possession a written certification by the transferee that the transferee is authorized by license or registration certificate to receive the type, form, and quantity of radioactive material to be transferred, specifying the license or registration certificate number, issuing agency, and expiration date.

3. For emergency shipments, the transferor may accept oral certification by the transferee that the transferee is authorized by license or registration certificate to receive the type, form, and quantity of radioactive material to be transferred, specifying the license or registration certificate number, issuing agency, and expiration date; provided that the oral certification is confirmed in writing within ten days.

4. The transferor may obtain other sources of information compiled by a reporting service from official records of the Division, the U.S. Nuclear Regulatory Commission or the licensing agency of an Agreement State regarding the identity of licensees and the scope and expiration date of licenses and registration.

5. When none of the methods of verification described in paragraphs (19)(d)1., 2., 3., and 4. is readily available or when a transferor desires to verify that information received by one of such methods is correct or up-to-date, the transferor may obtain and record confirmation from the Division, the U.S. Nuclear Regulatory Commission or the licensing agency of an Agreement State that the transferee is licensed to receive the radioactive material.

(e) Preparation for shipment and transport of radioactive material shall be in accordance with the provisions of Rule .06 of this Chapter.

(f) Each person who receives source or byproduct material pursuant to a license issued pursuant to the regulations in Rule 391-3-17-.02 shall keep records showing the receipt, transfer, and disposal of this source or byproduct material as specified in 10 CFR 40.61.

(20) **Reciprocity.**

(a) Persons licensed by other Agencies. Subject to the provisions of this Chapter, any person who holds a specific license from the U.S. Nuclear Regulatory Commission or any Agreement State, other than this State, and issued by the agency having jurisdiction where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained, is hereby granted a general license to conduct the activities authorized in such licensing document within this State, except in areas of exclusive federal jurisdiction, for a period not in excess of 180 days in any calendar year provided that:

1. The licensing document does not limit the activity authorized by such document to specified installations or locations;

2. The out-of-state licensee notifies the Division in writing at least three days prior to engaging in such activity. Such notification shall indicate the location, period, and type of proposed possession and use within the State, and shall be accompanied by a copy of the pertinent licensing document. If, for a specific case, the 3-day period would impose an undue hardship on the out-of-state licensee, he may, upon application to the Division, obtain permission to proceed sooner;

3. The out-of-state licensee complies with all applicable Rules of the Division, and with all the terms and conditions of his licensing document except any such terms and conditions that may be inconsistent with applicable Rules of the Division;

4. Provided further that the Division may require the out-of-state licensee to supply such other information as the Division may reasonably request; and

5. The out-of-state licensee shall not transfer or dispose of radioactive material possessed or used under the general license provided in (20)(a) except by transfer to a person who is:

(i) Specifically licensed by the Director or the U.S. Nuclear Regulatory Commission to receive such material; or

(ii) Exempt from the requirements for a license for such material under (3)(a).

(b) Notwithstanding the provisions of (20)(a), any person who holds a specific license issued by the U.S. Nuclear Regulatory Commission or an Agreement State authorizing the holder to manufacture, transfer, install, or service a device described in (6)(c)1. within areas subject to the jurisdiction of the licensing body is hereby granted a general license to install, transfer, demonstrate, or service such device in this State provided that:

1. Such person shall file a report with the Division within 30 days after the end of each calendar quarter in which any device is transferred to or installed in this State. Each such report shall identify each general licensee to whom such a device is transferred by name and address, the type of device transferred, and the quantity and type of radioactive material contained in the device;

2. The device has been manufactured, labeled, installed, and serviced in accordance with applicable provisions of the specific license issued to such person by the U.S. Nuclear Regulatory Commission or an Agreement State;

3. Such person shall assure that any labels required to be affixed to the device under regulations of the authority which licensed the manufacturing of the device bear a statement that "Removal of This Label is Prohibited"; and

4. The holder of the specific license shall furnish to each general licensee to whom he transfers such a device or on whose premises he installs such a device a copy of the general license contained in (6)(c).

(c) The Division may withdraw, limit, or qualify its acceptance of any specific license or equivalent licensing document issued by another agency, or any product distributed pursuant to such licensing document, upon determining that such action is necessary in order to prevent undue hazard to public health and safety, to property, or to the environment.

(21) **Schedules.**

(a) Schedule A.

SCHEDULE A

EXEMPT CONCENTRATIONS

Exempt Concentrations Element (Atomic Number)	**Schedule A** Isotope	Column I Gas Concentration (μCi/mL)[1]	Column II Liquid and Solid Concentration (μCi/mL)[2]
Antimony (51)	Sb 122		3×10^{-4}
	Sb 124		2×10^{-4}
	Sb 125		1×10^{-3}
Argon (18)	Ar 37	1×10^{-3}	
	Ar 41	4×10^{-7}	

Exempt Concentrations Element (Atomic Number)	**Schedule A** Isotope	Column I Gas Concentration (μCi/mL)[1]	Column II Liquid and Solid Concentration (μCi/mL)[2]
Arsenic (33)	As 73		5×10^{-3}
	As 74		5×10^{-4}
	As 76		2×10^{-4}
	As 77		8×10^{-4}
Barium (56)	Ba 131		2×10^{-3}
	Ba 140		3×10^{-4}
Beryllium (4)	Be 7		2×10^{-2}
Bismuth (83)	Bi 206		4×10^{-4}
Bromine (35)	Br 82	4×10^{-7}	3×10^{-3}
Cadmium (48)	Cd 109		2×10^{-3}
	Cd 115m		3×10^{-4}
	Cd 115		3×10^{-4}
Calcium (20)	Ca 45		9×10^{-5}
	Ca 47		5×10^{-4}
Carbon (6)	C 14	1×10^{-6}	8×10^{-3}
Cerium (58)	Ce 141		9×10^{-4}
	Ce 143		4×10^{-4}
	Ce 144		1×10^{-4}
Cesium (55)	Cs 131		2×10^{-2}
	Cs 134m		6×10^{-2}
	Cs 134		9×10^{-5}
Chlorine (17)	Cl 38	9×10^{-7}	4×10^{-3}
Chromium (24)	Cr 51		2×10^{-2}
Cobalt (27)	Co 57		5×10^{-3}
	Co 60		5×10^{-4}
Copper (29)	Cu 64		3×10^{-3}
Dysprosium (66)	Dy 165		4×10^{-3}
	Dy 166		4×10^{-4}
Erbium (68)	Er 169		9×10^{-4}
	Er 171		1×10^{-3}
Europium (63) ($T^{0.5}$ = 9.2 h)	Eu 152		6×10^{-4}
	Eu 155		2×10^{-3}
Fluorine (9)	F 18	2×10^{-6}	8×10^{-3}
Gadolinium (64)	Gd 153		2×10^{-3}
	Gd 159		8×10^{-4}
Gallium (31)	Ga 72		4×10^{-4}
Germanium (32)	Ge 71		2×10^{-2}
Gold (79)	Au 196		2×10^{-3}
	Au 198		5×10^{-4}
	Au 199		2×10^{-3}
Hafnium (72)	Hf 181		7×10^{-4}
Hydrogen (1)	H 3	5×10^{-6}	3×10^{-2}
Indium (49)	In 113m		1×10^{-2}
	In 114m		2×10^{-4}
Iodine (53)	I 126	3×10^{-9}	2×10^{-5}
	I 131	3×10^{-9}	2×10^{-5}
	I 132	8×10^{-8}	6×10^{-4}
	I 133	1×10^{-8}	7×10^{-5}
	I 134	2×10^{-7}	1×10^{-3}
Iridium (77)	Ir 190		2×10^{-3}
	Ir 192		4×10^{-4}
	Ir 194		3×10^{-4}

Exempt Concentrations Element (Atomic Number)	**Schedule A** Isotope	Column I Gas Concentration (μCi/mL)[1]	Column II Liquid and Solid Concentration (μCi/mL)[2]
Iron (26)	Fe 55		8×10^{-3}
	Fe 59		6×10^{-4}
Krypton (36)	Kr 85m	1×10^{-6}	
	Kr 85	3×10^{-6}	
Lanthanum (57)	La 140		2×10^{-4}
Lead (82)	Pb 203		4×10^{-3}
Lutetium (71)	Lu 177		1×10^{-3}
Manganese (25)	Mn 52		3×10^{-4}
	Mn 54		1×10^{-3}
	Mn 56		1×10^{-3}
Mercury (80)	Hg 197m		2×10^{-3}
	Hg 197		3×10^{-3}
	Hg 203		2×10^{-4}
Molybdenum (42)	Mo 99		2×10^{-3}
Neodymium (60)	Nd 147		6×10^{-4}
	Nd 149		3×10^{-3}
Nickel (28)	Ni 65		1×10^{-3}
Niobium (columbium) (41)	Nb 95		1×10^{-3}
	Nb 97		9×10^{-3}
Osmium (76)	Os 185		7×10^{-4}
	Os 191m		3×10^{-2}
	Os 191		2×10^{-3}
	Os 193		6×10^{-4}
Palladium (46)	Pd 103		3×10^{-3}
	Pd 109		9×10^{-4}
Phosphorus (15)	P 32		2×10^{-4}
Platinum (78)	Pt 191		1×10^{-3}
	Pt 193m		1×10^{-2}
	Pt 197m		1×10^{-2}
	Pt 197		1×10^{-3}
Polonium (84)	Po 210		7×10^{-6}
Potassium (19)	K 42		3×10^{-3}
Praseodymium (59)	Pr 142		3×10^{-4}
	Pr 143		5×10^{-4}
Promethium (61)	Pm 147		2×10^{-3}
	Pm 149		4×10^{-4}
Radium (88)	Ra 226		1×10^{-7}
	Ra 228		3×10^{-7}
Rhenium (75)	Re 183		6×10^{-3}
	Re 186		9×10^{-4}
	Re 188		6×10^{-4}
Rhodium (45)	Rh 103m		1×10^{-1}
Rubidium (37)	Rb 86		7×10^{-4}
Ruthenium (44)	Ru 97		4×10^{-3}
	Ru 103		8×10^{-4}
	Ru 105		1×10^{-3}
	Ru 106		1×10^{-4}
Samarium (62)	Sm 153		8×10^{-4}
Scandium (21)	Sc 46		4×10^{-4}
	Sc 47		9×10^{-4}
	Sc 48		3×10^{-3}
Selenium (34)	Se 75		3×10^{-3}

Exempt Concentrations Element (Atomic Number)	**Schedule A** Isotope	Column I Gas Concentration (μCi/mL)[1]	Column II Liquid and Solid Concentration (μCi/mL)[2]
Silicon (14)	Si 31		9×10^{-3}
Silver (47)	Ag 105		1×10^{-3}
	Ag 110m		3×10^{-4}
	Ag 111		4×10^{-4}
Sodium (11)	Na 24		2×10^{-3}
Strontium (38)	Sr 85		1×10^{-3}
	Sr 89		1×10^{-4}
	Sr 91		7×10^{-4}
	Sr 92		7×10^{-4}
Sulfur (16)	S 35	9×10^{-8}	6×10^{-4}
Tantalum (73)	Ta 182		4×10^{-4}
Technetium (43)	Tc 96m		1×10^{-1}
	Tc 96		1×10^{-3}
Tellurium (52)	Te 125m		2×10^{-3}
	Te 127m		6×10^{-4}
	Te 127		3×10^{-3}
	Te 129m		3×10^{-4}
	Te 131m		6×10^{-4}
	Te 132		3×10^{-4}
Terbium (65)	Tb 160		4×10^{-4}
Thallium (81)	Tl 200		4×10^{-3}
	Tl 201		3×10^{-3}
	Tl 202		1×10^{-3}
	Tl 204		1×10^{-3}
Thulium (69)	Tm 170		5×10^{-4}
Tin (50)	Sn 113		9×10^{-4}
	Sn 125		2×10^{-4}
Tungsten (wolfram) (74)	W 181		4×10^{-3}
	W 187		7×10^{-4}
Vanadium (23)	V 48		3×10^{-4}
Xenon (54)	Xe 131m	4×10^{-6}	
	Xe 133	3×10^{-6}	
	Xe 135	1×10^{-6}	
Ytterbium (70)	Yb 175		1×10^{-3}
Yttrium (39)	Y 90		2×10^{-4}
	Y 91m		3×10^{-2}
	Y 91		3×10^{-4}
	Y 92		6×10^{-4}
	Y 93		3×10^{-4}
Zinc (30)	Zn 65		1×10^{-3}
	Zn 69m		7×10^{-4}
	Zn 69		2×10^{-2}
Zirconium (40)	Zr 95		6×10^{-4}
	Zr 97		2×10^{-4}
Beta- and/or gamma-emitting radioactive material not listed above with half-life less than three years		1×10^{-10}	1×10^{-6}

Note: Many radioisotopes disintegrate into isotopes that are also radioactive. In expressing the concentrations in Schedule A, the activity stated is that of the parent isotope and takes into account the daughters. For purposes of (3)(a) where there is involved a combination of isotopes, the limit for the combination should be derived as follows:

Determine for each isotope in the product the ratio between the concentration present in the product and the exempt concentration established in Schedule A for the specific isotope when not in combination. The sum of such ratios may not exceed "1" (i.e., unity).

$$\text{EXAMPLE: } \frac{\text{Concentration of Isotope A in Product}}{\text{Exempt concentration of Isotope A}} + \frac{\text{Concentration of Isotope B in Product}}{\text{Exempt concentration of Isotope B}} \leq 1$$

Footnotes:
(1) Values are given only for those materials normally used as gases.

(2) μCi/gm for solids.

(b) Schedule B.

SCHEDULE B

EXEMPT QUANTITIES

Schedule B - Exempt Quantities Radioactive Material	Exempt Quantity (Microcuries)
Antimony-122 (Sb 122)	100
Antimony-124 (Sb 124)	10
Antimony-125 (Sb 125)	10
Arsenic-73 (As 73)	100
Arsenic-74 (As 74)	10
Arsenic-76 (As 76)	10
Arsenic-77 (As 77)	100
Barium-131 (Ba 131)	10
Barium-133 (Ba 133)	10
Barium-140 (Ba 140)	10
Bismuth-210 (Bi 210)	1
Bromine-82 (Br 82)	10
Cadmium-109 (Cd 109)	10
Cadmium-115m (Cd 115m)	10
Cadmium-115 (Cd 115)	100
Calcium-45 (Ca 45)	10
Calcium-47 (Ca 47)	10
Carbon-14 (C 14)	100
Cerium-141 (Ce 141)	100
Cerium-143 (Ce 143)	100
Cerium-144 (Ce 144)	1
Cesium-129 (Cs 129)	100
Cesium-131 (Cs 131)	1,000
Cesium-134m (Cs 134m)	100
Cesium-134 (Cs 134)	1

Schedule B - Exempt Quantities Radioactive Material	Exempt Quantity (Microcuries)
Cesium-135 (Cs 135)	10
Cesium-136 (Cs 136)	10
Cesium-137 (Cs 137)	10
Chlorine-36 (Cl 36)	10
Chlorine-38 (Cl 38)	10
Chromium-51 (Cr 51)	1,000
Cobalt-57 (Co 57)	100
Cobalt-58m (Co 58m)	10
Cobalt-58 (Co 58)	10
Cobalt-60 (Co 60)	1
Copper-64 (Cu 64)	100
Dysprosium-165 (Dy 165)	10
Dysprosium-166 (Dy 166)	100
Erbium-169 (Er 169)	100
Erbium-171 (Er 171)	100
Europium-152 (Eu 152) 9.2h	100
Europium-152 (Eu 152) 13 yr	1
Europium-154 (Eu 154)	1
Europium-155 (Eu 155)	10
Fluorine-18 (F 18)	1,000
Gadolinium-153 (Gd 153)	10
Gadolinium-159 (Gd 159)	100
Gallium-67 (Ga 67)	100
Gallium-72 (Ga 72)	10
Germanium-68 (Ge 68)	10
Germanium-71 (Ge 71)	100
Gold-195 (Au 195)	10
Gold-198 (Au 198)	100
Gold-199 (Au 199)	100
Hafnium-181 (Hf 181)	10
Holmium-166 (Ho 166)	100
Hydrogen-3 (H 3)	1,000
Indium-111 (In 111)	100
Indium-113m (In 113m)	100
Indium-114m (In 114m)	10
Indium-115m (In 115m)	100
Indium-115 (In 115)	10
Iodine-123 (I 123)	100
Iodine-125 (I 125)	1
Iodine-126 (I 126)	1
Iodine-129 (I 129)	0.1
Iodine-131 (I 131)	1
Iodine-132 (I 132)	10
Iodine-133 (I 133)	1
Iodine-134 (I 134)	10
Iodine-135 (I 135)	10
Iridium-192 (Ir 192)	10
Iridium-194 (Ir 194)	100
Iron-52 (Fe 52)	10
Iron-55 (Fe 55)	100
Iron-59 (Fe 59)	10
Krypton-85 (Kr 85)	100
Krypton-87 (Kr 87)	10
Lanthanum-140 (La 140)	10

Schedule B - Exempt Quantities Radioactive Material	Exempt Quantity (Microcuries)
Lutetium-177 (Lu 177)	100
Manganese-52 (Mn 52)	10
Manganese-54 (Mn 54)	10
Manganese-56 (Mn 56)	10
Mercury-197m (Hg 197m)	100
Mercury-197 (Hg 197)	100
Mercury-203 (Hg 203)	10
Molybdenum-99 (Mo 99)	100
Neodymium-147 (Nd 147)	100
Neodymium-149 (Nd 149)	100
Nickel-59 (Ni 59)	100
Nickel-63 (Ni 63)	10
Nickel-65 (Ni 65)	100
Niobium-93m (Nb 93m)	10
Niobium-95 (Nb 95)	10
Niobium-97 (Nb 97)	10
Osmium-185 (Os 185)	10
Osmium-191m (Os 191m)	100
Osmium-191 (Os 191)	100
Osmium-193 (Os 193)	100
Palladium-103 (Pd 103)	100
Palladium-109 (Pd 109)	100
Phosphorus-32 (P 32)	10
Platinum-191 (Pt 191)	100
Platinum-193m (Pt 193m)	100
Platinum-193 (Pt 193)	100
Platinum-197m (Pt 197m)	100
Platinum-197 (Pt 197)	100
Polonium-210 (Po 210)	0.1
Potassium-42 (K 42)	10
Potassium-43 (K 43)	10
Praseodymium-142 (Pr 142)	100
Praseodymium-143 (Pr 143)	100
Promethium-147 (Pm 147)	10
Promethium-149 (Pm 149)	10
Rhenium-186 (Re 186)	100
Rhenium-188 (Re 188)	100
Rhodium-103m (Rh 103m)	100
Rhodium-105 (Rh 105)	100
Rubidium-81 (Rb 81)	10
Rubidium-86 (Rb 86)	10
Rubidium-87 (Rb 87)	10
Ruthenium-97 (Ru 97)	100
Ruthenium-103 (Ru 103)	10
Ruthenium-105 (Ru 105)	10
Ruthenium-106 (Ru 106)	1
Samarium-151 (Sm 151)	10
Samarium-153 (Sm 153)	100
Scandium-46 (Sc 46)	10
Scandium-47 (Sc 47)	100
Scandium-48 (Sc 48)	10
Selenium-75 (Se 75)	10
Silicon-31 (Si 31)	100
Silver-105 (Ag 105)	10

Schedule B - Exempt Quantities Radioactive Material	Exempt Quantity (Microcuries)
Silver-110m (Ag 110m)	1
Silver-111 (Ag 111)	100
Sodium-22 (Na 22)	10
Sodium-24 (Na 24)	10
Strontium-85 (Sr 85)	10
Strontium-89 (Sr 89)	1
Strontium-90 (Sr 90)	0.1
Strontium-91 (Sr 91)	10
Strontium-92 (Sr 92)	10
Sulphur-35 (S 35)	100
Tantalum-182 (Ta 182)	10
Technetium-96 (Tc 96)	10
Technetium-97m (Tc 97m)	100
Technetium-97 (Tc 97)	100
Technetium-99m (Tc 99m)	100
Technetium-99 (Tc 99)	10
Tellurium-125m (Te 125m)	10
Tellurium-127m (Te 127m)	10
Tellurium-127 (Te 127)	100
Tellurium-129m (Te 129m)	10
Tellurium-129 (Te 129)	100
Tellurium-131m (Te 131m)	10
Tellurium-132 (Te 132)	10
Terbium-160 (Tb 160)	10
Thallium-200 (Tl 200)	100
Thallium-201 (Tl 201)	100
Thallium-202 (Tl 202)	100
Thallium-204 (Tl 204)	10
Thulium-170 (Tm 170)	10
Thulium-171 (Tm 171)	10
Tin 113-(Sn 113)	10
Tin 125-(Sn 125)	10
Tungsten-181 (W 181)	10
Tungsten-185 (W 185)	10
Tungsten-187 (W 187)	100
Vanadium-48 (V 48)	10
Xenon-131m (Xe 131m)	1,000
Xenon-133 (Xe 133)	100
Xenon-135 (Xe 135)	100
Ytterbium-175 (Yb 175)	100
Yttrium-87 (Y 87)	10
Yttrium-88 (Y 88)	10
Yttrium-90 (Y 90)	10
Yttrium-91 (Y 91)	10
Yttrium-92 (Y 92)	100
Yttrium-93 (Y 93)	100
Zinc-65 (Zn 65)	10
Zinc-69m (Zn 69m)	100
Zinc-69 (Zn 69)	1,000
Zirconium-93 (Zr 93)	10
Zirconium-95 (Zr 95)	10
Zirconium-97 (Zr 97)	10
Any radioactive material not listed above other than alpha- emitting radioactive material	0.1

(c) Schedule C.

SCHEDULE C

LIMITS FOR BROAD LICENSES

Schedule C - Limits For Broad Licenses Radioactive Materials	Column I (Curies)	Column II (Curies)
Antimony-122 (Sb 122)	1	0.01
Antimony-124 (Sb 124)	1	0.01
Antimony-125 (Sb 125)	1	0.01
Arsenic-73 (As 73)	10	0.1
Arsenic-74 (As 74)	1	0.01
Arsenic-76 (As 76)	1	0.01
Arsenic-77 (As 77)	10	0.1
Barium-131 (Ba 131)	10	0.1
Barium-140 (Ba 140)	1	0.01
Beryllium-7 (Be 7)	10	0.1
Bismuth-210 (Bi 210)	0.1	0.001
Bromine-82 (Br 82)	10	0.1
Cadmium-109 (Cd 109)	1	0.01
Cadmium-115m (Cd 115m)	1	0.01
Cadmium-115 (Cd 115)	10	0.1
Calcium-45 (Ca 45)	1	0.01
Calcium-47 (Ca 47)	10	0.1
Carbon-14 (C 14)	100	1.0
Cerium-141 (Ce 141)	10	0.1
Cerium-143 (Ce 143)	10	0.1
Cerium-144 (Ce 144)	0.1	0.001
Cesium-131 (Cs 131)	100	1.0
Cesium-134m (Cs 134m)	100	1.0
Cesium-134 (Cs 134)	0.1	0.001
Cesium-135 (Cs 135)	1	0.01
Cesium-136 (Cs 136)	10	0.1
Cesium-137 (Cs 137)	0.1	0.001
Chlorine-36 (Cl 36)	0.01	0.001
Chlorine-38 (Cl 38)	100	1.0
Chromium-51 (Cr 51)	100	1.0
Cobalt-57 (Co 57)	10	0.1
Cobalt-58m (Co 58m)	100	1.0
Cobalt-58 (Co 58)	1	0.01
Cobalt-60 (Co 60)	0.1	0.001
Copper-64 (Cu 64)	10	0.1
Dysprosium-165 (Dy 165)	100	1.0
Dysprosium-166 (Dy 166)	10	0.1
Erbium-169 (Er 169)	10	0.1
Erbium-171 (Er 171)	10	0.1
Europium-152 (Eu 152) 9.2h	10	0.1
Europium-152 (Eu 152) 13 yr	0.1	0.001
Europium-154 (Eu 154)	0.1	0.001
Europium-155 (Eu 155)	1	0.01
Fluorine-18 (F 18)	100	1.0
Gadolinium-153 (Gd 153)	1	0.01

Schedule C - Limits For Broad Licenses Radioactive Materials	Column I (Curies)	Column II (Curies)
Gadolinium-159 (Gd 159)	10	0.1
Gallium-72 (Ga 72)	10	0.1
Germanium-71 (Ge 71)	100	1.0
Gold-198 (Au 198)	10	0.1
Gold-199 (Au 199)	10	0.1
Hafnium-181 (Hf 181)	1	0.01
Holmium-166 (Ho 166)	10	0.1
Hydrogen-3 (H 3)	100	1.0
Indium-113m (In 113m)	100	1.0
Indium-114m (In 114m)	1	0.01
Indium-115m (In 115m)	100	1.0
Indium-115 (In 115)	1	0.01
Iodine-125 (I 125)	0.1	0.001
Iodine-126 (I 126)	0.1	0.001
Iodine-129 (I 129)	0.1	0.001
Iodine-131 (I 131)	0.1	0.001
Iodine-132 (I 132)	10	0.1
Iodine-133 (I 133)	1	0.01
Iodine-134 (I 134)	10	0.1
Iodine-135 (I 135)	1	0.01
Iridium-192 (Ir 192)	1	0.01
Iridium-194 (Ir 194)	10	0.1
Iron-55 (Fe 55)	10	0.1
Iron-59 (Fe 59)	1	0.01
Krypton-85 (Kr 85)	100	1.0
Krypton-87 (Kr 87)	10	0.1
Lanthanum-140 (La 140)	1	0.01
Lutetium-177 (Lu 177)	10	0.1
Manganese-52 (Mn 52)	1	0.01
Manganese-54 (Mn 54)	1	0.01
Manganese-56 (Mn 56)	10	0.1
Mercury-197m (Hg 197m)	10	0.1
Mercury-197 (Hg 197)	10	0.1
Mercury-203 (Hg 203)	1	0.01
Molybdenum-99 (Mo 99)	10	0.1
Neodymium-147 (Nd 147)	10	0.1
Neodymium-149 (Nd 149)	10	0.1
Nickel-59 (Ni 59)	10	0.1
Nickel-63 (Ni 63)	1	0.01
Nickel-65 (Ni 65)	10	0.1
Niobium-93m (Nb 93m)	1	0.01
Niobium-95 (Nb 95)	1	0.01
Niobium-97 (Nb 97)	100	1.0
Osmium-185 (Os 185)	1	0.01
Osmium-191m (Os 191m)	100	1.0
Osmium-191 (Os 191)	10	0.1
Osmium-193 (Os 193)	10	0.1
Palladium-103 (Pd 103)	10	0.1
Palladium-109 (Pd 109)	10	0.1
Phosphorus-32 (P 32)	1	0.01
Platinum-191 (Pt 191)	10	0.1
Platinum-193m (Pt 193m)	100	1.0
Platinum-193 (Pt 193)	10	0.1

Schedule C - Limits For Broad Licenses Radioactive Materials	Column I (Curies)	Column II (Curies)
Platinum-197m (Pt 197m)	100	1.0
Platinum-197 (Pt 197)	10	0.1
Polonium-210 (Po 210)	0.01	0.0001
Potassium-42 (K 42)	1	0.01
Praseodymium-142 (Pr 142)	10	0.1
Praseodymium-143 (Pr 143)	10	0.1
Promethium-147 (Pm 147)	1	0.01
Promethium-149 (Pm 149)	10	0.1
Radium-226	0.01	0.0001
Rhenium-186 (Re 186)	10	0.1
Rhenium-188 (Re 188)	10	0.1
Rhodium-103m (Rh 103m)	1,000	0
Rhodium-105 (Rh 105)	10	0.1
Rubidium-86 (Rb 86)	1	0.01
Rubidium-87 (Rb 87)	1	0.01
Ruthenium-97 (Ru 97)	100	1.0
Ruthenium-103 (Ru 103)	1	0.01
Ruthenium-105 (Ru 105)	10	0.1
Ruthenium-106 (Ru 106)	0.1	0.001
Samarium-151 (Sm 151)	1	0.01
Samarium-153 (Sm 153)	10	0.1
Scandium-46 (Sc 46)	1	0.01
Scandium-47 (Sc 47)	10	0.1
Scandium-48 (Sc 48)	1	0.01
Selenium-75 (Se 75)	1	0.01
Silicon-31 (Si 31)	10	0.1
Silver-105 (Ag 105)	1	0.01
Silver-110m (Ag 110m)	0.1	0.001
Silver-111 (Ag 111)	10	0.1
Sodium-22 (Na 22)	0.1	0.001
Sodium-24 (Na 24)	1	0.01
Strontium-85m (Sr 85m)	1,000	10.0
Strontium-85 (Sr 85)	1	0.01
Strontium-89 (Sr 89)	1	0.01
Strontium-90 (Sr 90)	0.01	0.0001
Strontium-91 (Sr 91)	10	0.1
Strontium-92 (Sr 92)	10	0.1
Sulphur-35 (S 35)	10	0.1
Tantalum-182 (Ta 182)	1	0.01
Technetium-96 (Tc 96)	10	0.1
Technetium-97m (Tc 97m)	10	0.1
Technetium-97 (Tc 97)	10	0.1
Technetium-99m (Tc 99m)	100	1.0
Technetium-99 (Tc 99)	1	0.01
Tellurium-125m (Te 125m)	1	0.01
Tellurium-127m (Te 127m)	1	0.01
Tellurium-127 (Te 127)	10	0.1
Tellurium-129m (Te 129m)	1	0.01
Tellurium-129 (Te 129)	100	1.0
Tellurium-131m (Te 131m)	10	0.1
Tellurium-132 (Te 132)	1	0.01
Terbium-160 (Tb 160)	1	0.01
Thallium-200 (Tl 200)	10	0.1

Schedule C - Limits For Broad Licenses Radioactive Materials	Column I (Curies)	Column II (Curies)
Thallium-201 (Tl 201)	10	0.1
Thallium-202 (Tl 202)	10	0.1
Thallium-204 (Tl 204)	1	0.01
Thulium-170 (Tm 170)	1	0.01
Thulium-171 (Tm 171)	1	0.01
Tin 113-(Sn 113)	1	0.01
Tin 125-(Sn 125)	1	0.01
Tungsten-181 (W 181)	1	0.01
Tungsten-185 (W 185)	1	0.01
Tungsten-187 (W 187)	10	0.1
Vanadium-48 (V 48)	1	0.01
Xenon-131m (Xe 131m)	1,000	0
Xenon-133 (Xe 133)	100	1.0
Xenon-135 (Xe 135)	100	1.0
Ytterbium-175 (Yb 175)	10	0.1
Yttrium-90 (Y 90)	1	0.1
Yttrium-91 (Y 91)	1	0.1
Yttrium-92 (Y 92)	10	0.1
Yttrium-93 (Y 93)	1	0.01
Zinc-65 (Zn 65)	1	0.01
Zinc-69m (Zn 69m)	10	0.1
Zinc-69 (Zn 69)	100	1.0
Zirconium-93 (Zr 93)	1	0.01
Zirconium-95 (Zr 95)	1	0.01
Zirconium-97 (Zr 97)	1	0.01
Any radioactive material other than source material, or alpha-emitting radioactive material not listed above.	0.1	0.001

(d) Schedule D. Criteria Relating to Use of Financial Tests and Parent Company Guarantees for Providing Reasonable Assurance of Funds for Decommissioning.

1. Introduction. An applicant or licensee may provide reasonable assurance of the availability of funds for decommissioning based on obtaining a parent company guarantee that funds will be available for decommissioning costs and on a demonstration that the parent company passes a financial test. This schedule establishes criteria for passing the financial test and for obtaining the parent company guarantee.

2. Financial Test. To pass the financial test, the parent company must meet the criteria of either (21)(d)2.(i) or (21)(d)2.(ii) as follows:

(i) The parent company must have:

(I) Two of the following three ratios: a ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion, and amortization to total liabilities greater than 0.1; and a ratio of current assets to current liabilities greater than 1.5;

(II) Net working capital and tangible net worth each at least six times the current decommissioning cost estimates (or prescribed amount if a certification is used);

(III) Tangible net worth of at least $10 million; and

(IV) Assets located in the United States amounting to at least 90 percent of total assets or at least six times the current decommissioning cost estimates (or prescribed amount if a certification is used).

(ii) The parent company must have:

(I) A current rating for its most recent bond issuance of AAA, AA, A, or BBB as issued by Standard and Poor's or Aaa, Aa, A, or Baa as issued by Moody's;

(II) Tangible net worth each at least six times the current decommissioning cost estimates for the total of all facilities or parts thereof (or prescribed amount if a certification is used);

(III) Tangible net worth of at least $10 million; and

(IV) Assets located in the United States amounting to at least 90 percent of total assets or at least six times the current decommissioning cost estimates for the total of all facilities or parts thereof (or prescribed amount if a certification is used).

(iii) The parent company's independent certified public accountant must have compared the data used by the parent company in the financial test, which is derived from the independently-audited, year-end financial statements for the latest fiscal year, with the amounts in such financial statement. In connection with that procedure the licensee shall inform the Director and Division within 90 days of any matters coming to the auditor's attention that cause the auditor to believe that the data specified in the financial test should be adjusted and that the company no longer passes the test.

(iv) After the initial financial test, the parent company must repeat the passage of the test within 120 days after the close of each succeeding fiscal year. If the parent company no longer meets the requirements, as appropriate, of either (21)(d)2.(i) or (21)(d)2.(ii), the licensee must send notice to the Director and Division of intent to establish alternate financial assurance as specified in the Division's Rules. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the parent company no longer meets the financial test requirements. The licensee must provide alternate financial assurance within 120 days after the end of such fiscal year.

3. Parent Company Guarantee. The terms of a parent company guarantee which an applicant or licensee obtains must provide that:

(i) The parent company guarantee shall remain in force unless the guarantor sends notice of cancellation by certified mail to the licensee and the Director and Division. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the licensee and the Director, as evidenced by the return receipts;

(ii) If the licensee fails to provide alternate financial assurance as specified in the Division's Rules within 90 days after receipt by the licensee and the Director and Division of a notice of cancellation of the parent company guarantee from the guarantor, the guarantor shall provide such alternative financial assurance in the name of the licensee;

(iii) The parent company guarantee and financial test provisions must remain in effect until the Department has terminated the license; and

(iv) If a trust is established for decommissioning costs, the trustee and trust must be acceptable to the Department. An acceptable trustee includes an appropriate State or Federal government agency or an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or State agency.

(e) Schedule E.

SCHEDULE E

QUANTITIES OF RADIOACTIVE MATERIALS REQUIRING CONSIDERATION OF THE NEED FOR AN EMERGENCY PLAN FOR RESPONDING TO A RELEASE

Schedule E - Emergency Plan For Responding to a Release Radioactive Material[(1)]	Release Fraction	Quantity (Curies)
Actinium-228	0.001	4,000
Americium-241	0.001	2
Americium-242	0.001	2
Americium-243	0.001	2
Antimony-124	0.01	4,000
Antimony-126	0.01	6,000
Barium-133	0.01	10,000
Barium-140	0.01	30,000
Bismuth-207	0.01	5,000
Bismuth-210	0.01	600
Cadmium-109	0.01	1,000
Cadmium-113	0.01	80
Calcium-45	0.01	20,000
Californium-252	0.001	9 (20 mg)
Carbon-14 (Non Carbon dioxide)	0.01	50,000
Cerium-141	0.01	10,000
Cerium-144	0.01	300
Cesium-134	0.01	2,000
Cesium-137	0.01	3,000
Chlorine-36	0.5	100
Chromium-51	0.01	300,000
Cobalt-60	0.001	5,000
Copper-64	0.01	200,000
Curium-242	0.001	60
Curium-243	0.001	3
Curium-244	0.001	4
Curium-245	0.001	2
Europium-152	0.01	500
Europium-154	0.01	400
Europium-155	0.01	3,000
Germanium-68	0.01	2,000
Gadolinium-153	0.01	5,000
Gold-198	0.01	30,000
Hafnium-172	0.01	400
Hafnium-181	0.01	7,000
Holmium-166m	0.01	100
Hydrogen-3	0.5	20,000
Iodine-125	0.5	10
Iodine-131	0.5	10
Indium-114m	0.01	1,000
Iridium-192	0.001	40,000
Iron-55	0.01	40,000
Iron-59	0.01	7,000
Krypton-85	1.0	6,000,000
Lead-210	0.01	8
Manganese-56	0.01	60,000
Mercury-203	0.01	10,000
Molybdenum-99	0.01	30,000
Neptunium-237	0.001	2

Schedule E - Emergency Plan For Responding to a Release Radioactive Material[1]	Release Fraction	Quantity (Curies)
Nickel-63	0.01	20,000
Niobium-94	0.01	300
Phosphorus-32	0.5	100
Phosphorus-33	0.5	1,000
Polonium-210	0.01	10
Potassium-42	0.01	9,000
Promethium-145	0.01	4,000
Promethium-147	0.01	4,000
Radium-226	0.001	100
Ruthenium-106	0.01	200
Samarium-151	0.01	4,000
Scandium-46	0.01	3,000
Selenium-75	0.01	10,000
Silver-110m	0.01	1,000
Sodium-22	0.01	9,000
Sodium-24	0.01	10,000
Strontium-89	0.01	3,000
Strontium-90	0.01	90
Sulfur-35	0.5	900
Technetium-99	0.01	10,000
Technetium-99m	0.01	400,000
Tellurium-127m	0.01	5,000
Tellurium-129m	0.01	5,000
Terbium-160	0.01	4,000
Thulium-170	0.01	4,000
Tin-13	0.01	10,000
Tin-123	0.01	3,000
Tin-126	0.01	1,000
Titanium-44	0.01	100
Vanadium-48	0.01	7,000
Xenon-133	1.0	900,000
Yttrium-91	0.01	2,000
Zinc-65	0.01	5,000
Zirconium-93	0.01	400
Zirconium-95	0.01	5,000
Any other beta-/gamma-emitter	0.01	10,000
Mixed fission products	0.01	1,000
Mixed Corrosion Products	0.01	10,000
Contaminated equipment, beta/gamma	0.001	10,000
Irradiated material, any form other than solid noncombustible	0.01	1,000
Irradiated material, solid noncombustible	0.001	10,000
Mixed radioactive waste, beta/gamma	0.01	1,000
Packaged mixed waste, beta/gamma[2]	0.001	10,000
Any other alpha-emitter	0.001	2
Contaminated equipment, alpha	0.0001	20
Packaged waste, alpha[2]	0.0001	20

Footnotes:

[1] For combinations of radioactive materials listed above, consideration of the need for an emergency plan is required if the sum of the ratios of the quantity of each radioactive material authorized to the quantity listed for that material in Schedule E exceeds one.

(2) Waste packaged in Type B containers does not require an emergency plan.

(f) Schedule F

SCHEDULE F

QUANTITIES FOR USE WITH DECOMMISSIONING

Schedule F - Quantities for Use With Decommissioning Radioactive Material	Quantity (Microcurie(a)/)
Americium-241	0.01
Antimony-122	100
Antimony-124	10
Antimony-125	10
Arsenic-73	100
Arsenic-74	10
Arsenic-76	10
Arsenic-77	100
Barium-131	10
Barium-133	10
Barium-140	10
Bismuth-210	1
Bromine-82	10
Cadmium-109	10
Cadmium-115m	10
Cadmium-115	100
Calcium-45	10
Calcium-47	10
Carbon-14	100
Cerium-141	100
Cerium-143	100
Cerium-144	1
Cesium-131	1,000
Cesium-134m	100
Cesium-134	1
Cesium-135	10
Cesium-136	10
Cesium-137	10
Chlorine-36	10
Chlorine-38	10
Chromium-51	1,000
Cobalt-58m	10
Cobalt-58	10
Cobalt-60	1
Copper-64	100
Dysprosium-165	10
Dysprosium-166	100
Erbium-169	100
Erbium-171	100
Europium-152 (9.2 h)	100
Europium-152 (13 yr)	1
Europium-154	1
Europium-155	10

Schedule F - Quantities for Use With Decommissioning Radioactive Material	Quantity (Microcurie[(a)/])
Florine-18	1,000
Gadolinium-153	10
Gadolinium-159	100
Gallium-72	10
Germanium-71	0
Hafnium-181	10
Holmium-166	100
Hydrogen-3	1,000
Indium-113m	100
Indium-114m	10
Indium-115m	100
Indium-115	10
Iodine-125	1
Iodine-126	1
Iodine-129	0.1
Iodine-131	1
Iodine-132	10
Iodine-133	1
Iodine-134	10
Iodine-135	10
Iridium-192	10
Iridium-194	100
Iron-55	100
Iron-59	10
Krypton-85	100
Krypton-87	10
Lanthanum-140	10
Lutetium-177	100
Manganese-52	10
Manganese-54	10
Manganese-56	10
Mercury-197m	100
Mercury-197	100
Mercury-203	10
Molybdenum-99	100
Neodymium-147	100
Neodymium-149	100
Nickel-59	100
Nickel-63	10
Nickel-65	100
Niobium-93m	10
Niobium-95	10
Niobium-97	10
Osmium-185	10
Osmium-191m	100
Osmium-191	100
Osmium-193	100
Palladium-103	100
Palladium-109	100
Phosphorus-32	10
Platinum-191	100
Platinum-193m	100
Platinum-193	100

Schedule F - Quantities for Use With Decommissioning Radioactive Material	Quantity (Microcurie[(a)/])
Platinum-197m	100
Platinum-197	100
Plutonium-239	0.01
Polonium-210	0.1
Potassium-42	10
Praseodymium-142	100
Praseodymium-143	100
Promethium-147	10
Promethium-149	10
Radium-226	0.01
Rhenium-186	100
Rhenium-188	100
Rhodium-103m	100
Rhodium-105	100
Rubidium-86	10
Rubidium-87	10
Ruthenium-97	100
Ruthenium-103	10
Ruthenium-105	10
Ruthenium-106	1
Samarium-151	10
Samarium-153	100
Scandium-46	10
Scandium-47	100
Scandium-48	10
Selenium-75	10
Silicon-31	100
Silver-105	10
Silver-110m	1
Silver-111	100
Sodium-22	1
Sodium-24	10
Strontium-85	10
Strontium-89	1
Strontium-90	0.1
Strontium-91	10
Strontium-92	10
Sulfur-35	100
Tantalum-182	10
Technetium-96	10
Technetium-97m	100
Technetium-97	100
Technetium-99m	100
Technetium-99	10
Tellurium-125m	10
Tellurium-127m	10
Tellurium-127	100
Tellurium-129m	10
Tellurium-129	100
Tellurium-131m	10
Tellurium-132	10
Terbium-160	10
Thallium-200	100

Schedule F - Quantities for Use With Decommissioning Radioactive Material	Quantity (Microcurie[a])
Thallium-201	100
Thallium-202	100
Thallium-204	10
Thorium (natural)[b]	100
Thulium-170	10
Thulium-171	10
Tin-113	10
Tin-125	10
Tungsten-181	10
Tungsten-185	10
Tungsten-187	100
Uranium (natural)[c]	100
Uranium-233	0.01
Uranium-234	0.01
Uranium-235	0.01
Vanadium-48	10
Xenon-131m	1,000
Xenon-133	100
Xenon-135	100
Ytterbium-175	100
Yttrium-90	10
Yttrium-91	10
Yttrium-92	100
Yttrium-93	100
Zinc-65	10
Zinc-69m	100
Zinc-69	1,000
Zirconium-93	10
Zirconium-95	10
Zirconium-97	10
Any alpha emitting radionuclide not listed above or mixtures of alpha emitters of unknown composition.	0.01
Any radionuclide other than alpha emitting radionuclides, not listed above or mixtures of beta emitters of unknown composition.	0.10

[a] To convert µCi to kBq, multiply the µCi value by 37.

[b] Based on alpha disintegration rate of Th-232, Th-230 and their daughter products.

[c] Based on alpha disintegration rate of U-238, U-234, and U-235.

(g) Schedule G. Criteria Relating to Use of Financial Tests and Self Guarantees for Providing Reasonable Assurance of Funds for Decommissioning.

1. Introduction

An applicant or licensee may provide reasonable assurance of the availability of funds for decommissioning based on furnishing its own guarantee that funds will be available for decommissioning costs and on a demonstration that

the company passes the financial test of (21)(g)2. The terms of the self-guarantee are in (21)(g)3. This schedule establishes criteria for passing the financial test for the self-guarantee and establishes the terms for a self-guarantee.

2. Financial Test

(i) To pass the financial test, a company must meet all of the following criteria:

(I) Tangible net worth at least ten times the total current decommissioning cost estimate for the total of all facilities or parts thereof (or the current amount required if certification is used) for all decommissioning activities for which the company is responsible as self-guaranteeing licensee.

(II) Assets located in the United States amounting to at least 90 percent of total decommissioning cost estimate for the total of all facilities or parts thereof (or the current amount required if certification is used) for all decommissioning activities for which the company is responsible as self-guaranteeing licensee.

(III) A current rating for its most recent bond issuance of AAA, AA, or A as issued by Standard and Poors (S&P), or Aaa, Aa, or A as issued by Moodys.

(ii) To pass the financial test, a company must meet all of the following additional requirements:

(I) The company must have at least one class of equity securities registered under the Security Exchange Act of 1934.

(II) The company's independent certified public accountant must have compared the data used by the company in the financial test, which is derived from the independently audited, year-end financial statements for the latest fiscal year, with the amounts in such financial statement. In connection with that procedure, the licensee shall inform the Director and Division within 90 days of any matters coming to the attention of the auditor that cause the auditor to believe that the data specified in the financial test should be adjusted and that the company no longer passes the test.

(III) After the initial financial test, the company must repeat passage of the test within 90 days after the close of each succeeding fiscal year.

(iii) If the licensee no longer meets the requirements of (21)(g)2.(i), the licensee must send immediate notice to the Director and Division of its intent to establish alternate financial assurance as specified in the Division's Rules within 120 days of such notice.

3. Company Self-Guarantee

The terms of a self-guarantee which an applicant or licensee furnishes must provide that:

(i) The guarantee will remain in force unless the licensee sends notice of cancellation by certified mail to the Director and Division. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by the Director, as evidence by the return receipt.

(ii) The licensee shall provide alternative financial assurance as specified in the Division's Rules within 90 days following receipt by the Director of a notice of cancellation of the guarantee.

(iii) The guarantee and financial test provisions must remain in effect until the Director has terminated the license or until another financial assurance method acceptable to the Director has been put in effect by the licensee.

(iv) The licensee will promptly forward to the Department, the Division and the licensee's independent auditor all reports covering the latest fiscal year filed by the licensee with the Securities and Exchange Commission pursuant to the requirements of Section 13 of the Securities and Exchange Act of 1934.

(v) If, at any time, the licensee's most recent bond issuance ceases to be rated in any category of "A" or above by either Standard and Poors or Moodys, the licensee will provide notice in writing of such fact to the Director and

Division within 20 days after publication of the change by the rating service. If the licensee's most recent bond issuance ceases to be rated in any category of A or above by both Standard and Poors and Moodys, the licensee no longer meets the requirements of (21)(g)2.(i).

(vi) The applicant or licensee must provide to the Director and Division a written guarantee (a written commitment by a corporate officer) which states that the licensee will fund and carry out the required decommissioning activities or, upon issuance of an order by the Director, the licensee will set up and fund a trust in the amount of the current cost estimates for decommissioning.

(h) Schedule H. Criteria Relating to Use of Financial Tests and Self-Guarantee For Providing Reasonable Assurance of Funds For Decommissioning by Nonprofit Colleges, Universities, and Hospitals.

1. Introduction

An applicant or licensee may provide reasonable assurance of the availability of funds for decommissioning based on furnishing its own guarantee that funds will be available for decommissioning costs and on a demonstration that the applicant or licensee passes the financial test of (h)2. The terms of the self-guarantee are in (h)3. This schedule establishes criteria for passing the financial test for the self-guarantee and establishes the terms for a self-guarantee.

2. Financial Test

(i) For colleges and universities, to pass the financial test a college or university must meet either the criteria in (h)2.(i)(I) or the criteria in (h)2.(i)(II).

(I) For applicants or licensees that issue bonds, a current rating for its most recent uninsured, uncollateralized, and unencumbered bond issuance of AAA, AA, or A as issued by Standard and Poors (S&P) or Aaa, Aa, or A as issued by Moodys.

(II) For applicants or licensees that do not issue bonds, unrestricted endowment consisting of assets located in the United States of at least $50 million, or at least 30 times the total current decommissioning cost estimate (or the current amount required if certification is used), whichever is greater, for all decommissioning activities for which the college or university is responsible as a self-guaranteeing licensee.

(ii) For hospitals, to pass the financial test a hospital must meet either the criteria in (h)2.(ii)(I) or the criteria in (h)2.(ii)(II):

(I) For applicants or licensees that issue bonds, a current rating for its most recent uninsured, uncollateralized, and unencumbered bond issuance of AAA, AA, or A as issued by Standard and Poors (S&P) or Aaa, Aa, or A as issued by Moodys.

(II) For applicants or licensees that do not issue bonds, all the following tests must be met:

I. (Total Revenues less total expenditures) divided by total revenues must be equal to or greater than 0.04.

II. Long term debt divided by net fixed assets must be less than or equal to 0.67.

III. (Current assets and depreciation fund) divided by current liabilities must be greater than or equal to 2.55.

IV. Operating revenues must be at least 100 times the total current decommissioning cost estimate (or the current amount required if certification is used) for all decommissioning activities for which the hospital is responsible as a self-guaranteeing license.

(iii) In addition, to pass the financial test, a licensee must meet all the following requirements:

(I) The licensee's independent certified public accountant must have compared the data used by the licensee in the financial test, which is required to be derived from the independently audited year-end financial statements, based

on United States generally accepted accounting practices, for the latest fiscal year, with the amounts in such financial statement. In connection with that procedure, the licensee shall inform the Director and Division within 90 days of any matters coming to the attention of the auditor that cause the auditor to believe that the data specified in the financial test should be adjusted and that the licensee no longer passes the test.

(II) After the initial financial test, the licensee must repeat passage of the test within 90 days after the close of each succeeding fiscal year.

(III) If the licensee no longer meets the requirements of (h)1., the licensee must send notice to the Director and Division of its intent to establish alternative financial assurance as specified in Division's Rules. The notice must be sent by certified mail, return receipt requested, within 90 days after the end of the fiscal year for which the year-end financial data show that the licensee no longer meets the financial test requirements. The licensee must provide alternate financial assurance within 120 days after the end of such fiscal year.

3. Self-Guarantee

The terms of a self-guarantee which an applicant or licensee furnishes must provide that:

(i) The guarantee shall remain in force unless the licensee sends notice of cancellation by certified mail, and/or return receipt requested, to the Director and Division. Cancellation may not occur unless an alternative financial assurance mechanism is in place.

(ii) The licensee shall provide alternative financial assurance as specified in the Division's Rules within 90 days following receipt by the Director of a notice of cancellation of the guarantee.

(iii) The guarantee and financial test provisions must remain in effect until the Director has terminated the license or until another financial assurance method acceptable to the Director has been put in effect by the licensee.

(iv) The applicant or licensee must provide to the Director and Division a written guarantee (a written commitment by a corporate officer or officer of the institution) which states that the licensee will fund and carry out the required decommissioning activities or, upon issuance of an order by the Director, the licensee will set up and fund a trust in the amount of the current cost estimates for decommissioning.

(v) If, at any time, the licensee's most recent bond issuance ceases to be rated in any category of "A" or above by either Standard and Poors or Moodys, the licensee shall provide notice in writing of such fact to the Director and Division within 20 days after publication of the change by the rating service.

Cite as Ga. Comp. R. & Regs. R. 391-3-17-.02

AUTHORITY: O.C.G.A. § 31-13-1 **et seq., as amended.**

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

(1) **General Provisions**

(a) Purpose.

This Rule, 391-3-17-.03, establishes standards for protection against ionizing radiation resulting from activities conducted pursuant to licenses issued by the Director. The requirements in this Rule are designed to control the receipt, possession, use, transfer, and disposal of sources of radiation by any licensee so that the total dose to an individual, including doses resulting from all sources of radiation other than background radiation, does not exceed the standards for protection against radiation prescribed in this Rule. However, nothing in this Rule shall be construed as limiting actions that may be necessary to protect health and safety.

(b) Scope.

This Rule applies to persons licensed by the Director on or after January 1, 1994, to receive, possess, use, transfer, or dispose of sources of radiation. The limits in this Rule do not apply to doses due to background radiation, to exposure of patients to radiation for the purpose of medical diagnosis or therapy, or to voluntary participation in medical research programs.

(2) **Definitions**

The definitions set forth for certain terms under 391-3-17-.01 are applicable to those terms as used in this Rule, unless the term is otherwise defined herein. As used in this Rule:

(a) "Air-purifying respirator" means a respirator with an air-purifying filter, cartridge, or canister that removes specific air contaminants by passing ambient air through the air-purifying element.

(b) "Assigned protection factor" (APF) means the expected workplace level of respiratory protection that would be provided by a properly functioning respirator or a class of respirators to properly fitted and trained users. Operationally, the inhaled concentration can be estimated by dividing the ambient airborne concentration by the APF.

(c) "Atmosphere-supplying respirator" means a respirator that supplies the respirator user with breathing air from a source independent of the ambient atmosphere, and includes supplied-air respirators (SARs) and self-contained breathing apparatus (SCBA) units.

(d) "Annual limit on intake" (ALI) means the derived limit for the amount of radioactive material taken into the body of an adult worker by inhalation or ingestion in a year. ALI is the smaller value of intake of a given radionuclide in a year by the reference man that would result in a committed effective dose equivalent of five rem (0.05 Sv) or a committed dose equivalent of 50 rem (0.5 Sv) to any individual organ or tissue. ALI values for intake by ingestion and by inhalation of selected radionuclides are given in Table I, Columns 1 and 2, of Appendix B to 10 CFR 20 .

(e) "Chelating agent" means amine polycarboxylic acids, hydroxycarboxylic acids, gluconic acid, and polycarboxylic acids.

(f) "Chemical description" means a description of the principal chemical characteristics of a low-level radioactive waste.

(g) "Class" means a classification scheme for inhaled material according to its rate of clearance from the pulmonary region of the lung. Materials are classified as D, W, or Y, which apply to a range of clearance half-times: for Class D (Days), of less than ten days; for Class W (Weeks), from ten to 100 days; and for Class Y (Years), of greater than 100 days. For purposes of this Chapter, "lung class" and "inhalation class" are equivalent terms.

(h) "Computer-readable medium" means that the Division's computer can transfer the information from the medium into its memory.

(i) "Consignee" means the designated receiver of the shipment of low-level radioactive waste.

(j) "Constraint (dose constraint)" means a value above which specified licensee actions are required.

(k) "Critical Group" means the group of individuals reasonably expected to receive the greatest exposure to residual radioactivity for any applicable set of circumstances.

(l) "Declared pregnant woman" means any woman who has voluntarily informed the licensee, in writing, of her pregnancy and the estimated date of conception. The declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant.

(m) "Decommission" means to remove a facility or site safely from service and reduce residual radioactivity to a level that permits release of the property for unrestricted use and termination of the license.

(n) "Decontamination facility" means a facility operating under a Division, U.S. Nuclear Regulatory Commission or Agreement State license whose principal purpose is decontamination of equipment or materials to accomplish recycle, reuse, or other waste management objectives, and, for purposes of this part, is not considered to be a consignee for LLW shipments.

(o) "Demand respirator" means an atmosphere-supplying respirator that admits breathing air to the facepiece only when a negative pressure is created inside the facepiece by inhalation.

(p) "Derived air concentration" (DAC) means the concentration of a given radionuclide in air which, if breathed by the reference man for a working year of 2,000 hours under conditions of light work (inhalation rate of 1.2 cubic meters of air per hour), results in an intake of one ALI. DAC values are given in Table I, Column 3 of Appendix B to 10 CFR 20.

(q) "Derived air concentration-hour" (DAC-hour) means the product of the concentration of radioactive material in air, expressed as a fraction or multiple of the derived air concentration for each radionuclide, and the time of exposure to that radionuclide, in hours. A licensee may take 2,000 DAC-hours to represent one ALI, equivalent to a committed effective dose equivalent of five rem (0.05 Sv).

(r) "Disposable respirator" means a respirator for which maintenance is not intended and that is designed to be discarded after excessive breathing resistance, sorbent exhaustion, physical damage, or end-of-service-life renders it unsuitable for use. Examples of this type of respirator are a disposable half-mask respirator or a disposable escape-only self-contained breathing apparatus (SCBA).

(s) "Disposal container" means a container principally used to confine low-level radioactive waste during disposal operations at a land disposal facility (also see "high integrity container"). Note that for some shipments, the disposal container may be the transport package.

(t) "Distinguishable from background" means that the detectable concentration of a radionuclide is statistically different from the background concentration of that radionuclide in the vicinity of the site or, in the case of structures, in similar materials using adequate measurement technology, survey, and statistical techniques.

(u) "Dosimetry processor" means a person that processes and evaluates individual monitoring equipment devices in order to determine the radiation dose delivered to the monitoring devices.

(v) "EPA identification number" means the number received by a transporter following application to the Administrator of EPA as required by 40 CFR part 263.

(w) "Filtering facepiece" (dust mask) means a negative pressure particulate respirator with a filter as an integral part of the facepiece or with the entire facepiece composed of the filtering medium, not equipped with elastomeric sealing surfaces and adjustable straps.

(x) "Fit factor" means a quantitative estimate of the fit of a particular respirator to a specific individual, and typically estimates the ratio of the concentration of a substance in ambient air to its concentration inside the respirator when worn.

(y) "Fit test" means the use of a protocol to qualitatively or quantitatively evaluate the fit of a respirator on an individual.

(z) "Generator" means a licensee operating under a Division, U.S. Nuclear Regulatory Commission or Agreement State license who (1) is a waste generator or (2) is the licensee to whom waste can be attributed within the context of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (e.g., waste generated as a result of decontamination or recycle activities).

(aa) "Helmet" means a rigid respiratory inlet covering that also provides head protection against impact and penetration.

(bb) "High integrity container (HIC)" means a container commonly designed to meet the structural stability requirements of Rule 391-3-17-.03(13)(g), and to meet Department of Transportation requirements for a Type A package.

(cc) "Hood" means a respiratory inlet covering that completely covers the head and neck and may also cover portions of the shoulders and torso.

(dd) "Land disposal facility" means the land, buildings and structures, and equipment that are intended to be used for the disposal of radioactive waste. For purposes of this Rule, a "geologic repository" as defined in 10 CFR Part 60 is not considered a "land disposal facility."

(ee) "Lens dose equivalent" (LDE) means the external exposure of the lens of the eye and is taken as the dose equivalent at a tissue depth of 0.3 centimeter (300 mg/cm^2).

(ff) "Loose-fitting facepiece" means a respiratory inlet covering that is designed to form a partial seal with the face.

(gg) "Nationally tracked source" means a sealed source containing a quantity equal to or greater than Category 1 or Category 2 levels of any radioactive material listed in Table 3 of 391-3-17-.03(15). In this context a sealed source is defined as radioactive material that is sealed in a capsule or closely bonded, in a solid form and which is not exempt from regulatory control. It does not mean material encapsulated solely for disposal, or nuclear material contained in any fuel assembly, subassembly, fuel rod, or fuel pellet. Category 1 nationally tracked sources are those containing radioactive material at a quantity equal to or greater than the Category 1 threshold. Category 2 nationally tracked sources are those containing radioactive material at a quantity equal to or greater than the Category 2 threshold but less than the Category 1 threshold.

(hh) "Negative pressure respirator" (tight fitting) means a respirator in which the air pressure inside the facepiece is negative during inhalation with respect to the ambient air pressure outside the respirator.

(ii) "Nonstochastic effect" means a health effect, the severity of which varies with the dose and for which a threshold is believed to exist. Radiation-induced cataract formation is an example of a nonstochastic effect. For purposes of this Chapter, "deterministic effect" is an equivalent term.

(jj) "Positive pressure respirator" means a respirator in which the pressure inside the respiratory inlet covering exceeds the ambient air pressure outside the respirator.

(kk) "Physical description" means the items called for on NRC Form 541 or equivalent form to describe a low-level radioactive waste.

(ll) "Planned special exposure" means an infrequent exposure to radiation separate from and in addition to the annual occupational dose limits.

(mm) "Powered air-purifying respirator" (PAPR) means an air-purifying respirator that uses a blower to force the ambient air through air-purifying elements to the inlet covering.

(nn) "Pressure demand respirator" means a positive pressure atmosphere-supplying respirator that admits breathing air to the facepiece when the positive pressure is reduced inside the facepiece by inhalation.

(oo) "Qualitative fit test" (QLFT) means a pass/fail fit test to assess the adequacy of respirator fit that relies on the individual's response to the test agent.

(pp) "Quantitative fit test" (QNFT) means an assessment of the adequacy of respirator fit by numerically measuring the amount of leakage into the respirator.

(qq) "Reference man" means a hypothetical aggregation of human physical and physiological characteristics determined by international consensus. These characteristics may be used by researchers and public health workers to standardize results of experiments and to relate biological insult to a common base.

(rr) "Residual radioactivity" means radioactivity in structures, materials, soils, groundwater, and other media at a site resulting from activities under the licensee's control. This includes radioactivity from all licensed and unlicensed sources used by the licensee, but excludes background radiation. It also includes radioactive materials remaining at the site as a result of routine or accidental releases of radioactive material at the site and previous burials at the site, even if those burials were made in accordance with the provisions of Rule .03 of this Chapter.

(ss) "Residual waste" means low-level radioactive waste resulting from processing or decontamination activities that cannot be easily separated into distinct batches attributable to specific waste generators. This waste is attributable to the processor or decontamination facility, as applicable.

(tt) "Respiratory protective device" means an apparatus, such as a respirator, used to reduce an individual's intake of airborne radioactive materials.

(uu) "Self-contained breathing apparatus" (SCBA) means an atmosphere-supplying respirator for which the breathing air source is designed to be carried by the user.

(vv) "Sanitary sewerage" means a system of public sewers for carrying off waste water and refuse, but excluding sewage treatment facilities, septic tanks, and leach fields owned or operated by the licensee.

(ww) "Shipper" means the licensed entity (i.e., the waste generator, waste collector, or waste processor) who offers low-level radioactive waste for transportation, typically consigning this type of waste to a licensed waste collector, waste processor, or land disposal facility operator.

(xx) "Shipping paper" means NRC Form 540 and, if required, NRC Form 540A or equivalent forms which include the information required by DOT in 49 CFR Part 172.

(yy) "Source material" means:

1. Uranium or thorium, or any combination thereof, in any physical or chemical form; or

2. Ores that contain by weight one-twentieth of one percent (0.05 percent) or more of uranium, thorium, or any combination thereof. Source material does not include special nuclear material.

(zz) "Stochastic effect" means a health effect that occurs randomly and for which the probability of the effect occurring, rather than its severity, is assumed to be a linear function of dose without threshold. Hereditary effects and cancer incidence are examples of stochastic effects. For purposes of this Chapter, "probabilistic effect" is an equivalent term.

(aaa) "Supplied-air respirator" (SAR) or airline respirator means an atmosphere-supplying respirator for which the source of breathing air is not designed to be carried by the user.

(bbb) "Tight-fitting facepiece" means a respiratory inlet covering that forms a complete seal with the face.

(ccc) "Uniform Low-Level Radioactive Waste Manifest" or "Uniform Manifest" means the combination of NRC Forms 540, 541, and if necessary, 542, and their respective continuation sheets as needed, or equivalent forms.

(ddd) "User seal check" (fit check) means an action conducted by the respirator user to determine if the respirator is properly seated to the face. Examples include negative pressure check, positive pressure check, irritant smoke check, or isoamyl acetate check.

(eee) "Very high radiation area" means an area, accessible to individuals, in which radiation levels from radioactive materials external to the body could result in an individual receiving an absorbed dose in excess of 500 rads (5 Gray) in one hour at one meter from a source of radiation or from any surface that the radiation penetrates.[1]

(fff) "Waste collector" means an entity, operating under a Division, U.S. Nuclear Regulatory Commission or Agreement State license, whose principal purpose is to collect and consolidate waste generated by others, and to transfer this waste, without processing or repackaging the collected waste, to another licensed waste collector, licensed waste processor, or licensed land disposal facility.

(ggg) "Waste description" means the physical, chemical and radiological description of a low-level radioactive waste as called for on NRC Form 541 or equivalent form.

(hhh) "Waste generator" means an entity, operating under a Division, U.S. Nuclear Regulatory Commission or Agreement State license, who (1) possesses any material or component that contains radioactivity or is radioactively contaminated for which the licensee foresees no further use, and (2) transfers this material or component to a licensed land disposal facility or to a licensed waste collector or processor for handling or treatment prior to disposal. A licensee performing processing or decontamination services may be a "waste generator" if the transfer of low-level radioactive waste from its facility is defined as "residual waste."

(iii) "Waste processor" means an entity, operating under a Division, U.S. Nuclear Regulatory Commission or Agreement State license, whose principal purpose is to process, repackage, or otherwise treat low-level radioactive

material or waste generated by others prior to eventual transfer of waste to a licensed low-level radioactive waste land disposal facility.

(jjj) "Waste type" means a waste within a disposal container having a unique physical description (i.e., a specific waste descriptor code or description; or a waste sorbed on or solidified in a specifically defined media).

(kkk) "Weighting factor" (w_T) for an organ or tissue (T) means the proportion of the risk of stochastic effects resulting from irradiation of that organ or tissue to the total risk of stochastic effects when the whole body is irradiated uniformly. For calculating the effective dose equivalent, the values of w_T are:

ORGAN DOSE WEIGHTING FACTORS

Organ or Tissue	w_T
Gonads	0.25
Breast	0.15
Red bone marrow	0.12
Lung	0.12
Thyroid	0.03
Bone surfaces	0.03
Remainder	0.30[a]
Whole Body	1.00[b]

[a] 0.30 results from 0.06 for each of five "remainder" organs, excluding the skin and the lens of the eye, that receive the highest doses.

[b] For the purpose of weighting the external whole body dose, for adding it to the internal dose, a single weighting factor, $w_T = 1.0$, has been specified. The use of other weighting factors for external exposure will be approved on a case-by-case basis until such time as specific guidance is issued.

(3) **Implementation**

(a) Any existing license condition that is more restrictive than this Rule remains in force until there is an amendment or renewal of the license.

(b) If a license condition exempts a licensee from a provision of Rule 391-3-17-.03 in effect on or before January 1, 1994, it also exempts the licensee from the corresponding provision of this Rule.

(c) If a license condition cites provisions of Rule 391-3-17-.03 in effect prior to January 1, 1994, which do not correspond to any provisions of this Rule, the license condition remains in force until there is an amendment or renewal of the license that modifies or removes this condition.

(4) **Radiation Protection Programs**

(a) Each licensee shall develop, document, and implement a Radiation Protection Program sufficient to ensure compliance with the provisions of this Rule. See (14)(b) of this Rule for record-keeping requirements relating to these Programs.

(b) The licensee shall use, to the extent practical, procedures and engineering controls based upon sound radiation protection principles to achieve occupational doses and doses to members of the public that are as low as is reasonably achievable (ALARA).

(c) The licensee shall, at least annually, review the Radiation Protection Program content and implementation.

(d) To implement the ALARA requirements of .03(4)(b), and notwithstanding the requirements in .03(5)(i) of this rule, a constraint on air emissions of radioactive material to the environment, excluding Radon-222 and its

daughters, shall be established by licensees such that the individual member of the public likely to receive the highest dose will not be expected to receive a total effective dose equivalent in excess of ten (10) mrem (0.1 mSv) per year from these emissions. If a licensee subject to this requirement exceeds this dose constraint, the licensee shall report the exceedance as provided in .03(15)(c) and promptly take appropriate corrective action to ensure against recurrence.

(5) **Occupational Dose Limits and Dose Limits for Individual Members of the Public**

(a) Occupational Dose Limits for Adults.

1. The licensee shall control the occupational dose to individual adults, except for planned special exposures pursuant to (5)(f) of this Rule, in accordance with the following dose limits:

(i) An annual limit, which is the more limiting of:

(I) The total effective dose equivalent being equal to five (5) rem (0.05 Sv); or

(II) The sum of the deep dose equivalent and the committed dose equivalent to any individual organ or tissue other than the lens of the eye being equal to 50 rem (0.50 Sv).

(ii) The annual limits to the lens of the eye, to the skin of the whole body, and to the skin of the extremities, which are:

(I) A lens dose equivalent of 15 rem (0.15 Sv); and

(II) A shallow dose equivalent of 50 rem (0.50 Sv) to the skin of the whole body or to the skin of any extremity.

2. Doses received in excess of the annual limits, including doses received during accidents, emergencies, and planned special exposures, shall be subtracted from the limits for planned special exposures that the individual may receive during the current year and during the individual's lifetime, listed in (5)(f)5.(i) and (ii) of this Rule.

3. When the external exposure is determined by measurement with an external personal monitoring device, the deep-dose equivalent must be used in place of the effective dose equivalent, unless the effective dose equivalent is determined by a dosimetry method approved by the NRC. The assigned deep dose equivalent shall be for the portion of the body receiving the highest exposure. The assigned shallow dose equivalent shall be the dose averaged over the contiguous ten (10) square centimeters of skin receiving the highest exposure.

4. The deep dose equivalent, lens dose equivalent, and shallow dose equivalent may be assessed from surveys or other radiation measurements for the purpose of demonstrating compliance with the occupational dose limits, if the individual monitoring device was not in the region of highest potential exposure or the results of individual monitoring are unavailable.

5. Derived air concentration (DAC) and annual limit on intake (ALI) values are specified in Table I of Appendix B to 10 CFR 20 and may be used to determine the individual's dose and to demonstrate compliance with the occupational dose limits. See (14)(g) of this Rule for maintaining records of these exposures.

6. Notwithstanding the annual dose limits, the licensee shall limit the soluble uranium intake by an individual to ten milligrams in a week in consideration of chemical toxicity. See footnote 3 of Appendix B 10 CFR 20.

7. The licensee shall reduce the dose that an individual may be allowed to receive in the current year by the amount of occupational dose received while employed by any other person during the current year. See (5)(e) of this Rule.

(b) Compliance with Requirements for Summation of External and Internal Doses.

1. General Requirements. If the licensee is required to monitor pursuant to both (8)(b)1. and 2. of this Rule, the licensee shall demonstrate compliance with the dose limits by summing external and internal doses. If the licensee is

required to monitor only pursuant to (8)(b)1. of this Rule or only pursuant to (8)(b)2. of this Rule, then summation is not required to demonstrate compliance with the dose limits. The licensee must demonstrate compliance with the requirements for summation of external and internal doses pursuant to (5)(b)2., 3., and 4. of this Rule. The dose equivalents for the lens of the eye, the skin, and the extremities are not included in the summation, but are subject to separate limits.

2. Intake by Inhalation. If the only intake of radionuclides is by inhalation, the total effective dose equivalent limit is not exceeded if the sum of the deep dose equivalent divided by the total effective dose equivalent limit and one of the following does not exceed unity:

(i) The sum of the fractions of the inhalation ALI for each radionuclide;

(ii) The total number of derived air concentration-hours (DAC-hours) for all radionuclides divided by 2,000; or

(iii) The sum of the calculated committed effective dose equivalents to all significantly irradiated organs or tissues (T) calculated from bioassay data using appropriate biological models and expressed as a fraction of the annual limit. For purposes of this requirement, an organ or tissue is deemed to be significantly irradiated if, for that organ or tissue, the product of the weighting factors, w_T, and the committed dose equivalent, $H_{T,50}$, per unit intake is greater than ten percent of the maximum weighted value of H_{50} (i.e., $w_T H_{T,50}$), per unit intake for any organ or tissue.

3. Intake by Oral Ingestion. If the occupationally-exposed individual receives an intake of radionuclides by oral ingestion greater than ten percent of the applicable oral ALI, the licensee shall account for this intake and include it in demonstrating compliance with the limits.

4. Intake through Wounds or Absorption through Skin. The licensee shall evaluate and, to the extent practical, account for intakes through wounds or skin absorption. The intake through intact skin has been included in the calculation of DAC for hydrogen-3 and does not need to be evaluated or accounted for pursuant to (5)(b)4. of this Rule.

(c) Determination of External Dose from Airborne Radioactive Material.

1. Licensees shall, when determining the dose from airborne radioactive material, include the contribution to the deep dose equivalent, lens dose equivalent, and shallow dose equivalent from external exposure to the radioactive cloud. See Appendix B, footnotes 1 and 2, of 10 CFR 20.

2. Airborne radioactivity measurements and DAC values shall not be used as the primary means to assess the deep dose equivalent when the airborne radioactive material includes radionuclides other than noble gases or if the cloud of airborne radioactive material is not relatively uniform. The determination of the deep dose equivalent to an individual shall be based upon measurements using instruments or individual monitoring devices.

(d) Determination of Internal Exposure.

1. For purposes of assessing the dose used to determine compliance with occupational dose equivalent limits, the licensee shall, when required under (8)(b) of this Rule, take suitable and timely measurements of:

(i) Concentrations of radioactive materials in air in work areas during operations;

(ii) Quantities of radionuclides in the body;

(iii) Quantities of radionuclides excreted from the body; or

(iv) Combinations of these measurements.

2. Unless respiratory protective equipment is used, as provided in (10)(d) of this Rule, or the assessment of intake is based on bioassays, the licensee shall assume that an individual inhales radioactive material at the airborne concentration in which the individual is present.

3. When specific information on the physical and biochemical properties of the radionuclides taken into the body or the behavior of the material in an individual is known, the licensee may:

(i) Use that information to calculate the committed effective dose equivalent, and, if used, the licensee shall document that information in the individual's record;

(ii) Upon prior approval of the Division, adjust the DAC or ALI values to reflect the actual physical and chemical characteristics of airborne radioactive material, for example, aerosol size distribution or density; and

(iii) Separately assess the contribution of fractional intakes of Class D, W, or Y compounds of a given radionuclide to the committed effective dose equivalent. See Appendix B of 10 CFR 20.

4. If the licensee chooses to assess intakes of Class Y material using the measurements given in (5)(d)1.(ii) or (iii) of this Rule, the licensee may delay the recording and reporting of the assessments for periods up to seven months, unless otherwise required by (15)(b) or (15)(c) of this Rule. This delay permits the licensee to make additional measurements basic to the assessments.

5. If the identity and concentration of each radionuclide in a mixture are known, the fraction of the DAC applicable to the mixture for use in calculating DAC-hours shall be either:

(i) The sum of the ratios of the concentration to the appropriate DAC value (i.e., D, W, or Y) from Appendix B of 10 CFR 20, for each radionuclide in the mixture; or

(ii) The ratio of the total concentration for all radionuclides in the mixture to the most restrictive DAC value for any radionuclide in the mixture.

6. If the identity of each radionuclide in a mixture is known, but the concentration of one or more of the radionuclides in the mixture is not known, the DAC for the mixture shall be the most restrictive DAC of any radionuclide in the mixture.

7. When a mixture of radionuclides in the air exists, a licensee may disregard certain radionuclides in the mixture if:

(i) The licensee uses the total activity of the mixture in demonstrating compliance with the dose limits in (5)(a) of this Rule and in complying with the monitoring requirements in (8)(b)2. of this Rule;

(ii) The concentration of any radionuclide disregarded is less than ten percent of its DAC; and

(iii) The sum of these percentages for all of the radionuclides disregarded in the mixture does not exceed 30 percent.

8. When determining the committed effective dose equivalent, the following information may be considered:

(i) In order to calculate the committed effective dose equivalent, the licensee may assume that the inhalation of one ALI, or an exposure of 2,000 DAC-hours, results in a committed effective dose equivalent of five rem (0.05Sv) for radionuclides that have their ALIs or DACs based on the committed effective dose equivalent;

(ii) When the ALI (and the associated DAC) is determined by the non-stochastic organ dose limit of 50 rem (0.50 Sv), the intake of radionuclides that would result in a committed effective dose equivalent of five rem (0.05 Sv), (i.e., the stochastic ALI) is listed in parentheses in Table I of Appendix B of 10 CFR 20. In this case, the licensee may, as a simplifying assumption, use the stochastic ALIs to determine the committed effective dose equivalent. However, if the licensee uses the stochastic ALIs, the licensee shall also demonstrate that the limit in (5)(a)1.(i)(II) of this Rule is not exceeded.

(e) Determination of Prior Occupational Dose.

1. For each individual who is likely to receive, in a year, an occupational dose requiring monitoring pursuant to (8)(b) of this Rule, the licensee shall:

(i) Determine the occupational radiation dose received during the current year; and

(ii) Attempt to obtain the records of lifetime cumulative occupational radiation dose.

2. Prior to permitting an individual to participate in a planned special exposure, the licensee shall determine:

(i) The internal and external doses from all previous planned special exposures; and

(ii) All doses in excess of the limits, including doses received during accidents and emergencies, received during the lifetime of the individual.

3. In complying with the requirements of (5)(e)1. of this Rule, a licensee may:

(i) Accept, as a record of the occupational dose that the individual received during the current year, a written signed statement from the individual, or from the individual's most recent employer for work involving radiation exposure, that discloses the nature and the amount of any occupational dose that the individual may have received during the current year;

(ii) Accept, as the record of lifetime cumulative radiation dose, an up-to-date Division Form "Occupational Radiation Exposure History" or equivalent, signed by the individual and countersigned by an appropriate official of the most recent employer for work involving radiation exposure, or the individual's current employer if the individual is not employed by the licensee; and

(iii) Obtain the individual's dose equivalent from the most recent employer for work involving radiation exposure, or the individual's current employer if the individual is not employed by the licensee, by telephone, telegram, electronic media, facsimile, or letter. The licensee shall request a written verification of the dose data if the authenticity of the transmitted report cannot be established.

4. The licensee shall record the exposure history, as required by (5)(e)1. of this Rule, on Division Form "Occupational Radiation Exposure History" or other clear and legible record, and all of the information required on that form. The form or record shall show each period in which the individual received occupational exposure to radiation or radioactive material and shall be signed by the individual who received the exposure. For each period for which the licensee obtains, the licensee shall use the dose shown in the report in preparing the Division Form "Occupational Radiation Exposure History" or equivalent form. For any period in which the licensee does not obtain a report, the licensee shall place a notation on the "Occupational Radiation Exposure History" or equivalent form indicating the periods of time for which data are not available.

5. Licensees are not required to partition historical dose between external dose equivalents and internal committed dose equivalents of radionuclides assessed under the Regulations in effect before January 1, 1994. Further, occupational exposure histories obtained and recorded on Division Form "Occupational Radiation Exposure History" or equivalent before January 1, 1994, might not have included effective dose equivalent but may be used in the absence of specific information on the intake of radionuclides by the individual.

6. If the licensee is unable to obtain a complete record of an individual's current and previously accumulated occupational dose, the licensee shall assume:

(i) In establishing administrative controls under (5)(a)7. of this Rule, for the current year, that the allowable dose limit for the individual is reduced by 1.25 rem (12.5 mSv) for each quarter for which records were unavailable and the individual was engaged in activities that could have resulted in occupational radiation exposure; and

(ii) That the individual is not available for planned special exposures.

7. The licensee shall retain the records on Division Form "Occupational Radiation Exposure History" or equivalent until the Director terminates each pertinent license requiring this record. The licensee shall retain records used in preparing Division Form "Occupational Radiation Exposure History" or equivalent for three years after the record is made.

(f) Planned Special Exposures. A licensee may authorize an adult worker to receive doses in addition to and accounted for separately from the doses received under the limits specified in (5)(a) of this Rule provided that each of the following conditions is satisfied:

1. The licensee authorizes a planned special exposure only in an exceptional situation when alternatives that might avoid the higher exposure estimated to result from the planned special exposure are unavailable or impractical (i.e., industrial radiography source retrieval for an area that cannot be evacuated).

2. The management official of the licensee (and employer if the employer is not the licensee) specifically authorizes the planned special exposure, in writing, before the exposure occurs.

3. Before a planned special exposure, the licensee ensures that each individual involved is:

(i) Informed of the purpose of the planned operation;

(ii) Informed of the estimated doses and associated potential risks and specific radiation levels or other conditions that might be involved in performing the task; and

(iii) Instructed in the measures to be taken to keep the dose ALARA considering other risks that may be present.

4. Prior to permitting an individual to participate in a planned special exposure, the licensee ascertains prior doses as required by (5)(e)2. of this Rule during the lifetime for each individual involved.

5. Subject to (5)(a)2. of this Rule, the licensee shall not authorize a planned special exposure that would cause an individual to receive a dose from all planned special exposures and all doses in excess of the limits to exceed:

(i) The numerical values of any of the dose limits in (5)(a)1. of this Rule in any year; and

(ii) Five times the annual dose limits in (5)(a)1. of this Rule during the individual's lifetime.

6. The licensee maintains records of the conduct of a planned special exposure in accordance with (14)(f) of this Rule and submits a written report in accordance with (15)(d) of this Rule.

7. The licensee records the best estimate of the dose resulting from the planned special exposure in the individual's record and informs the individual, in writing, of the dose within 30 days after the date of the planned special exposure. The dose from planned special exposures shall not be considered in controlling the future occupational dose of the individual pursuant to (5)(a)1. of this Rule but shall be included in evaluations required by (5)(f)1. and (5)(f)5. of this Rule.

(g) Occupational Dose Limits for Minors. The annual occupational dose limits for minors are ten percent of the annual occupational dose limits specified for adult workers in (5)(a) of this Rule.

(h) Dose to an Embryo/Fetus.

1. The licensee shall ensure that the dose equivalent to an embryo/fetus during the entire pregnancy, due to occupational exposure of a declared pregnant woman, does not exceed 0.5 rem (5 mSv). For record-keeping requirements, see (14)(g) of this Rule.

2. The licensee shall make efforts to avoid substantial variation[2] above a uniform monthly exposure rate to a declared pregnant woman so as to satisfy the limit in (5)(h)1. of this Rule.

3. The dose equivalent to an embryo/fetus shall be taken as the sum of:

(i) The deep-dose equivalent to the declared pregnant woman; and

(ii) The dose equivalent to the embryo/fetus from radionuclides in the embryo/fetus and radionuclides in the declared pregnant woman.

4. If by the time the woman declares pregnancy to the licensee the dose equivalent to the embryo/fetus is found to have exceeded 0.50 rem (5.0 mSv), or is within 0.05 rem (0.5 mSv) of this dose equivalent, the licensee shall be deemed to be in compliance with (5)(h)1. of this Rule if the additional dose equivalent to the embryo/fetus does not exceed 0.05 rem (0.5 mSv) during the remainder of the pregnancy.

(i) Radiation Dose Limits for Individual Members of the Public.

1. Each licensee shall conduct operations so that:

(i) Except as provided in (5)(i)1.(iii) the total effective dose equivalent to individual members of the public from the licensed operation does not exceed 0.1 rem (1 mSv) in a year, exclusive of the dose contributions from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released in accordance with Rule .05(37), from voluntary participation in medical research programs, and from the licensee's disposal of radioactive material into sanitary sewerage in accordance with (13)(c) of this Rule; and

(ii) The dose in any unrestricted area from external sources, exclusive of the dose contributions from individuals administered radioactive material and released in accordance with Rule .05(37), does not exceed 0.002 rem (0.02 mSv) in any one hour.

(iii) The total effective dose equivalent to individual members of the public from infrequent exposure to radiation from radiation machines does not exceed 0.5 rem (5 mSv).

2. A licensee or license applicant may apply for prior Division authorization to operate up to an annual dose limit for an individual member of the public of 0.5 rem (5 mSv). The licensee or license applicant shall include the following information in this application:

(i) Demonstration of the need for and the expected duration of operations in excess of the limit in (5)(i)1. of this Rule;

(ii) The licensee's program to assess and control dose within the 0.5 rem (5 mSv) annual limit; and

(iii) The procedure to be followed to maintain the dose as low as is reasonably achievable (ALARA).

3. In addition to the requirements of this Rule, a licensee subject to the provisions of the U.S. Environmental Protection Agency's (EPA) generally applicable environmental radiation standards in 40 CFR Part 190 shall comply with those standards.

4. The Division may impose additional restrictions on radiation levels in unrestricted areas and on the total quantity of radionuclides that a licensee may release in effluents in order to restrict the collective dose.

(j) Compliance with Dose Limits for Individual Members of the Public.

1. The licensee shall make or cause to be made, as appropriate, surveys of radiation levels in unrestricted areas and radioactive materials in effluents released to unrestricted areas to demonstrate compliance with the dose limits for individual members of the public in (5)(i) of this Rule.

2. A licensee shall show compliance with the annual dose limit in (5)(i) of this Rule by:

(i) Demonstrating by measurement or calculation that the total effective dose equivalent to the individual likely to receive the highest dose from the licensed operation does not exceed the annual dose limit; or

(ii) Demonstrating that:

(I) The annual average concentrations of radioactive material released in gaseous and liquid effluents at the boundary of the unrestricted area do not exceed the values specified in Table II of Appendix B of 10 CFR 20.

(II) If an individual were continually present in an unrestricted area, the dose from external sources would not exceed 0.002 rem (0.02 mSv) in one hour and 0.05 rem (0.50 mSv) in one year.

3. Upon approval from the Division, the licensee may adjust the effluent concentration values in Appendix B, Table II of 10 CFR 20, for members of the public, to take into account the actual physical and chemical characteristics of the effluents (e.g., aerosol size distribution, solubility, density, radioactive decay equilibrium, and chemical form).

(6) **Testing for Leakage or Contamination of Sealed Sources**

(a) The licensee in possession of any sealed source shall assure that:

1. Each sealed source, other than hydrogen-3, with a half-life greater than 30 days and in any form other than gas, shall be tested for leakage or contamination as follows:

(i) Prior to initial use;

(ii) Unless otherwise authorized by the Division, at intervals not to exceed six months, except that each source designed for the purpose of emitting alpha particles shall be tested at intervals not to exceed three months;

(iii) At any other time there is reason to suspect that a sealed source might have been damaged or might be leaking, it shall be tested for leakage before further use; and

(iv) In the absence of a certificate from a transferor indicating that a test for leakage has been made within six months prior to the transfer, the sealed source shall not be put into use until tested and the results received.

2. Tests for leakage for all sealed sources, except those manufactured to contain radium, shall be capable of detecting the presence of 0.005 μCi (185 Bq) of radioactive material on a test sample. Test samples shall be taken from the sealed source or from the surfaces of the container in which the sealed source is stored or mounted on which one might expect contamination to accumulate. For sealed sources contained in a device, test samples are obtained when the source is in the "off" position.

3. Tests for leakage for sources manufactured to contain radium shall be capable of detecting an absolute leakage rate of 0.001 μCi (37 Bq) of radon-222 in a 24-hour period when the collection efficiency for radon-222 and its daughters has been determined with respect to collection method, volume, and time.

4. Test samples shall also be taken from the interior surfaces of the container in which sealed sources of radium are stored. This test shall be capable of detecting the presence of 0.005 μCi (185 Bq) of a radium daughter that has a half-life greater than four days.

5. Notwithstanding the periodic test for leakage required, any sealed source is exempt from such tests for leakage when the sealed source contains 100 μCi (3.7 MBq) or less of beta- or gamma-emitting material or ten μCi (370 kBq) or less of alpha-emitting material.

(b) Tests for leakage or contamination shall be performed by persons specifically authorized by the Director or Division, an Agreement State, or the U.S. Nuclear Regulatory Commission to perform such services.

(c) The following shall be considered evidence that the sealed source is leaking:

1. The presence of 0.005 μCi (185 Bq) or more of removable contamination on any test sample. If the test of a sealed source, other than radium, reveals the presence of 0.005 μCi (185 Bq) or more of removable contamination, the licensee shall immediately withdraw the sealed source from use, take action to prevent the spread of contamination, and cause the sealed source to be decontaminated and repaired or to be disposed of in accordance with this Rule.

2. Leakage of 0.001 μCi (37 Bq) of radon-222 per 24 hours for sealed sources manufactured to contain radium. If the test of a sealed source manufactured to contain radium reveals the presence of removable contamination resulting from the decay of 0.005 μCi (185 Bq) or more of radium-226, the licensee shall immediately withdraw the sealed source from use, take action to prevent the spread of contamination, and cause the sealed source to be decontaminated and repaired or to be disposed of in accordance with this Rule.

(d) Records of test results for sealed sources shall be made pursuant to (14)(d).

(e) Reports of test results for leaking or contaminated sealed sources shall be made pursuant to (15)(g) of this Rule.

(7) **Radiological Requirements for License Termination**

(a) General provisions and scope.

1. The requirements in this section apply to the decommissioning of facilities licensed under Rule .02(8)(g), (Licensing of Radioactive Materials. Amended);

2. The requirements in this section do not apply to sites which:

(i) Have been decommissioned prior to April 18, 2002 in accordance with requirements identified in .03(7) and Rule .02 of this Chapter; or

(ii) Have previously submitted and received Division approval on a decommissioning plan by April 18, 2002.

3. After a site has been decommissioned and the license terminated in accordance with the requirements in this section, the Division will require additional cleanup only if, based on new information, it determines that the requirements of this section were not met and residual radioactivity remaining at the site could result in significant threat to public health and safety.

4. When calculating TEDE to the average member of the critical group the licensee shall determine the peak annual TEDE dose expected within the first 1,000 years after decommissioning.

(b) Radiological requirements for unrestricted use. A site will be considered acceptable for unrestricted use if the residual radioactivity that is distinguishable from background radiation results in a TEDE to an average member of the critical group that does not exceed 25 mrem (0.25 mSv) per year, including that from groundwater sources of drinking water, and the residual radioactivity has been reduced to levels that are as low as reasonably achievable (ALARA). Determination of the levels which are ALARA must take into account consideration of any detriments, such as deaths from transportation accidents, expected to potentially result from decontamination and waste disposal.

(c) Alternate requirements for license termination.

1. The Director may terminate a license using alternate requirements greater than the dose requirements of .03(7)(b) if the licensee:

(i) Provides assurance that public health and safety would continue to be protected, and that it is unlikely that the dose from all man-made sources combined, other than medical, would be more than the 100 mrem/year (1 mSv/year) limit of .03(5)(i), by submitting an analysis of possible sources of exposure;

(ii) Reduces doses to ALARA levels, taking into consideration any detriments such as traffic accidents expected to potentially result from decontamination and waste disposal;

(iii) Has provided sufficient financial assurance in the form of a trust fund to enable an independent third party, including a governmental custodian of a site, to assume and carry out responsibilities for any necessary control and maintenance of the site; and

(iv) Has submitted a decommissioning plan to the Division indicating the licensee's intent to decommission in accordance with requirements of Rule .02(18)(d), and specifying that the licensee proposes to decommission by use of alternate requirements. The licensee shall document in the decommissioning plan how the advice of individuals and institutions in the community who may be affected by the decommissioning has been sought and addressed, as appropriate, following analysis of that advice. In seeking such advice, the licensee shall provide for:

(I) Participation by representatives of a broad cross section of community interests who may be affected by the decommissioning;

(II) An opportunity for a comprehensive, collective discussion on the issues by the participants represented; and

(III) A publicly available summary of the results of all such discussions, including a description of the individual viewpoints of the participants on the issues and the extent of agreement and disagreement among the participants on the issues.

2. The use of alternate requirements to terminate a license requires the approval of the Director after consideration of the Division's recommendations that will address any comments provided by the U.S. Environmental Protection Agency (EPA) and any public comments submitted in accordance with (7)(d) of this rule.

(d) Public notification and public participation. Upon the receipt of a decommissioning plan from the licensee, or a proposal by the licensee for release of a site in accordance with (7)(c) of this Rule, or whenever the Division deems such notice to be in the public interest, the Division will:

1. Notify and solicit comments from:

(i) Local and State governments in the vicinity of the site and any Indian Nation or other indigenous people that have treaty or statutory rights that could be affected by the decommissioning; and

(ii) The EPA for cases where the licensee proposes to release a site in accordance with (7)(c).

2. Publish a notice in the local newspaper(s), letters to State or local organizations, or other appropriate forum, that is readily accessible to individuals in the vicinity of the site, and solicit comments from affected parties.

(e) Minimization of contamination.

1. Applicants for licenses, other than renewals, after April 18, 2002, shall describe in the application how facility design and procedures for operation will minimize, to the extent practical, contamination of the facility and the environment, facilitate eventual decommissioning, and minimize, to the extent practical, the generation of radioactive waste.

2. Licensees shall, to the extent practical, conduct operations to minimize the introduction of residual radioactivity into the site, including the subsurface, in accordance with the existing radiation protection requirements in .03(4) and radiological criteria for license termination in .03(7) of this Rule.

(8) **Surveys and Monitoring**

(a) General.

1. Each licensee shall make, or cause to be made, surveys of areas, including the subsurface, that:

(i) May be necessary for the licensee to demonstrate compliance with this Rule; and

(ii) Are reasonable under the circumstances to evaluate:

(I) The magnitude and extent of radiation levels;

(II) Concentrations or quantities of residual radioactivity; and

(III) The potential radiological hazards of the radiation levels and residual radioactivity detected.

2. Notwithstanding .03(14)(c)1, records from surveys describing the location and amount of subsurface residual radioactivity identified at the site must be kept with records important for decommissioning, and such records must be retained in accordance with .02(8)(g)8, as applicable.

3. The licensee shall ensure that instruments and equipment used for quantitative radiation measurements (e.g., dose rate and effluent monitoring) are calibrated periodically, at least annually, for the radiation measured except when a more frequent interval is specified in other applicable parts of these Rules or a license condition.

4. All personnel dosimeters, except for direct and indirect reading pocket ionization chambers and those dosimeters used to measure the dose to any extremity, that require processing to determine the radiation dose and that are used by licensees to comply with (5)(a) of this Rule, with other applicable provisions of this Chapter, or with conditions specified in a license shall be processed and evaluated by a qualified dosimetry processor. A dosimetry processor is qualified if it:

(i) Holds current personnel dosimetry accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute of Standards and Technology; and

(ii) Is approved in this accreditation process for the type of radiation or radiations included in the NVLAP program that most closely approximates the type of radiation or radiations for which the individual wearing the dosimeter is monitored.

5. The licensee shall ensure that adequate precautions are taken to prevent a deceptive exposure of an individual monitoring device.

(b) Conditions Requiring Individual Monitoring of External and Internal Occupational Dose. Each licensee shall monitor exposures to sources of radiation and radioactive material at levels sufficient to demonstrate compliance with the occupational dose limits of this Rule. As a minimum:

1. Each licensee shall monitor occupational exposure to radiation and shall supply and require the use of individual monitoring devices by:

(i) Adults likely to receive, in one year from sources external to the body, a dose in excess of ten percent of the limits in (5)(a)1. of this Rule;

(ii) Minors likely to receive, in one year from radiation sources external to the body, a deep dose equivalent in excess of 0.1 rem (1mSv), a lens dose equivalent in excess of 0.15 rem (1.5 mSv), or a shallow dose equivalent to the skin or to extremities in excess of 0.5 rem (5mSv);

(iii) Declared pregnant women likely to receive during the entire pregnancy, from radiation sources external to the body, a deep dose equivalent in excess of 0.1 rem (1 mSv);[3] and

(iv) Individuals entering a high or very high radiation area.

2. Each licensee shall monitor, to determine compliance with (5)(d) of this Rule, the occupational intake of radioactive material by, and assess the committed effective dose equivalent to:

(i) Adults likely to receive, in one year, an intake in excess of ten percent (10%) of the applicable ALI in Table I, Columns 1 and 2, of Appendix B of 10 CFR 20; and

(ii) Minors likely to receive, in one year, a committed effective dose equivalent in excess of 0.05 rem (0.50 mSv).

(iii) Declared pregnant women likely to receive, during the entire pregnancy, a committed effective dose equivalent in excess of 0.1 rem (1 mSv).

(9) **Control Of Exposure From External Sources In Restricted Areas**

(a) Control of Access to High Radiation Areas.

1. The licensee shall ensure that each entrance or access point to a high radiation area has one or more of the following features:

(i) A control device that, upon entry into the area, causes the level of radiation to be reduced below that level at which an individual might receive a deep dose equivalent of 0.1 rem (1 mSv) in one hour at 30 centimeters from the source of radiation or from any surface that the radiation penetrates;

(ii) A control device that energizes a conspicuous visible or audible alarm signal so that the individual entering the high radiation area and the supervisor of the activity are made aware of the entry; or

(iii) Entryways that are locked, except during periods when access to the areas is required, with positive control over each individual entry.

2. In place of the controls required by (9)(a)1. of this Rule, the licensee may substitute continuous direct or electronic surveillance that is capable of preventing unauthorized entry.

3. The licensee may apply to the Division for approval of alternative methods for controlling access to high radiation areas.

4. The licensee shall establish the controls required by (9)(a)1. and (9)(a)3. of this Rule in a way that does not prevent individuals from leaving a high radiation area.

5. The licensee is not required to control each entrance or access point to a room or other area that is a high radiation area solely because of the presence of radioactive materials prepared for transport and packaged and labeled in accordance with the regulations of the U.S. Department of Transportation provided that:

(i) The packages do not remain in the area longer than three days; and

(ii) The dose rate at one meter from the external surface of any package does not exceed 0.01 rem (0.1 mSv) per hour.

6. The licensee is not required to control entrance or access to rooms or other areas in hospitals solely because of the presence of patients containing radioactive material, provided that there are personnel in attendance who will take the necessary precautions to prevent the exposure of individuals to radiation or radioactive material in excess of the established limits in this Rule and to ensure operation within the ALARA provisions of the licensee's Radiation Protection Program.

7. The licensee is not required to control entrance or access to rooms or other areas containing sources of radiation capable of producing a high radiation area if the licensee has met all the specific requirements for access and control specified in other applicable Rules, such as 391-3-17-.04 for industrial radiography.

(b) Control of Access to Very High Radiation Areas.

1. In addition to the requirements in (9)(a) of this Rule, the licensee shall institute additional measures to ensure that an individual is not able to gain unauthorized or inadvertent access to areas in which radiation levels could be encountered at 500 rads (5 Gy) or more in one hour at one meter from a source of radiation or any surface through which the radiation penetrates. This requirement does not apply to rooms or areas in which diagnostic x-ray systems are the only source of radiation, or to non-self-shielded irradiators.

2. The licensee is not required to control entrance or access to rooms or other areas containing sources of radiation capable of producing a very high radiation area as defined in this Rule if the licensee has met all the specific requirements for access and control specified in other applicable Rules, such as 391-3-17-.04 for industrial radiography.

(10) **Respiratory Protection and Controls to Restrict Internal Exposure in Restricted Areas**

(a) Use of Process or Other Engineering Controls. The licensee shall use, to the extent practicable, process or other engineering controls (e.g., containment, decontamination, or ventilation) to control the concentrations of radioactive material in air.

(b) Use of Other Controls. When it is not practical to apply process or other engineering controls to control the concentrations of radioactive material in air to values below those that define an airborne radioactivity area, the licensee shall, consistent with maintaining the total effective dose equivalent ALARA, increase monitoring and limit intakes by one or more of the following means:

1. Control of access;

2. Limitation of exposure times;

3. Use of respiratory protection equipment; or

4. Other controls.

(c) If the licensee performs an ALARA analysis to determine whether or not respirators should be used, the licensee may consider safety factors other than radiological factors. The licensee should also consider the impact of respirator use on workers' industrial health and safety.

(d) Use of Individual Respiratory Protection Equipment.

1. If the licensee uses respiratory protection equipment to limit intakes pursuant to (10)(b) of this Rule:

(i) Except as provided in (10)(d)1.(ii) of this Rule, the licensee shall use only respiratory protection equipment that is tested and certified by or had certification extended by the National Institute for Occupational Safety and Health and the Mine Safety and Health Administration (NIOSH/MSHA).

(ii) The licensee may use equipment that has not been tested or certified by the National Institute for Occupational Safety and Health and the Mine Safety and Health Administration or had certification extended by NIOSH/MSHA or for which there is no schedule for testing or certification, provided the licensee has submitted to the Division and the Division has approved an application for authorized use of that equipment, including a demonstration by testing, or a demonstration on the basis of reliable test information, that the material and performance characteristics of the equipment are capable of providing the proposed degree of protection under anticipated conditions of use.

(iii) The licensee shall implement and maintain a respiratory protection program that includes:

(I) Air sampling sufficient to identify the potential hazard, permit proper equipment selection, and estimate exposures;

(II) Surveys and bioassays, as appropriate, to evaluate actual intakes;

(III) Testing of respirators for operability (user seal check for face sealing devices and functional check for others) immediately prior to each use;

(IV) Written procedures regarding: respirator selection; fit testing; breathing air quality; inventory control; storage, issuance, maintenance, repair, and quality assurance of respiratory protection equipment, including testing for operability immediately prior to each use; supervision and training of personnel; monitoring, including air sampling and bioassays; and record-keeping; and

(V) Determination by a physician prior to initial fitting of face sealing respirators; before the first use of non-face sealing respirators; and either every 12 months thereafter or periodically at a frequency determined by a physician, that the individual user is medically fit to use the respiratory protection equipment.

(VI) Fit testing, with fit factor "ten times the APF for negative pressure devices", and a fit factor "500 for any positive pressure, continuous flow, and pressure-demand devices", before the first field use of tight fitting, face-sealing respirators and periodically thereafter at a frequency not to exceed one year. Fit testing must be performed with the facepiece operating in the negative pressure mode.

(iv) The licensee shall advise each respirator user that the user may leave the area at any time for relief from respirator use in the event of equipment malfunction, physical or psychological distress, procedural or communication failure, significant deterioration of operating conditions, or any other conditions that might require such relief.

(v) The licensee shall also consider limitations appropriate to the type and mode of use. When selecting respiratory devices the licensee shall provide for vision correction, adequate communication, low temperature work environments, and the concurrent use of other safety or radiological protection equipment. The licensee shall use equipment in such a way as not to interfere with the proper operation of the respirator.

(vi) Standby rescue persons are required whenever one-piece atmosphere-supplying suits, or any combination of supplied air respiratory protection device and personnel protective equipment are used from which an unaided individual would have difficulty extricating himself. The standby persons must be equipped with respiratory protection devices or other apparatus appropriate for the potential hazards. The standby rescue persons shall observe or otherwise maintain continuous communication with the workers (visual, voice, signal line, telephone, radio, or other suitable means), and be immediately available to assist them in case of a failure of the air supply or for any other reason that requires relief from distress. A sufficient number of standby rescue persons must be immediately available to assist all users of this type of equipment and to provide effective emergency rescue if needed.

(vii) Atmosphere-supplying respirators must be supplied with respirable air of grade D quality or better as defined by the Compressed Gas Association in publication G-7.1, "Commodity Specification for Air," 1997 and included in the regulations of the Occupational Safety and Health Administration (29 CFR 1910.134(i)(1)(ii)(A) through (E). Grade D quality air criteria include:

(I) Oxygen content (v/v) of 19.5-23.5%;

(II) Hydrocarbon (condensed) content of five (5) milligrams per cubic meter of air or less;

(III) Carbon monoxide (CO) content of ten (10) ppm or less;

(IV) Carbon dioxide content of 1,000 ppm or less; and

(V) Lack of noticeable odor.

(viii) The licensee shall ensure that no objects, materials or substances, such as facial hair, or any conditions that interfere with the face to facepiece seal or valve function, and that are under the control of the respirator wearer, are present between the skin of the wearer's face and the sealing surface of a tight-fitting respirator facepiece.

(ix) In estimating the dose to individuals from intake of airborne radioactive materials, the concentration of radioactive material in the air that is inhaled when respirators are worn is initially assumed to be the ambient concentration in air without respiratory protection, divided by the assigned protection factor. If the dose is later found to be greater than the estimated dose, the corrected value must be used. If the dose is later found to be less than the estimated dose, the corrected value may be used.

(e) Further Restrictions on the Use of Respiratory Protection Equipment. The Division may impose restrictions in addition to those in (10)(b) and (10)(c) of this Rule and Appendix A to 10 CFR 20, in order to:

1. Ensure that the respiratory protection program of the licensee is adequate to limit doses to individuals from intakes of airborne radioactive materials consistent with maintaining total effective dose equivalent ALARA; and

2. Limit the extent to which a licensee may use respiratory protection equipment instead of process or other engineering controls.

(f) Application for use of higher assigned protection factors. The licensee shall obtain authorization from the Division before using assigned protection factors in excess of those specified in Appendix A to 10 CFR Part 20 . The Division may authorize a licensee to use higher assigned protection factors on receipt of an application that:

1. Describes the situation for which a need exists for higher protection factors; and

2. Demonstrates that the respiratory protection equipment provides these higher protection factors under the proposed conditions of use.

(11) **Storage and Control of Licensed Material**

(a) Security and Control of Licensed Radioactive Material. The licensee shall secure licensed materials from unauthorized removal or access.

(b) Control of material sources of radiation not in storage. The licensee shall maintain constant surveillance and use devices or administrative procedures to prevent unauthorized use of licensed radioactive material that is in an unrestricted area and that is not in storage or in a patient.

(12) **Precautionary Procedures**

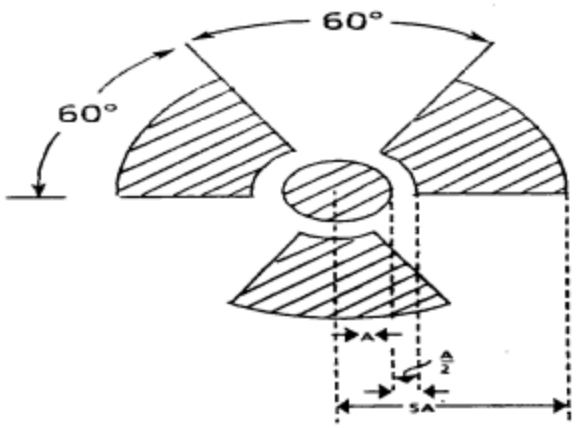
(a) Caution Signs.

1. Standard Radiation Symbol. Unless otherwise authorized by the Division, the symbol prescribed by (12)(a) of this Rule uses the colors magenta (or purple or black) on yellow background. The symbol prescribed is the three-bladed design as follows:

(i) Cross-hatched area is to be magenta, purple, or black; and

(ii) The background is to be yellow.

2. Exception to Color Requirements for Standard Radiation Symbol. Notwithstanding the requirements of (12)(a)1. of this Rule, licensees are authorized to label sources, source holders, or device components containing sources of radiation that are subjected to high temperatures with conspicuously etched or stamped radiation caution symbols without a color requirement.



3. In addition to the contents of signs and labels prescribed in this Rule, the licensee shall provide, on or near the required signs and labels, additional information, as appropriate, to make individuals aware of potential radiation exposures and to minimize the exposures.

(b) Posting Requirements.

1. Posting of Radiation Areas. The licensee shall post each radiation area with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, RADIATION AREA."

2. Posting of High Radiation Areas. The licensee shall post each high radiation area with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, HIGH RADIATION AREA" or "DANGER, HIGH RADIATION AREA." The licensee may satisfy this requirement by posting the sign at the boundary of the high radiation area.

3. Posting of Very High Radiation Areas. The licensee shall post each very high radiation area with a conspicuous sign or signs bearing the radiation symbol and words "GRAVE DANGER, VERY HIGH RADIATION AREA."

4. Posting of Airborne Radioactivity Areas. The licensee shall post each airborne radioactivity area with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, AIRBORNE RADIOACTIVITY AREA" or "DANGER, AIRBORNE RADIOACTIVITY AREA."

5. Posting of Areas or Rooms in which Licensed Material is Used or Stored. The licensee shall post each area or room in which there is used or stored an amount of licensed material exceeding ten times the quantity of such material specified in Appendix C of 10 CFR Part 20 with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL(S)" or "DANGER, RADIOACTIVE MATERIAL(S)".

(c) Exceptions to Posting Requirements.

1. A licensee is not required to post caution signs in areas or rooms containing sources of radiation for periods of less than eight hours, if all of the following conditions are met:

(i) The sources of radiation are constantly attended during these periods by an individual who takes the precautions necessary to prevent the exposure of individuals to sources of radiation in excess of the limits established in this Rule; and

(ii) The area or room is subject to the licensee's control.

2. Rooms or other areas in hospitals that are occupied by patients are not required to be posted with caution signs pursuant to (12)(b) of this Rule provided that the patient could be released from licensee control pursuant to Rule 391-3-17-.05.

3. A room or area is not required to be posted with a caution sign pursuant to (12)(b) of this Rule because of the presence of a sealed source provided that the radiation level at 30 centimeters from the surface of the source container or housing does not exceed 0.005 rem (0.05 mSv) per hour.

(d) Labeling Containers and Radiation Machines.

1. The licensee shall ensure that each container of licensed material bears a durable, clearly visible label bearing the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL" or "DANGER, RADIOACTIVE MATERIAL." The label shall also provide information such as the radionuclides present, an estimate of the quantity of radioactivity, the date for which the activity is estimated, radiation levels, kinds of materials, and mass enrichment, to permit individuals handling or using the containers, or working in the vicinity of the containers, to take precautions to avoid or minimize exposures.

2. Each licensee shall, prior to removal or disposal of empty uncontaminated containers to unrestricted areas, remove or deface the radioactive material label or otherwise clearly indicate that the container no longer contains radioactive materials.

(e) Exemptions to Labeling Requirements. A licensee is not required to label:

1. Containers holding licensed material in quantities less than the quantities listed in Appendix C of 10 CFR 20;

2. Containers holding licensed material in concentrations less than those specified in Table III of Appendix B of 10 CFR 20;

3. Containers attended by an individual who takes the precautions necessary to prevent the exposure of individuals in excess of the limits established by this Rule;

4. Containers when they are in transport and packaged and labeled in accordance with the regulations of the U.S. Department of Transportation[4];

5. Containers that are accessible only to individuals authorized to handle or use them or to work in the vicinity of the containers, if the contents are identified to these individuals by a readily available written record. Examples of containers of this type are containers in locations such as water-filled canals, storage vaults, or hot cells. The record shall be retained as long as the containers are in use for the purpose indicated on the record; or

6. Installed manufacturing or process equipment, such as chemical process equipment, piping, and tanks.

(f) Procedures for Receiving and Opening Packages.

1. Each licensee who is authorized to receive a package containing quantities of radioactive material in excess of a Type A quantity, as defined in Rule 391-3-17-.06(3), shall make arrangements to receive:

(i) The package when the carrier offers it for delivery; or

(ii) The notification of the arrival of the package at the carrier's terminal and to take possession of the package expeditiously.

2. Each licensee shall:

(i) Monitor the external surfaces of a labeled[5] package for radioactive contamination unless the package contains only radioactive material in the form of gas or in "special form" as defined in Rule 391-3-17-.01(2);

(ii) Monitor the external surfaces of a labeled package for radiation levels unless the package contains quantities of radioactive material that are less than or equal to the Type A quantity, as defined in Rule 391-3-17-.06(3), and the radioactive material is in the form of a gas or in special form as defined in Rule 391-3-17-.01(2); and

(iii) Monitor all packages known to contain radioactive material for radioactive contamination and radiation levels if the package has evidence of potential contamination, such as packages that are crushed, wet, or damaged.

3. The licensee shall perform the monitoring required by (12)(f)2. of this Rule as soon as practicable after receipt of the package, but not later than three hours after the package is received at the licensee's facility if it is received during the licensee's normal working hours, or not later than three hours from the beginning of the next working day if it is received after working hours.

4. The licensee shall immediately notify the final delivery carrier and the Division by telephone, telegram, mailgram, or facsimile, when:

(i) Removable radioactive surface contamination exceeds the limits of Rule 391-3-17-.06(16)(i); or

(ii) External radiation levels exceed the limits of Rule 391-3-17-.06(14).

5. Each licensee shall:

(i) Establish, maintain, and retain written procedures for safely opening packages in which radioactive material is received; and

(ii) Ensure that the procedures are followed and that special instructions for the type of package being opened are followed.

6. Licensees transferring special form sources in vehicles owned or operated by the licensee to and from a work site are exempt from the contamination monitoring requirements of (12)(f)2. of this Rule, but are not exempt from the monitoring requirement in (12)(f)2. of this Rule for measuring radiation levels to ensure that the source is still properly lodged in its shield.

(13) **Waste Disposal**

(a) General Requirements.

1. A licensee shall dispose of licensed material only:

(i) By transfer to an authorized recipient as provided in (13)(i) of this Rule and in Rule 391-3-17-.02(19), or to the U.S. Department of Energy;

(ii) By decay in storage;

(iii) By release in effluents within the limits in (5)(i) of this Rule; or

(iv) As authorized pursuant to (13)(b), (13)(c), (13)(d), (13)(e), or (13)(k) of this Rule.

2. A person shall be specifically licensed by the Director, the U.S. Nuclear Regulatory Commission or an Agreement State to receive waste containing licensed material from other persons for:

(i) Treatment prior to disposal;

(ii) Treatment or disposal by incineration;

(iii) Decay in storage;

(iv) Disposal at a land disposal facility licensed pursuant to 10 CFR Part 61, or equivalent regulations of an Agreement State; or

(v) Storage until transferred to a disposal facility authorized to receive the waste.

(b) Method for Obtaining Approval of Proposed Disposal Procedures. A licensee or applicant for a license may apply to the Division for approval of proposed procedures not otherwise authorized in this Chapter to dispose of licensed material generated in the licensee's operations. Each application shall include:

1. A description of the waste containing licensed material to be disposed of, including the physical and chemical properties that have an impact on risk evaluation, and the proposed manner and conditions of waste disposal;

2. An analysis and evaluation of pertinent information on the nature of the environment;

3. The nature and location of other potentially affected facilities; and

4. Analyses and procedures to ensure that doses are maintained ALARA and within the dose limits in this Rule.

(c) Disposal by Release into Sanitary Sewerage.

1. A licensee may discharge licensed material into sanitary sewerage if each of the following conditions is satisfied:

(i) The material is readily soluble, or is readily dispersible biological material, in water;

(ii) The quantity of licensed radioactive material that the licensee releases into the sewer in one month divided by the average monthly volume of water released into the sewer by the licensee does not exceed the concentration listed in Table III of Appendix B of 10 CFR 20;

(iii) If more than one radionuclide is released, the following conditions must also be satisfied:

(I) The licensee shall determine the fraction of the limit in Table III of Appendix B of 10 CFR 20, represented by discharges into sanitary sewerage by dividing the actual monthly average concentration of each radionuclide released by the licensee into the sewer by the concentration of that radionuclide listed in Table III of Appendix B of 10 CFR 20; and

(II) The sum of the fractions for each radionuclide required by (13)(c)1.(iii)(I) of this Rule does not exceed unity; and

(iv) The total quantity of licensed radioactive material that the licensee releases into the sanitary sewerage system in a year does not exceed five Ci (185 GBq) of hydrogen-3, one Ci (37 GBq) of carbon-14, and one Ci (37 GBq) of all other radioactive materials combined.

2. Excreta from individuals undergoing medical diagnosis or therapy with radioactive material are not subject to the limitations contained in (13)(c)1. of this Rule.

(d) Treatment or Disposal by Incineration. A licensee may treat or dispose of licensed material by incineration only in the forms and concentrations specified in (13)(e) of this Rule or as specifically approved by the Division pursuant to (13)(b) of this Rule.

(e) Disposal of Specific Wastes.

1. A licensee may dispose of the following licensed material as if it were not radioactive:

(i) 0.05 µCi (1.85 kBq) or less of hydrogen-3, carbon-14, or iodine-125 per gram of medium used for liquid scintillation counting; and

(ii) 0.05 µCi (1.85 kBq) or less of hydrogen-3, carbon-14, or iodine-125 per gram of animal tissue, averaged over the weight of the entire animal.

2. A licensee shall not dispose of tissue under (13)(e)1.(ii) of this Rule in a manner that would permit its use either as food for humans or as animal feed.

3. The licensee shall maintain records in accordance with (14)(i) of this Rule.

(f) Classification of Radioactive Waste for Near-Surface Disposal.

1. Considerations. Determination of the classification of radioactive waste involves two considerations. First, consideration must be given to the concentration of long-lived radionuclides (and their shorter-lived precursors) whose potential hazard will persist long after such precautions as institutional controls, improved waste form, and deeper disposal have ceased to be effective. These precautions delay the time when long-lived radionuclides could cause exposures. In addition, the magnitude of the potential dose is limited by the concentration and availability of the radionuclide at the time of exposure. Second, consideration must be given to the concentration of shorter-lived radionuclides for which requirements on institutional controls, waste form, and disposal methods are effective.

2. Classes of waste.

(i) Class A waste is waste that is usually segregated from other waste classes at the disposal site. The physical form and characteristics of Class A waste must meet the minimum requirements set forth in (13)(g)1. of this Rule. If Class A waste also meets the stability requirements set forth in (13)(g)2. of this Rule, it is not necessary to segregate the waste for disposal.

(ii) Class B waste is waste that must meet more rigorous requirements on waste form to ensure stability after disposal. The physical form and characteristics of Class B waste must meet both the minimum and stability requirements set forth in (13)(g) of this Rule.

(iii) Class C waste is waste that not only must meet more rigorous requirements on waste form to ensure stability but also requires additional measures at the disposal facility to protect against inadvertent intrusion. The physical form and characteristics of Class C waste must meet both the minimum and stability requirements set forth in (13)(g) of this Rule.

3. Classification determined by long-lived radionuclides. If the waste contains only radionuclides listed in Table 1, classification shall be determined as follows:

(i) If the concentration does not exceed 0.1 times the value in Table 1, the waste is Class A.

(ii) If the concentration exceeds 0.1 times the value in Table 1, the waste is Class C.

(iii) If the concentration exceeds the value in Table 1, the waste is not generally acceptable for near-surface disposal.

(iv) For wastes containing mixtures of radionuclides listed in Table 1, the total concentration shall be determined by the sum of fractions rule described in (13)(f)7. of this Rule.

Table 1

Radionuclide	Concentration (Curies/cubic meter)
C-14	8
C-14 in activated metal	80
Ni-59 in activated metal	220
Nb-94 in activated metal	0.2
Tc-99	3
I-129	0.08
Alpha-emitting transuranic radionuclides with half- life greater than five years	100 [(a)]

Radionuclide	Concentration (Curies/cubic meter)
Pu-241	3,500 [a]
Cm-242	20,000 [a]
Ra-226	100 [a]

[a] Units are in nanocuries per gram.

4. Classification determined by short-lived radionuclides. If the waste does not contain any of the radionuclides listed in Table 1, classification shall be determined based on the concentrations shown in Table 2. If a nuclide is not listed in Table 2, it does not need to be considered in determining the waste class.

(i) If the concentration does not exceed the value in Column 1, the waste is Class A.

(ii) If the concentration exceeds the value in Column 1, but does not exceed the value in Column 2, the waste is Class B.

(iii) If the concentration exceeds the value in Column 2, but does not exceed the value in Column 3, the waste is Class C.

(iv) If the concentration exceeds the value in Column 3, the waste is not generally acceptable for near-surface disposal.

(v) For wastes containing mixtures of the radionuclides listed in Table 2, the total concentration shall be determined by the sum of fractions rule described in (13)(f)7. of this Rule.

Table 2

Radionuclide	Concentration (Curies/ cubic meter)		
	Column 1	Column 2	Column 3
Total of all radionuclides with less than five year half-life	700	[b]	[b]
H-3	40	[b]	[b]
Co-60	700	[b]	[b]
Ni-63	3.5	70	700
Ni-63 in activated metal	35	700	7000
Sr-90	0.04	150	7000
Cs-137	1	44	4600

[b] There are no limits established for these radionuclides in Class B or C wastes. Practical considerations such as the effects of external radiation and internal heat generation on transportation, handling, and disposal will limit the concentrations for these wastes. These wastes shall be Class B unless the concentrations of other radionuclides in Table 2 determine the waste to be Class C independent of these radionuclides.

5. Classification determined by both long- and short-lived radionuclides. If the waste contains a mixture of radionuclides, some of which are listed in Table 1 and some of which are listed in Table 2, classification shall be determined as follows:

(i) If the concentration of a radionuclide listed in Table 1 is less than 0.1 times the value listed in Table 1, the class shall be that determined by the concentration of radionuclides listed in Table 2.

(ii) If the concentration of a radionuclide listed in Table 1 exceeds 0.1 times the value listed in Table 1, the waste shall be Class C, provided the concentration of radionuclides listed in Table 2 does not exceed the value shown in Column 3 of Table 2.

6. Classification of wastes with radionuclides other than those listed in Tables 1 and 2. If the waste does not contain any radionuclides listed in either Table 1 or 2, it is Class A.

7. The sum of the fractions rule for mixtures of radionuclides. For determining classification for waste that contains a mixture of radionuclides, it is necessary to determine the sum of fractions by dividing each radionuclide's concentration by the appropriate limit and adding the resulting values. The appropriate limits must all be taken from the same column of the same table. The sum of the fractions for the column must be less than 1.0 if the waste class is to be determined by that column. Example: A waste contains Sr-90 in a concentration of 50 Ci/m^3 and Cs-137 in a concentration of 22 Ci/m^3. Since the concentrations both exceed the values in Column 1, Table 2, they must be compared to Column 2 values. For Sr-90 fraction, 50/150 = 0.33; for Cs-137 fraction, 22/44 = 0.5; the sum of the fractions = 0.83. Since the sum is less than 1.0, the waste is Class B.

8. Determination of concentrations in wastes. The concentration of a radionuclide may be determined by indirect methods such as the use of scaling factors, which relate the inferred concentration of one radionuclide to another that is measured, or radionuclide material accountability, if there is reasonable assurance that the indirect methods can be correlated with actual measurements. The concentration of a radionuclide may be averaged over the volume of the waste or weight of the waste if the units are expressed as nanocuries per gram.

(g) Radioactive Waste Characteristics.

1. The following are minimum requirements for all classes of waste and are intended to facilitate handling and provide protection of health and safety of personnel at the disposal site:

(i) Wastes shall be packaged in conformance with the conditions of the license issued to the site operator to which the waste will be shipped. Where the conditions of the site license are more restrictive than the provisions of this Chapter, the site license conditions shall govern.

(ii) Wastes shall not be packaged for disposal in cardboard or fiberboard boxes.

(iii) Liquid waste shall be packaged in sufficient absorbent material to absorb twice the volume of the liquid.

(iv) Solid wastes containing liquid shall contain as little free-standing and non-corrosive liquid as is reasonably achievable, but in no case shall the liquid exceed one percent of the volume.

(v) Wastes shall not be readily capable of detonation or of explosive decomposition or reaction at normal pressures and temperatures or of explosive reaction with water.

(vi) Wastes shall not contain, or be capable of generating, quantities of toxic gases, vapors, or fumes harmful to persons transporting, handling, or disposing of the waste. This does not apply to radioactive gaseous wastes packaged in accordance with (13)(g)1.(viii) of this Rule.

(vii) Pyrophoric materials contained in wastes shall be treated, prepared, and packaged to be nonflammable.

(viii) Wastes in a gaseous form shall be packaged at an absolute pressure that does not exceed 1.5 atmospheres at 20 degrees Celsius. Total activity shall not exceed 100 Curies (3.7 TBq) per container.

(ix) Wastes containing hazardous, biological, pathogenic, or infectious material shall be treated to reduce to the maximum extent practicable the potential hazard from the non-radiological materials.

2. The following requirements are intended to provide stability of the waste. Stability is intended to ensure that the waste does not degrade and affect overall stability of the site through slumping, collapse, or other failure of the disposal unit and thereby lead to water infiltration. Stability is also a factor in limiting exposure to an inadvertent intruder, since it provides a recognizable and nondispersible waste.

(i) Waste shall have structural stability. A structurally stable waste form will generally maintain its physical dimensions and its form under the expected disposal conditions such as the weight of overburden and compaction equipment, the presence of moisture and microbial activity, and internal factors such as radiation effects and chemical changes. Structural stability can be provided by the waste form itself, processing the waste to a stable form, or placing the waste in a disposal container or structure that provides stability after disposal.

(ii) Notwithstanding the provisions in (13)(g)1.(iii) and (iv) of this Rule, liquid wastes, or wastes containing liquid, shall be converted into a form that contains as little freestanding and noncorrosive liquid as is reasonably achievable, but in no case shall the liquid exceed one percent of the volume of the waste when the waste is in a disposal container designed to ensure stability, or 0.5 percent of the volume of the waste for waste processed to a stable form.

(iii) Void spaces within the waste and between the waste and its package shall be reduced to the extent practicable.

(h) Labeling. Each package of waste shall be clearly labeled to identify whether it is Class A, Class B, or Class C waste in accordance with (13)(f) of this Rule.

(i) Transfer for Disposal and Manifest.

1. A waste generator, collector, or processor who transports, or offers for transportation, low-level radioactive waste intended for ultimate disposal at a licensed low-level radioactive waste land disposal facility must prepare a Manifest reflecting information requested on applicable NRC Forms 540 or equivalent forms (Uniform Low-Level Radioactive Waste Manifest (Shipping Paper)) and 541 (Uniform Low-Level Radioactive Waste Manifest (Container and Waste Description)) and if necessary, on an applicable NRC Form 542 or equivalent form (Uniform Low-Level Radioactive Waste Manifest (Manifest Index and Regional Compact Tabulation)). NRC Forms 540 and 540A or equivalent forms must be completed and must physically accompany the pertinent low-level radioactive waste shipment. Upon agreement between shipper and consignee, NRC Forms 541 and 541A and 542 and 542A or equivalent forms may be completed, transmitted, and stored in electronic media with the capability for producing legible, accurate, and complete records on the respective forms. Licensees are not required by the Division to comply with the manifesting requirements of this Chapter when they ship:

(i) LLW for processing and expect its return (i.e., for storage under their license) prior to disposal at a licensed land disposal facility;

(ii) LLW that is being returned to the licensee who is the "waste generator" or "generator," as defined in this Rule; or

(iii) Radioactively contaminated material to a "waste processor" that becomes the processor's residual waste.

For guidance in completing these forms, refer to the instructions that accompany the forms. Copies of manifests required by this Rule may be legible carbon copies, photocopies, or computer printouts that reproduce the data in the format of the uniform manifest. NRC Forms 541 and 541A and 542 and 542A or equivalent forms and the accompanying instructions, in hard copy, may be obtained from Radioactive Materials Program, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354, or current address.

This Rule includes information requirements of the Department of Transportation, as codified in 49 CFR Part 172. Information on hazardous, medical, or other waste, required to meet EPA regulations, as codified in 40 CFR Parts 259, 261 or elsewhere, is not addressed in this Rule, and must be provided on the required EPA forms. However, the required EPA forms must accompany the Uniform Low-Level Radioactive Waste Manifest required by this Rule.

2. General Information. The shipper of the low-level radioactive waste shall provide the following information on the uniform manifest:

(i) The name, facility address, and telephone number of the licensee shipping the waste;

(ii) An explicit declaration indicting whether the shipper is acting as a waste generator, collector, processor, or a combination of these identifiers for purposes of the manifested shipment; and

(iii) The name, address, and telephone number, or the name and EPA identification number for the carrier transporting the waste.

3. Shipment Information. The shipper of the radioactive waste shall provide the following information regarding the waste shipment on the uniform manifest:

(i) The date of the waste shipment;

(ii) The total number of packages/disposal containers;

(iii) The total disposal volume and disposal weight in the shipment;

(iv) The total radionuclide activity in the shipment;

(v) The activity of each of the radionuclides H-3, C-14, Tc-99, and I-129 contained in the shipment; and

(vi) The total masses of U-233, U-235, and plutonium in the form of special nuclear material, and the total mass of uranium and thorium in the form of source material.

4. Disposal Container and Waste Information. The shipper of the radioactive waste shall provide the following information on the uniform manifest regarding the waste and each disposal container of waste in the shipment:

(i) An alphabetic or numeric identification that uniquely identifies each disposal container in the shipment;

(ii) A physical description of the disposal container, including the manufacturer and model of any high integrity container;

(iii) The volume displaced by the disposal container;

(iv) The gross weight of the disposal container, including the waste;

(v) For waste consigned to a disposal facility, the maximum radiation level at the surface of each disposal container;

(vi) A physical and chemical description of the waste;

(vii) The total weight percentage of chelating agent for any waste containing more than 0.1 percent chelating agent by weight, plus the identity of the principal chelating agent;

(viii) The approximate volume of waste within a container;

(ix) The sorbing or solidification media, if any, and the identity of the solidification media vendor and brand name;

(x) The identities and activities of individual radionuclides contained in each container, the masses of U-233, U-235, and plutonium in the form of special nuclear material, and the masses of uranium and thorium in the form of source material. For discrete waste types (i.e., activated materials, contaminated equipment, mechanical filters, sealed source/devices, and wastes in solidification/stabilization media), the identities and activities of individual radionuclides associated with a disposal container shall be reported;

(xi) The total radioactivity within each container; and

(xii) For wastes consigned to a disposal facility, the classification of the waste pursuant to (13)(f). Waste not meeting the structural stability requirements of (13)(g)2. must be identified.

5. Uncontainerized Waste Information. The shipper of the radioactive waste shall provide the following information on the uniform manifest regarding a waste shipment delivered without a disposal container:

(i) The approximate volume and weight of the waste;

(ii) A physical and chemical description of the waste;

(iii) The total weight percentage of chelating agent if the chelating agent exceeds 0.1 percent by weight, plus the identity of the principal chelating agent;

(iv) For waste consigned to a disposal facility, the classification of the waste pursuant to (13)(f) of this Rule. Waste not meeting the structural stability requirements of (13)(g)2. of this Rule must be identified;

(v) The identities and activities of individual radionuclides contained in the waste, the masses of U-233, U-235, and plutonium in the form of special nuclear material, and the masses of uranium and thorium in the form of source material; and

(vi) For wastes consigned to a disposal facility, the maximum radiation levels at the surface of the waste.

6. Multi-Generator Disposal Container Information. This section applies to disposal containers enclosing mixtures of waste originating from different generators. (Note: The origin of the LLW resulting from a processor's activities may be attributable to one or more "generators" (including "waste generators") as defined in this Chapter). It also applies to mixtures of wastes shipped in an uncontainerized form, for which portions of the mixture within the shipment originate from different generators.

(i) For homogeneous mixtures of waste, such as incinerator ash, provide the waste description applicable to the mixture and the volume of the waste attributed to each generator.

(ii) For heterogeneous mixtures of waste, such as the combined products from a large compactor, identify each generator contributing waste to the disposal container, and, for discrete waste types (i.e., activated materials, contaminated equipment, mechanical filters, sealed source/devices, and wastes in solidification/stabilization media), the identities and activities of individual radionuclides contained on these waste types within the disposal container. For each generator, provide the following:

(I) The volume of waste within the disposal container;

(II) A physical and chemical description of the waste, including the solidification agent, if any;

(III) The total weight percentage of chelating agents for any disposal container containing more than 0.1 percent chelating agent by weight, plus the identity of the principal chelating agent;

(IV) The sorbing or solidification media, if any, and the identity of the solidification media vendor and brand name if the media is claimed to meet stability requirements of (13)(g)2. of this Rule; and

(V) Radionuclide identities and activities contained in the waste, the masses of U-233, U-235, and plutonium in the form of special nuclear material, and the masses of uranium and thorium in the form of source material if contained in the waste.

7. An authorized representative of the waste generator, processor, or collector shall certify by signing and dating the shipment manifest that the transported materials are properly classified, described, packaged, marked, and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation and the Division. A collector in signing the certification is certifying that nothing has been done to the collected waste which would invalidate the waste generator's certification.

8. Control and Tracking. Any licensee who transfers radioactive waste to a land disposal facility or a licensed waste collector shall comply with all of the following requirements. Any licensee who transfers waste to a licensed waste processor for waste treatment or repackaging shall comply with the requirements of (13)(i)8.(iv) through (ix). A licensee shall:

(i) Prepare all wastes so that the waste is classified according to (13)(f) and meets waste characteristics requirements in (13)(g);

(ii) Label each disposal container (or transport package if potential radiation hazards preclude labeling of the individual disposal container) of waste to identify whether it is Class A waste, Class B waste, Class C waste, or greater than Class C waste, in accordance with (13)(f);

(iii) Conduct a quality assurance program to assure compliance with (13)(f) and (13)(g) (the program must include management evaluation of audits);

(iv) Prepare the NRC Forms 540 and 540A or Equivalent Forms, "Uniform Low-Level Radioactive Waste Manifest" as required by this Section;

(v) Forward a copy or electronically transfer the Uniform Low-Level Radioactive Waste Manifest to the intended consignee so that either:

(I) Receipt of the manifest precedes the LLW shipment, or

(II) The manifest is delivered to the consignee with the waste at the time the waste is transferred to the consignee, or

(III) Both (I) and (II) is also acceptable.

(vi) Include NRC Form 540 (and NRC 540A, if required) or Equivalent Forms with the shipment regardless of the option in (13)(i)8.(v);

(vii) Receive acknowledgment of the receipt of the shipment in the form of a signed copy of NRC Form 540 or Equivalent Form;

(viii) Retain a copy of or electronically store the Uniform Low-Level Radioactive Waste Manifest and documentation of acknowledgment of receipt as the record of transfer of licensed material as required by Rule 391-3-17-.02; and

(ix) For any shipments or any part of a shipment for which acknowledgment of receipt has not been received within the times set forth in this section, conduct an investigation in accordance with (13)(i)12.

9. Any waste collector licensee who handles only prepackaged waste shall:

(i) Acknowledge receipt of the waste from the shipper within one week of receipt by returning a signed copy of NRC Form 540 or Equivalent Form.

(ii) Prepare a new manifest to reflect consolidated shipments that meet the requirements of this section. The waste collector shall ensure that, for each container of waste in the shipment, the manifest identifies the generator of that container of waste;

(iii) Forward a copy or electronically transfer the Uniform Low-Level Radioactive Waste Manifest to the intended consignee so that either:

(I) Receipt of the manifest precedes the LLW shipment, or

(II) The manifest is delivered to the consignee with the waste at the time the waste is transferred to the consignee, or

(III) Both (I) and (II) is also acceptable;

(iv) Include NRC Form 540 (and NRC From 540A, if required) or Equivalent Forms, with the shipment regardless of the option chosen in (13)(i)9.(iii);

(v) Receive acknowledgment of the receipt of the shipment in the form of a signed copy of NRC Form 540 or Equivalent Form;

(vi) Retain a copy of or electronically store the Uniform Low-Level Radioactive Waste Manifest and documentation of acknowledgment of receipt;

(vii) For any shipments or any part of a shipment for which acknowledgment of receipt has not been received within the times set forth in this section, conduct an investigation in accordance with (13)(i)12.; and

(viii) Notify the shipper and the Division when any shipment, or part of a shipment, has not arrived within 60 days after receipt of an advance manifest, unless notified by the shipper that the shipment has been canceled.

10. Any licensed waste processor who treats or repackages waste shall:

(i) Acknowledge receipt of the waste from the shipper within one week of receipt by returning a signed copy of NRC Form 540 or Equivalent Form;

(ii) Prepare a new manifest that meets the requirements of this section. Preparation of the new manifest reflects that the processor is responsible for meeting these requirements. For each container of waste in the shipment, the manifest shall identify the waste generators, the preprocessed waste volume, and other information as required in (13)(i)6.;

(iii) Prepare all wastes so that the waste is classified according to (13)(f) and meets the waste characteristics requirements in (13)(g);

(iv) Label each package of waste to identify whether it is Class A waste, Class B waste, or Class C waste, in accordance with (13)(f) and (13)(h);

(v) Conduct a quality assurance program to assure compliance with (13)(f) and (13)(g) (the program shall include management evaluation of audits);

(vi) Forward a copy or electronically transfer the Uniform Low-Level Radioactive Waste Manifest to the intended consignee so that either:

(I) Receipt of the manifest precedes the LLW shipment, or

(II) The manifest is delivered to the consignee with the waste at the time the waste is transferred to the consignee, or

(III) Both (I) and (II) is also acceptable;

(vii) Include NRC Form 540 (and NRC Form 540A if required) or Equivalent Forms, with the shipment regardless of the option chosen in (13)(i)10.(vi);

(viii) Receive acknowledgment of the receipt of the shipment in the form of a signed copy of NRC Form 540 or Equivalent Form;

(ix) Retain a copy of or electronically store the Uniform Low-Level Radioactive Waste Manifest and documentation of acknowledgment of receipt as the record of transfer of licensed material as required by Rule 391-3-17-.02;

(x) For any shipment or any part of a shipment for which acknowledgment of receipt has not been received within the times set forth in this section, conduct an investigation in accordance with (13)(i)12.; and

(xi) Notify the shipper and the Division when any shipment, or any part of a shipment, has not arrived within 60 days after receipt of an advance manifest, unless notified by the shipper that the shipment has been canceled.

11. The land disposal facility operator shall:

(i) Acknowledge receipt of the waste within one week of receipt by returning, as a minimum, a signed copy of NRC Form 540 or Equivalent Form to the shipper. The shipper to be notified is the licensee who last possessed the waste and transferred the waste to the operator. If any discrepancy exists between materials listed on the Uniform Low-Level Radioactive Waste Manifest and materials received, copies or electronic transfer of the affected forms must be returned indicating that discrepancy.

(ii) Maintain copies of all completed manifests and electronically store the information until the Director terminates the license; and

(iii) Notify the shipper and the Division when any shipment, or part of a shipment, has not arrived within 60 days after receipt of an advance manifest, unless notified by the shipper that the shipment has been canceled.

12. Any shipments or part of a shipment for which acknowledgment is not received within the times set forth in this section must:

(i) Be investigated by the shipper if the shipper has not received notification or receipt within 20 days after transfer; and

(ii) Be traced and reported. The investigation shall include tracing the shipment and filing a report with the Division. Each licensee who conducts a trace investigation shall file a written report with the Division within two weeks of completion of the investigation.

13. The requirements of this section are to:

(i) Control transfers of low-level radioactive waste by any waste generator, waste collector, or waste processor licensee, as defined in this section, who ships low-level waste either directly, or indirectly through a waste collector or waste processor, to a licensed low-level waste land disposal facility (as defined in 10 CFR 61);

(ii) Establish a manifest tracking system; and

(iii) Supplement existing requirements concerning transfers and recordkeeping for those wastes.

14. Any licensee shipping radioactive waste intended for ultimate disposal at a licensed land disposal facility must document the information required on NRC's Uniform Low-Level Radioactive Waste Manifest and transfer this recorded manifest information to the intended consignee in accordance with (13)(i)1. through 12. of this Rule.

15. Each shipment manifest must include a certification by the waste generator as specified in (13)(i)7. of this Rule.

16. Each person involved in the transfer for disposal and disposal of waste, including the waste generator, waste collector, waste processor, and disposal facility operator, shall comply with the requirements specified in (13)(i)8. of this Rule.

17. Any licensee shipping byproduct material as defined in paragraphs (3) and (4) of the definition of *Byproduct material* set forth in Rule .01(2)(o), intended for ultimate disposal at a land disposal facility licensed under 10 CFR 61 must document the information required on the NRC's Uniform Low-Level Radioactive Waste Manifest and transfer this recorded manifest information to the intended consignee in accordance with (13)(i)1. through 12. of this Rule.

(j) Compliance with Environmental and Health Protection Regulations. Nothing in this Rule relieves the licensee from complying with other applicable Federal, State, and local regulations governing other toxic or hazardous properties of materials that may be disposed of pursuant to this Rule.

(k) Disposal of Certain Byproduct Material

1. Licensed material as defined in Rule .01(2)(o)3. and 4. of the definition of Byproduct material may be disposed of in accordance with .03(13) of this chapter, even though it is not defined as low-level radioactive waste. Therefore, any licensed byproduct material being disposed of at a facility, or transferred for ultimate disposal at a facility licensed under .03(13) of this chapter, must meet the requirements of Rule .03(13)(i).

2. A licensee may dispose of byproduct material, as defined in Rule .01(2)(o)3. and 4. of the definition of Byproduct, at a disposal facility authorized to dispose of such material in accordance with any Federal or State solid or hazardous waste law, including the Solid Waste Disposal Act, as authorized under the Energy Policy Act of 2005.

(14) **Records**

(a) General Provisions.

1. Each licensee shall use the units of Curie, rad, rem, and dpm, including multiples and subdivisions and shall clearly indicate the units of all quantities on records required by this Rule.

2. In the records required by this rule, the licensee may record quantities in SI units in parentheses following each of the units specified in (14)(a)1. However, all quantities must be recorded as stated in (14)(a)1.

3. The licensee shall make a clear distinction among the quantities entered on the records required by this Rule, such as total effective dose equivalent, shallow dose equivalent, lens dose equivalent, deep dose equivalent, total organ dose equivalent, or committed effective dose equivalent.

(b) Records of Radiation Protection Programs.

1. Each licensee shall maintain records of the Radiation Protection Program required pursuant to (4) of this Rule, including:

(i) The provisions of the Program; and

(ii) Audits and other reviews of Program content and implementation.

2. The licensee shall retain the records required by (14)(b)1.(i) of this Rule until the Director terminates each pertinent license requiring the record. The licensee shall retain each of the records required by (14)(b)1.(ii) of this Rule for three years after the record is made.

(c) Records of Surveys.

1. Each licensee shall maintain records showing the results of surveys and calibrations required by (8)(a) and (12)(f)2. of this Rule. The licensee shall retain each of these records for three years after the record is made.

2. The licensee shall retain each of the following records until the Director terminates each pertinent license requiring the record:

(i) Records of the results of surveys to determine the dose from external sources of radiation used, in the absence of or in combination with individual monitoring data, in the assessment of individual dose equivalents;

(ii) Records of the results of measurements and calculations used to determine individual intakes of radioactive material and used in the assessment of internal dose;

(iii) Records showing the results of air sampling, surveys, and bioassays required pursuant to (10)(d)1.(iii)(I) and (II) of this Rule; and

(iv) Records of the results of measurements and calculations used to evaluate the release of radioactive effluents to the environment.

3. Upon termination of the license, the licensee shall permanently store records on Division Form "Occupational Radiation Exposure History" or equivalent or shall make provision with the Division for their transfer to the Division.

(d) Records of Tests for Leakage or Contamination of Sealed Sources. Records of tests for leakage or contamination of sealed sources required by (6) of this Rule shall be kept in units of microcuries or becquerels and maintained for inspection by the Division for three years after the record is made.

(e) Records of Prior Occupational Dose.

1. The licensee shall retain the records of prior occupational dose and of exposure history as specified in (5)(e) of this Rule on Division Form "Occupational Radiation Exposure History" or equivalent until the Director terminates each pertinent license requiring this record. The licensee shall retain records used in preparing Division Form "Occupational Radiation Exposure History" for three years after the record is made.

2. Upon termination of the license, the licensee shall permanently store records on Division Form "Occupational Radiation Exposure History" or equivalent or shall make provision with the Division for their transfer to the Division.

(f) Records of Planned Special Exposures.

1. For each use of the provisions of (5)(e) of this Rule for planned special exposures, the licensee shall maintain records that describe:

(i) The exceptional circumstances requiring the use of a planned special exposure;

(ii) The name of the management official who authorized the planned special exposure and a copy of the signed authorization;

(iii) What actions were necessary;

(iv) Why the actions were necessary;

(v) What precautions were taken to assure that doses were maintained ALARA;

(vi) What individual and collective doses were expected to result; and

(vii) The doses actually received in the planned special exposure.

2. The licensee shall retain the records until the Director terminates each pertinent license requiring these records.

3. Upon termination of the license, the licensee shall permanently store records on Division Form "Occupational Radiation Exposure History" or equivalent or shall make provision with the Division for their transfer to the Division.

(g) Records of Individual Monitoring Results.

1. Record-keeping Requirement. Each licensee shall maintain records of doses received by all individuals for whom monitoring was required pursuant to (8)(b) of this Rule and records of doses received during planned special exposures, accidents, and emergency conditions. Assessments of dose equivalent and records made using units in effect before January 1, 1994, need not be changed. These records shall include when applicable:

(i) The deep dose equivalent to the whole body, lens dose equivalent, shallow dose equivalent to the skin, and shallow dose equivalent to the extremities;

(ii) The estimated intake of radionuclides (see (5)(b) of this Rule);

(iii) The committed effective dose equivalent assigned to the intake of radionuclides;

(iv) The specific information used to calculate the committed effective dose equivalent pursuant to (5)(d)3. of this Rule;

(v) The total effective dose equivalent when required by (5)(b) of this Rule; and

(vi) The total of the deep dose equivalent and the committed dose to the organ receiving the highest total dose.

2. Record-keeping Frequency. The licensee shall make entries of the records specified in (14)(g)1. of this Rule at intervals not to exceed one year.

3. Record-keeping Format. The licensee shall maintain the records specified in (14)(g)1. of this Rule on Division Form "Occupational Radiation Exposure History" in accordance with the instructions or in clear and legible records containing all the information required by the Division Form.

4. The licensee shall maintain the records of dose to an embryo/fetus with the records of dose to the declared pregnant woman. The declaration of pregnancy, including the estimated date of conception, shall also be kept on file, but may be maintained separately from the dose records.

5. The licensee shall retain each required form or record until the Director terminates each pertinent license requiring the record.

6. Upon termination of the license, the licensee shall permanently store records on Division Form "Occupational Radiation Exposure History" or equivalent or shall make provisions with the Division for their transfer to the Division.

7. Privacy Protection. The records required pursuant to (14)(g) should be protected from public disclosure because of their personal privacy nature.

(h) Records of Dose to Individual Members of the Public.

1. Each licensee shall maintain records sufficient to demonstrate compliance with the dose limit for individual members of the public. See (5)(i) of this Rule.

2. The licensee shall retain the records required by (14)(h)1. of this Rule until the Director terminates each pertinent license requiring the record.

(i) Records of Waste Disposal.

1. Each licensee shall maintain records of the disposal of licensed materials made pursuant to (13)(b), (13)(c), (13)(d), (13)(e), and (13)(k) of this Rule and of disposal of licensed materials by burial in soil, including burials authorized before July 12, 1982.[6]

2. The licensee shall retain the records required by (14)(i) of this Rule until the Director terminates each pertinent license requiring the record.

(j) Records of Testing Entry Control Devices for Very High Radiation Areas.

1. Each licensee shall maintain records of tests made on entry control devices for very high radiation areas. These records must include the date, time, and results of each such test of function.

2. The licensee shall retain the records required by (14)(j)1. of this Rule for three years after the record is made.

(k) Form of Records. Each record required by this Rule shall be legible throughout the specified retention period. The record shall be the original or a reproduced copy or a microform, provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period; or the record may also be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period. Records, such as letters, drawings, and specifications, shall include all pertinent information, such as stamps, initials, and signatures. The licensee shall maintain adequate safeguards against tampering with and loss of records.

(15) **Reports**

(a) Reports of Stolen, Lost, or Missing Licensed Sources of Radiation.

1. Telephone. Each licensee shall report to the Division by telephone as follows:

(i) Immediately after its occurrence becomes known to the licensee, stolen, lost, or missing licensed radioactive material in an aggregate quantity equal to or greater than 1,000 times the quantity specified in Appendix C of 10 CFR 20, under such circumstances that it appears to the licensee that an exposure could result to individuals in unrestricted areas; or

(ii) Within 30 days after its occurrence becomes known to the licensee, lost, stolen or missing licensed radioactive material in an aggregate quantity greater than ten times the quantity specified in Appendix C of 10 CFR 20 that is still missing.

2. Written. Each licensee who is required to make a report pursuant to (15)(a)1. of this Rule shall, within 30 days after making the telephone report, make a written report to the Division setting forth the following information:

(i) A description of the licensed source of radiation involved, including, for radioactive material, the kind, quantity, and chemical and physical form;

(ii) A description of the circumstances under which the loss or theft occurred;

(iii) A statement of disposition, or probable disposition, of the licensed material or source of radiation involved;

(iv) Exposures of individuals to radiation, the circumstances under which the exposures occurred, and the possible total effective dose equivalent to persons in unrestricted areas;

(v) Actions that have been taken, or will be taken, to recover the source of radiation; and

(vi) Procedures or measures that have been, or will be, adopted to ensure against a recurrence of the loss or theft of licensed sources of radiation.

3. Subsequent to filing the written report, the licensee shall also report additional substantive information on the loss or theft within 30 days after the licensee learns of such information.

4. The licensee shall prepare any report filed with the Division pursuant to (15)(a) of this Rule so that names of individuals who may have received exposure to radiation are stated in a separate and detachable portion of the report.

(b) Notification of Incidents.

1. Immediate notification. Each licensee shall:

(i) Notify the Division as soon as possible but not later than four hours after the discovery of an event that prevents immediate protective actions necessary to avoid exposures to radiation or radioactive materials that could exceed regulatory limits or releases of licensed material that could exceed regulatory limits (events may include fires, explosions, toxic gas releases, etc.).

(ii) Notwithstanding any other requirements for notification, immediately report, to the Division, any event involving radioactive material or sources of radiation possessed by the licensee that may have caused or threatens to cause any of the following conditions:

(I) An individual to receive:

I. A total effective dose equivalent of 25 rem (0.25 Sv) or more; or

II. A lens dose equivalent of 75 rem (0.75 Sv) or more; or

III. A shallow-dose equivalent to the skin or extremities of 250 rad (2.5 Gy) or more; or

(II) The release of radioactive material, inside or outside a restricted area, so that had an individual been present for 24 hours, the individual could have received an intake five times the annual limit on intake (the provisions of this paragraph do not apply to locations where personnel are not normally stationed during routine operations, such as hot cells or process enclosures).

2. Twenty-four hour report. Each licensee shall notify the Division within 24 hours after the discovery of any of the following events involving licensed material:

(i) An unplanned contamination event that:

(I) Requires access to the contaminated area, by workers or the public, to be restricted for more than 24 hours by imposing additional radiological controls or by prohibiting entry into the area;

(II) Involves a quantity of material greater than five times the lowest annual limit on intake specified in Appendix B of 10 CFR Part 20 for the material; and

(III) Has access to the area restricted for a reason other than to allow isotopes with a half-life of less than 24 hours to decay prior to decontamination.

(ii) An event in which equipment is disabled or fails to function as designed when:

(I) The equipment is required by regulation or license condition to prevent releases exceeding regulatory limits, to prevent exposures to radiation and radioactive materials exceeding regulatory limits, or to mitigate the consequences of an accident;

(II) The equipment is required to be available and operable when it is disabled or fails to function; and

(III) No redundant equipment is available and operable to perform the required safety function.

(iii) An event that requires unplanned medical treatment at a medical facility of an individual with spreadable radioactive contamination on the individual's clothing or body;

(iv) An unplanned fire or explosion damaging any licensed material or any device, container, or equipment containing licensed material when:

(I) The quantity of material involved is greater than five times the lowest annual limit on intake specified in Appendix B of 10 CFR Part 20 for the material; and

(II) The damage affects the integrity of the licensed material or its container.

(v) Notwithstanding any other requirements for notification, within 24 hours report, to the Division any event involving radioactive material or sources of radiation possessed by the licensee that may have caused or threatens to cause any of the following conditions:

(I) An individual to receive, in a period of 24 hours:

I. A total effective dose equivalent exceeding 5 rems (0.05 Sv); or

II. A lens dose equivalent exceeding 15 rems (0.15 Sv); or

III. A shallow-dose equivalent to the skin or extremities exceeding 50 rems (0.5 Sv); or

(II) The release of radioactive material, inside or outside of a restricted area, so that, had an individual been present for 24 hours, the individual could have received an intake in excess of one occupational annual limit on intake (the provisions of this paragraph do not apply to locations where personnel are not normally stationed during routine operations, such as hot-cells or process enclosures).

3. Preparation and submission of reports. Reports made by licensees in response to the requirements of this paragraph must be made as follows:

(i) Licensees shall make reports required by (15)(b)1. and 2. by telephone to the Division. To the extent that the information is available at the time of notification, the information provided in these must include:

(I) The caller's name, position title, and call back telephone number;

(II) Date, time, and the exact location of the event;

(III) Description of the event, including:

I. Radiological or chemical hazards involved, including isotopes, quantities, and chemical and physical form of any material released;

II. Actual or potential health and safety consequences to the workers, the public, and the environment, including relevant chemical and radiation data for actual personnel exposures to radiation or radioactive materials or hazardous chemicals produced from licensed materials (e.g., level of radiation exposure, concentration of chemicals, and duration of exposure);

III. The sequence of occurrences leading to the event, including degradation or failure of structures, systems, equipment, components, and activities of personnel relied on to prevent potential accidents or mitigate their consequences; and

IV. Whether the remaining structures, systems, equipment, components, and activities of personnel relied on to prevent potential accidents or mitigate their consequences are available and reliable to perform their function;

(IV) External conditions affecting the event;

(V) Additional actions taken by the licensee in response to the event;

(VI) Status of the event (e.g., whether the event is on-going or was terminated);

(VII) Current and planned site status, including any declared emergency class;

(VIII) Notifications, related to the event, that were made or are planned to any local, State, or other Federal agencies;

(IX) Status of any press releases, related to the event, that were made or are planned.

(ii) Written report. Each licensee who makes a report required by (15)(b)1. and 2. shall submit a written follow-up report within 30 days of the initial report. Written reports prepared pursuant to other regulations may be submitted to

fulfill this requirement if the reports contain all of the necessary information and the appropriate distribution is made. These written reports must be sent to the Radioactive Materials Program, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354 or current mailing address. The written report must include the following:

(I) Complete applicable information required by (b)3.(i);

(II) A description of the event, including the probable cause, all factors that contributed to the event, and the manufacturer and model number (if applicable) of any equipment that failed or malfunctioned; and

(III) Corrective actions taken or planned to prevent occurrence of similar or identical events in the future and the results of any evaluations or assessments.

4. The licensee shall prepare each report filed with the Division pursuant to (15)(b) of this Rule so that names of individuals who have received exposure to sources of radiation are stated in a separate and detachable portion of the report.

5. Licensees shall make the required by (15)(b)1. and 2. of this Rule by telephone to the Division, and shall confirm the initial contact by telegram, mailgram, or facsimile to the Division.

6. The provisions of (15)(b) of this Rule do not apply to doses that result from planned special exposures, provided such doses are within the limits for planned special exposures and are reported pursuant to (15)(d) of this Rule.

(c) Reports of Exposures, Radiation Levels, and Concentrations of Radioactive Material Exceeding the Limits.

1. Reportable Events. In addition to the notification required by (15)(b) of this Rule, each licensee shall submit a written report to the Division within 30 days after learning of any of the following occurrences:

(i) Incidents for which notification is required by (15)(b) of this Rule;

(ii) Doses in excess of any of the following:

(I) The occupational dose limits for adults in (5)(a) of this Rule;

(II) The occupational dose limits for a minor in (5)(g) of this Rule;

(III) The limits for an embryo/fetus of a declared pregnant woman in (5)(h) of this Rule;

(IV) The limits for an individual member of the public in (5)(i) of this Rule;

(V) Any applicable limit in the license; or

(VI) The ALARA constraints for air emissions established under .03(4)(d).

(iii) Levels of radiation or concentrations of radioactive material in:

(I) A restricted area in excess of applicable limits in the license; or

(II) An unrestricted area in excess of ten times the applicable limit set forth in this Rule or in the license, whether or not the exposure of any individual in excess of the limits in (5)(i) of this Rule is involved; or

(iv) For licensees subject to the provisions of U.S. Environmental Protection Agency's generally applicable environmental radiation standards in 40 CFR 190, levels of radiation or releases of radioactive material in excess of those standards, or of license conditions related to those standards[7].

2. Contents of Reports.

(i) Each report required by (15)(c)1. of this Rule shall describe the extent of exposure of individuals to radiation and radioactive material, including, as appropriate:

(I) Estimates of each individual's dose;

(II) The levels of radiation and concentrations of radioactive material involved;

(III) The cause of the elevated exposures, dose rates, or concentrations; and

(IV) Corrective steps taken or planned to ensure against a recurrence, including the schedule for achieving conformance with applicable limits, ALARA constraints, generally applicable environmental standards, and associated license conditions.

(ii) Each report filed pursuant to (14)(c)1. of this Rule shall include for each occupationally exposed individual: the name, Social Security account number, and date of birth. With respect to the limit for the embryo/fetus in (5)(h) of this Rule, the identification should be that of the declared pregnant woman. The report shall be prepared so that this information is stated in a separate and detachable portion of the report.

3. All licensees who make pursuant to (15)(c)1. of this Rule shall submit the report in writing to the Division.

(d) Reports of Planned Special Exposures. The licensee shall submit a written report to the Division within 30 days following any planned special exposure conducted in accordance with (5)(f) of this Rule, informing the Division that a planned special exposure was conducted and indicating the date that the planned special exposure occurred and the information required by (14)(g) of this Rule.

(e) Reports to Individuals of Exceeding Dose Limits. When a licensee is required, pursuant to the provisions of (15)(c), (15)(d), or (15)(f), to report to the Division any exposure of an identified occupationally exposed individual, or an identified member of the public to radiation or radioactive material, the licensee shall also provide a copy of the report submitted to the Division to the individual. This report must be transmitted at a time no later than the transmittal to the Division.

(f) Notifications and Reports to Individuals.

1. Requirements for notification and to individuals of exposure to radiation or radioactive material are specified in Rule 391-3-17-.07(4).

2. When a licensee is required pursuant to (15)(c) of this Rule to report to the Division any exposure of an identified occupationally exposed individual or identified member of the public to radiation or radioactive material, the licensee shall also provide the individual a report on his or her exposure data included in the report to the Division. This report shall be transmitted at a time not later than the transmittal to the Division, and shall comply with the provisions of Rule 391-3-17-.07(4)(a).

(g) Reports of Leaking or Contaminated Sealed Sources. If the test for leakage or contamination required pursuant to Rule .03(6) indicates that the sealed source is leaking or contaminated, a report of the test shall be filed within five days with the Division describing the equipment involved, the test results, and the corrective action taken.

(h) [Reserve]

(i) Serialization of Nationally Tracked Sources.

1. Each licensee who manufactures a nationally tracked source after February 6, 2007 shall assign a unique serial number to each nationally tracked source. Serial numbers must be composed only of alpha-numeric characters.

(j) Reports of Transactions Involving Nationally Tracked Sources.

1. Each licensee who manufactures, transfers, receives, disassembles, or disposes of a nationally-tracked source shall complete and submit a National Source Tracking Transaction Report as specified below for each type of transaction.

2. Each licensee who manufactures a nationally tracked source shall complete and submit a National Source Tracking Transaction Report. The report must include the following information:

(i) The name, address, and license number of the reporting licensee;

(ii) The name of the individual preparing the report;

(iii) The manufacturer, model, and serial number of the source;

(iv) The radioactive material in the source;

(v) The initial source strength in becquerels (curies) at the time of manufacture; and

(vi) The manufacture date of the source.

3. Each licensee that transfers a nationally tracked source to another person shall complete and submit a National Source Tracking Transaction Report. The report must include the following information:

(i) The name, address, and license number of the reporting licensee;

(ii) The name of the individual preparing the report;

(iii) The name and license number of the recipient facility and shipping address;

(iv) The manufacturer, model, and serial number of the source or, if not available, other information to uniquely identify the source;

(v) The radioactive material in the source;

(vi) The initial or current source strength in becquerels (curies);

(vii) The date for which the source strength is reported;

(viii) The shipping date;

(ix) The estimated arrival date; and

(x) For nationally tracked sources transferred as waste under a Uniform Low-Level Radioactive Waste Manifest, the waste manifest number and the container identification of the container with the nationally tracked source.

4. Each licensee that receives a nationally tracked source shall complete and submit a National Source Tracking Transaction Report. The report must include the following information:

(i) The name, address, and license number of the reporting licensee;

(ii) The name of the individual preparing the report;

(iii) The name, address and license number of the person that provided the source;

(iv) The manufacturer, model, and serial number of the source or, if not available, other information to uniquely identify the source;

(v) The radioactive material in the source;

(vi) The initial or current source strength in becquerels (curies);

(vii) The date for which the source strength is reported;

(viii) The date of receipt; and

(ix) For material received under a Uniform Low-Level Radioactive Waste Manifest, the waste manifest number and the container identification with the nationally tracked source.

5. Each licensee that disassembles a nationally tracked source shall complete and submit a National Source Tracking Transaction Report. The report must include the following information:

(i) The name, address, and license number of the reporting licensee;

(ii) The name of the individual preparing the report;

(iii) The manufacturer, model, and serial number of the source or, if not available, other information to uniquely identify the source;

(iv) The radioactive material in the source;

(v) The initial or current source strength in becquerels (curies);

(vi) The date for which the source strength is reported; and

(vii) The disassemble date of the source.

6. Each licensee who disposes a nationally tracked source shall complete and submit a National Source Tracking Transaction Report. The report must include the following information:

(i) The name, address, and license number of the reporting licensee;

(ii) The name of the individual preparing the report;

(iii) The waste manifest number;

(iv) The container identification with the nationally tracked source;

(v) The date of disposal; and

(vi) The method of disposal.

7. The reports discussed in (15)(j)2.-6. above must be submitted by the close of the next business day after the transaction. A single report may be submitted for multiple sources and transactions. The reports must be submitted to the National Source Tracking System by using:

(i) The on-line National Source Tracking System;

(ii) Electronically using a computer-readable format;

(iii) By facsimile;

(iv) By mail to the address on the National Sources Tracking Transaction Report Form (NRC Form 748); or

(v) By telephone with follow-up by facsimile or mail.

8. Each licensee shall correct any error in previously filed reports or file a new report for any missed transaction within five (5) business days of the discovery of the error or missed transaction. Such errors may be detected by a variety of methods such as administrative reviews or by physical inventories required by regulation. In addition, each licensee shall reconcile the inventory of nationally tracked sources possessed by the licensee against that licensee's data in the National Source Tracking System. The reconciliation must be conducted during the month of January in each year. The reconciliation process must include resolving any discrepancies between the National Source Tracking System and the actual inventory by filing the reports identified in (15)(j)2.-6. of this paragraph. By January 31 of each year, each licensee must submit to the National Source Tracking System confirmation that the data in the National Source Tracking System is correct.

Table 3: Nationally Tracked Source Thresholds

Radioactive Material	**Category 1 (TBq)**	**Category 1 (Ci)**	**Category 2 (TBq)**	**Category 2 (Ci)**
Actinium-227	20	540	0.2	5.4
Americium-241	60	1,600	0.6	16
Americium-241/Beryllium	60	1,600	0.6	16
Californium-252	20	540	0.2	5.4
Cobalt-60	30	810	0.3	8.1
Curium-244	50	1,400	0.5	14
Cesium-137	100	2,700	1	27
Gadolinium-153	1,000	27,000	10	270
Iridium-192	80	2,200	0.8	22
Plutonium-238	60	1,600	0.6	16
Plutonium-238/Beryllium	60	1,600	0.6	16
Polonium-210	60	1,600	0.6	16
Promethium-147	40,000	1,100,000	400	11,000
Radium-226	40	1,100	0.4	11
Selenium-75	200	5,400	2	54
Strontium-90	1,000	27,000	10	270
Thorium-228	20	540	0.2	5.4
Thorium-229	20	540	0.2	5.4
Thulium-170	20,000	540,000	200	5,400
Ytterbium-169	300	8,100	3	81

The Terabecquerel (TBq) values are the regulatory standard. The Curie (Ci) values specified are obtained by converting from the TBq value. The Curie values are provided for practical usefulness only and are rounded after conversion.

(16) **Exemptions and Additional Requirements**

(a) Vacating Premises. Each specific licensee shall, no less than 30 days before vacating or relinquishing possession or control of premises which may have been contaminated with radioactive material as a result of his activities, notify the Division in writing of his intent to vacate. When deemed necessary by the Division, the licensee shall decontaminate the premises in such a manner as the Division may specify.

(b) Orders. The Director may, by order, impose upon any licensee such requirements, issued in furtherance of this rule, as it deems appropriate or necessary to protect health or minimize danger to life or property.

Cite as Ga. Comp. R. & Regs. R. 391-3-17-.03

AUTHORITY: O.C.G.A. Section 31-13-1 et seq., as amended.

HISTORY: Original Rule entitled "Standards for Protection Against Radiation" adopted. F. May 2, 1991; eff. May 22, 1991.

Amended: ER. 391-3-17-0.28-.03 adopted. F. Dec. 9, 1993; eff. Dec. 8, 1993, the date of adoption.

Amended: F. Feb. 24, 1994; eff. Mar. 16, 1994.

Amended: F. Oct. 4, 1994; eff. Oct. 24, 1994.

Amended: F. Apr. 16, 1997; eff. May 6, 1997.

Amended: F. Mar. 29, 2002; eff. Apr. 18, 2002.

Amended: F. May 30, 2003; eff. July 1, 2003, as specified by the Agency.

Amended: F. Oct. 17, 2008; eff. Nov. 6, 2008.

Amended: F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: F. Apr. 11, 2016; eff. May 1, 2016.

Amended: New title "Standards for Protection Against Radiation." F. May 11, 2016; eff. May 31, 2016.

Amended: F. Dec. 14, 2017; eff. Jan. 3, 2018.

Amended: F. Jan. 28, 2019; eff. Feb. 17, 2019.

Amended: F. Mar. 24, 2021; eff. Apr. 13, 2021.

Amended: F. Apr. 1, 2024; eff. Apr. 21, 2024.

Amended: F. Feb. 27, 2025; eff. Mar. 19, 2025.

Footnotes:
[1] For very high doses received at high dose rates, units of absorbed dose, Gray and rad, are appropriate, rather than units of dose equivalent, Sievert and rem.

[2] The National Council on Radiation Protection and Measurements recommended in NCRP Report No. 91 (June 1, 1987) that no more than 0.05 rem (0.5 mSv) to the embryo/fetus be received in any one month.

[3] All of the occupational doses in .03(5)(a) continue to be applicable to the declared pregnant worker as long as the embryo/fetus dose limit is not exceeded.

[4] Labeled with a Radioactive White I, Yellow II, or Yellow III label as specified in U.S. Department of Transportation (DOT) regulations, 49 CFR 172.403 - 172.440.

[5] Labeling of packages containing radioactive materials is required by the U.S. Department of Transportation (DOT) if the amount and type of radioactive material exceeds the limits for an excepted quantity or article as defined and limited by U.S. Department of Transportation (DOT) regulations 49 CFR 173.403(m) and (w) and 173.421-.424.

[6] A previous Rule, .03(5)(d), permitted burial of small quantities of licensed materials in soil before July 12, 1982, without specific Division authorization.

[7] For purposes of these Regulations, the U.S. Environmental Protection Agency Standards apply only to source material mills and nuclear power plants.

Department 511. RULES OF GEORGIA DEPARTMENT OF PUBLIC HEALTH

Chapter 511-2. DISEASE SURVEILLANCE AND CONTROL

Subject 511-2-4. REPORTING OF SEXUALLY TRANSMITTED DISEASE

511-2-4-.01 Definitions

Unless a different meaning is required by the context, the following terms as used in these Rules shall have the meaning hereinafter respectively ascribed to same:

(a) "Department" means the Georgia Department of Public Health.

(b) "Sexually Transmitted Disease" is any case of chlamydia, syphilis, gonorrhea or chancroid.

(c) "Case of Sexually Transmitted Disease" is any person diagnosed as having a sexually transmitted disease.

(d) "Test" is any laboratory procedure conducted for the purpose of aiding in the discovery or diagnosis of a sexually transmitted disease.

(e) "Reactive or Positive Test" means any laboratory result suggesting the presence of sexually transmitted disease.

Cite as Ga. Comp. R. & Regs. R. 511-2-4-.01 v2

AUTHORITY: O.C.G.A. §§ 31-2A-6**,** 31-12-2**,** 31-17-2**,** 31-17-4 **to** 31-17-6**.**

HISTORY: Original Rule entitled "Definitions" adopted. F. Sep. 20, 2013; eff. Oct. 10, 2013.

Amended: F. Feb. 11, 2025; eff. Mar. 12, 2025, as specified by the Agency.

511-2-4-.02 Reporting of Sexually Transmitted Disease

(1) Any physician or other person who makes a diagnosis of or treats a case of sexually transmitted disease, any superintendent or manager of a hospital, dispensary, or charitable or penal institution in which there is discovered a case of sexually transmitted disease shall report it immediately to the Department. Each such sexually transmitted disease case shall be reported to the Department by giving name, address, color, age, sex, and a diagnosis on forms furnished by the Department.

(2) All laboratories conducting tests for sexually transmitted disease shall report to the Department daily, as they occur, all reactive or positive tests for sexually transmitted disease by giving name, address, color, age and sex of patient on forms furnished by the Department.

(3) Information reported on these forms shall be kept confidential by the Department.

Cite as Ga. Comp. R. & Regs. R. 511-2-4-.02 v2

AUTHORITY: O.C.G.A. §§ 31-2A-6**,** 31-12-2**,** 31-17-2**,** 31-17-4 **to** 31-17-6**.**

HISTORY: Original Rule entitled "Reporting of Venereal Disease" adopted. F. Sep. 20, 2013; eff. Oct. 10, 2013.

Amended: New title, "Reporting of Sexually Transmitted Disease." F. Feb. 11, 2025; eff. Mar. 12, 2025, as specified by the Agency.

Department 511. RULES OF GEORGIA DEPARTMENT OF PUBLIC HEALTH

Chapter 511-5. HEALTH PROMOTION

Subject 511-5-4. SEROLOGIC TESTS FOR PREGNANT WOMEN

511-5-4-.03 Provisions

(1) Unless the patient declines screening, every pregnant woman shall have a blood specimen taken as prescribed herein for a standard serologic test for syphilis, a standard serologic test for HIV, a standard serologic test for hepatitis B and a standard serologic test for hepatitis C.

(2) Every health care provider in this state providing prenatal care to a pregnant woman, or delivering or attending a woman just delivered, shall take or cause to be taken a venous blood specimen for submission to a clinical laboratory for a standard serologic test for syphilis, a standard serologic test for HIV, a standard serologic test for hepatitis B and a standard serologic test for hepatitis C, as follows:

(a) At the initial visit to the health care provider for prenatal care, a standard serologic test for:

1. Syphilis;

2. HIV;

3. Hepatitis B; and

4. Hepatitis C.

(b) In the third trimester:

1. A standard serologic test for syphilis, as required in O.C.G.A. Section 31-17-4.2. The specimen shall be taken at 28-32 weeks of gestation;

2. A standard serologic test for HIV, as required in O.C.G.A. Section 31-17-4.2. The specimen shall be taken at 28-32 weeks of gestation; and

3. A standard serologic test for hepatitis C if the woman has known or potential exposures to hepatitis C.

(c) As soon as possible upon admission to the hospital or birth facility for delivery:

1. A standard serologic test for syphilis;

2. A standard serologic test for HIV;

3. A standard serologic test for Hepatitis B, for women not tested prenatally, with signs or symptoms of hepatitis, or at high risk for hepatitis B; and

4. A standard serologic test for Hepatitis C, for women not tested prenatally.

(3) Patients shall be notified of all tests to be conducted and shall have the opportunity to refuse the test.

Cite as Ga. Comp. R. & Regs. R. 511-5-4-.03 v2

AUTHORITY: O.C.G.A. §§ 31-2A-6**,** 31-12-3**,** 31-17-4**.**

HISTORY: Original Rule entitled "Provisions" adopted. F. Sep. 20, 2013; eff. Oct. 10, 2013.

Amended: F. Aug. 1, 2022; eff. Aug. 31, 2022, as specified by the Agency.

Amended: F. Feb. 13, 2025; eff. Mar. 12, 2025, as specified by the Agency.

Department 511. RULES OF GEORGIA DEPARTMENT OF PUBLIC HEALTH

Chapter 511-9. EMERGENCY PREPAREDNESS

Subject 511-9-2. EMERGENCY MEDICAL SERVICES

511-9-2-.01 Purpose

(1) These rules establish standards for Ground Ambulance services, Air Ambulance Services, Medical First Responder Services, Neonatal Transport Services, designation of Specialty Care Centers and base station facilities, statewide and regional advisory councils, training and licensing requirements for Medics, EMS Instructor licensing, EMS Instructor/Coordinator licensing, and course approval requirements for Emergency Medical Responder, Emergency Medical Technician, Advanced Emergency Medical Technician, and Paramedic training programs, and others as may be related to O.C.G.A. Chapter 31-11.

(2) The Director or Deputy Director of the Office of Emergency Medical Services and Trauma has the authority to waive any rule, procedure, or policy in the event of a public health emergency, disaster, or state of emergency in order to provide timely critical care and transportation to the injured or ill. Such waiver shall be in writing and filed with the Commissioner of the Department of Public Health.

Cite as Ga. Comp. R. & Regs. R. 511-9-2-.01

AUTHORITY: O.C.G.A. §§ 31-2A-3**,** 31-2A-6**,** 31-11-5**.**

HISTORY: Original Rule entitled "Purpose" adopted. F. December 14, 2011; eff. January 3, 2012.

Amended: F. Sept. 29, 2021; eff. Oct. 27, 2021, as specified by the Agency.

Amended: F. Feb. 17, 2025; eff. Mar. 16, 2025, as specified by the Agency.

511-9-2-.02 Definitions

The following definitions shall apply in the interpretation of these standards:

(a) "Advanced Cardiac Life Support (ACLS) Certification" means successful completion of a course recognized by the Department which utilizes nationally recognized advanced cardiac care standards.

(b) "Advanced Emergency Medical Technician" or "AEMT" means a person who has been licensed by the Department after having successfully attained certification by the National Registry of Emergency Medical Technicians (NREMT) as an Advanced Emergency Medical Technician (AEMT).

(c) "Advanced Life Support (ALS)" means the assessment, and if necessary, treatment or transportation by ambulance, utilizing medically necessary supplies and equipment provided by at least one individual licensed above the level of Emergency Medical Technician.

(d) "Advanced Tactical Practitioner (ATP)" means a certification issued by the United States Special Operations Command (USSOCOM) Medic Certification Program.

(e) "Air Ambulance" means a rotary-wing aircraft registered by the Department that is specially constructed and equipped and is intended to be used for air medical emergency transportation of patients.

(f) "Air Ambulance Service" means an agency or company operating under a valid license from the Department that uses Air Ambulances to provide Ambulance Service.

(g) "Ambulance Service" means the provision of emergency care and transportation for a wounded, injured, sick, invalid, or incapacitated human being to or from a place where medical care is furnished; or an entity licensed to provide such services.

(h) "Approved" means acceptable to the Department based on its determination as to conformance with existing standards.

(i) "Authorized Agent" means a person with the legal authority to sign on behalf of the legal owner of a business entity.

(j) "Base of Operations" means the primary location at which administration of the EMS Agency or EMS Initial Education Program occurs and where records are maintained. All licensed EMS Agencies and designated EMS Initial Education Programs must designate one Base of Operations location within the State of Georgia.

(k) "Basic Life Support (BLS)" means treatment or transportation by Ground Ambulance vehicle or treatment with medically necessary supplies and services involving non-invasive life support measures.

(l) "Board" means the Board of Public Health.

(m) "Cardiac Technician" means a person who has been licensed by the Department after having successfully completed an approved Cardiac Technician certification exam, or licensed by the Composite State Board of Medical Examiners, now known as the Georgia Composite Medical Board, prior to January 1, 2002. This is a historical reference only, as no new Cardiac Technician licenses will be issued.

(n) "Charge" means a formal claim of criminal wrongdoing brought by a law enforcement official or prosecutor against an individual, whether by arrest warrant, information, accusation, or indictment.

(o) "CLIA" means the Clinical Laboratory Improvement Amendments of 1988 (42 USC 263a) and regulations (42 CFR 493) which specifies the federal standards applicable to all U.S. facilities or sites that test human specimens for health assessment or to diagnose, prevent, or treat disease.

(p) "Clinical Preceptor" means a licensed Emergency Medical Technician - Responder, Emergency Medical Technician, Advanced Emergency Medical Technician, Emergency Medical Technician-Intermediate, Cardiac Technician, Paramedic, IV team member, licensed practical nurse, registered nurse, physician's assistant, allied health professional or physician who meets the requirements for preceptors as established by the Department.

(q) "Commissioner" means the Commissioner of the Department of Public Health.

(r) "Communication Protocols" means guidelines that specify which emergency interventions require direct voice order from medical control in the rendering of prehospital emergency medical care to a patient and may include other guidelines relative to communication between Medics and medical control.

(s) "CPR Certification" means successful completion of a healthcare provider course in cardiopulmonary resuscitation which is recognized by the Department.

(t) "Department" means the Department of Public Health, Office of Emergency Medical Services and Trauma.

(u) "Designated" means the entity specified that satisfies guidelines set forth by the Department.

(v) "Designated 911 Zone Provider" means an EMS Agency providing Ground Ambulance service and operating under a valid Ground Ambulance license issued by the Department, which is granted a specific geographical

territory or Emergency Response Zone to provide emergency transport services following a Public Call in compliance with the Regional Ambulance Zoning Plan for the respective EMS Region.

(w) "Emergency" means a request for a non-planned response or an urgent need for the protection of life, health, or safety, as perceived by a prudent layperson.

(x) "Emergency Medical Services" or "Emergency Medical Services System" or "EMS" or "EMS System" means the integrated system of medical response established and designed to respond, assess, treat, and facilitate the disposition of victims of acute injury or illness and those in need of medically safe transportation. EMS also includes medical response provided in hazardous environments, rescue situations, disasters and mass casualties, mass gathering events, as well as interfacility transfer of patients and participation in community health activities.

(y) "Emergency Medical Services Agency" or "EMS Agency" means an Air Ambulance Service, Ground Ambulance Service, Medical First Responder Service, or Neonatal Transport Service licensed by the Department.

(z) "Emergency Medical Service Advisory Council" or "EMSAC" means an advisory council that provides advice to the Department in matters essential to its operations with respect to Emergency Medical Services.

(aa) "Emergency Medical Services Medical Director" or "EMS Medical Director" or "Medical Director" means a physician, as defined in (nnn), licensed to practice in this state who provides medical direction to an EMS Agency licensed by the Department or an EMS Initial Education Program designated by the Department.

(bb) "Emergency Medical Services Medical Directors Advisory Council" or "EMSMDAC" means an advisory council that provides advice to the Department on issues essential to medical direction of the EMS system.

(cc) "Emergency Medical Services Personnel" or "EMS Personnel" means any Emergency Medical Technician - Responder, Emergency Medical Technician, Emergency Medical Technician-Intermediate, Advanced Emergency Medical Technician, Cardiac Technician, or Paramedic licensed by the Department.

(dd) "Emergency Medical Service Region" or "EMS Region" means a geographic area identified by the Department for the purpose of administratively sub-dividing the Emergency Medical Services system in this state. Each EMS Region shall be comprised of counties from one or more health districts established by the Department.

(ee) "Emergency Medical Technician" or "EMT" means a person who has been licensed by the Department after being certified by National Registry of Emergency Medical Technicians (NREMT) as an Emergency Medical Technician (EMT).

(ff) "Emergency Medical Technician - Intermediate" or "EMT-I" means a person who has been licensed by the Department after being certified by the National Registry of Emergency Medical Technicians (NREMT) as an Emergency Medical Technician - Intermediate (EMT-I) prior to March 31, 2013, or licensed by the former Georgia Department of Human Resources as an EMT prior to January 1, 2002. This is a historical reference only, as no new Emergency Medical Technician - Intermediate licenses will be issued.

(gg) "Emergency Medical Technician - Responder" or "EMT-R" means a person who has been licensed by the Department after being certified by the National Registry of Emergency Medical Technicians (NREMT) as an Emergency Medical Responder (EMR).

(hh) "Emergency Response Zone" or "ERZ" means a geographical territory identified by the Department within each EMS Region for the purposes of providing emergency medical transport services by designated Ground Ambulance Services following a Public Call.

(ii) "EMS Initial Education Program" means an instructional program of Department-approved EMS initial education courses at the EMR, EMT, AEMT, and/or Paramedic levels.

(jj) "EMS Initial Education Program Sponsor" or "Sponsor" means a Georgia licensed EMS Agency or Fire Department; accredited hospital, clinic, or medical center; accredited educational institution, or other Department approved entity that has accepted responsibility for the operation of an EMS Initial Education Program.

(kk) "EMS Instructor" means an individual who is qualified to teach EMS continuing education courses, community education programs, and who is licensed to coordinate or serve as the lead instructor of National Continued Competency Requirement (NCCR) courses as specified by the National Registry of Emergency Medical Technicians (NREMT), and who is further licensed to coordinate or serve as the lead instructor of an EMR initial education course approved by the Department.

(ll) "EMS Instructor/Coordinator (AEMT)" or "EMS I/C (A)" means an individual who meets all requirements for licensure as an EMS Instructor and who is further qualified and licensed to coordinate or serve as the lead instructor of an initial EMR, EMT, or AEMT course approved by the Department.

(mm) "EMS Instructor/Coordinator (EMT)" or "EMS I/C (E)" means an individual who meets all requirements for licensure as an EMS Instructor and who is further qualified and licensed to coordinate or serve as the lead instructor of an initial EMR or EMT course approved by the Department.

(nn) "EMS Instructor/Coordinator (Paramedic)" or "EMS I/C (P)" means an individual who meets all requirements for licensure as an EMS Instructor and who is further qualified and licensed to coordinate or serve as the lead instructor of an initial EMR, EMT, AEMT, or Paramedic course approved by the Department.

(oo) "EMS Instructor with Paramedic Endorsement" or "EMS Instructor (Paramedic)" means an individual who was previously licensed by the Department as a Level III EMS Instructor; who does not hold an associate degree or higher, but who otherwise meets all requirements for licensure as an EMS Instructor/Coordinator (Paramedic); and who is qualified and licensed to coordinate or serve as the lead instructor of an initial EMR, EMT, or AEMT course approved by the Department and to serve as an instructor in an initial Paramedic course approved by the Department. This is a historical reference only, as no new EMS Instructor with Paramedic Endorsement licenses will be issued.

(pp) "Good Standing" as used in this rule refers to a license that is not lapsed, is unrestricted, not on probation or suspension, is not currently under investigation, has no pending actions against it, and has had no adverse action taken against it that is still in effect.

(qq) "Ground Ambulance" means a motor vehicle registered by the Department that is specially constructed and equipped and is intended to be used for emergency transportation of patients.

(rr) "Ground Ambulance Service" means an agency or company operating under a valid license from the Department that uses Ground Ambulances to provide Ambulance Service.

(ss) "Health District" means a geographical district designated by the Department of Public Health pursuant to O.C.G.A. § 31-3-15.

(tt) "Invalid Car" means a non-emergency transport vehicle used only to transport persons who are convalescent or otherwise non-ambulatory, and do not require medical care during transport.

(uu) "License (Agency)" means a license issued to a Medical First Responder Service or to a Ground Ambulance Service, Air Ambulance Service or Neonatal Transport Service which signifies that the agency's facilities, vehicles, personnel, and operations comply with Title 31, Chapter 11 of the Official Code of Georgia Annotated, the regulations promulgated thereunder, and the policies of the Department.

(vv) "License (Medic or Instructor)" means a license issued to a person which signifies that the person has met the requirements for the respective level of individual licensure specified in Title 31, Chapter 11 of the Official Code of Georgia Annotated, the regulations promulgated thereunder, and the policies of the Department.

(ww) "Licensee" means all persons licensed by the Department pursuant to Chapter 31-11 and/or these rules, all owners and officers of entities licensed pursuant to Chapter 31-11, and all applicants for a license pursuant to Chapter 31-11 and/or these rules.

(xx) "License Officer" means the Commissioner of Public Health or his/her designee.

(yy) "License Renewal Cycle" means a period of time established by the Department for renewal of licenses.

(zz) "Medic" means an individual who is currently licensed by the Department as an Emergency Medical Technician - Responder, Emergency Medical Technician, Emergency Medical Technician - Intermediate, Advanced Emergency Medical Technician, Cardiac Technician, or Paramedic.

(aaa) "Medical Control" means the clinical guidance from a physician to EMS Personnel regarding the prehospital management of a patient.

(bbb) "Medical Direction" means the administrative process of providing medical guidance or supervision including but not limited to system design, education, critique, and quality improvement by a physician to EMS Personnel, EMS Initial Education Programs, and EMS Agencies.

(ccc) "Medical First Responder Service" means an agency or company duly licensed by the Department that provides on-site care until the arrival of the Department's Designated 911 Zone Provider.

(ddd) "Medical First Responder Vehicle" means a motor vehicle registered by the Department for the purpose of providing response to emergencies.

(eee) "Medical Protocol" means prehospital treatment guidelines, approved by the local EMS Medical Director, used to manage an emergency medical condition in the field by outlining the permissible and appropriate medical treatment that may be rendered by EMS Personnel to a patient experiencing a medical emergency or injury.

(fff) "Neonatal Transport Personnel" means licensed or certified health care professionals specially trained in the care of neonates.

(ggg) "Neonatal Transport Service" means an agency or company operating under a valid license from the Department that provides facility-to-facility transport for Neonates, infants, children or adolescents.

(hhh) "Neonatal Transport Vehicle" or "Neonatal Ambulance" means a motor vehicle registered by the Department that is equipped for the purpose of transporting Neonates to a place where medical care is furnished.

(iii) "Neonate" means an infant 0 - 184 days of age, as defined by the Georgia Regional Perinatal Care Program.

(jjj) "Nurse" means an individual who is currently licensed in the State of Georgia as a Registered Nurse or Licensed Practical Nurse.

(kkk) "Office of Emergency Medical Services and Trauma" means the regulatory subdivision of the Georgia Department of Public Health that is directly responsible for administration of the statewide EMS system.

(lll) "Paramedic" means a person who has been licensed by the Department after having been certified by the National Registry of Emergency Medical Technicians (NREMT) as a Paramedic, certified by the United States Special Operations Command (USSOCOM) as an Advanced Tactical Practitioner (ATP), or licensed as a Paramedic by the Composite State Board of Medical Examiners, now known as the Georgia Composite Medical Board, prior to January 1, 2002.

(mmm) "Patient Care Report" or "Prehospital Care Report" or "PCR" means the required written or electronic data set that is submitted to the Department or to an acute care facility by an EMS Agency regarding each request for an EMS response. The required data set shall include all data elements specified by the Department.

(nnn) "Physician" means a person licensed to practice medicine by and in good standing with the Georgia Composite Medical Board pursuant to Article 2 of Chapter 34 of Title 43.

(ooo) "Provisional License (Agency)" means a license issued to an EMS Agency on a conditional basis to allow a newly established EMS Agency to demonstrate that its facilities and operations comply with state statutes and these rules and regulations.

(ppp) "Provisional License (Medic)" is defined as a license at the EMT, AEMT or Paramedic level that is issued by the Department to a person who is provisionally certified by the National Registry of Emergency Medical Technicians (NREMT) at the respective level of application. Provisional licenses are non-renewable except in times of a prolonged public health emergency or as deemed necessary by the Department.

(qqq) "Public Safety Answering Point" or "PSAP" means an answering location for 911 calls originating in a given area.

(rrr) "Public Call" means a request for a Ground Ambulance Service from a member of the public to a Public Safety Answering Point (PSAP) when dialing "911" or the PSAP's ten-digit phone number, or a request for an ambulance by any law enforcement agency, fire department, rescue squad, or any other public safety agency.

(sss) "Reasonable Distance" means the allowable distance for patient transport established by the local EMS Medical Director based on the ambulance service's geographical area of responsibility, the ambulance service's ability to maintain emergency capabilities, and hospital resources.

(ttt) "Regional Ambulance Zoning Plan" means the Department approved method of distributing emergency calls among designated Ground Ambulance Services in designated geographical territories or Emergency Response Zones within each EMS Region in the State.

(uuu) "Regional Emergency Medical Services Medical Director" or "Regional EMS Medical Director" means a person, having approval of the Regional EMS Council and Office of Emergency Medical Services and Trauma, who is a physician licensed to practice medicine in this state, familiar with the design and operation of prehospital emergency care, experienced in the prehospital emergency care of acutely ill or injured patients, and experienced in the administrative processes affecting regional and state prehospital Emergency Medical Services systems.

(vvv) "Regional Trauma Advisory Committee" or "RTAC" means a trauma-specific multidisciplinary, multi-agency advisory group that is a committee of the Regional EMS Advisory Council for a given EMS Region.

(www) "Reserve Ambulance" means a registered ambulance that temporarily does not meet the standards for ambulance equipment and supplies in these rules and policies of the Department.

(xxx) "Scope of Practice" means the description, as specified by the Department, of what a Licensee legally can, and cannot, do, based on the Licensee's level of licensure. It is a legal description of the distinction between licensed health care personnel and the lay public, and between different licensed health care professionals.

(yyy) "Specialty Care Center" means a licensed hospital dedicated to a specific sub-specialty care including, but not limited to, trauma, stroke, pediatric, burn and cardiac care.

(zzz) "Specialty Care Transport" means transportation in a registered Ground Ambulance, Air Ambulance or Neonatal Ambulance during which certain special skills above and beyond those taught in state approved initial Paramedic education are utilized. Provided, however, that this definition is not intended to authorize a Medic to operate beyond his or her Scope of Practice.

(aaaa) "Systems of Care Advisory Council" or "SCAC" means an advisory council that provides advice to the Department in matters essential to operations, development, and sustainment of specialty systems of care in Georgia.

Cite as Ga. Comp. R. & Regs. R. 511-9-2-.02

AUTHORITY: O.C.G.A. §§ 31-2A-3**,** 31-2A-6**,** 31-11-2**,** 31-11-5**.**

HISTORY: Original Rule entitled "Definitions" adopted. F. December 14, 2011; eff. January 3, 2012.

Amended: F. Apr. 27, 2016; eff. May 17, 2016.

Amended: F. Nov. 14, 2019; eff. Dec. 9, 2019, as specified by the Agency.

Amended: F. Oct. 20, 2020; eff. Nov. 18, 2020, as specified by the Agency.

Amended: F. Sept. 29, 2021; eff. Oct. 27, 2021, as specified by the Agency.

Amended: F. Feb. 17, 2025; eff. Mar. 16, 2025, as specified by the Agency.

511-9-2-.03 Statewide Emergency Medical Services Advisory Councils

(1) Emergency Medical Services Advisory Council.

(a) Purpose. A statewide Emergency Medical Services Advisory Council (EMSAC) shall be established to advise the Department in matters essential to its operations with respect to emergency medical services systems.

(b) General Provisions.

1. The Director and Deputy Director of the State Office of EMS and Trauma shall act as liaisons between EMSAC and the Department, and shall provide support, education, and guidance to EMSAC related to its roles.

2. EMSAC recommendations are advisory and are not binding on the Department or on agencies under contract to the Department.

3. EMSAC shall adopt bylaws subject to the approval of the Department and shall conduct its business in accordance with the Georgia Open Records Act, O.C.G.A. § 50-18-70 et seq, and Open Meetings Act, O.C.G.A. § 50-14-1 et seq. Bylaws shall address frequency of meetings, recording of minutes, membership, creation and function of committees, managing of conflicts of interest, voting, and other issues relevant to the function of an advisory council.

4. EMSAC shall be composed of between twenty-five (25) and thirty-five (35) members who are knowledgeable in the field of EMS systems and all components thereof, and who represent a broad cross-section of Georgia's citizens. Membership shall include representation from each of the following categories, provided that a single member may represent more than one category:

(i) At least one representative from each of the state's ten EMS Regions;

(ii) A representative from the statewide Systems of Care Advisory Council;

(iii) A representative from the statewide Emergency Medical Services Medical Director's Advisory Council;

(iv) A representative of EMS education;

(v) A representative from a fire/rescue service;

(vi) A representative from an emergency management agency;

(vii) At least one representative from each of the following EMS agency license types:

(I) Ground Ambulance

(II) Neonatal Ambulance

(III) Air Ambulance

(IV) Medical First Responder

(viii) At least one representative from each of the following EMS agency ownership types:

(I) Government (City, County, or State)

(II) Private (Corporation, Limited Liability Company, Sole Proprietorship, or other entity)

(III) Hospital

5. Members shall be appointed by the Commissioner or his/her designee for a term specified in EMSAC's bylaws.

6. Each EMSAC member shall serve in a volunteer capacity, without remuneration by the Department, and shall not be entitled to reimbursement of any expenses, including travel expenses.

(c) EMSAC's responsibilities shall include, but not be limited to:

1. Recommending standards and policies which affect those persons, services, or agencies regulated under these rules and Chapter 11 of Title 31 of the Official Code of Georgia;

2. Reviewing and providing comment on legislative proposals as requested by the Department; and

3. Serve to promote the interest of improvement of Georgia's statewide emergency medical services systems and all components thereof.

(2) Emergency Medical Services Medical Directors Advisory Council.

(a) Purpose. The Department shall establish a statewide Emergency Medical Services Medical Directors Advisory Council (EMSMDAC) to advise the Department on issues related to medical direction of the EMS system.

(b) General Provisions.

1. The Director and Deputy Director of the State Office of EMS and Trauma and the State EMS Medical Director shall serve as liaisons between EMSMDAC and the Department, and shall provide support, education, and guidance to EMSMDAC related to its roles.

2. EMSMDAC recommendations are advisory and are not binding on the Department or on agencies under contract to the Department.

3. EMSMDAC shall adopt bylaws subject to the approval of the Department and shall conduct its business in accordance with the Georgia Open Records Act, O.C.G.A. § 50-18-70 et seq, and Open Meetings Act, O.C.G.A. § 50-14-1 et seq. Bylaws shall address frequency of meetings, recording of minutes, membership, creation and function of committees, managing conflicts of interest, voting, and other issues relevant to the function of an advisory council.

4. EMSMDAC shall be composed of between twenty-five (25) and thirty (30) physician members who are knowledgeable in the field of EMS systems and all components thereof, and who represent a broad cross-section of Georgia's EMS programs and the medical community. Membership shall include representation from each of the following categories, provided that a single member may represent more than one category:

(i) At least one member from each of the state's ten EMS Regions;

(ii) At least one representative from each of the following systems of care:

(I) Cardiac

(II) Stroke

(III) Trauma

(IV) Pediatrics

(V) Perinatal Care/Obstetrics

(iii) Physicians with an interest and/or expertise in the provision of emergency medical care.

5. EMSMDAC members shall be appointed by the Commissioner or his/her designee for a term specified in EMSMDAC's bylaws.

6. Each EMSMDAC member shall serve in a volunteer capacity, without remuneration by the Department, and shall not be entitled to reimbursement of any expenses, including travel expenses.

(c) Responsibilities of EMSMDAC shall include, but not be limited to:

1. Acting as a liaison with the medical community, medical facilities, and appropriate governmental entities;

2. Advising and providing consultation to the Department on practice issues related to the care delivered by entities and personnel under the jurisdiction of the Department;

3. Advising on and reviewing matters of medical direction and training in conformity with accepted emergency medical practices and procedures;

4. Recommending and reviewing policies and procedures affecting patient care rendered by EMS personnel;

5. Advising on the scope and extent of EMS practice for the emergency medical services of Georgia;

6. Advising on the scope of practice for EMS personnel licensed in Georgia;

7. Advising on the formulation of medical, communication, and emergency transportation protocols; and

8. Advising on quality improvement issues related to patient care rendered by EMS personnel.

(3) Systems of Care Advisory Council.

(a) Purpose. The Department shall establish a statewide multidisciplinary Systems of Care Advisory Council (SCAC) to advise the Department on issues essential to specialty systems of care in Georgia.

(b) General Provisions.

1. The Director and the Deputy Director of Systems of Care for the State Office of EMS and Trauma shall act as liaisons between SCAC and the Department, and shall provide support, education, and guidance to SCAC related to its roles.

2. SCAC recommendations are advisory and are not binding on the Department or on agencies under contract to the Department.

3. SCAC shall adopt bylaws subject to the approval of the Department and shall conduct its business in accordance with the Georgia Open Records Act, O.C.G.A. § 50-18-70 et seq, and Open Meetings Act, O.C.G.A. § 50-14-1 et

seq. Bylaws shall address frequency of meetings, recording of minutes, membership, creation and function of committees, managing conflicts of interest, voting, and other issues relevant to the function of an advisory council.

4. SCAC shall be composed of between twenty-five (25) and thirty (30) members who are knowledgeable in specialty systems of care and all components thereof, and who represent a broad cross-section of Georgia's citizens. Membership shall include representation from each of the following categories, provided that a single member may represent more than one category:

(i) At least one representative from each of the state's ten EMS Regions;

(ii) At least one representative from a designated facility in each of the following specialty systems of care:

(I) Cardiac

(II) Stroke

(III) Trauma

(IV) Pediatrics

(V) Perinatal Care/Obstetrics

(iii) An EMS representative from the statewide Emergency Medical Services Advisory Council;

(iv) An EMS Medical Director representative from the statewide Emergency Medical Services Medical Director Advisory Council;

(v) A representative from hospital emergency preparedness;

(vi) At least one representative from each of the following facility types:

(I) Non-designated hospital

(II) Critical Access hospital

(III) Rural hospital

(IV) Hospital rehabilitation services

(V) Free Standing Emergency Department and/or Urgent Care Center

(vii) A hospital administrator from a designated specialty care center

5. Members shall be appointed by the Commissioner or his/her designee for a term specified in SCAC's bylaws.

6. Each SCAC member shall serve in a volunteer capacity, without remuneration by the Department, and shall not be entitled to reimbursement of any expenses, including travel expenses.

(c) SCAC responsibilities shall include, but not be limited to:

1. Recommending standards and policies which affect those persons, services, or agencies regulated under these rules and Chapter 11 of Title 31 of the Official Code of Georgia;

2. Reviewing and providing comment on legislative proposals as requested by the Department; and

3. Serve to promote the interest of improvement in Georgia's specialty systems of care and all components thereof.

Cite as Ga. Comp. R. & Regs. R. 511-9-2-.03

AUTHORITY: O.C.G.A. §§ 31-2A-3**,** 31-2A-6**,** 31-11-5**,** 31-11-60.1**.**

HISTORY: Original Rule entitled "Emergency Medical Services Advisory Councils" adopted. F. December 14, 2011; eff. January 3, 2012.

Amended: F. Apr. 27, 2016; eff. May 17, 2016.

Amended: New Rule entitled "Statewide Emergency Medical Services Advisory Councils." F. Nov. 14, 2019; eff. Dec. 9, 2019, as specified by the Agency.

Amended: F. Feb. 17, 2025; eff. Mar. 16, 2025, as specified by the Agency.

511-9-2-.04 Regional Emergency Medical Services Advisory Councils

(1) Purpose. In accordance with the designation made by the Board of Public Health pursuant to Georgia Code Section 31-11-3(a), a Regional Emergency Medical Services Advisory Council (REMSAC) shall serve as the local coordinating entity in each EMS Region.

(2) General Provisions

(a) The Regional EMS Director shall serve as a liaison between the Department and the REMSAC in each EMS Region, and shall provide support, education, and guidance on the REMSAC's responsibilities related to its role as the designated local coordinating entity for their EMS Region.

(b) Each REMSAC shall adopt bylaws subject to the approval of the Department and shall conduct its business in accordance with the Georgia Open Record, O.C.G.A. § 50-14-1 et seq and Open Meetings Act, O.C.G.A. § 50-14-1 et seq. Bylaws shall address frequency of meetings, recording of minutes, membership, terms of members, creation and function of committees, managing conflicts of interest, voting, administration and review of the Regional Ambulance Zoning Plan, and other issues relevant to the function of an advisory council.

(c) Each REMSAC shall be composed of between twenty-five (25) and fifty (50) members who are both knowledgeable and interested in the EMS system and represent the interests of a broad cross-section of the EMS Region's citizens. Membership shall include representation from each of the following categories, provided that a single member may represent more than one category:

1. At least one member from each of the counties served by the REMSAC shall be appointed by the county commission, subject to membership requirements specified in the REMSAC bylaws;

2. At least one representative from each of the following systems of care:

(i) Cardiac

(ii) Stroke

(iii) Trauma

(iv) Pediatrics

(v) Perinatal Care/Obstetrics

3. An EMS agency medical director from a designated 911 zone provider in a county served by the REMSAC;

4. A representative of EMS education;

5. A representative from a fire/rescue service;

6. A representative from an emergency management agency;

7. At least one representative from each of the following EMS agency license types, if present in the EMS Region:

(i) Air Ambulance

(ii) Ground Ambulance

(iii) Neonatal Ambulance

(iv) Medical First Responder

8. At least one representative from each of the following EMS agency ownership types, if present in the EMS Region:

(i) Government (City, County, or State)

(ii) Private (Corporation, Limited Liability Company, Sole Proprietorship, or other entity)

(iii) Hospital

9. Consumers or experts in the field of EMS.

(d) REMSAC members, other than those appointed by the county commissions, shall be appointed by the Commissioner or his/her designee, subject to membership requirements specified in the REMSAC bylaws.

(e) Each REMSAC member shall serve in a volunteer capacity, without remuneration by the Department, and shall not be entitled to reimbursement of any expenses, including travel expenses.

(3) Regional Ambulance Zoning Plan

(a) Each EMS Region shall have a Regional Ambulance Zoning Plan that is based primarily on the considerations of economy, efficiency, and benefit to the public welfare.

(b) The Department shall develop the Regional Ambulance Zoning Plan based on recommendations from the REMSAC and shall provide oversight and supervision of the operations of the Regional Ambulance Zoning Plan for each EMS Region.

(c) The REMSAC shall make recommendations to the Board or its designee for the designation of one or more 911 Zone Provider(s) for each Emergency Response Zone within the EMS Region, subject to approval or modification by the Board or its designee in accordance with the procedures set forth in Code Section 31-11-3 and under the circumstances outlined in subparagraph (4) of this Rule.

(d) Following implementation of the Regional Ambulance Zoning Plan, the REMSAC may review data regarding key performance measures specified by the Department for each designated 911 Zone Provider in the EMS Region.

(e) The Department may make administrative updates to the Regional Ambulance Zoning Plan as needed. Such updates may include business name changes and documentation of subcontracting relationships between designated 911 zone providers and other licensed ambulance services.

(f) The Department may designate a licensed ambulance service to serve as a temporary 911 Zone Provider for an Emergency Response Zone if the current designated 911 Zone Provider abandons the Emergency Response Zone, is no longer eligible to participate in the Regional Ambulance Zoning Plan, or surrenders the Emergency Response Zone with notice insufficient to allow timely modification of the Regional Ambulance Zoning Plan. The temporary designation shall be in place until the Regional Ambulance Zoning Plan is modified in accordance with subsection (4), below.

(g) The designated 911 zone provider must provide a minimum of ninety (90) days' notice to the Department of intent to surrender or vacate a zone(s), to allow timely modification of the Regional Ambulance Zoning Plan for the Emergency Response Zone. During this notice period, the designated zone provider must continue to provide the same level of service within the zone.

(4) Modification of the Regional Ambulance Zoning Plan

(a) The REMSAC shall make recommendations for modification of the Regional Ambulance Zoning Plan to the Board or its designee, in accordance with the procedures established in subparagraph (b) of this section, if any of the following events occurs:

1. The current designated 911 Zone Provider is no longer eligible to participate in the Regional Ambulance Zoning Plan, as determined by the Department; or

2. The current designated 911 Zone Provider notifies the Department that it intends to voluntarily surrender its designation status for its assigned Emergency Response Zone(s); or

3. The current designated 911 Zone Provider has abandoned its assigned Emergency Response Zone(s), as determined by the Department; or

4. The REMSAC receives a written request for a detailed examination and assessment of the Regional Ambulance Zoning plan for one or more Emergency Response Zones, conducts a detailed examination and assessment in accordance with procedures specified by the Department, and determines that:

(i) There has been a significant decline in the economy, efficiency, or benefit to the public welfare within a specific Emergency Response Zone or the EMS Region as a whole; or

(ii) There exists an opportunity for significant improvement in the economy, efficiency, or benefit to the public welfare within a specific Emergency Response Zone or the EMS Region as a whole.

(b) The REMSAC shall comply with the following procedures when making recommendations for modification of the Regional Ambulance Zoning Plan:

1. The REMSAC shall post a notice soliciting proposals from all licensed ambulance providers seeking designation as the 911 zone provider for a specific Emergency Response Zone. The notice shall specify:

(i) The ten (10) day period during which proposals will be accepted; and

(ii) The information that must be included in the proposal including, but not limited to, a written description of the territory in which the ambulance provider can respond to emergency calls and data regarding key performance measures as specified by the Department.

2. The REMSAC shall evaluate all proposals based primarily on the considerations of economy, efficiency, and benefit to the public welfare.

3. Within ten (10) days after the period for receiving proposals has ended, the REMSAC shall make a recommendation to the Board or its designee, in the format specified by the Department, regarding the territorial zones and the method of distributing emergency calls among the ambulance providers within the EMS Region. If the

REMSAC's recommendation includes a change in one or more designated 911 zone providers, the recommendation shall provide for a transition plan and include the effective date of the modification.

(c) The Board or its designee, upon receipt of the REMSAC's recommendation, shall either approve the recommendation, conduct a hearing as provided in Code Section 31-11-3(d), or remand the recommendation back to the REMSAC if the Department determines the REMSAC did not follow procedures set forth in this rule.

(d) The Regional Ambulance Zoning Plan shall be administered in accordance with the decision of the Board or its designee.

Cite as Ga. Comp. R. & Regs. R. 511-9-2-.04

AUTHORITY: O.C.G.A. §§ 31-2A-3**,** 31-2A-6**,** 31-11-3**,** 31-11-5**.**

HISTORY: Original Rule entitled "Designation of Specialty Care Centers" adopted. F. December 14, 2011; eff. January 3, 2012.

Amended: F. Apr. 2, 2015; eff. Apr. 22, 2015.

Note: Correction of non-substantive typographical error on SOS website, original Rule title "Licensure of Air Ambulance Services" corrected to "Designation of Specialty Care Centers." Effective May 17, 2016.

Amended: F. May 19, 2017; eff. June 8, 2017.

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Repealed: F. Sept. 16, 2019; eff. Oct. 16, 2019, as specified by the Agency.

Adopted: New Rule entitled "Regional Emergency Medical Services Advisory Councils." F. Nov. 14, 2019; eff. Dec. 9, 2019, as specified by the Agency.

Note: Correction of administrative error in Rule History only, "**Amended:** F. Nov. 14, 2019; eff. Dec. 9, 2019, as specified by the Agency." corrected to "**Adopted:** New Rule entitled "Regional Emergency Medical Services Advisory Councils." F. Nov. 14, 2019; eff. Dec. 9, 2019, as specified by the Agency." (New Rule and title as cited in Certification Page filed Nov. 14, 2019.) Effective February 17, 2025.

Amended: F. Feb. 17, 2025; eff. Mar. 16, 2025, as specified by the Agency.

511-9-2-.04 Regional Emergency Medical Services Advisory Councils

(1) Purpose. In accordance with the designation made by the Board of Public Health pursuant to Georgia Code Section 31-11-3(a), a Regional Emergency Medical Services Advisory Council (REMSAC) shall serve as the local coordinating entity in each EMS Region.

(2) General Provisions

(a) The Regional EMS Director shall serve as a liaison between the Department and the REMSAC in each EMS Region, and shall provide support, education, and guidance on the REMSAC's responsibilities related to its role as the designated local coordinating entity for their EMS Region.

(b) Each REMSAC shall adopt bylaws subject to the approval of the Department and shall conduct its business in accordance with the Georgia Open Record, O.C.G.A. § 50-14-1 et seq and Open Meetings Act, O.C.G.A. § 50-14-1 et seq. Bylaws shall address frequency of meetings, recording of minutes, membership, terms of members, creation

and function of committees, managing conflicts of interest, voting, administration and review of the Regional Ambulance Zoning Plan, and other issues relevant to the function of an advisory council.

(c) Each REMSAC shall be composed of between twenty-five (25) and fifty (50) members who are both knowledgeable and interested in the EMS system and represent the interests of a broad cross-section of the EMS Region's citizens. Membership shall include representation from each of the following categories, provided that a single member may represent more than one category:

1. At least one member from each of the counties served by the REMSAC shall be appointed by the county commission, subject to membership requirements specified in the REMSAC bylaws;

2. At least one representative from each of the following systems of care:

(i) Cardiac

(ii) Stroke

(iii) Trauma

(iv) Pediatrics

(v) Perinatal Care/Obstetrics

3. An EMS agency medical director from a designated 911 zone provider in a county served by the REMSAC;

4. A representative of EMS education;

5. A representative from a fire/rescue service;

6. A representative from an emergency management agency;

7. At least one representative from each of the following EMS agency license types, if present in the EMS Region:

(i) Air Ambulance

(ii) Ground Ambulance

(iii) Neonatal Ambulance

(iv) Medical First Responder

8. At least one representative from each of the following EMS agency ownership types, if present in the EMS Region:

(i) Government (City, County, or State)

(ii) Private (Corporation, Limited Liability Company, Sole Proprietorship, or other entity)

(iii) Hospital

9. Consumers or experts in the field of EMS.

(d) REMSAC members, other than those appointed by the county commissions, shall be appointed by the Commissioner or his/her designee, subject to membership requirements specified in the REMSAC bylaws.

(e) Each REMSAC member shall serve in a volunteer capacity, without remuneration by the Department, and shall not be entitled to reimbursement of any expenses, including travel expenses.

(3) Regional Ambulance Zoning Plan

(a) Each EMS Region shall have a Regional Ambulance Zoning Plan that is based primarily on the considerations of economy, efficiency, and benefit to the public welfare.

(b) The Department shall develop the Regional Ambulance Zoning Plan based on recommendations from the REMSAC and shall provide oversight and supervision of the operations of the Regional Ambulance Zoning Plan for each EMS Region.

(c) The REMSAC shall make recommendations to the Board or its designee for the designation of one or more 911 Zone Provider(s) for each Emergency Response Zone within the EMS Region, subject to approval or modification by the Board or its designee in accordance with the procedures set forth in Code Section 31-11-3 and under the circumstances outlined in subparagraph (4) of this Rule.

(d) Following implementation of the Regional Ambulance Zoning Plan, the REMSAC may review data regarding key performance measures specified by the Department for each designated 911 Zone Provider in the EMS Region.

(e) The Department may make administrative updates to the Regional Ambulance Zoning Plan as needed. Such updates may include business name changes and documentation of subcontracting relationships between designated 911 zone providers and other licensed ambulance services.

(f) The Department may designate a licensed ambulance service to serve as a temporary 911 Zone Provider for an Emergency Response Zone if the current designated 911 Zone Provider abandons the Emergency Response Zone, is no longer eligible to participate in the Regional Ambulance Zoning Plan, or surrenders the Emergency Response Zone with notice insufficient to allow timely modification of the Regional Ambulance Zoning Plan. The temporary designation shall be in place until the Regional Ambulance Zoning Plan is modified in accordance with subsection (4), below.

(g) The designated 911 zone provider must provide a minimum of ninety (90) days' notice to the Department of intent to surrender or vacate a zone(s), to allow timely modification of the Regional Ambulance Zoning Plan for the Emergency Response Zone. During this notice period, the designated zone provider must continue to provide the same level of service within the zone.

(4) Modification of the Regional Ambulance Zoning Plan

(a) The REMSAC shall make recommendations for modification of the Regional Ambulance Zoning Plan to the Board or its designee, in accordance with the procedures established in subparagraph (b) of this section, if any of the following events occurs:

1. The current designated 911 Zone Provider is no longer eligible to participate in the Regional Ambulance Zoning Plan, as determined by the Department; or

2. The current designated 911 Zone Provider notifies the Department that it intends to voluntarily surrender its designation status for its assigned Emergency Response Zone(s); or

3. The current designated 911 Zone Provider has abandoned its assigned Emergency Response Zone(s), as determined by the Department; or

4. The REMSAC receives a written request for a detailed examination and assessment of the Regional Ambulance Zoning plan for one or more Emergency Response Zones, conducts a detailed examination and assessment in accordance with procedures specified by the Department, and determines that:

(i) There has been a significant decline in the economy, efficiency, or benefit to the public welfare within a specific Emergency Response Zone or the EMS Region as a whole; or

(ii) There exists an opportunity for significant improvement in the economy, efficiency, or benefit to the public welfare within a specific Emergency Response Zone or the EMS Region as a whole.

(b) The REMSAC shall comply with the following procedures when making recommendations for modification of the Regional Ambulance Zoning Plan:

1. The REMSAC shall post a notice soliciting proposals from all licensed ambulance providers seeking designation as the 911 zone provider for a specific Emergency Response Zone. The notice shall specify:

(i) The ten (10) day period during which proposals will be accepted; and

(ii) The information that must be included in the proposal including, but not limited to, a written description of the territory in which the ambulance provider can respond to emergency calls and data regarding key performance measures as specified by the Department.

2. The REMSAC shall evaluate all proposals based primarily on the considerations of economy, efficiency, and benefit to the public welfare.

3. Within ten (10) days after the period for receiving proposals has ended, the REMSAC shall make a recommendation to the Board or its designee, in the format specified by the Department, regarding the territorial zones and the method of distributing emergency calls among the ambulance providers within the EMS Region. If the REMSAC's recommendation includes a change in one or more designated 911 zone providers, the recommendation shall provide for a transition plan and include the effective date of the modification.

(c) The Board or its designee, upon receipt of the REMSAC's recommendation, shall either approve the recommendation, conduct a hearing as provided in Code Section 31-11-3(d), or remand the recommendation back to the REMSAC if the Department determines the REMSAC did not follow procedures set forth in this rule.

(d) The Regional Ambulance Zoning Plan shall be administered in accordance with the decision of the Board or its designee.

Cite as Ga. Comp. R. & Regs. R. 511-9-2-.04

AUTHORITY: O.C.G.A. §§ 31-2A-3**,** 31-2A-6**,** 31-11-3**,** 31-11-5**.**

HISTORY: Original Rule entitled "Designation of Specialty Care Centers" adopted. F. December 14, 2011; eff. January 3, 2012.

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Amended: F. Feb. 17, 2025; eff. Mar. 16, 2025, as specified by the Agency.

511-9-2-.05 Designation of Specialty Care Centers

(1) Trauma and Burn Centers.

(a) Applicability.

1. No hospital shall hold itself out as or advertise to the public that it is designated by the Department as a trauma or burn center without first meeting the requirements of these rules and obtaining approval from the Department.

2. This section is not intended to prevent any hospital from providing medical care to any trauma or burn patient.

(b) Designation of Trauma and Burn Centers.

1. Any hospital seeking designation or re-designation by the Department as a Level I, Level II, Level III, or Level IV trauma center must submit a written application to the Department in a manner and on forms as determined by the Department, and shall meet, at a minimum, the standards defined in the most recent edition of Resources For Optimal Care of the Injured Patient by the American College of Surgeons Committee on Trauma.

(i) Designation or re-designation may be obtained by:

(I) Successful completion of an evaluation as specified by the Department; or

(II) Successful verification by the American College of Surgeons (ACS); if the hospital:

I. Applies for verification from ACS;

II. Informs the Department at least 30 calendar days prior to the dates of the ACS Verification site survey; and

III. Invites the Department to review the facility and documentation of capabilities of the hospital during the ACS verification site survey.

2. Any hospital seeking designation or re-designation by the Department as a burn center must submit a written application to the Department in a manner and on forms as determined by the Department and must hold and maintain current verification as a burn center by the American Burn Association.

(i) Designation or re-designation may be obtained by:

(I) Successful verification by the American Burn Association (ABA); if the hospital:

I. Applies for verification from ABA;

II. Informs the Department at least 30 calendar days prior to the dates of the ABA Verification site survey; and

III. Invites the Department to review the facility and documentation of capabilities of the hospital during the ABA verification site survey.

3. The Department may establish additional levels and types of trauma and burn centers as necessary based on advancements in medicine and patient care.

4. Each designated trauma center shall submit data to the state trauma registry in a manner and frequency as prescribed by the Department.

(c) The Department may suspend or revoke a hospital's designation as a trauma or burn center, after providing written notice to the hospital, if the Department determines that the hospital is not in compliance with the requirements or criteria of these rules or applicable statutes. The Department shall provide an administrative hearing on the action to suspend or revoke a hospital's designation if the hospital makes a written request for a hearing. Such written request must be delivered to and received by the Department no later than twenty days after the hospital receives notice of the action. If a timely request for a hearing is not received, the action will become effective twenty days after the hospital's receipt of the notice. In lieu of suspending or revoking a hospital's trauma or burn center designation, the Department may re-designate the hospital at another level and/or type of trauma or burn center if it is determined that the hospital does not meet the criteria for its current level of designation but meets criteria for a lower-level designation during a site survey.

(2) Stroke Centers.

(a) Applicability.

1. No hospital shall hold itself out as or advertise to the public that it is designated by the Department as a comprehensive, thrombectomy-capable, primary, remote treatment, or any other level of stroke center without first meeting the requirements of these rules and obtaining approval from the Department.

2. This section is not intended to prevent any hospital from providing medical care to any stroke patient.

3. The Department, in consultation with the Georgia Coverdell Acute Stroke Registry, may establish additional levels of stroke centers as necessary based on advancements in medicine and patient care.

(b) Designation of Comprehensive, Thrombectomy-Capable, and Primary Stroke Centers.

1. Any hospital seeking designation or re-designation by the Department as a comprehensive, thrombectomy-capable, or primary stroke center must submit a written application to the Department in a manner and on forms as determined by the Department.

2. An applicant for designation or re-designation as a comprehensive, thrombectomy-capable, or primary stroke center must hold and maintain a current certification as a comprehensive, thrombectomy-capable, or primary stroke center by a national healthcare accreditation body recognized by the Department.

(c) Designation of Remote Treatment Stroke Centers.

1. Any hospital seeking designation or re-designation by the Department as a remote treatment stroke center must submit a written application to the Department in a manner and on forms as determined by the Department.

2. Designation Through National Accreditation. An applicant must hold and maintain a current certification as an acute stroke-ready hospital by a national healthcare accreditation body recognized by the Department to be eligible for designation as a remote treatment stroke center.

3. Designation Through Evaluation by Department.

(i) An applicant that does not hold a current certification as an acute stroke-ready hospital by a national healthcare accreditation body recognized by the Department shall undergo an evaluation by the Department. The Department will schedule and conduct an inspection of the applicant's facility within ninety days of receipt of a complete application.

(ii) The applicant will be evaluated on the standards and clinical practice guidelines established by the American Heart Association and American Stroke Association. In addition, the applicant must establish cooperating stroke

care agreements with designated comprehensive, thrombectomy-capable, or primary stroke center and must utilize current and acceptable telemedicine protocols relative to acute stroke treatment.

(d) In order to assure that patients are receiving the appropriate level of care and treatment at each level of stroke center in the state, each hospital designated and identified by the Department as a stroke center must participate in the Georgia Coverdell Acute Stroke Registry, and shall submit data to the Registry as required by the Department in accordance with time frame requirements as established by the Department, including, but not limited to, the following information:

1. Date of admission and discharge;

2. Patient disposition at discharge;

3. Patient identifier, currently known as "Georgia LONGID," that consists of elements as defined by the Department;

4. Patient age, gender, and race;

5. Location where stroke occurred;

6. Patient arrival mode;

7. Patient's past medical and medication history;

8. Clinical diagnosis of type of stroke or transient ischemic attack;

9. The National Institutes of Health stroke scale score;

10. Serum low density lipoprotein level;

11. Whether stroke symptoms were resolved at time of presentation;

12. Earliest time patient placed on comfort measure only;

13. Whether patient was admitted for elective carotid intervention;

14. Whether patient was participating in a stroke related clinical trial;

15. Whether in-hospital treatment with intravenous or intra-arterial thrombotic or mechanical clot removal, antithrombotic, or venous thromboembolism prophylaxis was provided, or reason for not providing each treatment;

16. Date and time of last known well visit, hospital arrival, imaging, and treatment administration;

17. Whether dysphagia screen had been completed;

18. Whether treatment at discharge with antithrombotic, anticoagulant, or statin (lipid-lowering medication) was provided, or reason for not providing each treatment;

19. Whether smoking cessation advice or counseling was provided;

20. Whether stroke education was provided;

21. Whether rehabilitation services were provided; and

22. Modified Rankin Scale score at discharge.

(e) The Department may suspend or revoke a hospital's designation as a stroke center, after providing written notice to the hospital, if the Department determines that the hospital is not in compliance with the requirements or criteria of these rules or applicable statutes. The Department shall provide an administrative hearing on the action to suspend or revoke a hospital's designation if the hospital makes a written request for a hearing. Such written request must be delivered to and received by the Department no later than twenty days after the hospital receives notice of the action. If a timely request for a hearing is not received, the action will become effective twenty days after the hospital's receipt of the notice. In lieu of suspending or revoking a hospital's stroke center designation, the Department may re-designate the hospital at another level of stroke center if it is determined that the hospital does not meet the criteria for its current level of designation.

(3) Emergency Cardiac Care Centers.

(a) Applicability.

1. No hospital shall hold itself out as or advertise to the public that it is designated by the Department as a Level I, Level II, or Level III emergency cardiac care center without first meeting the requirements of these rules and obtaining approval from the Department.

2. This section is not intended to prevent any hospital from providing medical care to any cardiac patient.

3. The Department may establish additional levels of emergency cardiac care centers as necessary based on advancements in medicine and patient care.

(b) Designation of Emergency Cardiac Care Centers.

1. Any hospital seeking designation or re-designation by the Department as an emergency cardiac care center must submit a written application to the Department in a manner and on forms as determined by the Department.

2. The Department's review of applications for designation and re-designation as an emergency cardiac care center may include an on-site inspection of the hospital.

(c) Designation Criteria.

1. Applicants for designation as an emergency cardiac care center shall meet, at a minimum, the following criteria:

(i) Level I:

(I) Cardiac catheterization and angioplasty facilities available 24 hours per day, seven days per week, 365 days per year;

(II) On-site cardiothoracic surgery capability available 24 hours per day, seven days per week, 365 days per year;

(III) Established protocols for therapeutic hypothermia for out-of-hospital cardiac arrest patients;

(IV) The ability to implant percutaneous left ventricular assist devices for support of hemodynamically unstable patients experiencing out-of-hospital cardiac arrest or heart attack;

(V) Neurologic protocols to measure functional status at hospital discharge; and

(VI) The ability to implant automatic implantable cardioverter defibrillators.

(ii) Level II:

(I) Cardiac catheterization and angioplasty facilities available 24 hours per day, seven days per week, 365 days per year, but no on-site cardiothoracic surgery capability;

(II) Established protocols for therapeutic hypothermia for out-of-hospital cardiac arrest patients;

(III) Neurologic protocols to measure functional status at hospital discharge; and

(IV) A written transfer plan with one or more Level I emergency cardiac care centers for patients who need left ventricular assist devices or cardiothoracic surgery.

(iii) Level III:

(I) Established protocols for therapeutic hypothermia for out-of-hospital cardiac arrest patients; and

(II) A written plan for systematic transfer of patients to a Level I or Level II facility.

2. Coordinating agreements established between cardiac care centers shall be in writing and shall include at a minimum:

(i) Transfer agreements for the transport and acceptance of cardiac patients seen by:

(I) A Level I emergency cardiac care center for care which a Level II or III emergency cardiac care center does not provide; or

(II) A Level II emergency cardiac care center for care which a Level III emergency cardiac care center does not provide; and

(ii) Communications criteria and protocols between the emergency cardiac care centers.

(d) Data Reporting.

1. Each hospital designated and identified by the Department as an emergency cardiac care center must report the following to designated registries as determined by the Department in accordance with time frame requirements established by the Department:

(i) Required data elements on all out-of-hospital cardiac arrest patients as determined by the Department; and

(ii) Required data elements on all heart attack patients as determined by the Department.

2. Each emergency cardiac care center shall have a written system describing the timely submission of all data described in subsection (i) and (ii) of this section.

(e) The Department may suspend or revoke a hospital's designation as an emergency cardiac care center, after providing written notice to the hospital, if the Department determines that the hospital is not in compliance with the requirements or criteria of these rules or applicable statutes. The Department shall provide an administrative hearing on the action to suspend or revoke a hospital's designation if the hospital makes a written request for a hearing. Such written request must be delivered to and received by the Department no later than twenty days after the hospital receives notice of the action. If a timely request for a hearing is not received, the action will become effective twenty days after the hospital's receipt of the notice. In lieu of suspending or revoking a hospital's designation, the Department may re-designate a hospital at another level of emergency cardiac care if it is determined that a hospital does not meet the criteria for a hospital's current level of designation.

(4) Confidentiality. All information reported to any registry as described by this Rule shall be deemed confidential, except that the Department may in its discretion release such reports or data in de-identified form or for research purposes determined by the Department to have scientific merit. Under no circumstances may information reported to any registry as described by this Rule be released in such a manner as to lead to the identification of any hospital, institution, or clinic.

(5) Provisional designation. Specialty care centers may be designated on a provisional basis, in the Department's sole discretion, to afford the hospital additional time to demonstrate that its facilities and operations are able to maintain full compliance with the requirements of this rule. Provisional designation shall be granted for a specified time period, not to exceed one year, and shall be subject to the terms and conditions established by the Department.

Cite as Ga. Comp. R. & Regs. R. 511-9-2-.05

AUTHORITY: O.C.G.A. §§ 31-2A-6**,** 31-5-5**,** 31-11-110 **to** 31-11-119**,** 31-11-130 **to** 31-11-139**.**

HISTORY: Reserved. F. December 14, 2011; eff. January 3, 2012.

Adopted: Original Rule entitled "Designation of Specialty Care Centers." F. Sept. 16, 2019; eff. Oct. 16, 2019, as specified by the Agency.

Amended: F. Feb. 17, 2025; eff. Mar. 16, 2025, as specified by the Agency.

511-9-2-.06 Licensure of Air Ambulance Services

(1) Applicability

(a) No person shall operate, advertise, or hold themselves out to be an Air Ambulance Service in the state of Georgia without being in compliance with the provisions of O.C.G.A. Chapter 31-11 and these rules and regulations and without being duly licensed by the Department. However, this Rule shall not apply to the following:

1. An air ambulance or air ambulance service operated by an agency of the United States government;

2. A vehicle rendering assistance temporarily in the case of a declared major catastrophe, disaster, or public health emergency which is beyond the capabilities of available Georgia licensed Air Ambulance Services;

3. An air ambulance operated from a location outside of Georgia and transporting patients picked up beyond the limits of Georgia to locations within Georgia;

4. An air ambulance service licensed to operate in another state and transporting patients picked up at a medical facility within the limits of Georgia to locations outside the limits of Georgia, unless such air ambulance is pre-positioned within the limits of Georgia prior to receiving the request for transport;

5. An air ambulance licensed in a state adjacent to Georgia that is responding to a request from a Georgia licensed EMS Agency;

6. An air ambulance or air ambulance service owned and operated by a governmental entity whose primary role is not to transport patients by air ambulance, and who is not receiving payment for such services;

7. An air ambulance or air ambulance service owned and operated by a bona fide non-profit charitable institution and that is not for hire.

(2) Application for a license or provisional license shall be made to the license officer in the manner and on the forms approved by the Department, to include at a minimum the name, address, email address, and employer identification number of the owner(s).

(3) Renewal of License. Renewal of any license issued under the provisions of O.C.G.A. Chapter 31-11 shall require conformance with all the requirements of these rules and regulations as upon original licensing.

(a) Any license not renewed prior to the license expiration date is considered "Lapsed-Failure to Renew" and is not permitted to operate as an Air Ambulance Service. Late renewal is permitted during the three (3) month period immediately following the expiration date for the last license renewal cycle. After that three-month period, and the agency must apply as a new applicant in accordance with applicable rules and regulations.

(4) Air Ambulance Services must have appropriate and current Federal Aviation Administration (FAA) approval to operate an Air Ambulance Service or Helicopter Air Ambulance Operation, as defined in 14 CFR § 135.

(5) Standards for Air Ambulances

(a) General:

1. Air Ambulances must have appropriate and current FAA approval (pursuant to 14 CFR § 135 and other applicable federal regulations) to operate as an Air Ambulance;

2. Air Ambulances must be maintained on suitable premises that meet the Department's specifications. The Department is authorized to establish policy to define minimal standards for suitable premises and base of operations.

3. The Air Ambulance must be properly equipped, maintained, and operated in accordance with other rules and regulations contained herein and be maintained and operated so as to contribute to the general well-being of patients. The aircraft must have an appropriate system for ensuring an adequate temperature environment suitable for patient transport.

4. All Air Ambulances must be equipped with approved safety belts and restraints for all seats.

5. Prior to use, Air Ambulances must be inspected and approved by the Department and so registered by affixing a Department decal at a location specified by the Department.

6. Prior to disposal by sale or otherwise, an Air Ambulance removed from service must be reported to the Department.

7. The Department shall utilize the airframe's "N" number issued by the FAA to identify each registered Air Ambulance.

(b) Insurance:

1. The Air Ambulance Service must have bodily injury, property damage, and professional liability insurance coverage that meets or exceeds 14 C.F.R. § 205.5.

2. No Air Ambulance shall be registered nor shall any registration be renewed unless the Air Ambulance has current insurance coverage as required by this section. A certificate of insurance or satisfactory evidence of self-insurance shall be submitted to the license officer for approval prior to the issuance or renewal of each Air Ambulance license or registration. Satisfactory evidence that such insurance is at all times in force and effect shall be furnished to the license officer, in such form as he may specify, by all licensees required to provide proof of such insurance under this section. Any lapse in insurance coverage will be grounds for immediate revocation of the Air Ambulance Service license.

3. Air Ambulance Services must maintain files as required by the FAA.

4. The Air Ambulance shall list the Georgia Office of EMS and Trauma as an additional certificate holder for the vehicle insurance with the insurance company.

(c) Fees:

1. Any fee submitted to the Department that results in insufficient funds will be assessed a non-sufficient fund fee. The return check fee and non-sufficient fee will be due within two business days by cashier's check.

(d) Communication:

1. Each registered Air Ambulance shall be equipped with a two-way communication system that provides air ambulance-to-hospital communications.

2. Each registered Air Ambulance shall have two-way communication with the location receiving requests for emergency service.

(e) Infectious Disease Exposure Control:

1. Each Air Ambulance Service shall have a written exposure control plan approved by their Medical Director.

2. Air Ambulance Services and Emergency Medical Services Personnel shall comply with all applicable local, state, and federal laws and regulations in regard to infectious disease control procedures.

(f) Equipment and Supplies:

1. All equipment and supplies must be maintained in working order and shall be stored in an orderly manner so as to protect the patient.

2. No supplies may be used after their expiration date.

3. In order to substitute any item for the required items, written approval must be obtained from the Department. The Department shall have authority to grant exceptions and substitutions and shall maintain and distribute an up-to-date policy listing of all approved exceptions and substitutions.

4. The Department shall establish through policy the minimum equipment and supplies required on each Air Ambulance; however, other equipment and supplies may be added as desired.

(6) General Provisions for Air Ambulance Services

(a) Each Air Ambulance while in service shall be staffed by two Georgia licensed healthcare providers:

1. When responding to an emergency scene at least one of the personnel shall be a registered nurse, physician's assistant, nurse practitioner, or physician and the second person must be a Paramedic, both of whom must be licensed in Georgia;

2. When responding for an interfacility transfer, at least one of the personnel shall be a registered nurse, nurse practitioner, physician's assistant, or physician and the second person must be at least a Paramedic or other non-EMS licensed healthcare provider as approved by either the transferring or receiving physician, both of whom must be licensed in Georgia;

3. Personnel shall have successfully completed training specific to the air ambulance environment;

4. Personnel shall neither be assigned, nor assume the cockpit duties of the flight crew members concurrent with patient care duties and responsibilities;

5. Personnel shall have documentation of successful completion of training specific to patient care in the air ambulance transport environment in general and licensee's operation, in specific, as required by the Department; and

6. If a Paramedic possesses an additional Georgia healthcare provider license, then the Paramedic may perform to the higher level of training for which he or she is qualified under that license when directed to do so by a physician, either directly or by approved protocols.

(b) If an air ambulance transport is requested for an inter-hospital transfer, then such transfer shall be conducted by licensed Air Ambulance Services utilizing registered Air Ambulances.

(c) Air Ambulance Services shall be provided on a twenty-four hour a day, seven day a week basis unless weather or mechanical conditions prevent safe operations.

(d) Personnel shall be available at all times to receive emergency telephone calls and provide two-way communications.

(e) Medical Direction for Air Ambulance Services

1. The Air Ambulance Service Medical Director shall be a physician licensed to practice medicine in the state of Georgia, must complete Department required training, and must be approved by the Department. The Air Ambulance Service Medical Director must agree in writing to provide medical direction to that particular Air Ambulance Service.

2. The Air Ambulance Service Medical Director shall serve as medical authority for the Air Ambulance Service, serving as a liaison between the Air Ambulance Service and the medical community, medical facilities and governmental entities.

3. It will be the responsibility of the Air Ambulance Service Medical Director, to provide for medical direction, specifically to ensure there is a plan to provide medical oversight of patient care delivered by air medical personnel during transport, to include on-line medical control or off-line medical control (through written guidelines or policies) and also to participate in training for the air ambulance personnel, in conformance with acceptable air ambulance emergency medical practices and procedures.

4. Duties of the Air Ambulance Service Medical Director shall include, but not be limited to, the following:

(i) The approval of policies and procedures affecting patient care;

(ii) The development and approval of medical guidelines or protocols;

(iii) The formulation and evaluation of training objectives;

(iv) Continuous quality improvement of patient care.

5. Each Air Ambulance Service shall have a minimum set of clinical guidelines and/or protocols for the assessment, treatment and transportation of both adult and pediatric patients as specified by the Department.

6. All Air Ambulance personnel shall comply with appropriate policies, protocols, requirements, and standards of the Air Ambulance Service Medical Director, provided such policies and protocols are not in conflict with these Rules and Regulations, the Department-specified Scope of Practice, or other state statutes.

(f) Control of patient care at the scene of an emergency shall be the responsibility of the individual in attendance most appropriately trained and knowledgeable in providing prehospital emergency stabilization care and transportation. When a Medic arrives at the scene of a medical emergency, the Medic may act as an agent of a physician when a physician-patient relationship has been established.

1. For purposes of this section, a physician-patient relationship has been established when:

(i) A Medic utilizes medical control, either through direct on-line medical control or off-line medical control, by the use of medical protocols established by the local Medical Director; or

(ii) A physician is on the scene and demonstrates a willingness to assume responsibility for patient management or purports to be the patient's personal physician and the Medic takes reasonable steps to immediately verify the medical credentials of the physician.

2. Once a physician-patient relationship has been established, the Medic must follow the medical direction of that physician. In the event of a conflict between the medical direction given and the medical protocols established by the local Medical Director, the Medic should immediately contact their local Medical Director.

(g) Air Ambulance Services and applicants for Air Ambulance Services shall not misrepresent or falsify any information, applications, forms or data filed with or submitted to the Department.

(h) Air Ambulance Services shall not employ, continue in employment, or use as Medics any individuals who are not properly licensed under the applicable provisions of O.C.G.A. Chapter 31-11 and these rules and regulations.

(7) CLIA Certification

(a) All Air Ambulance Services must maintain current CLIA certification as a laboratory that is permitted to perform waived tests, as defined in 42 CFR § 493.2.

1. Documentation regarding this certification must be submitted to the Department in a manner and on forms specified by the Department.

Cite as Ga. Comp. R. & Regs. R. 511-9-2-.06

AUTHORITY: O.C.G.A. §§ 31-2A-3**,** 31-2A-6**,** 31-9-2**,** 31-9-3**,** 31-11-5 **to** 31-11-11**,** 31-11-30 **to** 31-11-36**,** 31-11-50 **to** 31-11-55**,** 31-11-60.1**,** 31-12-8**.**

HISTORY: Original Rule entitled "Licensure of Air Ambulance Services" adopted. F. December 14, 2011; eff. January 3, 2012.

Note: Correction of non-substantive typographical error in History, original Rule title "Licensure of Ground Ambulance Services" corrected to "Licensure of Air Ambulance Services." Effective May 17, 2016.

Amended: F. Apr. 27, 2016; eff. May 17, 2016.

Amended: F. Sept. 29, 2021; eff. Oct. 27, 2021, as specified by the Agency.

Amended: F. Feb. 17, 2025; eff. Mar. 16, 2025, as specified by the Agency.

511-9-2-.07 Licensure of Ground Ambulance Services

(1) Applicability.

(a) No person shall operate, advertise, or hold themselves out to be a Ground Ambulance Service in the state of Georgia without being in compliance with the provisions of O.C.G.A. Chapter 31-11 and these rules and regulations and without being duly licensed by the Department. However, this Rule shall not apply to the following:

1. An ambulance or ambulance service operated by an agency of the United States government;

2. A vehicle rendering assistance temporarily in the case of a major catastrophe, disaster, or public health emergency which is beyond the capabilities of available Georgia licensed ambulance services;

3. An ambulance operated from a location outside of Georgia and transporting patients picked up beyond the limits of Georgia to locations within Georgia;

4. An invalid car or the operator thereof.

5. An ambulance service licensed to operate in another state and transporting patients picked up at a medical facility within the limits of Georgia to locations outside the limits of Georgia unless such ambulance is pre-positioned within the limits of Georgia prior to receiving the request for transport.

6. An ambulance service licensed in another state, that is located in an adjacent county to the public call and is responding to a mutual aid request from a Georgia licensed ambulance service who is the Emergency Response Zone provider.

(b) No provision of these rules shall be construed as prohibiting or preventing a municipality from fixing, charging, assessing or collecting any license fee or registration fee on any business or profession or anyone engaged in any related profession governed by the provisions of these rules, or from establishing additional regulations regarding Ground Ambulance Services as long as there is no conflict with these rules.

(2) Application for a license or provisional license shall be made in the manner and on the forms specified by the Department, to include at a minimum the name, address, email address, and employer identification number of the owner(s).

(3) Renewal of License. Renewal of any license issued under the provisions of O.C.G.A. Chapter 31-11 shall require conformance with all the requirements of these rules and regulations as upon original licensing.

(a) Any license not renewed prior to the license expiration date is considered "Lapsed-Failure to Renew" and is not permitted to operate as a Ground Ambulance Service. Late renewal is permitted during the three (3)-month period immediately following the expiration date for the last license renewal cycle. After that three-month period, the agency must apply as a new applicant in accordance with applicable rules and regulations.

(4) Standards for Ground Ambulances.

(a) General.

1. Ground Ambulances must be maintained on suitable premises that meet the Department's specifications. The Department is authorized to establish policy to define minimal standards for suitable premises and Base of Operations. Ground Ambulances, including raised roof van or modular type, must meet design and safety standards as approved by the Department. The interior of the patient compartment shall provide a minimum volume of 30 cubic feet of enclosed and shelf storage space that shall be conveniently located for medical supplies, devices, and installed systems as applicable for the service intended. The Ground Ambulance must be properly equipped, maintained, and operated in accordance with other rules and regulations contained herein and be maintained and operated so as to contribute to the general well-being of patients. Heat and air conditioning must be available and operational in both the patient compartment and driver compartment.

2. All Ground Ambulances must be equipped with approved safety belts for all seats.

3. Prior to their use, Ground Ambulances must be inspected and approved by the Department and so registered by affixing a Department decal at a location specified by the Department. Any Ground Ambulance manufactured or remounted on or after July 1, 2027 must meet the current Commission on Accreditation of Ambulance Services (CAAS) Ground Vehicle Standards or National Fire Protection Association (NFPA) Standard for Automotive Ambulances.

4. Each Ground Ambulance Service may place up to one-third (rounded to nearest whole number) of its registered Ground Ambulances in reserve status. When a Reserve Ambulance is placed in service (ready to respond to an emergency call) it must meet the provisions of these rules and policies of the Department.

5. Prior to disposal by sale or otherwise, a Ground Ambulance removed from service must be reported to the Department.

6. All registered Ground Ambulances shall have on both sides of the vehicle an identification number designated by the Department. The name of the Ground Ambulance Service and the vehicle identification number shall be visible on each side of the Ground Ambulance in at least 3-inch lettering for proper identification.

(b) Insurance:

1. Each registered Ground Ambulance shall have at least $1,000,000 combined single limit (CSL) insurance coverage.

2. No Ground Ambulance shall be registered nor shall any registration be renewed unless the Ground Ambulance has insurance coverage in force as required by this section. A certificate of insurance or satisfactory evidence of self-insurance shall be submitted to the license officer for approval prior to the issuance or renewal of each Ground Ambulance license. Satisfactory evidence that such insurance is at all times in force and effect shall be furnished to the Department in a manner and on forms specified by the Department, by all licensees required to provide proof of such insurance under this section. Any lapse in insurance coverage will be grounds for immediate revocation of the Ground Ambulance Service license.

3. Ground Ambulance Services must maintain a file, as defined in departmental policy, of all maintenance records on each vehicle registered by the Department.

4. The Ground Ambulance Service shall list the Georgia Office of EMS and Trauma as an additional certificate holder for the vehicle insurance with the insurance company.

(c) Fees:

1. Any fee submitted to the Department that results in insufficient funds will be assessed a non-sufficient fund fee. The return check fee and non-sufficient fee will be due within two business days by cashier's check.

(d) Communication:

1. Each registered Ground Ambulance shall be equipped with a two-way communication system that provides ambulance-to-hospital communications.

2. All Ground Ambulance Services shall have two-way communication between each Ground Ambulance and the location receiving requests for emergency service.

(e) Infectious Disease Exposure Control:

1. Each Ground Ambulance Service shall have a written infectious disease exposure control plan approved by the local Medical Director.

2. Ground Ambulance Services and Emergency Medical Services Personnel shall comply with all applicable local, state, and federal laws and regulations in regard to infectious disease control procedures.

(f) Equipment and Supplies:

1. All equipment and supplies must be maintained in working order and shall be stored in an orderly manner so as to protect the patient and be readily accessible when needed.

2. No supplies may be used after their expiration date.

3. In order to substitute any item for the required items, written approval must be obtained from the Department. The Department shall have authority to grant exceptions and substitutions and shall maintain and distribute an up-to-date policy listing of all approved exceptions and substitutions.

4. The Department shall establish through policy the minimum equipment and supplies required on each Ground Ambulance; however, other equipment and supplies may be added as desired.

(5) General Provisions for Ground Ambulance Services.

(a) No person shall make use of the word "ambulance" to describe any ground transportation or facility or service associated therewith which such person provides, or to otherwise hold oneself out to be an ambulance service unless such person has a valid license issued pursuant to the provisions of this chapter or is exempt from licensing under this chapter.

(b) Each Ground Ambulance while transporting a patient shall be manned by not less than two Medics, one of whom must be in the patient compartment. If Advanced Life Support is being rendered, personnel qualified to administer the appropriate level of Advanced Life Support must be in the patient compartment and responsible for patient care.

1. A Ground Ambulance may not be staffed by more than one (1) Emergency Medical Technician Responder, unless:

(i) Conducting an interfacility transfer; and

(ii) One (1) of the Emergency Medical Technician-Responders maintains an active, unrestricted Georgia license as a Registered Nurse, Nurse Practitioner, Physician Assistant or Physician.

2. Emergency Medical Technician - Responders may not staff Ground Ambulances that routinely respond to Public Calls, unless:

(i) The Emergency Medical Technician - Responder is also licensed as a registered nurse, nurse practitioner, physician assistant or physician with an unrestricted license; OR

(ii) The Ground Ambulance Service provides all of the following on an annual basis to the Department in a manner and on forms specified by the Department:

(I) An attestation that the staffing at the EMS Agency is currently insufficient to properly staff Ground Ambulances responding to Public Calls;

(II) An attestation that the public welfare may be negatively affected if the Ground Ambulance Service is unable to use the Emergency Medical Technician - Responder license level to staff Ground Ambulances that respond to Public Calls; and

(III) An attestation from the Ground Ambulance Medical Director that they fully support the use of Emergency Medical Technician - Responders on Ground Ambulances that respond to Public Calls for the Ground Ambulance Service.

3. Emergency Medical Technician - Responders who do not hold an additional Georgia license as a registered nurse, nurse practitioner, physician assistant or physician may not serve as the primary patient caregiver during patient transport on a Ground Ambulance.

(c) If a Medic possesses an additional Georgia healthcare provider license, then the Medic may perform to the higher level of training for which he or she is qualified under that license when directed to do so by a physician, either directly or by approved protocols.

(d) Interhospital transfers shall be conducted by licensed ambulance services in registered ambulances when the patient requires, or is likely to require, medical attention during transport. The transferring or receiving physician may request the highest level of Emergency Medical Services Personnel available or additional qualified medical personnel access to the patient during the interhospital transfer. If requested, the ambulance service must allow the highest level medical personnel available to attend to the patient during the interhospital transfer.

(e) Ground Ambulance Services responsible for an emergency response zone by designation or service delivery agreement shall be provided on a twenty-four hour, seven day a week basis.

(f) Personnel shall be available at all times to receive emergency telephone calls and provide two-way communications.

(g) Sufficient licensed personnel shall be immediately available to respond with at least one Ground Ambulance. When the first Ground Ambulance is on a call, Ground Ambulance Services shall respond to each additional emergency call within their designated geographic territory as requested provided that Medics and a Ground Ambulance are available. If Medics and a Ground Ambulance are not available, the Ground Ambulance Service shall request mutual aid assistance. If mutual aid assistance is not available the Ground Ambulance Service shall respond with its next available Ground Ambulance.

(h) Medical Direction for Ground Ambulance Services.

1. To enhance the provision of emergency medical care, each Ground Ambulance Service shall have a Medical Director. The local Medical Director shall be a physician licensed to practice medicine in the state of Georgia, must complete Department required training, and must be approved by the Department. The local Medical Director must agree in writing to provide medical direction to that particular Ground Ambulance Service.

2. The local Medical Director shall serve as medical authority for the Ground Ambulance Service, serving as a liaison between the Ground Ambulance Service and the medical community, medical facilities and governmental entities.

3. It will be the responsibility of the local Medical Director to provide for medical direction and training for the ambulance service personnel in conformance with acceptable emergency medical practices and procedures.

4. Duties of the local Medical Director shall include but not be limited to the following:

(i) The approval of policies and procedures affecting patient care;

(ii) The formulation of medical protocols and communication protocols;

(iii) The formulation and evaluation of training objectives;

(iv) Performance evaluation;

(v) Continuous quality improvement of patient care; and

(vi) Development and implementation of policies and procedures for requesting air ambulance transport.

5. Each Ground Ambulance Service shall have a minimum set of clinical guidelines and/or protocols for the assessment, treatment and transportation of both adult and pediatric patients as specified by the Department.

6. All Emergency Medical Services Personnel shall comply with appropriate policies, protocols, requirements, and standards of the local Medical Director for that Ground Ambulance Service, provided that such policies and protocols are not in conflict with these Rules and Regulations, the Department-specified Scope of Practice, or other state statutes.

(i) Control of patient care at the scene of an emergency shall be the responsibility of the individual in attendance most appropriately trained and knowledgeable in providing prehospital emergency care and transportation. When a Medic arrives at the scene of a medical emergency, the Medic may act as an agent of a physician when a physician-patient relationship has been established.

1. For purposes of this section, a physician-patient relationship has been established when:

(i) A Medic utilizes medical control, either through direct on-line medical control or off-line medical control, by the use of medical protocols established by the local Medical Director; or

(ii) A physician is on the scene and demonstrates a willingness to assume responsibility for patient management or purports to be the patient's personal physician and the Medic takes reasonable steps to immediately verify the medical credentials of the physician.

2. Once a physician-patient relationship has been established, the Medic must follow the medical direction of that physician. In the event of a conflict between the medical direction given and the medical protocols established by the local Medical Director, the Medic should immediately contact their local Medical Director.

(j) All licensed Ground Ambulance Services must adhere to all Regional Ambulance Zoning Plans approved by the Department. Any Ground Ambulance that arrives at the scene of an emergency without having been designated as responsible by the Regional Ambulance Zoning Plan, shall provide the emergency medical care necessary to sustain and stabilize the patient until the arrival of the designated Ground Ambulance Service. A non-designated EMS Agency shall not transport a patient from the scene of a medical emergency except under the following conditions:

1. The designated Ground Ambulance is canceled by the appropriate dispatching authority with express approval of the designated Ground Ambulance Service; or

2. Medical control determines that the patient's condition is life-threatening or otherwise subject to rapid and significant deterioration and there is clear indication that, in view of the estimated time of arrival of the designated Ground Ambulance, the patient's condition warrants immediate transport. In the event the Medic is unable to contact medical control, the Medic will make this decision. The transporting Ground Ambulance Service shall file a copy of the Patient Care Report to the Department in compliance with these rules, to include an explanation of the circumstances and the need for the non-designated Ground Ambulance Service to transport the patient.

(k) Hospital Destination of Prehospital Patients.

1. When a patient requires initial transportation to a hospital, the patient shall be transported by the ambulance service to the hospital of his or her choice provided:

(i) The hospital chosen is capable of meeting the patient's immediate needs;

(ii) The hospital chosen is within a reasonable distance as determined by the Medic's assessment in collaboration with medical control so as to not further jeopardize the patient's health or compromise the ability of the EMS system to function in a normal manner;

(iii) The hospital chosen is within a usual and customary patient transport or referral area as determined by the local Medical Director; and

(iv) The patient does not, in the judgment of the Medical Director or an attending physician, lack sufficient understanding or capacity to make a responsible decision regarding the choice of hospital.

2. If the patient's choice of hospital is not appropriate or if the patient does not, cannot, or will not express a choice, the patient's destination will be determined by pre-established guidelines. If for any reason the pre-established guidelines are unclear or not applicable to the specific case, then medical control shall be consulted for a definitive decision.

3. If the patient continues to insist on being transported to the hospital he or she has chosen, and it is within a reasonable distance as determined by the local Medical Director, then the patient shall be transported to that hospital after notifying local medical control of the patient's decision. The choice of hospital for the patient may be selected pursuant to O.C.G.A. § 31-9-2.

4. If the patient does not, cannot, or will not express a choice of hospitals, the Ground Ambulance Service shall transport the patient to the nearest hospital believed capable of meeting the patient's immediate medical needs without regard to other factors, e.g., patient's ability to pay, hospital charges, county or city limits, etc.

(l) Ground Ambulance Services and applicants for Ground Ambulance Services shall not misrepresent or falsify any information, applications, forms or data filed with or submitted to the Department or completed as a result of any ambulance response.

(m) Ground Ambulance Services shall not utilize as Medics any individuals who are not properly licensed under the applicable provisions of O.C.G.A. Chapter 31-11 and these rules and regulations.

(6) CLIA Certification

(a) All Ground Ambulance Services must maintain current CLIA certification as a laboratory that is permitted to perform waived tests, as defined in 42 CFR § 493.2.

1. Documentation regarding this certification must be submitted to the Department in a manner and on forms specified by the Department.

Cite as Ga. Comp. R. & Regs. R. 511-9-2-.07

AUTHORITY: O.C.G.A. §§ 31-2A-3**,** 31-2A-6**,** 31-9-2**,** 31-9-3**,** 31-11-5 **to** 31-11-11**,** 31-11-30 **to** 31-11-36**,** 31-11-50 **to** 31-11-55**,** 31-11-60.1**,** 31-12-8**,** 40-6-6**.**

HISTORY: Original Rule entitled "Licensure of Ground Ambulance Services" adopted. F. December 14, 2011; eff. January 3, 2012.

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Amended: F. Feb. 17, 2025; eff. Mar. 16, 2025, as specified by the Agency.

511-9-2-.08 Licensure of Neonatal Transport Services

(1) Applicability.

(a) Any Ground Ambulance Service may utilize a registered and approved Ground Ambulance for the transport of Neonates.

(b) Any Air Ambulance Service may utilize a registered and approved Air Ambulance for the transport of Neonates.

(c) No person shall operate, advertise, or hold themselves out to be a licensed Neonatal Transport Service, or advertise as such without meeting the following requirements and without being duly licensed by the Department. However, the provisions of this chapter shall not apply to any neonatal transport vehicle operated by an agency of the United States government.

(2) Application for a license or provisional license shall be made to the license officer in the manner and on the forms prescribed by the Department, to include at a minimum the name, address, email address, and employer identification number of the owner(s).

(3) Fees.

(a) Any fee submitted to the Department that results in insufficient funds will be assessed a non-sufficient fund fee. The return check fee and non-sufficient fee will be due within two business days by cashier's check.

(4) Renewal of License. Renewal of any license issued under the provisions of these rules shall require conformance with all the requirements of these rules as upon original licensing.

(a) Any license not renewed prior to the license expiration date is considered "Lapsed-Failure to Renew" and is not permitted to operate as a Neonatal Ambulance Service. Late renewal is permitted during the three (3)-month period immediately following the expiration date for the last license renewal cycle. After that three-month period, and the agency must apply as a new applicant in accordance with applicable rules and regulations.

(5) Standards for Neonatal Transport Vehicles.

(a) General.

1. A registered Neonatal Transport Vehicle is a special type of vehicle and must be maintained on suitable premises that meet the Department's specifications. The Department is authorized to establish policy to define minimum standards for suitable premises and Base of Operations.

2. The registered Neonatal Transport Vehicle must be properly equipped, maintained, and operated in accordance with these rules and regulations so as to contribute to the general well-being of patients. Heat and air conditioning must be available and operational in both the patient compartment and driver compartment.

3. The Neonatal Transport Vehicle must have sufficient floor space to accommodate two neonatal transport isolettes and a crew of three in the patient compartment.

4. Each Neonatal Transport Vehicle must be equipped with an electrical generator of at least 3.0 kilowatt output and an electrical inverter or motor generator of at least 1000 watts capacity.

5. There must be at least one compressed air outlet and one oxygen outlet available to each isolette.

6. There must be at least one duplex electrical outlet available to each isolette.

7. There must be at least one electrical wall-mounted suction outlet in the vehicle.

8. All registered Neonatal Transport Vehicles must be equipped with approved safety belts for all seats.

9. Registered Neonatal Transport Vehicles must be inspected and approved by the Department and so designated by affixing a Department decal at a location specified by the Department.

10. Prior to disposal by sale or otherwise, a registered Neonatal Transport Vehicle removed from service must be reported to the Department.

11. All registered Neonatal Transport Vehicles shall have on both sides of the vehicle an identification number designated by the Department. The name of the service and the number shall be visible on each side of the vehicle in at least 3-inch lettering for proper identification. In addition, each vehicle shall have the words "neonatal" or "neonatal transport" prominently displayed on each side of the vehicle.

(b) Insurance.

1. Every registered Neonatal Transport Vehicle shall have at least $1,000,000 combined single limit (CSL) insurance coverage.

2. No Neonatal Transport Vehicle shall be registered nor shall any registration be renewed unless the vehicle has insurance coverage in force as required by this section. A certificate of insurance or satisfactory evidence of self-insurance shall be submitted to the license officer for approval prior to the issuance or renewal of each Neonatal Transport Service license. Satisfactory evidence that such insurance is at all times in force and effect shall be furnished to the license office, in such form as the license officer may specify, by all licensees required to provide proof of such insurance under this section. Any lapse in insurance coverage will be grounds for immediate revocation of the neonatal transport service license.

3. Neonatal Transport Services must maintain a file, as defined in departmental policy, of all maintenance records on each vehicle registered by the Department.

4. The Neonatal Transport Service must list the Georgia Office of EMS and Trauma as an additional certificate holder for the vehicle insurance with the insurance company.

(c) Communication.

1. Each registered Neonatal Transport Vehicle shall be equipped with a two-way communication system that provides ambulance-to-hospital communications.

(d) Infectious Disease Exposure Control.

1. Each Neonatal Transport Service shall have a written infectious disease exposure control plan approved by the local medical director.

2. Neonatal Transport Services and Emergency Medical Services Personnel shall comply with all applicable local, state and federal laws and regulations in regard to infectious disease control procedures.

(e) Equipment and Supplies.

1. All equipment and supplies must be maintained in working order and shall be stored in an orderly manner so as to protect the patient and shall be readily accessible when needed.

2. Supplies may not be used after their expiration date.

3. In order to substitute any item from the required items, written approval must be obtained from the Department. The Department shall have authority to grant exceptions and substitutions and shall maintain and distribute an up-to-date policy listing of all approved exceptions and substitutions.

4. Vehicles approved to operate as both a Neonatal Transport Vehicle and a Ground Ambulance must be inspected as both.

5. The Department shall establish through policy the minimum equipment and supplies required for each neonatal transport unit while being used to transport Neonates; however, other equipment may be added as desired.

(f) Supplies and Medications.

1. The types and quantities of supplies and medications to be carried in the vehicle while being used to transport neonates shall be determined by the Medical Director of the Neonatal Transport Service in conformance with current medical standards of care in the treatment and transportation of neonates.

2. A listing of the supplies and medications shall be updated at least annually and signed by the Medical Director and a copy thereof is to be in the vehicle at all times. This list shall be used for any inspection purposes by the Department.

(g) Personnel.

1. Neonatal Transport Personnel shall function under protocols developed by the Medical Director.

2. Neonatal Transport Personnel with appropriate skills to treat and transport a neonate must be in the patient compartment during transport. Documentation attesting to their qualifications shall be signed by the local Medical Director and on file at the base location.

3. The driver of the vehicle shall be a Georgia licensed Medic.

4. A minimum of two patient care personnel shall be in the patient compartment and shall consist of any combination of the following during initial transport to the tertiary care center as determined by the local Medical Director:

(i) Paramedic;

(ii) Registered Nurse;

(iii) Respiratory Care Technician;

(iv) Physician's Assistant; or

(v) Physician.

Only one of the above shall be required in the patient compartment during transport back to the initial referring facility.

(6) General Provisions.

(a) The local Medical Director shall be a physician licensed to practice medicine in the state of Georgia, be a member of the staff of the neonatal intensive care facility from which the service originates or with which the service is contracted, and provide medical direction for the Neonatal Transport Service.

(b) Neonatal Transport Services shall be provided on a twenty-four hour, seven day a week basis.

(c) Neonatal Transport Services and applicants for Neonatal Transport Services shall not misrepresent or falsify any information, applications, forms or data filed with or submitted to the Department or completed as a result of any ambulance response.

(7) CLIA Certification

(a) All Neonatal Transport Services must maintain current CLIA certification as a laboratory that is permitted to perform waived tests, as defined in 42 CFR § 493.2.

1. Documentation regarding this certification must be submitted to the Department in a manner and on forms specified by the Department.

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AUTHORITY: O.C.G.A. §§ 31-2A-3**,** 31-2A-6**,** 31-11-5 **to** 31-11-7**,** 31-11-9**,** 31-11-30 **to** 31-11-36**,** 31-11-50**,** 31-11-53.1**,** 31-11-60.1**,** 31-12-8**,** 40-6-6.

HISTORY: Original Rule entitled "Licensure of Neonatal Transport Services" adopted. F. December 14, 2011; eff. January 3, 2012.

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511-9-2-.09 Licensure of Medical First Responder Services

(1) Applicability.

(a) No person shall operate, advertise, or hold themselves out to be a Medical First Responder Service, or advertise as such in the state of Georgia without first meeting the following requirements and being duly licensed by the Department.

(b) However, the provisions of this chapter shall not apply to:

1. Any first responder unit operated by an agency of the United States government.

2. Any rescue organization licensed by the Georgia Emergency Management and Homeland Security Agency, including its individual members.

3. Any person or designated first responder unit directly requested to the scene of an emergency by an appropriate public safety agency or ambulance service for the purpose of rendering on-site care, rescue or extrication, until the arrival of a duly licensed Ground Ambulance Service, Air Ambulance Service, or duly licensed Medical First Responder Service. This includes agencies routinely requested to the scene in this manner that cannot or choose not to meet the requirements of these rules.

4. Any supervisory vehicle of a licensed ambulance service.

5. A person rendering assistance temporarily in the case of a major catastrophe, disaster, or public health emergency which is beyond the capability of licensed Medical First Responder Services or licensed Ground Ambulance Services.

(2) Application for a License. Application for a license or provisional license shall be made to the license officer in the manner and on the forms approved by the Department to include at a minimum the name, address, email address, and employer identification number of the owner(s).

(3) Renewal of License. Renewal of any license issued under the provisions of the rules shall require conformance with all the requirements of these rules as upon original licensing.

(a) Any license not renewed prior to the license expiration date is considered "Lapsed-Failure to Renew" and is not permitted to operate as a Medical First Responder Service. Late renewal is permitted during the three (3)-month period immediately following the expiration date for the last license renewal cycle. After that three-month period, and the agency must apply as a new applicant in accordance with applicable rules and regulations.

(4) Standards for Medical First Responder Vehicles.

(a) General.

1. Registered Medical First Responder Vehicles must be maintained on suitable premises that meet the Department's specifications. The Department is authorized to establish policy to define minimum standards for suitable premises and base of operations. The registered Medical First Responder Vehicle must be properly equipped, maintained, and operated in accordance with other Rules and Regulations contained herein.

2. All registered Medical First Responder Vehicles must be equipped with approved safety belts for all seats.

3. Registered Medical First Responder Vehicles must be inspected and approved by the Department and so designated by affixing a Department decal at a location specified by the Department.

4. Each Medical First Responder Service may place up to one-third (rounded to nearest whole number) of its registered Medical First Responder vehicles in reserve status. When a Reserve Medical First Responder vehicle is placed in service (ready to respond to an emergency call) it must meet the provisions of these rules and policies of the Department.

5. Prior to disposal by sale or otherwise, a registered Medical First Responder Vehicle removed from service must be reported to the Department.

(b) Insurance.

1. Every registered Medical First Responder Vehicle shall have at least $1,000,000 combined single limit (CSL) insurance coverage.

2. No Medical First Responder Vehicle shall be registered nor shall any registration be renewed unless the vehicle has insurance coverage in force as required by this section. A certificate of insurance or satisfactory evidence of self-insurance shall be submitted to the license officer for approval prior to the issuance or renewal of each Medical First Responder Service license. Satisfactory evidence that such insurance is at all times in force and effect shall be furnished to the Department, in a manner and on forms specified by the Department, by all licensees required to provide proof of such insurance under this section. Any lapse in insurance coverage will lead to immediate revocation of the Medical First Responder Service license.

3. Medical First Responder Services must maintain a file, as defined in departmental policy, of all maintenance records on each vehicle registered by the Department.

4. The Medical First Responder Service must list the Georgia Office of EMS and Trauma as an additional certificate holder for the vehicle insurance with the insurance company.

(c) Communication.

1. All Medical First Responder Services shall have two-way communication between the vehicle and the location receiving requests for emergency service.

(d) Infectious Disease Exposure Control.

1. Each Medical First Responder Service shall have a written infectious disease exposure control plan approved by the local Medical Director.

2. Medical First Responder Services and Emergency Medical Services Personnel shall comply with all applicable local, state and federal laws and regulations in regard to infectious disease control procedures.

(e) Equipment and Supplies.

1. All equipment and supplies must be maintained in working order and shall be stored in an orderly manner and shall be readily accessible when needed.

2. Supplies may not be used after their expiration date.

3. In order to substitute any item from the required items written approval must be obtained from the Department. The Department shall have authority to grant exceptions and substitutions and shall maintain and distribute an up-to-date policy listing of all approved exceptions and substitutions.

4. The Department shall through policy establish the minimum equipment and supplies required on Medical First Responder Vehicles; however, other equipment and supplies may be added as desired.

(5) General Provisions: Medical First Responder Services.

(a) Each registered Medical First Responder Vehicle when on an emergency call shall be manned by at least one Medic. If Advanced Life Support is being rendered, there must be at least one Emergency Medical Technician - Intermediate, Advanced Emergency Medical Technician, Cardiac Technician or Paramedic responsible for patient care.

(b) Medical First Responder Services shall be provided on a twenty-four hour, seven day a week basis.

(c) Personnel shall be available at all times to receive emergency telephone calls and provide two-way communications.

(d) Sufficient licensed personnel shall be immediately available to respond with at least one registered Medical First Responder Vehicle. When the first registered Medical First Responder Vehicle is on a call, Medical First Responder Services shall respond to each additional emergency call within their designated geographic territory as requested providing a Medic and a registered Medical First Responder Vehicle are available. If a Medic and a registered Medical First Responder Vehicle are not available, the Medical First Responder Service shall request mutual aid assistance. If mutual aid assistance is not available the Medical First Responder Service shall respond with its next available registered Medical First Responder Vehicle.

(e) The driver of a registered Medical First Responder Vehicle, when responding to an emergency call, is authorized to operate the vehicle as an emergency vehicle pursuant to the provisions of O.C.G.A. § 40-6-6.

(f) Medical Direction for Medical First Responder Services.

1. To enhance the provision of emergency medical care, each Medical First Responder Service shall be required to have a Medical Director. The Medical Director shall be a physician licensed to practice medicine in this state, must complete Department required training, and must be approved by the Department. The local Medical Director must agree in writing to provide medical direction to that particular Medical First Responder Service.

2. The local Medical Director shall serve as the medical authority for the Medical First Responder Service, serving as a liaison between the service and the medical community, medical facilities and governmental entities.

3. It will be the responsibility of the local Medical Director to provide medical direction and training for the Medical First Responder Service personnel in conformance with acceptable emergency medical practices and procedures.

4. Duties of the local Medical Director shall include but not be limited to the following:

(i) The approval of policies and procedures affecting patient care;

(ii) The formulation of medical protocols and communication protocols;

(iii) The formulation and evaluation of training objectives;

(iv) Performance evaluation;

(v) Continuous quality improvement of patient care; and

(vi) Development and implementation of policies and procedures for requesting air ambulance transport.

5. The Medical Director of a Medical First Responder Service must coordinate the medical protocols and procedures of the service with the Medical Director of the designated Ground Ambulance Service in the Regional Ambulance Zoning Plan.

6. Each Medical First Responder Service shall have a minimum set of clinical guidelines and/or protocols for the assessment and treatment of both adult and pediatric patients as specified by the Department.

7. All Emergency Medical Services Personnel shall comply with appropriate policies, protocols, requirements, and standards of local Medical Director for that service, provided that such policies and protocols are not in conflict with these Rules and Regulations, the Department-specified Scope of Practice, or other state statutes.

(g) Control of patient care at the scene of an emergency shall be the responsibility of the individual in attendance most appropriately trained and knowledgeable in providing prehospital emergency care and transportation. When a Medic arrives at the scene of a medical emergency, the Medic may act as an agent of a physician when a physician-patient relationship has been established.

1. For purposes of this section, a physician-patient relationship has been established when:

(i) A Medic utilizes medical control, either through direct on-line medical control or off-line medical control, by the use of medical protocols established by the local Medical Director; or

(ii) A physician is on the scene and demonstrates a willingness to assume responsibility for patient management or purports to be the patient's personal physician and the Medic takes reasonable steps to immediately verify the medical credentials of the physician.

2. Once a physician-patient relationship has been established, the Medic must follow the medical direction of that physician. In the event of a conflict between the medical direction given and the medical protocols established by the local Medical Director, the Medic should immediately contact their local Medical Director.

(h) Medical First Responder Services and applicants for Medical First Responder Services shall not misrepresent or falsify any information, applications, forms or data filed with or submitted to the Department.

(i) Medical First Responder Services shall not utilize as Medics, individuals who are not properly licensed under the applicable provisions of O.C.G.A. Chapter 31-11 and these Rules and Regulations.

(j) Medical First Responder Services are required to notify the dispatch center designated by the Regional Ambulance Zoning Plan as responsible for distributing Ground Ambulance calls prior to departure on any direct calls received.

(6) CLIA Certification

(a) All Medical First Responder Services must maintain current CLIA certification as a laboratory that is permitted to perform waived tests, as defined in 42 CFR § 493.2.

1. Documentation regarding this certification must be submitted to the Department in a manner and on forms specified by the Department.

2. Medical First Responder Services who do not hold additional licensure as a Ground Ambulance Service, Air Ambulance Service, or Neonatal Transport Service, shall be exempt from the requirement to maintain a current CLIA certificate, provided that:

(i) The Medical First Responder Service submits an attestation that no Medic or other person employed by or acting on behalf of the Medical First Responder Service will be permitted to examine materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of, human beings.

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511-9-2-.11 Inspections of EMS Agencies

(1) The Department and its duly authorized agents shall be permitted to enter upon and inspect licensed EMS Agencies, including registered vehicles, other agency owned vehicles that resemble a first responder vehicle or ambulance, facilities, records applicable to licensure, including but not limited to call logs, vehicle maintenance records, patient care reports, communication tapes, and personnel licensing records in a reasonable manner in regards to the operation of Emergency Medical Services. The Department is authorized to set policy for such inspections and records. EMS Agencies shall permit scheduled and unscheduled inspections by the Department and its duly authorized agents.

(2) When the Department conducts an inspection, the findings shall be recorded on an inspection report form provided for this purpose. The authorized representative of the EMS Agency shall sign a form acknowledging the inspection. Signing this form does not indicate agreement with the findings thereon. A copy or electronic version of the inspection form shall be furnished to the EMS Agency within ten business days.

(a) EMS Agencies or those applying to be an EMS Agency whose Ground Ambulance(s), Air Ambulance(s) or Neonatal Transport Vehicle(s) is/are unable to fully pass the Department-specified inspection and is/are unable to become compliant before the assigned Department personnel depart(s) the inspection site, shall have the inspection(s) recorded as (a) failed inspection(s) and shall be subject to a re-inspection fee for each re-inspection of that/those ambulance(s)/vehicle(s). A subsequent inspection for that/those Ground Ambulance(s), Air Ambulance(s), or Neonatal Transport Vehicle(s) will not be performed until the re-inspection fee is received by the Department. Re-inspection fees will be as follows:

1. For the first re-inspection of a Ground Ambulance, Air Ambulance, or Neonatal Transport Vehicle, the re-inspection fee will be $150.00 for each vehicle.

2. For the second and subsequent re-inspection(s) of a Ground Ambulance, Air Ambulance, or Neonatal Transport Vehicle, the re-inspection fee will be $250.00 for each vehicle.

(3) Inspections of pharmaceuticals will be handled in accordance with policies established by the Department and state and federal laws and regulations where applicable.

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AUTHORITY: O.C.G.A. §§ 31-2A-3**,** 31-2A-6**,** 31-11-5**,** 31-11-6**,** 31-11-9**,** 31-11-30 **to** 31-11-36**.**

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511-9-2-.12 Licensure of Emergency Medical Services Personnel

(1) No person shall practice or hold themselves out as an Emergency Medical Technician - Responder, Emergency Medical Technician, Emergency Medical Technician - Intermediate, Advanced Emergency Medical Technician, Cardiac Technician, or Paramedic without being licensed by the Department.

(2) Prior to licensure, all applicants must be certified by the National Registry of Emergency Medical Technicians (NREMT) at the level for which they are applying, or must be certified by the United States Special Operations Command (USSOCOM) as an Advanced Tactical Practitioner (ATP).

(3) All applicants for licensure must provide information to the Department in a manner and on forms specified by the Department, to include at a minimum the name, home address, mailing address, email address, phone number, date of birth and social security number of the applicant.

(4) Applicants shall not misrepresent or falsify any information on forms, applications, or documents filed with or submitted to the Department for the purpose of licensure or any other purpose specified in these rules.

(5) The Department may refuse to issue a license to an applicant who has been subject to disciplinary action imposed by another state or lawful licensing or certifying authority.

(6) All applicants for licensure must submit to a fingerprint based criminal history records check from the Georgia Crime Information Center (GCIC) and the Federal Bureau of Investigation (FBI).

(a) Fingerprints shall be in such form and of such quality as prescribed by the Department, the GCIC and under standards adopted by the FBI.

(b) Fees may be charged as necessary to cover the costs of the records search.

(7) Fees.

(a) All applications for initial licensure must be accompanied by a fee payable to the Department in an amount and form determined by the Department.

(b) Fees are not refundable after being submitted.

(8) Licensing of Individuals with Criminal History.

(a) The Department shall deny any license application submitted by an applicant who has been convicted of a felony, a crime of violence, or a crime of moral turpitude; and, may deny any license application submitted by an applicant who has been convicted of driving under the influence or possession of a controlled substance.

(b) The Department may deny any license application submitted by an applicant with unresolved criminal charges, whether initiated by arrest warrant, information, accusation, or indictment. This subsection shall not apply to minor traffic offenses.

(c) At its discretion, the Department may reconsider an application subject to subsections (a) or (b) above on the ground that;

1. The conviction has been set aside, pardoned, expunged, or overturned on appeal;

2. The criminal charges were finally resolved in the applicant's favor through acquittal, dismissal, or nolle prosequi; or

3. The applicant has demonstrated significant efforts toward rehabilitation, such that the applicant can be trusted with the care of sick or injured patients, their property, and the equipment and supplies that may be entrusted to him or her.

(9) The Department may issue Temporary Medic Licenses at the EMT, AEMT, and Paramedic level. A Temporary Medic License is non-renewable, shall not exceed 120 days from the date of issuance, and may not be issued more than once within a calendar year. Eligibility requirements for a Temporary Medic License are as follows:

(a) Must be currently licensed and in good standing in a US state or territory that requires National Registry certification for initial EMS licensure.

(b) All applicants for licensure must submit to a fingerprint based criminal history records check from the Georgia Crime Information Center (GCIC) and the Federal Bureau of Investigation (FBI).

1. Fingerprints shall be in such form and of such quality as prescribed by the Department, the GCIC and under standards adopted by the FBI.

2. Fees may be charged as necessary to cover the costs of the records search.

(c) All applicants for licensure must provide information to the Department in a manner and on forms specified by the Department, to include at a minimum the name, home address, mailing address, email address, phone number, date of birth and social security number of the applicant.

(d) Applicants shall not misrepresent or falsify any information on forms, applications, or documents filed with or submitted to the Department for the purpose of licensure or any other purpose specified in these rules.

(e) The Department may refuse to issue a license to an applicant who has been subject to disciplinary action imposed by another state or lawful licensing or certifying authority.

(f) Fees.

1. All applications for initial licensure must be accompanied by a fee payable to the Department in an amount and form determined by the Department.

2. Fees are not refundable after being submitted.

(10) Any currently licensed Medic may voluntarily surrender their Medic license by notifying the Department in a manner and on forms specified by the Department. Once processed by the Department, surrenders are not reversible, and the individual would need to complete the current Department-specified application process and meet all licensing requirements to obtain a new Medic license.

(11) Upon request, the Department shall be authorized to place a Medic license in retired status after which the individual will be permitted to continue to use the former licensure level title and number with "(Ret.)" after it. An individual in retired status will not be licensed to perform the duties of a Medic as defined in these rules. Applications for license retirement shall be submitted in a manner and on forms specified by the Department and must be submitted by the Medic themselves. Once processed by the Department, retirements are not reversible, and the individual would need to complete the current Department-specified application process and meet all licensing requirements to obtain a new Medic license. Eligibility requirements for retirement of a Medic license are as follows:

(a) The individual must be currently licensed as a Georgia Medic, and the Medic license must be in Good Standing at the time of application; and

(b) The individual must have a minimum of 15 years of continuous uninterrupted licensure as a Georgia Medic, inclusive of the date of application.

(12) Upon request from the next of kin to place a Medic license in deceased status and obtain a certificate of active service for an individual who dies while currently licensed in Good Standing as a Georgia Medic, the Department shall be authorized to place the respective Medic license in deceased status and provide a certificate of service to the next of kin. The request shall be accompanied by a certified death certificate or other documents recognized by the Department.

(13) Downgrades of Medic Licenses. Currently licensed Medics in Good Standing who hold a non-provisional license at the EMT level or higher may voluntarily request the Department to downgrade their Medic license. The request shall be made to the Department in a manner and on forms specified by the Department and shall indicate the requested new level of license. Once processed by the Department, downgrades are not reversible, and the Medic would need to complete the current Department-specified application process and meet all licensing requirements to obtain a higher level of Medic license.

(a) Permitted downgrades are as follows:

1. Currently licensed Paramedics and Cardiac Technicians in Good Standing will be permitted to request a downgrade to the AEMT, EMT, or EMT-R levels.

2. Currently licensed AEMTs and EMT-Is in Good Standing will be permitted to request a downgrade to the EMT or EMT-R levels.

3. Currently licensed EMTs in Good Standing will be permitted to request a downgrade to the EMT-R level.

(b) Applications for downgrade must be accompanied by the following:

1. A fingerprint based criminal history records check from the Georgia Crime Information Center (GCIC) and the Federal Bureau of Investigation (FBI), as described in paragraph (6) of this rule, and subject to paragraph (8) of this rule; and

2. An application fee, as described in paragraph (7) of this rule.

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511-9-2-.14 Mandatory Reporting Requirements for EMS Agencies and Medics

(1) All EMS Agencies shall comply with all federal, state and local data reporting requirements, including all data reporting requirements in these Rules.

(2) Data Management Policy

(a) Each EMS Agency that is not contracting out all its requested responses to another EMS Agency is required to have and maintain a Data Management Policy that conforms to the requirements specified by the Department.

1. Each individual that serves as a crew member on any vehicle registered by the EMS Agency shall comply with the EMS Agency's Data Management Policy, provided that the EMS Agency's Data Management Policy is not in conflict with these rules or the policies of the Department.

2. The Data Management Policy must be submitted in a timeframe and manner specified by the Department and on forms specified by the Department.

(3) EMS Responses

(a) EMS Agencies shall maintain a dispatch record on all calls received. The dispatch record shall be made available to the Department within twenty-four (24) hours of a request from the Department, and the record shall be maintained for a minimum of three years and shall contain at a minimum, when applicable, but not be limited to, the following:

1. Date call received;

2. Time call received;

3. Source of call;

4. Call back telephone number;

5. Location of patient;

6. Apparent problems;

7. Unit (unit number, GA EMS Vehicle ID number);

8. Crew dispatched;

9. Time of dispatch;

10. Time arrived at scene;

11. Time left scene;

12. Time arrived at transferring facility;

13. Time left transferring facility;

14. Time arrived at patient's destination or receiving facility; and

15. Destination of patient.

(b) Electronic Patient Care Reports (ePCRs)

1. ePCRs shall be completed for each response made by any vehicle, crew, or Medic for each EMS Agency, as follows:

(i) For responses with no patient present, the ePCR shall be entered into the EMS Agency's ePCR software system by one of the crew members present on the responding vehicle before the end of the current work shift for the responding crew member(s).

(ii) For responses with one or more patients present, an ePCR for each patient present shall be entered into the EMS Agency's ePCR software system by the primary patient caregiver (of the responding crew for the respective EMS Agency and the respective patient) before the end of the current work shift for the primary patient caregiver for that respective EMS Agency and specific patient.

(a) If the primary patient caregiver is unable to enter or complete the ePCR prior to the end of the current scheduled work shift for the primary patient caregiver due to acute injury, illness, or death, the EMS Agency shall assign the ePCR entry and completion to another employee of the respective EMS Agency. ePCRs completed pursuant to this paragraph shall be entered into the EMS Agency's ePCR software system and completed within 24 hours of call completion.

(iii) The individual entering and completing an ePCR is responsible for ensuring that each ePCR is factual and accurate and compliant with the Department's data requirements related to data version, transmission, format, accuracy, completeness, uniformity, integration, validity and accessibility.

2. EMS Agencies shall electronically submit all ePCRs to the Department within 24 hours of call completion, and each submission shall comply with the Department's data submission requirements related to data version, transmission, format, accuracy, completeness, uniformity, integration, validity and accessibility.

3. In the event of a failure of the EMS Agency's ePCR software or the hardware used to access the software, the responding Medics must complete a paper PCR that is accurate and factual and is substantially similar to the EMS Agency's ePCR and the response information must be entered into the EMS Agency's ePCR software by the responding Medics and submitted to the Department within 24 hours of the resolution of the software or hardware failure.

(i) In the event the EMS Agency's software and/or hardware failure extends for longer than 7 calendar days, the EMS Agency shall immediately use the Department's ePCR software for direct entry of ePCRs by the Medics and continue using it until the EMS Agency's software and/or hardware failure is completely resolved.

4. In the event an EMS Agency's ePCR vendor is unable to submit the EMS Agency's ePCRs to the Department in compliance with this rule, whether as a result of a software failure, hardware failure, validation rule(s) failure, or mis-configuration of the ePCR software, the EMS Agency must submit a ePCR to the receiving facility in printed or electronic form, and the response information must be submitted to the Department within 24 hours of the resolution of the software or hardware failure.

(i) In the event the EMS Agency's ePCR vendor is unable to transmit ePCRs to the Department for longer than 7 calendar days, the EMS Agency shall immediately use the Department's ePCR software for direct entry of ePCRs by the Medics and continue using it until the EMS Agency's ePCR vendor is able to transmit ePCRs for the EMS Agency in compliance with this rule.

5. All ePCR software or hardware failures must be reported to the Department within 12 hours of the failure and must be documented by the EMS Agency in a log that shall be made available for inspection by the Department immediately upon request.

6. The Department shall be authorized to inspect the ePCR software system of the EMS Agency to ensure compliance with this rule.

(c) EMS Agency crew members of the vehicle that transports a patient to an acute care facility, hospital, or any other facility that requests a Patient Care Report (PCR), shall deliver a PCR to the receiving facility prior to departing the facility. If the EMS Agency is unable to deliver a complete PCR to the facility electronically or in printed format prior to the departure of the transporting crew from the facility, then the primary patient caregiver of the transporting vehicle shall complete and deliver to the facility a written or printed abbreviated PCR that includes at a minimum, when applicable, the following data elements related to the current incident:

1. patient first name, last name, gender, and date of birth;

2. name of the EMS Agency and names of the crew members that transported the patient;

3. date and time when the call was received;

4. date and time when the transporting EMS Agency crew arrived on scene, left the scene and arrived at the destination;

5. date and time when the patient was injured, last known to be well, and had a return of spontaneous circulation;

6. date and time of first medical contact;

7. name of any first responder agency that cared for or made contact with the patient;

8. patient history, chief complaint, exam findings, and any treatments provided;

9. transporting EMS Agency incident number; and

10. any other information available to the EMS Agency that is necessary for the continued care of the patient at the receiving facility.

(d) If the EMS agency crew members were unable to deliver a completed PCR to the receiving facility electronically or in printed format prior to the departure of the transporting crew and the facility requests a completed PCR from the EMS agency, the EMS agency must provide a completed PCR to the facility within 24 hours of the request.

(4) Personnel Roster

(a) EMS Agencies shall submit rosters to the Department of all drivers and all licensed Medics, Nurses, physician assistants, physicians, and all other licensed healthcare workers employed by, volunteering for, or contracted by the EMS Agency. Rosters shall be submitted on forms specified by the Department with a minimum set of data elements specified by the Department, in compliance with the following:

1. EMS Agencies shall submit additions to their roster of any driver (excluding helicopter pilots), Medic, Nurse, physician assistant, physician, and all other licensed healthcare personnel prior to that person being permitted to staff an Air Ambulance, Ground Ambulance, Neonatal Transport Vehicle or Medical First Responder Vehicle; and

2. EMS Agencies shall submit deletions or modifications to their roster within 96 hours of the employment status change.

(5) Each EMS Agency shall notify the Department in a manner and on forms specified by the Department within twenty-four hours of:

(a) The receipt of a report or other information suggesting that a Medic, EMS Instructor, or EMS Instructor/Coordinator has:

1. Provided services while under the influence of drugs or alcohol;

2. Been arrested or indicted for, charged with, or convicted of any felony, crime of violence, or crime of moral turpitude;

3. Violated the laws of Georgia, another state or territory, or the United States. This shall not include violations which involve minor traffic offenses; or

4. Violated any Department rule or regulation, Scope of Practice, or any of the Department's policies governing EMS in Georgia.

(b) The violation of any Department approved Regional Ambulance Zoning Plan by any EMS Agency or Medic; and

(c) The theft of any Air Ambulance, Ground Ambulance, Neonatal Transport Vehicle, or Medical First Responder Vehicle registered to the EMS Agency.

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511-9-2-.16 Standards for Emergency Medical Services Education

(1) EMS Initial Education.

(a) No EMS Agency, fire department, hospital, clinic, medical center, educational institution, or other entity shall hold itself out as a designated or approved EMS Initial Education Program at the EMR, EMT, AEMT, or Paramedic level without holding current designation by the Department as an EMS Initial Education Program for the respective level(s) of EMS initial education.

(b) Designation of EMS Initial Education Programs.

1. Any entity seeking designation or re-designation as an EMS Initial Education Program at the EMR, EMT, AEMT, and/or Paramedic levels must submit an application to the Department in a manner and on forms as determined by the Department, and shall meet at a minimum, the requirements defined by the Department.

2. An application for designation or re-designation as an EMS Initial Education Program must include a statement from an authorized agent of the Program's Sponsor attesting that the Sponsor accepts responsibility for the operation of the Program.

3. The Department's review of applications for designation and re-designation as an EMS Initial Education Program may include an on-site inspection of the program.

4. All EMS Initial Education Programs, including individual courses, are subject to periodic monitoring and announced or unannounced site visits by the Department.

5. All EMS Initial Education Programs must maintain satisfactory records for student attendance, counseling, and evaluation. Grades and credits for courses must be recorded on the student transcript and permanently maintained by the Sponsor in a safe and accessible location. All EMS Initial Education Program records are subject to review by the Department at any time.

(c) EMS Initial Education Program Designation Criteria. Applicants for designation or re-designation as an EMS Initial Education Program shall meet Department-specified standards that address, at a minimum, the following criteria:

1. Program sponsorship;

2. Program direction and administration;

3. Medical direction;

4. Instructional personnel;

5. Physical resources, including classroom and laboratory facilities, equipment and supplies, and learning resources;

6. Admission requirements for all levels of EMS initial education courses offered by the Program;

7. Clinical and field internship resources;

8. Academic and administrative policies, procedures, and records retention requirements;

9. Program outcomes and evaluation;

10. Curriculum; and

11. Delivery of instruction by distance learning technology.

(d) Data Reporting Requirements and Course Notifications for EMS Initial Education Programs. Each designated EMS Initial Education Program shall:

1. Notify the Department of each EMS initial education course that it intends to offer, in a time frame and on forms specified by the Department.

2. Report specified data elements to the Department regarding each EMS initial education course offered, in a time frame, format, and frequency specified by the Department. All such data reported to the Department shall be accurate and factual.

3. Notify the Department of any substantive changes to the EMS Initial Education Program, as specified by the Department, in a time frame and on forms specified by the Department.

4. Provide the Department with full access to all data from its student clinical tracking system and its learning management system.

5. Notify the Department within twenty-four hours of receipt of a report or other information suggesting that a program instructor, preceptor, student, or field clinical/internship site has:

(i) Provided services while under the influence of drugs or alcohol;

(ii) Been arrested or indicted for, charged with, or convicted of any felony, crime of violence, or crime of moral turpitude; or

(iii) Violated the laws or rules governing EMS in Georgia or the Department's policies related to EMS Initial Education Programs.

(e) The Department may suspend, revoke, or place on probation a designation as an EMS Initial Education Program, after providing written notice to the Program's Sponsor, if the Department determines that the Program is not in compliance with the requirements or criteria of these rules or applicable statutes or policies. The Department shall provide an administrative hearing on the action to suspend or revoke the Program's designation if the Sponsor makes a written request for a hearing. Such written request must be delivered to and received by the Department no later than twenty days after the Sponsor receives notice of the action. If a timely request for a hearing is not received, the action will become effective twenty days after the Sponsor's receipt of the notice. In lieu of suspending or revoking a Program's EMS Initial Education Program designation, the Department may re-designate the Program at another level of EMS Initial Education Program if it is determined that the Program does not meet the criteria for its current level(s) of designation.

(2) EMS Continuing Education.

(a) No EMS Agency, fire department, hospital, clinic, medical center, educational institution, other entity or person shall hold itself/themselves out as offering or teaching an approved EMS continuing education course unless the course has been approved or recognized by the Department or accredited by the Commission on Accreditation for Prehospital Continuing Education (CAPCE).

(b) Approval of EMS Continuing Education Courses.

1. All requests for Department approval of EMS continuing education courses must be submitted to the Department in a time frame and on forms specified by the Department.

2. EMS continuing education courses shall consist of educational activities designed to promote and enrich knowledge, improve skills, and develop attitudes for the enhancement of professional practice, thus improving the quality of Emergency Medical Services provided to the public.

3. All EMS continuing education courses are subject to periodic monitoring and announced or unannounced site visits by the Department. EMS continuing education courses that are delivered through distance education are subject to review and audit by the Department at any time.

4. All EMS continuing education courses must comply with course standards specified by the Department.

(c) Data reporting requirements

1. Department-approved EMS continuing education courses shall be assigned an approval number by the Department.

2. All providers of approved EMS continuing education courses shall issue a certificate or letter of completion to each student who completes the course. The certificate or letter must include information specified by the Department regarding the completion of the course.

3. If the provider of an approved EMS continuing education course is a Georgia licensed EMS Agency or designated EMS Initial Education Program, the provider shall submit a roster of the students who completed the course to the Department in a time frame and on forms specified by the Department.

(d) The Department's approval of an EMS continuing education course is contingent upon the course being taught according to the approved curriculum and in line with current standards and may be rescinded at any time. No course credit shall be given to attendees of a course for which the Department has rescinded its approval or to persons who have not attended and completed the continuing education course.

(e) Providers of Department or CAPCE approved EMS continuing education shall not issue a certificate of credit/completion for EMS continuing education hours to any person without the person meeting the EMS continuing education completion requirements as specified by the Department for the respective EMS continuing education course.

Cite as Ga. Comp. R. & Regs. R. 511-9-2-.16

AUTHORITY: O.C.G.A. §§ 31-2A-6**,** 31-11-5**,** 31-11-51 **to** 31-11-61**.**

HISTORY: Original Rule entitled "Standards for Emergency Medical Services Courses" adopted. F. December 14, 2011; eff. January 3, 2012.

Amended: New title "Standards for Training." F. Apr. 2, 2015; eff. Apr. 22, 2015.

Amended: F. Apr. 27, 2016; eff. May 17, 2016.

Amended: New title "Standards for Emergency Medical Services Education." F. Oct. 20, 2020; eff. Nov. 18, 2020, as specified by the Agency.

Amended: F. Feb. 17, 2025; eff. Mar. 16, 2025, as specified by the Agency.

511-9-2-.17 Standards for Emergency Medical Service Instructors and Instructor/Coordinators

(1) Licensure of EMS Instructors and EMS Instructor/Coordinators.

(a) No individual shall hold himself or herself out as an EMS Instructor unless the individual holds an active EMS Instructor license issued by the Department.

(b) No individual shall hold himself or herself out as an EMS Instructor/Coordinator at any level unless the individual holds an active EMS Instructor/Coordinator license issued by the Department.

(c) An application for licensure as an EMS Instructor or EMS Instructor/Coordinator shall be submitted on the form specified by the Department and shall include adequate demographic information and documentation that the applicant meets all licensure requirements set forth in this rule.

(d) Once issued, a license shall be valid for a period of two years or until the biennial renewal date established by the Department.

(e) The Department may deny an application for licensure as an EMS Instructor or EMS Instructor/Coordinator, or revoke or otherwise sanction a license, after notice and an opportunity for a hearing, upon any of the grounds set forth in Rule 511-9-2-.18.

(2) Eligibility for Licensure as an EMS Instructor or EMS Instructor/Coordinator.

(a) EMS Instructor. All applicants for initial licensure as an EMS Instructor must meet the following requirements:

1. Current CPR Certification that is maintained throughout the Instructor license period.

2. Successful completion of a Department-recognized instructional techniques course, Department-recognized EMS instructional preparation curriculum, or Department-recognized equivalent not more than three (3) years prior to the application.

3. Current Georgia healthcare license that is maintained throughout the instructor license period in a field specified by the Department, together with documentation of a minimum length of continuous licensure in Georgia or another state or territory at an approved healthcare license level.

(b) EMS Instructor/Coordinator. All applicants for initial licensure as an EMS Instructor/Coordinator must meet the following requirements:

1. Minimum Requirements for all Instructor/Coordinator Levels.

(i) Current CPR Certification that is maintained throughout the Instructor/Coordinator license period.

(ii) Successful completion of a Department-recognized EMS instructional preparation curriculum or Department-recognized equivalent not more than three (3) years prior to the application.

(iii) Current Georgia healthcare license that is maintained throughout the instructor/coordinator license period in a field specified by the Department that is at or above the Instructor/Coordinator level, together with documentation of a minimum length of continuous licensure and active clinical practice in Georgia or another state or territory at that healthcare license level.

(iv) Documentation of competency in national EMS clinical standards as evidenced by:

(I) For an applicant who is licensed by the Department, current certification from the National Registry of Emergency Medical Technicians (NREMT) which is maintained throughout the Instructor/Coordinator license period, as follows:

I. An applicant licensed by the Department as an EMT, AEMT, or Paramedic shall hold NREMT certification at the applicant's Medic license level;

II. An applicant licensed by the Department as an EMT-I shall hold NREMT certification at the EMT level; and

III. An applicant licensed by the Department as a Cardiac Technician shall hold NREMT certification at the AEMT level; or

(II) For an applicant who is licensed by a Georgia licensing authority other than the Department, successful completion of the NREMT assessment exam at or above the Instructor/Coordinator level within a time frame specified by the Department.

(v) Documentation of at least forty (40) hours of active teaching/internship in a Department-approved EMS Initial Education Program that meets or exceeds objectives specified by the Department.

2. Additional Requirements for EMS Instructor/Coordinator (Paramedic).

(i) Current ACLS Certification that is maintained throughout the Instructor/Coordinator license period.

(ii) An Associate Degree or higher from an academic institution that is accredited by an institutional accrediting agency recognized by the United States Department of Education. The degree may be in any major.

(3) License Renewal for EMS Instructors and EMS Instructor/Coordinators.

(a) Licensed EMS Instructors and EMS Instructor/Coordinators may renew their licenses biennially by submitting a renewal application on or before the expiration date. A renewal application shall be submitted on the form specified by the Department and shall include adequate documentation of the licensee's compliance with the continuing education and active teaching requirements set forth below. The Department may, in its discretion, specify mandatory continuing education topics during the renewal cycle.

1. EMS Instructors must submit adequate documentation of the following for each renewal cycle:

(i) Completion of twelve (12) hours of Department-approved instructor continuing education during the renewal cycle in instructional topics, six (6) of which must be approved only for instructors. Continuing education courses/hours applied towards the continuing education requirements for renewal of a Georgia healthcare provider license may not be applied towards the continuing education requirements for renewal of an EMS Instructor license.

(ii) Completion of twenty (20) hours of active teaching during the renewal cycle in Department-approved continuing education courses or EMS Initial Education Courses offered by designated EMS Initial Education Programs.

2. EMS Instructors with Paramedic Endorsement must submit adequate documentation of the following for each renewal cycle:

(i) Completion of twenty-four (24) hours of Department-approved instructor continuing education during the renewal cycle in instructional topics, twelve (12) of which must be approved only for instructors. Continuing education courses/hours applied towards the continuing education requirements for renewal of a Georgia healthcare provider license may not be applied towards the continuing education requirements for renewal of an EMS Instructor with Paramedic Endorsement license.

(ii) Completion of forty (40) hours of active teaching during the renewal cycle in EMS Initial Education Courses offered by designated EMS Initial Education Programs.

3. EMS Instructor/Coordinators must submit adequate documentation of the following for each renewal cycle:

(i) Completion of twenty-four (24) hours of Department-approved instructor continuing education during the renewal cycle in instructional topics, twelve (12) of which must be approved only for instructors. Continuing education courses/hours applied towards the continuing education requirements for renewal of a Georgia healthcare provider license may not be applied towards the continuing education requirements for renewal of an EMS Instructor/Coordinator license.

(ii) Completion of forty (40) hours of active teaching during the renewal cycle in EMS Initial Education Courses offered by designated EMS Initial Education Programs.

(b) An EMS Instructor or EMS Instructor/Coordinator license that is not renewed prior to the expiration date shall be placed in lapsed status. A lapsed license may be renewed during a six-month late renewal period immediately following the expiration date, provided that all requirements for license renewal are met.

(c) An EMS Instructor or EMS Instructor/Coordinator license that is not renewed prior to the end of the late renewal period shall be expired and not eligible for renewal. To regain licensure, the individual must submit a new application to the Department and meet all current eligibility requirements for licensure as an EMS Instructor or EMS Instructor/Coordinator.

(4) License Fees for EMS Instructors and EMS Instructor/Coordinators.

(a) All applications for initial licensure as an EMS Instructor or EMS Instructor/Coordinator or for renewal of an EMS Instructor or EMS Instructor/Coordinator license - shall be accompanied by a fee payable to the Department in an amount and form determined by the Department.

(b) All applications for late renewal of an EMS Instructor or EMS Instructor/Coordinator license shall be accompanied by the applicable renewal fee, plus a late renewal penalty fee in an amount equal to the renewal fee, payable to the Department in a form determined by the Department.

(5) Clinical Preceptors.

(a) Clinical preceptors may precept Paramedic, AEMT, EMT, and EMR students at or below the preceptor's provider license level.

(b) Clinical preceptors must be approved by the Program Director of the EMS Initial Education Program and the Program's EMS Medical Director after successfully completing a clinical preceptor training course approved by the Department.

(c) The course coordinator must maintain student clinical records involving clinical preceptors for a time period specified in the Department's published record retention schedule for EMS Initial Education Programs.

(6) Any currently licensed EMS Instructor or EMS Instructor/Coordinator may voluntarily surrender their EMS Instructor or EMS Instructor/Coordinator license by notifying the Department in a manner and on forms specified by the Department. Once processed by the Department, surrenders are not reversible, and the individual would need to complete the current Department-specified application process and meet all licensing requirements to obtain a new EMS Instructor or EMS Instructor/Coordinator license.

(7) Upon request, the Department shall be authorized to place an EMS Instructor or EMS Instructor/Coordinator license in retired status after which the individual will be permitted to continue to use the former licensure level title and number with "(Ret.)" after it. An individual in retired status will not be licensed to perform the duties of an EMS Instructor or EMS Instructor/Coordinator as defined in these rules. Applications for license retirement shall be submitted in a manner and on forms specified by the Department and must be submitted by the Licensee themselves. Once processed by the Department, retirements are not reversible, and the individual would need to complete the current Department-specified application process and meet all licensing requirements to obtain a new EMS Instructor or EMS Instructor/Coordinator license. Eligibility requirements for retirement of an EMS Instructor or EMS Instructor/Coordinator license are as follows:

(a) The individual must be currently licensed as a Georgia EMS Instructor or EMS Instructor/Coordinator, and the respective license must be in Good Standing at the time of application; and

(b) The individual must have a minimum of 15 years of continuous uninterrupted licensure as a Georgia EMS Instructor or EMS Instructor/Coordinator, inclusive of the date of application.

(8) Upon request from the next of kin to place an EMS Instructor or EMS Instructor/Coordinator license in deceased status and obtain a certificate of active service for an individual who dies while currently licensed in Good Standing as a Georgia EMS Instructor or EMS Instructor/Coordinator, the Department shall be authorized to place the respective license in deceased status and provide a certificate of active service to the next of kin. The request shall be accompanied by a certified death certificate or other documents recognized by the Department.

(9) Downgrades of Instructor and Instructor/Coordinator Licenses. Currently licensed EMS Instructors with Paramedic Endorsement and EMS Instructor/Coordinators in Good Standing may voluntarily request the Department to downgrade their Instructor or Instructor/Coordinator license. The request shall be made to the Department in a manner and on forms specified by the Department and shall indicate the requested new level of license. Once processed by the Department, downgrades are not reversible, and the individual would need to complete the current Department-specified application process to obtain a higher level of Instructor or Instructor/Coordinator license.

(a) Permitted downgrades are as follows:

1. Currently licensed EMS Instructors with Paramedic Endorsement and EMS Instructor/Coordinators (Paramedic) in Good Standing will be permitted to request a downgrade to the EMS Instructor, EMS Instructor/Coordinator (AEMT), or EMS Instructor/Coordinator (EMT) levels.

2. Currently licensed EMS Instructor/Coordinators (AEMT) in Good Standing will be permitted to request a downgrade to the EMS Instructor, or EMS Instructor/Coordinator (EMT) levels.

3. Currently licensed EMS Instructor/Coordinators (EMT) in Good Standing will be permitted to request a downgrade to the EMS Instructor level.

(b) Applications for downgrade must be accompanied by the following:

1. An application fee, as described in paragraph (4) of this rule.

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AUTHORITY: O.C.G.A. §§ 31-2A-3**,** 31-2A-6**,** 31-11-5**,** 31-11-51 **to** 31-11-61**.**

HISTORY: Original Rule entitled "Standards for Emergency Medical Service Instructors" adopted. F. December 14, 2011; eff. January 3, 2012.

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Amended: F. Feb. 17, 2025; eff. Mar. 16, 2025, as specified by the Agency.

511-9-2-.18 Standards of Conduct for Licensees

In order to protect the public and ensure the integrity of the emergency medical response system, all persons licensed by the Department pursuant to Chapter 31-11, all owners and officers of entities licensed pursuant to Chapter 31-11, and all applicants for a license pursuant to Chapter 31-11 (hereinafter licensees) shall at all times meet the following standards of conduct:

(1) A licensee shall comply at all times with the provisions of Chapter 31-11 and the Rules and Regulations of the Department.

(2) A licensee shall not obtain a license by fraud, forgery, deception, misrepresentation, or omission of a material fact.

(3) A licensee shall not present a check to the Department for which there are insufficient funds in the account.

(4) A licensee shall not tamper with, alter, or change any license issued by the Department.

(5) A licensee shall fully cooperate with the Department and its agents during the course of any investigation or inspection, and provide true information upon request.

(6) A licensee shall take no action in any other jurisdiction that would result in a fine, suspension, or revocation of any license similar to that issued to the licensee pursuant to Chapter 31-11.

(7) A licensee shall not advertise its services in a false or misleading manner.

(8) A licensee shall not provide any type or level of service that is not authorized by its license or by law.

(9) A licensee shall not provide services while its license is suspended, or revoked, inactive, or has lapsed for failure to renew, whether personally or through employees, agents, or volunteers.

(10) A licensee shall correct as soon as practicable all violations and deficiencies found during a Department inspection.

(11) A licensee's equipment shall be clean and in proper operating condition at all times.

(12) A licensee shall not falsify any record, patient care report, other report or record, or any other document which the licensee is required to maintain under state or federal law or Department regulations or policies.

(13) A licensee shall not employ fraud or misrepresentation to obtain a fee or any reimbursement in the course of Emergency Medical Services or other services under its licensure.

(14) A licensee shall report to the Department within ten days the bringing of any criminal charges against the licensee, whether by arrest warrant, information, accusation, or indictment. This subsection shall not apply to minor traffic offenses.

(15) A licensee shall, upon request by the Department, submit copies or permit inspection of any document, which the licensee is required to maintain under state or federal law or Department regulations.

(16) A licensee shall not provide services while under the influence of drugs or alcohol, nor permit any employee or co-worker to do so.

(17) A licensee shall use no less than the requisite number of licensed individuals applicable to its license.

(18) A licensee shall act with due regard for the safety of patients and the public in the operation of an emergency vehicle, and shall not use vehicle warning devices unnecessarily or in a manner that endangers the safety of the patient or the public.

(19) A licensee shall not aid or abet the unlicensed practice of emergency medical care.

(20) A licensee shall not accept anything of value in return for a patient referral.

(21) A licensee shall abide by all Regional Ambulance Zoning Plans.

(22) A licensee shall take no action that would jeopardize the health or safety of a patient, including without limitation the abandonment or mistreatment of a patient.

(23) A licensee shall pay all administrative fines in full within thirty days.

(24) A licensee shall display proper identification at all times while on duty, including the Georgia level of licensure.

(25) A licensee shall maintain the confidentiality of all patient records and information and shall not disclose any confidential information or knowledge concerning a patient except where required or allowed by law.

(26) A licensee shall take no action that may result in a criminal conviction on a felony charge, a crime of moral turpitude, or the crime of driving under the influence or possession of a controlled substance.

(27) An EMS Instructor or EMS Instructor/Coordinator licensee shall maintain student records as required by the Department, and shall meet all license renewal requirements.

(28) An EMS Instructor/Coordinator licensee serving as the Program Director of a designated EMS Initial Education Program shall ensure that all state, national, and applicable accreditation requirements are met for each student before validating that the student has completed the course and/or is clear to test the National Registry exam for the respective level of initial education.

(29) A licensee shall not discriminate on the basis of national origin, race, color, creed, religion, gender, sexual orientation, age, economic status, or physical or mental ability in providing services.

(30) A licensee shall not violate any lawful order of the Department.

(31) A licensee shall not violate any statute, rule or regulation, state or federal, which pertains to Emergency Medical Services.

(32) A licensee shall not violate the security of any exam or exam material for purposes of obtaining or maintaining an EMS license by any means including but not limited to removing any exam materials from an examination area, the unauthorized possession of exam materials, the unauthorized reproduction of exam materials, impersonating an examinee, or having another person take an exam on behalf of a licensee.

(33) An EMS Instructor or EMS Instructor/Coordinator serving as the Program Director, Course Coordinator, Lead Instructor, Clinical Coordinator, or other instructional staff in a EMS Initial Education course shall ensure that all data related to any student, instructor or preceptor that is submitted to or required by the Department is accurate and factual and complies with all state, national, and applicable accreditation requirements.

(34) A licensee shall not issue a certificate of credit/completion for EMS continuing education hours to any person without the person meeting the EMS continuing education completion requirements as specified by the Department for the respective EMS continuing education course.

(35) A licensee shall take no action that would jeopardize the health, safety, or wellbeing of a student, including without limitation the abandonment or mistreatment of a student.

(36) A licensee shall at no time violate, exceed, or disregard the Department specified Scope of Practice for their respective license level(s).

(37) A licensee shall not make false or misleading statements in any oral, written, or electronic report regarding the provision of emergency medical care to any patient.

(38) A licensee shall not destroy or cause to be destroyed any patient care report.

(39) A licensee shall not fail to respond to a call while on duty and shall not leave their duty assignment without the proper approval.

(40) A licensee shall not delegate EMS functions to a person who lacks the education, training, experience, knowledge, or licensure to provide appropriate level of care for the patient.

(41) A licensee shall not falsify, misrepresent, or alter clinical, field and/or internship documents for EMS students.

(42) A licensee shall not behave in a disruptive manner toward other EMS personnel, law enforcement, firefighters, hospital personnel, other medical personnel, patients, family members or others, that interferes with patient care or could be reasonably expected to adversely impact the quality of care rendered to a patient.

(43) A licensee shall not fail to protect and/or advocate for patients/clients/students and/or the public from unnecessary risk of harm from another EMS personnel.

(44) A licensee shall not misappropriate medications, supplies, equipment, personal items, or money belonging to the patient, employer or any other person or entity.

(45) A licensee shall not misrepresent any level of certification or licensure.

(46) A licensee shall not refuse a drug screen where the drug screen is requested from an employer, based on a reasonable suspicion that drug screening is necessary.

(47) A licensee shall be responsible for completing the patient care report for all EMS responses made by the licensee and ensuring that each PCR is factual and accurate before the end of the current work shift as described in 511-9-2-.14 (3) b.

Cite as Ga. Comp. R. & Regs. R. 511-9-2-.18

AUTHORITY: O.C.G.A. §§ 31-2A-3**,** 31-2A-6**,** 31-11-5**,** 31-11-6**,** 31-11-9**,** 31-11-30**,** 31-11-36**,** 31-11-56**,** 31-11-57**,** 50-13-18**.**

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Amended: F. Sept. 29, 2021; eff. Oct. 27, 2021, as specified by the Agency.

Amended: F. Feb. 17, 2025; eff. Mar. 16, 2025, as specified by the Agency.

Department 560. RULES OF DEPARTMENT OF REVENUE

Chapter 560-7. INCOME TAX DIVISION

Subject 560-7-3. SUBSTANTIVE REGULATIONS

560-7-3-.13 Consolidated Returns

(1) **Definitions.** As used in this regulation, the terms "Georgia affiliated group" and "Georgia consolidated return" shall have the same meaning as in O.C.G.A. § 48-7-21.

(2) **Filing of Consolidated Returns.**

(a) **Election to File Consolidated.** For taxable years beginning on or after January 1, 2023, a Georgia affiliated group that files a consolidated income tax return for Federal income tax purposes does not need to petition the Commissioner for permission to file a consolidated return for Georgia income tax purposes. The members of this affiliated group that are subject to Georgia income tax under Chapter 7 of Title 48 of the O.C.G.A, even after the application of Public Law 86-272 (15 U.S.C. Sections 381 - 384) may elect to file a Georgia consolidated return on an originally filed income tax return by the due date of the return, including extensions. The election is irrevocable and binding on both the Georgia affiliated group and the Department for five years.

(b) **Treatment of Corporations which were Previously Permitted to File a Consolidated Return for Georgia Income Tax Purposes.** Any Georgia affiliated group, which was granted permission to file a consolidated return for taxable years beginning before January 1, 2023, can either elect to file a Georgia consolidated return pursuant to this regulation, continue to file a consolidated return pursuant to the terms of the prior grant of permission, or cease filing a consolidated return and file separately.

1. To continue to file a consolidated return pursuant to the terms of the prior grant of permission, mark either the "Consolidated GA Parent Return" checkbox or the "GA Consolidated Subsidiary" checkbox, whichever is applicable, on an originally filed return by the due date of the return, including extensions. If the "GA Consolidated Subsidiary" checkbox is marked, provide the federal employer identification number of the consolidated parent.

(i) Any Georgia affiliated group filing a consolidated return pursuant to the terms of the prior grant of permission is bound by the terms of the prior grant of permission.

(ii) Any Georgia affiliated group filing a consolidated return pursuant to the terms of the prior grant of permission is governed by the regulations of Chapter 560-7 as they exist before January 1, 2023 in the same manner as if the amendments set forth in this regulation had not been promulgated.

2. To terminate filing a consolidated return pursuant to the terms of the prior grant of permission and to elect to file a Georgia consolidated return for the irrevocable five-year period, the consolidated parent under the prior grant of permission shall mark the "Cease Filing Consolidated" checkbox and either the "Consolidated GA Parent Return" checkbox or the "GA Consolidated Subsidiary" checkbox, whichever is applicable. The other member(s) of the Georgia affiliated group shall mark either the "Consolidated GA Parent Return" checkbox or the "GA Consolidated Subsidiary" checkbox, whichever is applicable. If the "GA Consolidated Subsidiary" checkbox is marked, provide the federal employer identification number of the consolidated parent.

3. To terminate filing a consolidated return for Georgia income tax purposes, the consolidated parent shall mark the "Cease Filing Consolidated" checkbox but leave the "Consolidated GA Parent Return" checkbox blank. The other member(s) shall leave the "Cease Filing Consolidated" and the "GA Consolidated Subsidiary" checkboxes blank.

(c) **Election to File Georgia Consolidated Return for Taxable Years Beginning on or After January 1, 2023.**

1. To elect to file a Georgia consolidated return, the consolidated parent shall mark the "Consolidated GA Parent Return" checkbox on the Georgia Form 600 and the other member(s) of the Georgia affiliated group shall mark the "GA Consolidated Subsidiary" checkbox and provide the federal employer identification number of the consolidated parent.

2. If a Georgia affiliated group wishes to file a Georgia consolidated return under a new consolidated parent after the group has made the election to file a Georgia consolidated return but before the election is automatically terminated, then the new consolidated parent of the Georgia affiliated group shall mark the "Consolidated GA Parent Return" checkbox on the Georgia Form 600 and attach a statement explaining that the group is filing under a new consolidated parent. The other member(s) of the group shall mark the "GA Consolidated Subsidiary" checkbox and provide the federal employer identification number of the new consolidated parent. The other member(s) are not required to attach such statement.

3. To terminate filing a Georgia consolidated return during the five-year election period due to changes in the Georgia affiliated group, the consolidated parent of the Georgia affiliated group shall mark the "Cease Filing Consolidated" checkbox on the Georgia Form 600 and attach a statement explaining the changes to the group. The other member(s) of the Georgia affiliated group shall not mark the "Cease Filing Consolidated" checkbox and are not required to attach such statement.

(i) The new Georgia affiliated group may make a new election to file a Georgia consolidated return under this paragraph on the Georgia consolidated return.

(3) **Making the Election.** The election to file a Georgia consolidated return under subparagraphs (2)(b)2., (2)(c)1., and (2)(c)3.(i) must be made on an originally filed return by the due date of the return, including extensions. Failure to make the election by such time will result in the filing of separate income tax returns for the applicable taxable year.

(a) **Composition of the Georgia Consolidated Group.** A Georgia consolidated group shall, for each year a consolidated return is filed, consist of all of the members of an affiliated group of corporations that file a consolidated return for Federal income tax purposes that are subject to Georgia income tax under Chapter 7 of Title 48 of the O.C.G.A, even after the application of Public Law 86-272 (15 U.S.C. Sections 381 - 384); provided, however, that corporations that are immune from Georgia income tax under Federal law shall not be included in the proposed Georgia consolidated group.

(4) **Five Year Binding Election.** If a Georgia affiliated group has elected to file a Georgia consolidated return for any taxable year, Georgia consolidated returns must be filed for the taxable year in which the election is made and for the four succeeding taxable years, except in the following circumstance:

(a) The Georgia affiliated group ceases to file a consolidated return for federal income tax purposes, whereupon the group must also cease filing a Georgia consolidated return. If this subparagraph applies, the consolidated parent shall mark the "Cease Filing Consolidated" checkbox on the Georgia Form 600 and attach a statement explaining that the group ceased to file a consolidated return for federal income purposes. The other member(s) of the Georgia affiliated group shall not mark the "Cease Filing Consolidated" checkbox and are not required to attach such statement.

(5) **Separate Company Computation of Taxable Income or Loss.** Corporations that file a Georgia consolidated return are required to consolidate separate company income or loss on a post-apportionment basis. This shall be accomplished by the following process:

(a) Each corporation within the Georgia affiliated group will prepare a separate company Georgia Form 600.

(b) The corporation will reflect its name and federal employer identification number in the heading of the return.

(c) The corporation will begin on line 1 of Schedule 1 with its separate company federal taxable income or loss and will make the appropriate additions to or subtractions from taxable income on lines 2 and 4 of that Schedule. For

purposes of this regulation, the separate company federal taxable income or loss shall be the taxable income or loss of the member included in the consolidated federal return but without the modifications listed in Internal Revenue Service Regulation 1.1502-12.

(d) If the corporation qualifies to apportion, it will complete Schedule 6 and Schedule 7 to determine the amount of separate company Georgia taxable income or loss to be reflected on line 7 of Schedule 1.

(e) If the corporation has a Georgia separate return limitation year loss, or "GSRLY" (see subparagraph (8)(e) of this regulation), that loss would be reflected on either line 6 of Schedule 1, or line 8 of Schedule 7 of Form 600.

(f) Intercompany transactions are not eliminated in this process of determining a corporation's separate company Georgia taxable income or loss. However, the Commissioner reserves the right to examine intercompany transactions, and to make appropriate adjustments, to ensure that taxpayers clearly reflect income attributable to controlled transactions or to prevent the avoidance of taxes with respect to such transactions.

(g) The separate company income or loss of each corporation in the Georgia affiliated group, as reflected on the separate company Form 600's, would then be consolidated on the Georgia consolidated return Form 600 and reflected on line 5 of Schedule 1 of that Form.

(h) Any consolidated Georgia net operating loss would be deducted on Schedule 1 line 6 to arrive at the Georgia affiliated group's Georgia taxable income or loss on line 7.

(i) Schedule 3 of the Group Form 600 would be completed to reflect a computation of tax due or overpayment for the group.

(6) **Separate Company Computation of Net Worth Tax and Payment.** Each member of the Georgia affiliated group is required to calculate the net worth tax by completing Schedules 2 and 8 on Form 600 on a separate company basis. The net worth tax for all members of a Georgia affiliated group must be reported and paid on the Form 600 of the consolidated parent using the appropriate schedule entitled "Members To Be Included in the Georgia Consolidated Group".

(7) **Earning, Claiming and Assigning of Tax Credits.** Any tax credits which may be claimed against the Georgia corporate income tax must be calculated and claimed on a separate company basis. When the code specifies that the amount of the credit taken in any one taxable year be limited to an amount not greater than 50 percent (or another percentage) of the taxpayer's state income tax liability, such limit shall be computed on a separate company basis. For credit limitation purposes, net operating loss carryovers must be accounted for on a separate company basis. Assignment of Georgia income tax credits under the terms of O.C.G.A. § 48-7-42 is available within a consolidated Georgia return. All credits utilized against the tax liability of the Georgia affiliated group must be assigned to the consolidated parent, unless generated by the parent. Credits may only be assigned in the year generated and assignments must be made by the due date of the return, including extensions. Carryforward credits are not assignable.

Credit Example:*

Numbers Per Separate Company Calculation	**Georgia Parent Co**	**Sub Co A**	**Sub Co B**	**Sub Co C**
Georgia Taxable Income	50,000	(16,000)	140,000	60,000
Georgia Tax Liability (5.75%)	2,875	-	8,050	3,450
Georgia Income Tax Credits Generated in				

Numbers Per Separate Company Calculation	**Georgia Parent Co**	**Sub Co A**	**Sub Co B**	**Sub Co C**
Current Year:				
Retraining Tax Credit (limited to 50% of income tax liability)	-	6,000	-	2,500
Georgia Tax Credits Carried Forward:				
Investment Tax Credit (limited to 50% of income tax liability)	7,250	-	-	-
Retraining Credits Assigned: *				
From Sub Co A	1,500	(6,000)	4,500	-
From Sub Co C	-	-	-	-
Retraining Credit Limitation	1,437.50	-	4,025	1,725
Investment Credit Limitation	1,437.50	-	-	-
Total Tax Credits Utilized in Current Tax Year	2,875	-	4,025	1,725
Remaining Tax Liability**	-	-	4,025	1,725
Tax Credits to be Carried Forward:				
Investment Tax Credit	5,812.50	-	-	-
Retraining Tax Credit	62.50	-	475	775

Consolidated Tax Calculation:

Taxable Income:	**Tax Calculation:**		
Georgia Parent	50,000	Consolidated Taxable Income	234,000
Sub Co A	(16,000)	Georgia Tax Liability @ 5.75%	13,455
Sub Co B	140,000	Combined Tax Credits Utilized***	8,625
Sub Co C	60,000	Balance of Georgia Tax	4,830
Consolidated Taxable Income	234,000		

* Credits assignments must be made on the separate company tax returns, with a detailed summary provided on a schedule attached to the consolidated tax return. The schedule shall list the credit type, the credit amount generated by the member, the credit amount utilized in the taxable year by the parent, and the credit carryforward amount.

** The remaining tax liability is due to the limitations applied to the credits. Georgia Parent Co was able to utilize its carryforward Investment Tax Credit up to 50% of its separate company tax liability and also to utilize the assigned Retraining Tax Credit from Sub Co A for the remaining 50% of its tax liability, with the unused portion available to Georgia Parent Co as a carryforward credit. The remaining balance of the Retraining Tax credit generated by Sub Co A is then assigned to Sub Co B, with the unused portion available to Sub Co B as a carryforward credit. Sub Co C is able to utilize its Retraining Tax Credit up to 50% of its income tax liability, with the remaining balance kept as a carryforward credit against future liability. Please note that credits may only be assigned in the year generated and assignments must be made by the due date of the return (including extensions). Thus, carryforward credits are not assignable.

*** In no case may the combined tax credits utilized offset more than 100% of the consolidated tax liability. Such excess shall be carried forward by the appropriate separate companies provided it is otherwise eligible for carryforward.

(8) **Consolidated Return Net Operating Loss Deduction.** A consolidated Georgia net operating loss carryforward or carryback (if such carryback is allowed pursuant to the normal rules of paragraph (10.1) of subsection (b) of O.C.G.A. § 48-7-21) shall be allowed as a deduction on the Georgia consolidated return of an affiliated group under the following rules:

(a) The Georgia consolidated net operating loss for a taxable year shall include the separate company federal taxable income or loss of each member corporation, with the adjustments provided for in subsection (b) of O.C.G.A. § 48-7-21 and O.C.G.A. § 48-7-28.2 and allocated and apportioned as provided in O.C.G.A. § 48-7-31. In calculating the separate company income or loss of each member corporation, no deduction will be taken for either federal or Georgia net operating losses from other years;

(b) "Georgia separate return year" as used in this regulation means a tax year of a corporation for which it files a separate return with Georgia or for which it joins in the filing of a Georgia consolidated return by another Georgia affiliated group;

(c) "Georgia separate return limitation year", or "GSRLY", as used in this regulation means any Georgia separate return year of a corporation or of a predecessor of a corporation;

(d) A consolidated Georgia Net Operating Loss deduction shall consist of any consolidated net operating loss (per subparagraph (a)) of the group that is carried forward or carried back (if applicable) to a consolidated year, plus any net operating loss incurred by members of the group in Georgia separate return years which may be carried over to that year. However, a net operating loss incurred by a member corporation in a Georgia separate return limitation year shall be subject to the limitation set forth in subparagraph (e);

(e) 1. Net operating losses arising in tax years beginning before January 1, 2018 and carried to a consolidated return year from a Georgia separate return limitation year (GSRLY) may be used to reduce the group's income only to the extent of the income contributed by the GSRLY member. This computation shall be performed first, and then any consolidated loss of the group shall be applied against any remaining income of the group. (See Example 1)

Example 1

Company	A	B	C	Consolidated Total
	(1)			
12/31/2001 (Separate Return Loss Year)	(75,000)	25,000	10,000	
				(2)
12/31/2002	(50,000)	20,000	15,000	(15,000)
12/31/2003	50,000	20,000	15,000	
	(3)			
Less: 2001 GSRLY NOL from Company A	(50,000)	-	-	
				(4)

Company	A	B	C	Consolidated Total
12/31/2003 Income	-	20,000	15,000	35,000
				(5)
2002 Consolidated NOL				(15,000)
				(6)
12/31/2003 Net Taxable Income				20,000
				(7)
Total GSRLY Carryforward for Company A	(25,000)			

Explanation For Example 1:

1. The year 12/31/01 is a Georgia separate return year, and the ($75,000) loss of company A is limited in subsequent years to the income of company A. The years 12/31/02 and 12/31/03 are consolidated post apportionment years.

2. The 12/31/02 tax year reflects a ($15,000) consolidated loss which may be carried forward.

3. In 12/31/03, the first consolidated profitable year, any GSRLY loss applies first. Therefore, ($50,000) of company A's loss from 12/31/01 is used against company A's income in 12/31/03.

4. The reduced income of the group for 12/31/03 is $35,000.

5. The consolidated loss of ($15,000) from 12/31/02 which was carried forward may now be deducted.

6. The reduced taxable income is $20,000.

7. Company A has a remaining GSRLY loss of $25,000 which may be carried forward.

2. Net operating losses arising in tax years beginning after December 31, 2017 and carried to a consolidated return year from a Georgia separate return limitation year (GSRLY) may be used to reduce the group's income only to the extent of 80% of the Georgia taxable income contributed by the GSRLY member. (See example 1A)

Example 1A - NOL Limitation

Company	A	B	C	Consolidated Total
	(1)			
12/31/2018 (Separate Return Loss Year)	(75,000)	25,000	10,000	
				(2)
12/31/2019	(50,000)	20,000	15,000	(15,000)
12/31/2020	50,000	20,000	15,000	
	(3)			
Less: 2018 GSRLY NOL from Company A	(40,000)	-	-	
				(4)
12/31/2020 Income	10,000	20,000	15,000	45,000
				(5)
2019 Consolidated NOL				(15,000)
				(6)
12/31/2020 Net Taxable Income				30,000
				(7)
Total GSRLY Carryforward for Company A	(35,000)			

Explanation For Example 1A:

1. The year 12/31/18 is a Georgia separate return year, and the ($75,000) loss of company A is limited in subsequent years to 80% of the income of company A. The years 12/31/19 and 12/31/20 are consolidated post apportionment years.

2. The 12/31/19 tax year reflects a ($15,000) consolidated loss which may be carried forward.

3. In 12/31/20, the first consolidated profitable year, any GSRLY loss applies first. Therefore, $40,000 ($50,000 x .80) of company A's loss from 12/31/18 is used against company A's income in 12/31/20.

4. The reduced income of the group for 12/31/20 is $45,000.

5. The consolidated loss of ($15,000) from 12/31/19 which was carried forward may now be deducted. The maximum amount of consolidated NOL carry forward arising in tax years beginning after December 31, 2017 that can be used is limited to 80%. Therefore, a maximum of $36,000 could be used (45,000 x 80%); however, there is only a $15,000 consolidated NOL carry forward available, so the entire $15,000 can be used.

6. The reduced taxable income is $30,000.

7. Company A has a remaining GSRLY loss of $35,000 which may be carried forward.

(f) If a Georgia consolidated net operating loss can carry forward to a Georgia separate return year of a corporation which was a member of a Georgia affiliated group in the year in which the loss arose, then the portion of the net operating loss attributable to such corporation shall be apportioned to such corporation under the provisions of subparagraph (g) and shall be a net operating loss carryover to such Georgia separate return year. However, such portions shall not be included in the consolidated net operating loss carryovers to the equivalent consolidated return year;

(g) The portion of a Georgia consolidated net operating loss attributable to a member of a group is the consolidated net operating loss multiplied by a fraction, the numerator of which is the separate net operating loss of such corporation, and the denominator of which is the sum of the separate net operating losses of all members of the group in the year in which such losses were incurred. See example 2. The separate net operating loss of such corporation and of each member as is mentioned in this subparagraph shall be computed as follows:

1. The separate net operating loss for the taxable year that this regulation is first applicable to and each year thereafter shall be computed on a post apportionment basis as is provided in paragraph (5).

2. The separate net operating loss for each taxable year prior to the 2002 taxable year shall be computed as follows:

(i) Income or loss subject to apportionment pursuant to O.C.G.A. § 48-7-31(d). When the Georgia affiliated group consolidated its income or loss subject to apportionment and then applied the group's apportionment percentage to the income or loss subject to apportionment (pre-apportionment basis), the portion of the separate net operating loss, attributable to income or loss subject to apportionment, of each separate corporation shall be computed by applying the group's apportionment percentage to the separate corporation's income or loss subject to apportionment.

(ii) Income or loss subject to allocation pursuant to O.C.G.A. § 48-7-31(c). The portion of the separate net operating loss, attributable to income or loss subject to allocation, of each separate corporation shall be equal to its separate corporation income or loss subject to allocation.

Example 2

Company	A	B	C	Total
12/31/02 SNTI* (SNOL**)	(5,000)	2,000	(1,000)	(4,000)
Gains $2,000	-\-		-\-	
Losses ($6,000)	(6,000)		(6,000)	

Company	A	B	C	Total
Net Loss (4,000)	= .8333	-0-	= .1667	
	X (4,000)		X (4,000)	
NOL	($3,333)	-0-	($667)	(4,000)

*SNTI=Separate Net Taxable Income

**SNOL=Separate Net Operating Loss

Explanation For Example 2, Member Leaving Group:

Corporation A, B and C file a consolidated return in 12/31/02. On 1/1/03, Corporation C is sold to Corporation D. This example above computes Corporation C's loss carryforward to its new Georgia affiliated group and the loss carryforward of the original group, Corporation A&B. Corporation C has a loss carryforward of ($667) and the remaining group (Corporation A&B) has a loss carryforward of ($3,333);

(h) If a corporation ceases to be a member during a consolidated return year, any Georgia consolidated net operating loss carryover from a prior tax year must first be carried to such Georgia consolidated return year even though all or a portion of the Georgia consolidated net operating loss giving rise to the carryover is attributable to the corporation which ceases to be a member. To the extent not deducted in such consolidated return year, the portion of the consolidated net operating loss attributable to the corporation ceasing to be a member shall then be carried to the corporation's first Georgia separate return year;

(i) The provisions of § 108 of the Internal Revenue Code of 1986, as amended, as they relate to Georgia net operating losses, shall be applied as follows:

1. Except as otherwise provided in this regulation, the Internal Revenue Code § 108 provisions shall be applied on a separate entity basis and the Internal Revenue Service regulations relating to how to apply such provisions to consolidated returns shall not apply. The reduction in the Georgia net operating losses shall be determined by applying the Georgia apportionment percentage for the year of the discharge to the amount of the Internal Revenue Code § 108 net operating loss reduction determined pursuant to this regulation. A determination under the federal consolidated regulations that the separate entity has an amount of discharge of indebtedness income and/or is required to reduce tax attributes shall also apply for Georgia purposes, except that paragraph (a)(4) of the Internal Revenue Service Regulation § 1.1502-28 shall not apply.

2. Any elections, with respect to the order of the tax attribute reductions, made for federal income tax filing purposes and pursuant to Internal Revenue Service Regulations, shall also apply for Georgia purposes.

(j) Except as otherwise provided in this regulation, the provisions of Internal Revenue Code § 381, as they relate to Georgia net operating losses, shall be applied in the same manner as provided in the Internal Revenue Code and related regulations (including those regulations relating to how to apply Internal Revenue Code § 381 to consolidated returns).

(k) The provisions of § 382 of the Internal Revenue Code of 1986, as amended, as they relate to Georgia net operating losses, shall be applied as follows:

1. Except as otherwise provided in this regulation, the Internal Revenue Code § 382 limitation shall be applied in the same manner as provided in the Internal Revenue Code and related regulations. Such limitation shall be computed on a separate entity basis even when a consolidated federal income tax return is filed. Except as otherwise provided in this regulation, the Internal Revenue Service Regulations regarding how to apply Internal Revenue Code § 382 when a consolidated return is filed and paragraph (f) of Internal Revenue Service Regulation § 1.382-8 shall not apply for Georgia purposes.

2. A determination that an ownership change has occurred for federal income tax filing purposes and pursuant to Internal Revenue Service Regulations (including those regulations relating to how to apply Internal Revenue Code § 382 to consolidated returns) shall apply for Georgia purposes.

3. Adjustments to prevent duplication of value contained in the Internal Revenue Code § 382 regulations (including those regulations relating to how to apply Internal Revenue Code § 382 to consolidated returns) apply for Georgia purposes. However, the election to restore value provided in paragraph (c) of Internal Revenue Service Regulation § 1.382-8 shall not be available.

4. Whenever an ownership change occurs, an Internal Revenue Code § 382 limitation will apply to all Georgia pre-change losses that are carried over to a post-change year. "Pre-change years" end on or before the date of an ownership change, while "post-change years" end after the date of an ownership change. In a post-change year, the limitation on the use of any pre-change year Georgia net operating losses shall be determined by applying that post-change year's apportionment percentage to the Internal Revenue Code § 382 limitation for that post-change year determined pursuant to this regulation.

5. The Internal Revenue Code § 382 limitation does not reduce the total amount of pre-change Georgia net operating losses available for carryforward but, similar to federal treatment, restricts the amount of net operating losses from pre-change years that can be applied to the income in a post-change year.

6. If there is any unused Internal Revenue Code § 382 limitation for Georgia purposes in a post-change year, the following year's limitation shall be increased by the excess amounts determined for Georgia tax purposes in a manner similar to Internal Revenue Code § 382(b)(2).

7. In the event the Internal Revenue Code § 382 limitation and the GSRLY limitation both apply to a net operating loss, the net operating loss shall be subject to both the GSRLY limitation and the Internal Revenue Code § 382 limitation. For example, a taxpayer has a net operating loss of $1000. The Internal Revenue Code § 382 limitation only allows $500 of the loss to be used. The GSRLY limitation only allows $200 of the loss to be used. $200 of the loss is allowed to be used. Conversely, a taxpayer has a net operating loss of $1000. The Internal Revenue Code § 382 limitation only allows $200 of the loss to be used. The GSRLY limitation only allows $500 of the loss to be used. $200 of the loss is allowed to be used.

(l) Except as otherwise provided in this regulation, the provisions of Internal Revenue Code § 384, as they apply to Georgia net operating losses, shall be applied in the same manner as provided in the Internal Revenue Code and related regulations. The adjustment for such Internal Revenue Code Section shall be determined on a separate entity basis. The limitation on offsetting losses against any recognized built in gains which are allocated to Georgia shall be equal to the Internal Revenue Code § 384 limitation (determined pursuant to this regulation) attributable to such gains. The limitation on offsetting losses against any recognized gains which are apportioned to Georgia shall be equal to the Internal Revenue Code § 384 limitation (determined pursuant to this regulation) attributable to such gains multiplied by the apportionment percentage for the recognition period taxable year.

(m) For purposes of subparagraphs (8)(i) through (8)(l), the Georgia net operating loss of each separate member for the applicable year shall be computed as follows:

1. If the net operating loss is carried to a consolidated return year from a Georgia separate return limitation year (GSRLY), the Georgia net operating loss shall be the separate Georgia net operating loss of the member for the applicable year.

2. If the net operating loss is carried to a consolidated return year from a year other than a Georgia separate return limitation year (GSRLY), the portion of a Georgia consolidated net operating loss attributable to a member of a group shall be computed in the same manner as provided in subparagraph (g) of this paragraph.

(n) A Georgia consolidated net operating loss may not be carried back to a Georgia separate return limitation year.

(o) In the event a taxpayer is entitled to a refund of income taxes by reason of a net operating loss carryback under paragraph (10.1) of subsection (b) of O.C.G.A. § 48-7-21, the taxpayer may file an amended return within the time period prescribed by O.C.G.A. § 48-7-21 or alternatively may file an "application for a tentative carryback adjustment of the taxes" within a period of twelve (12) months following the end of the taxable year of the net operating loss. The application shall be in such form as the Commissioner shall prescribe. Such application shall not

constitute a claim for credit or refund for purposes of O.C.G.A. § 48-2-35. Within a period of ninety (90) days from the last day of the month in which the application for a tentative carryback adjustment is filed, the Commissioner shall make, to the extent he or she deems practicable in such period, a limited examination of the application to determine the amount of tax decrease attributable to such carryback adjustment upon the basis of the application and examination. The Commissioner may disallow, without further action, any application which contains errors of computation which he or she deems cannot be corrected within such ninety (90) day period or which contains material omissions. The decrease so determined shall be applied against any unpaid amount of the tax and the remainder shall, within such ninety (90) day period, be either credited against any income tax then due from the taxpayer, or refunded to the taxpayer. Any such credit or refund made within such ninety (90) day period shall be without interest. If the Commissioner should determine that the amount credited or refunded under this paragraph is in excess of the amount properly attributable to the carryback adjustment, he or she may assess the amount of the excess as a deficiency as if it were due to a mathematical error appearing on the face of a return.

(p) Complete schedules must be submitted for all net operating losses carried forward to or from consolidated returns. Schedules must contain information to substantiate which corporations incurred net operating losses and the age of the net operating losses.

(9) **Transition Rule for Credit Carryforward.**

(a) Any Georgia affiliated group, which was granted permission to file a consolidated return for taxable years beginning before January 1, 2023 and elects to file a Georgia consolidated return under subparagraph (2)(b)2. for the taxable year beginning on or after January 1, 2023 and for the four succeeding taxable years, will be eligible to carry forward to the Georgia consolidated return the credits shown on the last-filed consolidated return filed under the prior grant of permission.

(b) Subsection (d) of O.C.G.A. § 48-7-42 shall not apply for the purposes under this paragraph.

(10) **Transition Rules for Net Operating Loss Carryforward.**

(a) Any Georgia affiliated group, which was granted permission to file a consolidated return for taxable years beginning before January 1, 2023 and elects to file a Georgia consolidated return under subparagraph (2)(b)2. for the taxable years beginning on or after January 1, 2023 and for the four succeeding taxable years, will be eligible to carry forward to the Georgia consolidated return the net operating loss shown on the last-filed consolidated return filed under the prior grant of permission.

(b) A corporation which was a member of a Georgia affiliated group that filed a consolidated return under the prior grant of permission but will not be included in the Georgia consolidated return shall be treated as ceasing to be a member of that group, as described in subparagraph (8)(h), for the first taxable year that the election to file the Georgia consolidated return is made by the group. The separate member Georgia net operating loss for the member, if any, shall then be determined according to subparagraphs (8)(f) and (8)(g).

(c) A corporation which was not a member of a Georgia affiliated group that filed a consolidated return under the prior grant of permission but will be included in the Georgia consolidated return shall be treated pursuant to the terms of subparagraph (8)(e).

(11) **Estimated Tax Payments.**

(a) Georgia affiliated groups that file a Georgia consolidated return or will elect to file a Georgia consolidated return are required to make corporate estimated income tax payments. The payments are to be calculated and paid on the consolidated parent return. The other member(s) are not required to make estimated income tax payments based on the estimated net worth or income tax liability of the member(s).

(b) If the member(s) of the Georgia affiliated group, other than the consolidated parent, submits estimated income tax payments, then such member(s) must electronically request a refund of such payments through the Georgia Tax Center.

(12) **Special Issues.**

(a) If a corporation ceases to be a member of the federal consolidated group part way through the taxable year, and as a result, has a taxable year that ends prior to the taxable year end of the consolidated group, such corporation will have two short taxable periods. The first short taxable period will be part of the Georgia consolidated return, and the second short taxable period will be on a separate return if that corporation does not become part of another Georgia affiliated group.

1. The due date of the separate return for the first short taxable period shall be the 15th day of the fourth month following the end of the first short taxable period.

2. The due date of the separate return for the second short taxable period shall be the 15th day of the fourth month following the end of the second short taxable period.

3. If the corporation, instead, becomes part of another Georgia affiliated group, then the due date of the return for the second short taxable period shall be the due date of that Georgia affiliated group's Georgia consolidated return.

(b) If a corporation ceases to be a member during a consolidated return year, the corporation must notify the Department of the amount of credits and net operating loss carryforwards attributable to the corporation ceasing to be a member that will be carried over to the corporation's first Georgia separate return year. Notifications regarding the amount of credit carryforwards can be made via email to taxcredits.inquiries@dor.ga.gov and notifications regarding net operating loss carryforwards can be made via email to corporate.incometaxissues@dor.ga.gov.

(13) **Effective Date.** This regulation will apply to taxable years beginning on or after January 1, 2023. Taxable years beginning before January 1, 2023 will be governed by the regulations of Chapter 560-7 as they exist before January 1, 2023 in the same manner as if the amendments thereto set forth in this regulation had not been promulgated.

Cite as Ga. Comp. R. & Regs. R. 560-7-3-.13

AUTHORITY: O.C.G.A. §§ 48-2-12**,** 48-7-21**.**

HISTORY: Original Rule entitled "Consolidated Returns" adopted. F. Nov. 27, 2002; eff. Dec. 17, 2002.

Repealed: New Rule of same title adopted. F. Dec. 2, 2005; eff. Dec. 22, 2005.

Amended: F. Dec. 7, 2006; eff. Dec. 27, 2006.

Amended: F. Nov. 29, 2018; eff. Dec. 19, 2018.

Amended: F. Feb. 5, 2025; eff. Feb. 25, 2025.

Department 560. RULES OF DEPARTMENT OF REVENUE

Chapter 560-10. MOTOR VEHICLE DIVISION

Subject 560-10-2. TITLE AND REGISTRATION RECORD PROVISIONS

560-10-2-.01 Definitions

(1) As used in this Subject, the term:

(a) "Access" means the ability to view or use motor vehicle records held by the Department regardless of how such records are stored or by what means they are viewed or used.

(b) "Data agreement" means a contract between the Department and another party establishing the terms of ongoing access to motor vehicle records.

(c) "Department" means the Georgia Department of Revenue.

(d) "Motor vehicle records" means all information held by the Department regarding motor vehicle titling and registration, motor vehicle descriptions, motor vehicle owners or lessees, lienholders and security interest holders, and motor vehicle sellers and transferees.

(e) "Ongoing access" means repeated, continuous, or regular access to motor vehicle records.

Cite as Ga. Comp. R. & Regs. R. 560-10-2-.01 v2

AUTHORITY: O.C.G.A. §§ 40-2-11**,** 40-2-130**,** 40-3-3**,** 40-3-23**,** 48-2-12**.**

HISTORY: Original Rule entitled "Appointment, Agent of the State Revenue Commissioner" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Establishment of Local Tag Agents" adopted. F. Dec. 9, 1966; eff. Jan. 1, 1967, as specified by the Agency.

Repealed: F. Mar. 6, 2002; eff. Mar. 26, 2002.

Adopted: New Rule entitled "Definitions." F. Feb. 25, 2025; eff. Mar. 17, 2025.

560-10-2-.02 Access to Motor Vehicle Records in General

(1) The Department may, in its discretion, permit persons or entities outside the Department to access motor vehicle records in accordance with O.C.G.A. §§ 40-2-130 and 40-3-23, the Driver's Privacy Protection Act ("DPPA") (18 U.S.C. § 2721, *et seq*.), and other provisions of state and federal law. Access to such records must be for a permissible use as defined by the DPPA and state law.

(2) All persons or entities who wish to gain one-time access to motor vehicle records must submit a request for such access through a form or an online portal provided by the Department for that purpose.

(3) All persons or entities who wish to gain ongoing access to motor vehicle records must complete an application and enter into a data agreement with the Department pursuant to the provisions of this Subject.

(4) If the Department grants access to motor vehicle records pursuant to a legal process including a subpoena, warrant, or non-party request for production of documents, such access shall be limited to the information necessary to respond.

Cite as Ga. Comp. R. & Regs. R. 560-10-2-.02 v2

AUTHORITY: O.C.G.A. §§ 40-2-11**,** 40-2-130**,** 40-3-3**,** 40-3-23**,** 48-2-12**.**

HISTORY: Original Rule entitled "Removal, Agent of the State Revenue Commissioner" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Responsibilities of County Tag Agents" adopted. F. Dec. 9, 1966; eff. Jan. 1, 1967, as specified by the Agency.

Amended: F. July 24, 1970; eff. August 13, 1970.

Repealed: F. Mar. 6, 2002; eff. Mar. 26, 2002.

Adopted: New Rule entitled "Access to Motor Vehicle Records in General." F. Feb. 25, 2025; eff. Mar. 17, 2025.

560-10-2-.03 Cost of Access to Motor Vehicle Records

(1) The cost of access to motor vehicle records shall be determined by the Department.

(2) Remittance of the amount due to the Department for access to motor vehicle records shall be paid no later than 30 days from the date of the invoice. Failure to pay the total amount due shall be grounds for suspension or termination of access.

Cite as Ga. Comp. R. & Regs. R. 560-10-2-.03 v2

AUTHORITY: O.C.G.A. §§ 40-2-11**,** 40-2-130**,** 40-3-3**,** 40-3-23**,** 48-2-12**.**

HISTORY: Original Rule entitled "Sale of Tags by County Agents: Applications for Tags" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Bond of Agents" adopted. F. Dec. 9, 1966; eff. Jan. 1, 1967, as specified by the Agency.

Amended: F. Oct. 29, 1968; eff. Nov. 17, 1968.

Repealed: F. Mar. 6, 2002; eff. Mar. 26, 2002.

Adopted: New Rule entitled "Cost of Access to Motor Vehicle Records." F. Feb. 25, 2025; eff. Mar. 17, 2025.

560-10-2-.04 Application for Ongoing Access to Motor Vehicle Records

(1) All persons or entities who wish to enter into a data agreement for ongoing access to motor vehicle records must complete and submit an application on a form designated by the Department.

(2) If an applicant for ongoing access to motor vehicle records will utilize third-party vendors to handle, process, or develop motor vehicle records, the applicant shall, prior to entering into a data agreement with the Department, disclose the identity of such third-party vendors. Further, if requested by the Department, the applicant shall provide

the Department with copies of contracts and other documents pertaining to the applicant's relationship with such vendors.

(3) The Department may deny an application for ongoing access to motor vehicle records if it contains any untrue, misleading, or omitted statements. Further, the Department may terminate a data agreement if it determines that the application that formed the basis for the data agreement contains any untrue, misleading, or omitted statements.

(4) The Department may deny an application for ongoing access to motor vehicle records if it determines that granting such access would be contrary to the public interest. In making this determination, the Department may consider any factor that it considers relevant, including whether:

(a) The applicant's financial standing, membership in trade associations, or commercial reputation makes it unlikely that the applicant will be able to maintain the operation for which it is seeking a data agreement;

(b) The applicant, or any person or entity having any interest in any operation for which an application has been submitted, has failed to meet any obligations imposed by the tax laws or other laws or regulations of the State of Georgia;

(c) The applicant, if a government entity, lacks statutory authority for the requested access or intends to use motor vehicle records in a manner that is not related to the performance of the applicant's official duties;

(d) The applicant intends to use motor vehicle records in a manner that is prohibited by law; or

(e) The applicant is unable or unwilling to meet the Department's security requirements for the storage and use of motor vehicle records.

(5) If the Department denies an application for ongoing access to motor vehicle records, the Department shall notify the applicant of the denial in writing, which shall include electronic mail.

Cite as Ga. Comp. R. & Regs. R. 560-10-2-.04 v2

AUTHORITY: O.C.G.A. §§ 40-2-11**,** 40-2-130**,** 40-3-3**,** 40-3-23**,** 48-2-12**.**

HISTORY: Original Rule entitled "Questionable Applications" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Application for License Plates" adopted. F. Dec. 9, 1966; eff. Jan. 1, 1967, as specified by the Agency.

Amended: F. Oct. 29, 1968; eff. Nov. 17, 1968.

Repealed: New Rule entitled "Application for License Plates and Renewal Decals" adopted. F. July 24, 1970; eff. August 13, 1970.

Repealed: F. Mar. 6, 2002; eff. Mar. 26, 2002.

Adopted: New Rule entitled "Application for Ongoing Access to Motor Vehicle Records." F. Feb. 25, 2025; eff. Mar. 17, 2025.

560-10-2-.05 Data Agreement for Ongoing Access to Motor Vehicle Records

(1) If the Department approves an application for ongoing access to motor vehicle records, the Department shall prepare a data agreement setting forth the terms for such access.

(2) If an applicant for ongoing access to motor vehicle records does not respond to the Department within 60 days of delivery of the data agreement via electronic mail, the Department may deem the application withdrawn. The applicant may submit a new application if their initial application is deemed withdrawn.

(3) If a person or entity initiates a relationship with a third-party vendor to handle, process, or develop motor vehicle records after the person or entity has obtained ongoing access to such records, the person or entity shall disclose the existence and identity of such third-party vendor. Further, if requested by the Department, the person or entity shall provide the Department with copies of contracts and other documents pertaining to the person or entity's relationship with such vendor.

(4) Nongovernmental persons or entities with ongoing access to motor vehicle records shall:

(a) Indemnify and hold harmless the State Revenue Commissioner, the Department, the State of Georgia, its departments and agencies, and their respective employees and directors, from any losses, claims, demands, liabilities, or expenses incurred in connection with the use of motor vehicle records; and

(b) Maintain appropriate insurance policies, including commercial general liability insurance and cyber insurance policies, in sufficient forms and amounts satisfactory to the Department during the term of the data agreement.

(5) Government entities with ongoing access to motor vehicle records who engage a third-party vendor to handle, process, or develop motor vehicle records shall require such vendor to:

(a) Indemnify and hold harmless the State Revenue Commissioner, the Department, the State of Georgia, its departments and agencies, and their respective employees and directors, from any losses, claims, demands, liabilities, or expenses incurred in connection with the use of motor vehicle records; and

(b) Maintain appropriate insurance policies, including commercial general liability insurance and cyber insurance policies, in sufficient forms and amounts satisfactory to the Department during the term of the data agreement.

(6) All persons or entities with ongoing access to motor vehicle records shall deliver certificates of insurance for all insurance policies required under this Section to the Department upon request.

Cite as Ga. Comp. R. & Regs. R. 560-10-2-.05 v2

AUTHORITY: O.C.G.A. §§ 40-2-11**,** 40-2-130**,** 40-3-3**,** 40-3-23**,** 48-2-12**.**

HISTORY: Original Rule entitled "Application by One Other Than the Vehicle Owner" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Issuance of License Plates" adopted. F. Dec. 9, 1966; eff. Jan. 1, 1967, as specified by the Agency.

Repealed: New Rule entitled "Issuance of License Plates and Renewal Decals" adopted. F. July 24, 1970; eff. August 13, 1970.

Amended: F. Nov. 20, 1974; eff. Dec. 10, 1974.

Amended: F. Feb. 27, 1978; eff. Mar. 19, 1978.

Repealed: F. Mar. 6, 2002; eff. Mar. 26, 2002.

Adopted: New Rule entitled "Data Agreement for Ongoing Access to Motor Vehicle Records." F. Feb. 25, 2025; eff. Mar. 17, 2025.

Department 560. RULES OF DEPARTMENT OF REVENUE

Chapter 560-10. MOTOR VEHICLE DIVISION

Subject 560-10-30. ASSEMBLED, SALVAGE, AND UNCONVENTIONAL VEHICLES; MISCELLANEOUS REGISTRATION AND TITLING RULES

560-10-30-.01 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 560-10-30-.01

AUTHORITY: O.C.G.A. §§ 40-2-11, 40-3-3, 48-2-12**.**

HISTORY: Original Rule entitled "Motor Vehicle Impact Fees, Applicability" adopted as ER. 560-10-30-0.8-.01. F. and eff. May 1, 1992, the date of adoption.

Amended: Permanent Rule entitled "Out of State Title Transfer Fees, Applicability" adopted. F. Aug. 5, 1992; eff. Aug. 25, 1992.

Repealed: F. Jan. 24, 2005; eff. Feb. 13, 2005.

Amended: ER. 560-10-30-.0.27-.01 entitled "Access to Certificate of Title and Registration Confidential Information - General" adopted. F. June 11, 2008; eff. June 10, 2008, the date of adoption.

Amended: Permanent Rule of same title adopted. F. Oct. 14, 2008; eff. Nov. 3, 2008.

Repealed: F. Feb. 25, 2025; eff. Mar. 17, 2025.

560-10-30-.02 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 560-10-30-.02

AUTHORITY: O.C.G.A. §§ 40-2-11, 40-3-3, 48-2-12**.**

HISTORY: Original Rule entitled "Schedule of Fees" adopted as ER. 560-10-30-0.8-.02. F. and eff. May 1, 1992, the date of adoption.

Amended: Permanent Rule of same title adopted. F. Aug. 5, 1992; eff. Aug. 25, 1992.

Repealed: F. Jan. 24, 2005; eff. Feb. 13, 2005.

Amended: ER. 560-10-30-.0.27-.02 entitled "Cost to and Indemnity of Department; Use of Certificate of Title and Registration Records - General" adopted. F. June 11, 2008; eff. June 10, 2008, the date of adoption.

Amended: Permanent Rule of same title adopted. Oct. 14, 2008; eff. Nov. 3, 2008.

Repealed: F. Feb. 25, 2025; eff. Mar. 17, 2025.

560-10-30-.03 [Repealed]
Cite as Ga. Comp. R. & Regs. R. 560-10-30-.03

AUTHORITY: O.C.G.A. §§ 40-2-11**,** 40-3-3**,** 48-2-12**.**

HISTORY: Original Rule entitled "Fair Market Value" adopted as ER. 560-10-30-0.8-.03. F. and eff. May 1, 1992, the date of adoption.

Amended: Permanent Rule of same title adopted. F. Aug. 5, 1992; eff. Aug. 25, 1992.

Repealed: F. Jan. 24, 2005; eff. Feb. 13, 2005.

Amended: ER. 560-10-30-.0.27-.03 entitled "Application for Access - General" adopted. F. June 11, 2008; eff. June 10, 2008, the date of adoption.

Amended: Permanent Rule of same title adopted. F. Oct. 14, 2008; eff. Nov. 3, 2008.

Repealed: F. Feb. 25, 2025; eff. Mar. 17, 2025.

560-10-30-.04 [Repealed]
Cite as Ga. Comp. R. & Regs. R. 560-10-30-.04

AUTHORITY: O.C.G.A. §§ 40-2-11**,** 40-3-3**,** 48-2-12**.**

HISTORY: Original Rule entitled "Payment of Fees' adopted as ER. 560-10-30-0.8-.04. F. and eff. May 1, 1992, the date of adoption.

Amended: Permanent Rule of same title adopted. F. Aug. 5, 1992; eff. Aug. 25, 1992.

Repealed: F. Jan. 24, 2005; eff. Feb. 13, 2005.

Amended: ER. 560-10-30-.0.27-.04 entitled "Agreement and License - General" adopted. F. June 11, 2008; eff. June 10, 2008, the date of adoption.

Amended: Permanent Rule of same title adopted. F. Oct. 14, 2008; eff. Nov. 3, 2008.

Repealed: F. Feb. 25, 2025; eff. Mar. 17, 2025.

560-10-30-.05 [Repealed]
Cite as Ga. Comp. R. & Regs. R. 560-10-30-.05

AUTHORITY: O.C.G.A. §§ 40-2-11**,** 40-3-3**,** 48-2-12**.**

HISTORY: Original Rule entitled "Application for Access - Governmental Entities" adopted as ER. 560-10-30-0.27-.05. F. June 11, 2008; eff. June 10, 2008, the date of adoption.

Amended: Permanent Rule of same title adopted. F. Oct. 14, 2008; eff. Nov. 3, 2008.

Repealed: F. Feb. 25, 2025; eff. Mar. 17, 2025.

560-10-30-.06 [Repealed]
Cite as Ga. Comp. R. & Regs. R. 560-10-30-.06

AUTHORITY: O.C.G.A. §§ 40-2-11**,** 40-3-3**,** 48-2-12**.**

HISTORY: Original Rule entitled "Application for Access - Non-Governmental Entities" adopted as ER. 560-10-30- 0.27-.05. F. June 11, 2008; eff. June 10, 2008, the date of adoption.

Amended: Permanent Rule of same title adopted. F. Oct. 14, 2008; eff. Nov. 3, 2008.

Repealed: New Rule of same title adopted. F. Dec. 9, 2008; eff. Dec. 29, 2008.

Repealed: F. Feb. 25, 2025; eff. Mar. 17, 2025.

Department 560. RULES OF DEPARTMENT OF REVENUE

Chapter 560-11. LOCAL GOVERNMENT SERVICES DIVISION

Subject 560-11-16. QUALIFIED TIMBERLAND PROPERTY

560-11-16-.05 Table of Commercial Timberland Per Acre Values by Ecological Region and Soil Productivity Classification

(1) For the purpose of prescribing the 2025 table of values for use in the appraisal of Qualified Timberland Property, the state shall be divided into four ecological regional valuation areas, and per acre values shall be assigned to qualified land according to soil productivity classifications 1 - 9 (W1-W9).

(a) Ecological region #1 includes the following counties: Appling, Atkinson, Bacon, Brantley, Bryan, Camden, Charlton, Chatham, Clinch, Echols, Effingham, Glynn, Jeff Davis, Lanier, Liberty, Long, McIntosh, Pierce, Ware, and Wayne. The following per acre values shall be applied to each qualified acre according to soil productivity classifications W1 - W9:

W1-1,867, W2-1,543, W3-1,273, W4-1,058, W5-880, W6-725, W7-573, W8-473, W9-397.

(b) Ecological region #2 includes the following counties: Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Bulloch, Burke, Calhoun, Candler, Chattahoochee, Clay, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Emanuel, Evans, Glascock, Grady, Houston, Irwin, Jefferson, Jenkins, Johnson, Laurens, Lee, Lowndes, Macon, Marion, Miller, Mitchell, Montgomery, Muscogee, Peach, Pulaski, Quitman, Randolph, Richmond, Schley, Screven, Seminole, Stewart, Sumter, Tattnall, Taylor, Telfair, Terrell, Thomas, Tift, Toombs, Treutlen, Turner, Twiggs, Washington, Webster, Wheeler, Wilcox, and Wilkinson. The following per acre values shall be applied to each qualified acre according to soil productivity classifications W1 - W9:

W1-1,480, W2-1,340, W3-1,212, W4-1,105, W5-1,011, W6-933, W7-839, W8772, W9-717.

(c) Ecological region #3 includes the following counties: Baldwin, Banks, Barrow, Bartow, Butts, Carroll, Catoosa, Chattooga, Cherokee, Clarke, Clayton, Cobb, Columbia, Coweta, Dade, Dawson, Dekalb, Douglas, Elbert, Fayette, Floyd, Forsyth, Franklin, Fulton, Gordon, Greene, Gwinnett, Habersham, Hall, Hancock, Haralson, Harris, Hart, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lincoln, Madison, McDuffie, Meriwether, Monroe, Morgan, Murray, Newton, Oconee, Oglethorpe, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Stephens, Talbot, Taliaferro, Troup, Upson, Walker, Walton, Warren, White, Whitfield, and Wilkes. The following per acre values shall be applied to each qualified acre according to soil productivity classifications W1 - W9:

W1-1,601, W2-1,502, W3-1,408, W4-1,319, W5-1,236, W6-1,173, W7-1,094, W8-1,032, W9-980.

(d) Ecological region #4 includes the following counties: Fannin, Gilmer, Lumpkin, Rabun, Towns, and Union. The following per acre values shall be applied to each qualified acre according to soil productivity classifications W1 - W9:

W1-3,033, W2-2,786, W3-2,562, W4-2,341, W5-2,142, W6-1,966, W7-1,784, W8-1,638, W9-1,508.

(2) The appraised value produced using the table of values in paragraph (1) of this Rule shall be determined and, if needed, adjusted so that the final value is at least 175% of such property's forest land conservation use value.

Cite as Ga. Comp. R. & Regs. R. 560-11-16-.05

AUTHORITY: O.C.G.A. §§ 48-2-12**,** 48-5-7**,** 48-5-602**,** 48-5-607**.**

HISTORY: Original Rule entitled "Table of Commercial Timberland Per Acre Values by Ecological Region and Soil Productivity Classification" adopted. F. Feb. 5, 2021; eff. Feb. 25, 2021.

Amended: F. Mar. 31, 2022; eff. Apr. 20, 2022.

Amended: F. Oct. 4, 2022; eff. Oct. 24, 2022.

Amended: F. Oct. 5, 2023; eff. Oct. 25, 2023.

Amended: F. Feb. 7, 2025; eff. Feb. 27, 2025.

Department 672. STATE DEPARTMENT OF TRANSPORTATION

Chapter 672-9. RULES AND REGULATIONS FOR LICENSING OF CERTAIN OPEN-TO-THE-PUBLIC AIRPORTS

672-9-.03 Airports: Licensing Minimum Standards

A. Unobstructed Approach Paths for:

1. Runways less than 4000 ft shall begin at the runway end (marked threshold), shall slope upward at a minimum of 15:1 ratio, be centered along the extended runway centerline beginning at a width of 120 ft and extend for 500 ft to a width of 300 ft and continue at a width of 300 ft for an additional 2500 ft.

2. Runways 4000 ft. but less than 5000 ft shall begin at the runway end (marked threshold), slope upward at a minimum of 20:1 ratio, be centered along the extended runway centerline beginning at a width of 250 ft and extend for 2250 ft to a width of 700 ft and continue at a width of 700 ft for an additional 2750 ft.

3. Runways 5000 ft. or more shall begin at the runway end (marked threshold), slope upward at a minimum of 20:1 ratio, be centered along the extended runway centerline beginning at a width of 340 ft and extend for 2200 ft to a width of 1000 ft and continue at a width of 1000 ft for an additional 7,800 ft.

4. All penetrations of the Approach Paths, whether natural or manmade, constitute an Obstruction to navigation and a violation to licensing standards. If the Obstruction is not removed or mitigated per FAA requirements, the runway threshold must be displaced or relocated to a point on the runway that will provide a clear and unobstructed flight path.

B. Unobstructed Primary Surface (see above definition for Runway Primary Surface):

1. Shall be centered along runway centerline to the end of the runway.

2. Runways less than 4000 ft. shall have a primary surface width of 120 ft.

3. Runways 4000 ft. but less than 5000 ft. shall have a primary surface width of 250 ft.

4. Runways 5000 ft. or more shall have a primary surface width of 340 ft.

5. The primary surface shall be free of all Obstructions including natural growth and manmade objects. The only allowable Obstructions are frangible runway lights, frangible guidance signs, or navigation equipment that, by function, are required to be within the primary surface boundaries. The area not hard surfaced must be compacted and graded smooth with no ruts, humps, depressions or other potentially hazardous surface variations.

6. If the FAA Runway Object Free Area width is less than the Department's primary surface width set forth in this rule, the FAA Runway Object Free Area width will become the standard for Department use for the primary surface width for that particular area.

C. Unobstructed Runway Safety Area:

1. Shall be centered along runway centerline and extend 240 ft. beyond the end of the runway for all runways less than 5000 ft. in length and 300 ft. beyond the end of the runway for runways 5000 ft. or greater in length.

2. The width of the runway safety area shall be 120 ft. for all runways less than 5000 ft in length and 150 ft. for runways 5000 ft. or greater in length.

3. The Runway Safety Area shall be free of all Obstructions including natural growth and manmade objects. The only allowable Obstructions are frangible runway lights, frangible guidance signs, or navigation equipment that, by function, are required to be within the Runway Safety Area boundaries. The area that is not hard surfaced must be compacted and graded smooth with no ruts, humps, depressions or other potentially hazardous surface variations.

4. If the FAA Runway Safety Area length and width are less than the Department standards set forth in this rule, the FAA Runway Safety Area length and width will become the standard for Department use for the Runway Safety Area length and width for that particular Airport.

D. Airport Marking: All runways shall be marked in a manner that clearly identifies the boundaries of the landing area.

1. Minimum marking for hard surface runways and taxiways:

2. All markings on hard surfaced runways and taxiways shall be painted and must be maintained in legible condition.

3. Runway markings shall be white and taxiway markings shall be yellow. The size, shape, location and color of the marking shall be in compliance with the current FAA AC 150/5340-1, Standards for Airport Markings, as amended or superseded.

i. Minimum marking for turf or sod runways: All runway markings shall be colored white, securely attached to the surface, clearly visible from the Airport traffic pattern and identify the boundaries of the landing area.

ii. Threshold markings shall be L-shaped on each corner of each threshold. Runway side line markers shall be spaced at minimum intervals of 500 ft.

iii. Displaced Thresholds shall be identified by placing markers on each runway side at the displacement point. The markers shall be perpendicular to the runway with the inner edge aligned with the runway sideline markers.

E. Wind Direction Indicators:

1. All Airports are required to have an operational wind direction indicator. The wind direction indicator must be installed in a highly visible area easily observed from the air and the ground. It must be located in an open area free from Obstructions to insure accurate wind direction and approximate wind velocity. Night operations require that the wind indicator be lighted.

F. Airport Lighting: Runway lights are required for all Airports that conduct night operations.

1. Minimum Lighting Requirements:

i. The location, spacing, light intensity and lens color of runway, threshold and taxiway lights shall conform to the standards specified in the current FAA AC 150/5340-30, Design and Installation Details for Airport Visual Aids, as amended or superseded.

ii. All runway, threshold and taxiway lighting shall be maintained in an operational condition and shall not be obscured by natural growth such as grass or weeds.

2. Airport Beacon: All Airports with runway lights for night operations shall have an operational airport location beacon. The beacon shall have appropriately colored lenses to identify the type airport. The beacon shall be located at a site on or near the Airport at an elevation that will ensure that it is not obstructed by natural growth or manmade structures and is clearly visible from the air.

G. Runway, Taxiway and Apron Minimum Conditions:

1. Runway and Taxiway Requirements:

i. The runway and taxiway surface must be maintained smooth and free of any defect or Obstruction that could damage Aircraft during operations. This requirement includes any pavement pot holes, depressions or humps.

ii. The lip of paved runways or taxiways must not exceed 1.5 inches in elevation from the top of the pavement to the runway shoulder. The drop should be only enough to allow adequate drainage from the runway and not pose a control problem for Aircraft.

iii. Turf runways must be graded smooth and grassed. The grass must be maintained, mowed to a height of less than 12 inches above the graded surface on the marked portions of the runway.

iv. The runway and taxiway width requirements shall conform to the current FAA AC 150/5300-13, Airport Design, as amended or superseded.

v. Seaplane Bases shall conform to the standards established by the controlling jurisdictions rules and regulations for operations on the body of water. If no specific standards have been established, the Seaplane Base shall conform to standard design guidance of FAA AC 150/5395-1, Seaplane Bases, as amended or superseded.

vi. Heliport landing areas and hover lanes/taxiways shall conform to the standards contained in FAA AC 150/5390-2, Heliport Design, as amended or superseded.

2. Apron Requirements:

i. The Aircraft apron (parking area) is for the operation, servicing and parking of Aircraft only.

ii. The apron surface should be smooth and free of Obstructions or defects that could cause damage to Aircraft during operation.

iii. The apron length, width, taxilane and tiedown requirements shall conform to the current FAA AC 150/5300-13, Airport Design, as amended or superseded.

H. Fueling Area Requirements:

1. Sign(s) must be posted to prohibit open flames or smoking in the Airport fueling area.

2. Bonding cables must be present and in working order.

3. A fire extinguisher approved for the purpose of extinguishing petroleum product fires must be available during all fueling operations.

I. Geometric Layout: The most recent version of the Federal Aviation Administration's Advisory Circular 150/5300-13 Airport Design, as may be amended or superseded, is adopted in its entirety as it pertains to Airport construction design standards for the licensing of Airports within the State of Georgia. No License shall be denied to the owner or operator of an Airport in existence on July 1, 1978, because of the failure to meet minimum standards prescribed with regard to Geometric Layout and separation between Airport runway, taxiway and Aircraft parking areas.

Cite as Ga. Comp. R. & Regs. R. 672-9-.03

AUTHORITY: O.C.G.A. §§ 32-2-2(b), 32-9-8, 50-13-4.

HISTORY: Original Rule entitled "Airports: License" adopted. F. July 3, 1979; eff. July 23, 1979.

Amended: ER. 672-9-0.9-.03 adopted. F. July 23, 1979; eff. July 19, 1979, the date of adoption.

Amended: Permanent Rule adopted. F. Sept. 20, 1979; eff. Oct. 10, 1979.

Repealed: New Rule entitled "Airports: Licensing Minimum Standards" adopted. F. July 12, 2013; eff. Aug. 1, 2013.

Amended: F. Dec. 14, 2021; eff. Jan. 3, 2022.

Amended: F. Feb. 20, 2025; eff. Mar. 12, 2025.

Department 672. STATE DEPARTMENT OF TRANSPORTATION

Chapter 672-12. GRANT PROGRAMS

672-12-.01 Definitions

Chapter 12 of the Rules and Regulations lists the grant programs of the Georgia Department of Transportation in description as a prerequisite to making grants as required by "The Fair and Open Grants Act of 1993" (Code 1981, Section 28-5-120, enacted by Georgia Legislation 1993, p. 1914, 20).

Cite as Ga. Comp. R. & Regs. R. 672-12-.01

AUTHORITY: O.C.G.A. § 32-2-2(b).

HISTORY: Original description entitled "Definitions" submitted March 22, 1994.

Amended: Submitted February 20, 2025.

672-12-.02 Federal Transit Administration (FTA) Section 5307 Program

(1) **Scope and Purpose.** To provide grants to urbanized areas to fund capital projects, operating assistance, and for transportation-related planning.

(2) **Terms and Conditions.** All eligible applicants under 200,000 population must complete an application as outlined in the *Georgia Department of Transportation (GDOT) State Management Plan.* The applicant must also adhere to all FTA regulations outlined in Circular 9030.1E.

(3) **Eligible Recipients.** Designated governmental public body that has the legal authority to receive and dispense Federal funds.

(4) **Criteria for Award.** Applicants must submit a grant application to GDOT along with a Program of Projects (POP). The POP must originate from the applicable transportation planning process, be contained in the Metropolitan Planning Organization (MPO) Transportation Improvement Program (TIP) and be included in the Statewide Transportation Improvement Program (STIP). The grant application is reviewed and approved by FTA subject to Federal funding availability.

(5) **Directions and Deadlines.** Each year, typically in August, GDOT advises its subrecipients of the availability of FTA funds, including apportioned funds to specific areas, and announces a call for projects for the subsequent fiscal year. The application procedures are outlined in the annual call for projects. The deadline is specified in the annual call for projects. Information relating to this grant program may be obtained from the Georgia Department of Transportation, Division of Intermodal Transit Program, 600 West Peachtree Street, NW, Atlanta, Georgia 30308.

Cite as Ga. Comp. R. & Regs. R. 672-12-.02

AUTHORITY: O.C.G.A. § 32-9-1.

HISTORY: Original description entitled "Federal Transit Administration (FTA) Section 3 Program" submitted March 22, 1994.

Amended: New title, "Federal Transit Administration (FTA) Section 5307 Program." Submitted February 20, 2025.

672-12-.03 Federal Transit Administration (FTA) Section 5303 and 5304 Programs

(1) **Scope and Purpose.** To provide grants that help support work elements and activities resulting in balanced and comprehensive intermodal transportation planning in metropolitan and statewide transportation planning processes.

(2) **Terms and Conditions.** All MPOs must complete an application as outlined in the *Georgia Department of Transportation (GDOT) State Management Plan.* All MPOs must complete an application as outlined in Administrative Guide For Transit Planning Assistance Under the FTA Section 5303 and 5304 Programs for Georgia Metropolitan Planning Organizations. The applicant must also adhere to all FTA regulations outlined in Circular 8100.1A.

(3) **Eligible Recipients.** Designated Metropolitan Planning Organizations ("MPOs") and Statewide Transportation Planning Organizations that have the legal authority to receive and dispense Federal funds.

(4) **Criteria for Award.** Applicants must submit a grant application to GDOT along with its draft and final Unified Planning Work Program (UPWP) to the appropriate FTA Regional Office and Federal Highway Administration (FHWA) Division Office for review and approval. Prior to grant request, these planning elements are approved by the MPO process. The consolidated grant application on behalf of all MPOs is submitted to FTA for approval.

(5) **Directions and Deadlines.** Each year, typically in August, GDOT advises its subrecipients of the availability of FTA funds, including apportioned funds to specific areas, and announces a call for projects for the subsequent fiscal year. The application procedures are outlined in the annual call for projects. The deadline is specified in the annual call for projects. Information relating to this grant program may be obtained from the Georgia Department of Transportation, Division of Intermodal Transit Program, 600 West Peachtree Street, NW, Atlanta, Georgia 30308.

Cite as Ga. Comp. R. & Regs. R. 672-12-.03

AUTHORITY: O.C.G.A. § 32-9-1.

HISTORY: Original description entitled "Federal Transit Administration (FTA) Section 8 Program" submitted March 22, 1994.

Amended: New title, "Federal Transit Administration (FTA) Section 5303 and 5304 Programs." Submitted February 20, 2025.

672-12-.04 Federal Transit Administration (FTA) Section 5339 Program

(1) **Scope and Purpose.** To provide grants to public transit agencies to replace, rehabilitate, and purchase buses and related equipment, and to construct bus-related facilities.

(2) **Terms and Conditions.** All eligible applicants in urbanized areas and rural areas must complete an application as outlined in in the *Georgia Department of Transportation (GDOT) State Management Plan.* The application must also adhere to all FTA regulations outlined in U.S. Code Section 5339.

(3) **Eligible Recipients.** Designated governmental body that has the legal authority to receive and dispense Federal funds.

(4) **Criteria for Award.** Applicants must submit a grant application to GDOT. The grant application is reviewed and approved by FTA.

(5) **Directions and Deadlines.** Each year, typically in August, GDOT advises its subrecipients of the availability of FTA funds, including apportioned funds to specific areas, and announces a call for projects for the subsequent fiscal year. The application procedures are outlined in the annual call for projects. The deadline is specified in the annual

call for projects. Information relating to this grant program may be obtained from the Georgia Department of Transportation, Division of Intermodal Transit Program, 600 West Peachtree Street, NW, Atlanta, Georgia 30308.

Cite as Ga. Comp. R. & Regs. R. 672-12-.04

AUTHORITY: O.C.G.A. § 32-9-1**.**

HISTORY: Original description entitled "Federal Transit Administration (FTA) Section 9 Program" submitted March 22, 1994.

Amended: New title, "Federal Transit Administration (FTA) Section 5339 Program." Submitted February 20, 2025.

672-12-.05 Federal Transit Administration (FTA) Section 5311 Program

(1) **Scope and Purpose.** To provide capital and operating assistance to rural areas (under 50,000 population).

(2) **Terms and Conditions.** All eligible applicants in rural areas must complete an application as outlined in the *Georgia Department of Transportation (GDOT) State Management Plan.* The applicant must also adhere to all FTA regulations outlined in Circular 9040.1G.

(3) **Eligible Recipients.** Designated local governmental authorities, nonprofit organizations, and operators of public transportation or intercity bus service that have the legal authority to receive and dispense Federal funds.

(4) **Criteria for Award.** Applicants must submit to GDOT an annual grant application by the deadline that is specified in the annual call for projects. The program request is advertised for public review. A consolidated Section 5311 grant application is submitted annually for approval by FTA.

(5) **Directions and Deadlines.** Each year, typically in August, GDOT advises its subrecipients of the availability of FTA funds, including apportioned funds to specific areas, and announces a call for projects for the subsequent fiscal year. The application procedures are outlined in the annual call for projects. The deadline is specified in the annual call for projects. Information relating to this grant program may be obtained from the Georgia Department of Transportation, Division of Intermodal Transit Program, 600 West Peachtree Street, NW, Atlanta, Georgia 30308.

Cite as Ga. Comp. R. & Regs. R. 672-12-.05

AUTHORITY: O.C.G.A. § 32-9-1**.**

HISTORY: Original description entitled "Federal Transit Administration (FTA) Section 18 Program" submitted March 22, 1994.

Amended: New title, "Federal Transit Administration (FTA) Section 5311 Program." Submitted February 20, 2025.

672-12-.06 Local Rail Freight Assistance Program

(1) **Scope and Purpose.** To provide financial assistance for capital projects to preserve and improve local rail freight service.

(2) **Terms and Conditions.** The recipient must adhere to federal laws and regulations as specified in the federal grant agreement and, 49 CFR part 266 and applicable state laws and regulations.

(3) **Eligible Recipients.** Rail lines in the State of Georgia which carry three million or less gross tons of freight annually.

(4) **Criteria for Award.** Available funding is awarded in accordance with the priority placed on each eligible rail line as a result of the detailed analysis performed as part of the State Rail Plan.

(5) **Directions and Deadlines.** Recipient rail lines must be analyzed in the State Rail Plan. The plan is updated periodically and any eligible rail line not currently included in the State Rail Plan may be identified and requested for inclusion by contacting the Georgia Department of Transportation, Division of Intermodal Rail Program, 600 West Peachtree Street, NW, Atlanta, Georgia 30308.

Cite as Ga. Comp. R. & Regs. R. 672-12-.06

AUTHORITY: O.C.G.A. § 32-9-6.

HISTORY: Original description entitled "Local Rail Freight Assistance Program" submitted March 22, 1994.

Amended: Submitted February 20, 2025.

672-12-.07 Airport Development Program

(1) **Scope and Purpose.** Airport capital improvement projects eligible and justified to receive federal funding under the Federal Aviation Administration Airport Improvement Program.

(2) **Terms and Conditions.** Provides State Grants for Non-Federal share of the project costs based on the Criteria for Award set forth in subpart (4) of this Rule.

(3) **Eligible Recipients.** Publicly owned, Open-To-The-Public Airports, including general aviation (non-primary), and non-hub and small hub commercial service (primary) airports. Medium and large hub commercial service (primary) airports are not eligible.

(4) **Criteria for Award.** Federally funded projects are reviewed per Federal Aviation Administration guidance and selected based eligibility, justification, project readiness, and available federal and state funding.

(5) **Directions and Deadlines.** Applications are received by the Georgia Department of Transportation Aviation Programs office. Applications shall be submitted during the annual call for project applications and 5-year capital improvement program update, typically the month of November each year, for consideration of funding in the following fiscal year. Applications received outside the annual call will be reviewed but project funding is not guaranteed.

Cite as Ga. Comp. R. & Regs. R. 672-12-.07

AUTHORITY: O.C.G.A. § 32-9-7.

HISTORY: Original description entitled "Airport Development Program" submitted March 22, 1994.

Amended: Submitted February 20, 2025.

672-12-.08 Airport Operational Improvement Program

(1) **Scope and Purpose.** Maintenance and operational safety airport projects.

(2) **Terms and Conditions.** Provides up to 75% State funding assistance for construction. Airport Sponsors can use local funds or in-kind services, based on requirements and approval of the Aviation Program, towards the matching share.

(3) **Eligible Recipients.** Publicly owned, Open-To-The-Public Airports, with the exception of Medium and Large hub commercial service airports.

(4) **Criteria for Award.** Projects are reviewed for eligibility per the Aviation Program Policy and Standards Guide and selected based on justification and available funding.

(5) **Directions and Deadlines.** Applications can be submitted at any time, however, applications for State funds should be received by the Georgia Department of Transportation Aviation Program Office during its annual call for project applications and 5-year capital improvement program update, typically November each year, for consideration for funding in the following fiscal year. Applications received outside the annual call will be reviewed but project funding is not guaranteed.

Cite as Ga. Comp. R. & Regs. R. 672-12-.08

AUTHORITY: O.C.G.A. § 32-9-7**.**

HISTORY: Original description entitled "Airport Operational Improvement Program" submitted March 22, 1994.

Amended: Submitted February 20, 2025.

672-12-.09 Airport Approach Aid Program

(1) **Scope and Purpose.** Airport projects that aid aircraft in their approach path to a landing area.

(2) **Terms and Conditions.** Provides up to 75% State funding assistance for construction and engineering costs. Airport Sponsors can use local funds or in-kind services, based on requirements and approval of the Aviation Program, towards the matching share.

(3) **Eligible Recipients.** Publicly owned, Open-To-The-Public Airports, with the exception of Medium and Large hub commercial service airports.

(4) **Criteria for Award.** Projects are reviewed for eligibility per the Aviation Program Policy and Standards Guide and selected based on justification and available funding.

(5) **Directions and Deadlines.** Applications can be submitted at any time, however, applications for State funds should be received by the Georgia Department of Transportation Aviation Program Office during its annual call for project applications and 5-year capital improvement program update, typically November each year, for consideration for funding in the following fiscal year. Applications received outside the annual call will be reviewed but project funding is not guaranteed.

Cite as Ga. Comp. R. & Regs. R. 672-12-.09

AUTHORITY: O.C.G.A. § 32-9-7**.**

HISTORY: Original description entitled "Airport Approach Aid Program" submitted March 22, 1994.

Amended: Submitted February 20, 2025.

672-12-.10 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 672-12-.10

AUTHORITY: O.C.G.A. §§ 32-1-3(18)**,** 32-2-2 (7)**.**

HISTORY: Original description entitled "Transportation Enhancement Program" submitted March 22, 1994.

Repealed: Submitted February 20, 2025.

672-12-.12 County and City Contract Program

(1) **Scope and Purpose.** To provide capital assistance for each Local Government (County/City) to maintain and improve the roads and drainage within their respective transportation systems.

(2) **Terms and Conditions.** Each Local Government must submit a priority list of desired projects they wish to have considered for State Aid assistance through the County and City Contract Program. The priority list is evaluated by the Georgia Department of Transportation's engineers based on a needs assessment and cost estimates for the project. The Georgia Department of Transportation's engineers make recommendations to the Georgia Commissioner of Transportation.

(3) **Eligible Recipients.** All Counties and Cities within the State are eligible. State and Local School systems qualify but funding contracts are through respective Counties and Cities.

(4) **Criteria for Award.** Priorities that are located on the County, City, or State property are eligible for consideration. Eligible priorities must meet acceptable needs evaluation and funding must be available prior to approval under this Program. County and City Contracts are issued at the discretion of the Commissioner for paving, resurfacing, sidewalks, drainage materials, parking facilities, etc. Minimum rights of way requirements set by the State Transportation Board must be acquired for consideration.

(5) **Directions and Deadlines.** Priority lists can be submitted at any time but the Local Governments are encouraged to submit them once a year and updated on a yearly basis. Projects are selected from the priority list by separate request and selected projects are prepared for contract. County and City Contracts have no deadline for completion of the project but the Local Governments are encouraged to complete the work in a timely manner. County and City Contracts placed out for bid by the Department have completion dates established based on time needed to complete the project. Counties and Cities with contracts authorized but not awarded due to rights of way or other clearance problems are encouraged to proceed diligently toward clearance of the project or remove the project from their priority list. This will allow the funds to be used on other projects.

All contracts are engineered and supervised by Georgia Department of Transportation engineers, following current guidelines and specifications for construction.

Cite as Ga. Comp. R. & Regs. R. 672-12-.12

AUTHORITY: O.C.G.A. §§ 32-5-21**.**

HISTORY: Original description entitled "Country and City Contract Program" submitted March 22, 1994.

Amended: Submitted February 20, 2025.

Department 681. RULES OF STATE BOARD OF REGISTRATION OF USED MOTOR VEHICLE DEALERS AND USED MOTOR VEHICLE PARTS DEALERS USED MOTOR VEHICLE DIVISION

Chapter 681-1. DEFINITIONS

681-1-.01 Definitions

As used in these Rules and Regulations and in the Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers' Registration Act, the following terms shall mean the following:

(1) "Administrative Procedures Act" means O.C.G.A. Chapter 50-13.

(2) "Alter ego" means a person who acts to obtain licensure on behalf of, or in place of, someone who is ineligible to obtain licensure under Section 681-12-.05 of these Rules.

(3) "Applicant for a new license" means an individual or designee on behalf of a partnership, limited liability company, or corporation, who submits an application for a new license.

(4) "Appropriate permanent signage" means signage which meets the requirements as described in Board Rule 681-6-.01(e).

(5) "Business License" means any license required by any municipality, county, or other political subdivision of this state as a prerequisite to operating a business within such municipality, county, or other political subdivision of this state.

(6) "Conspicuously displayed" means posted inside the permanent building in an area which is clearly visible to consumers upon entry into the permanent building; licenses shall be displayed in a manner which allows consumers to easily read and copy from the license.

(7) "Consumer," for the purposes of these Rules, means anyone who is solicited to purchase, or anyone who seeks to purchase a used motor vehicle or used motor vehicle part.

(8) "Dealers' registration plate" means the license plates issued to used motor vehicle dealers by the State Revenue Commissioner as described in O.C.G.A. Section 40-2-38.

(9) "Deal Jacket" shall consist of all the following documents included in the sale of a used motor vehicle:

(a) Bills of sale for the vehicle; to include the purchase (by the dealer) and sale (to the customer) of the vehicle;

(b) Proof of passing emissions inspection as required by the Department of Natural Resources Rule 391-3-20-.18;

(c) Odometer statements from the purchase (by the dealer) and sale (to the customer) of the vehicle;

(d) Copy of purchaser's driver's license, or government issued identification;

(e) Copy of front and back of buyer's guide;

(f) Copy of front and back of title;

(g) Copy of MV-7D; Department of Revenue "State and Local Title Ad Valorem Tax (TAVT) Fees" form, or its equivalent for the vehicle (if applicable);

(h) Copy of MV-1; Department of Revenue "Motor Vehicle Tag/Title Application" form, or its equivalent for the vehicle (if applicable); and

(i) Copy of all Temporary Operating Permits (TOPs) issued by the dealer to the purchaser.

(10) "Designee" means the applicant's designated agent for a used motor vehicle dealer license or a used motor vehicle parts dealer license and shall be named as the Executive Officer on the MV-6; Department of Revenue "Motor Vehicle Division Application for Dealer, Distributor & Manufacturer License Plates" form, or its equivalent.

(11) "Established place of business" is defined in O.C.G.A. Section 43-47-2.

(12) "Facility Closed" means the Board has determined the dealer has vacated their established place of business.

(13) "Fee schedule" means a written listing of the amounts of all fees charged by the Board.

(14) "Maintenance of records by licensees" means maintaining at the established place of business, all records as prescribed by Board Rule 681-10-.01.

(15) "Motor vehicle" or "car" is defined in O.C.G.A. Section 43-47-2(7).

(16) "Odometer disclosure form" means the form required under the regulations found at 49 C.F.R. Part 580.

(17) "Open Lot" means a lot where used motor vehicles or used motor vehicle parts that are offered for sale are to be displayed, and upon which the applicant or licensee has a legal right to display used motor vehicles or used motor vehicle parts.

(18) "Penalty fee or fine" means a fee assessed by the Board for failure on the part of a licensee or applicant to act in an appropriate or timely manner under the Used Motor Vehicle Dealers' and Used Motor Vehicle Parts Dealers' Registration Act or under these Rules.

(19) "Person" means any individual, partnership, firm, association, corporation, or combination of individuals of whatever form or character.

(20) "Photograph" means an image produced on film or digitized and printed which is an exact likeness of the subject matter depicted, and not an artist's rendition or depiction.

(21) "Procedural safeguards" means those procedures required by a used motor vehicle dealership or used motor vehicle parts dealership of its employees, agents, or principals, to reasonably ensure that the activities described in O.C.G.A. Section 43-47-10(2) do not occur at the dealership.

(22) "Purchaser" means a consumer who has completed a transaction to obtain a used motor vehicle from a used motor vehicle dealership or a used motor vehicle or a used motor vehicle part from a used motor vehicle parts dealer.

(23) "Records" means all originals, photocopies, carbon copies, files, books, memoranda, and data maintained on an electronic data storage and retrieval system, provided the data can be retrieved and copied.

(24) "Reinstatement" means re-issuance of an expired or revoked license.

(25) "Salesroom" and "sales office" are synonymous and must meet the requirements of Board Rule 681-6-.01 Established Place of Business.

(26) "State Revenue Commissioner" means the office created in O.C.G.A. Section 48-2-2.

(27) "Supplemental license" means an additional license issued to a person who already maintains a current Georgia used motor vehicle dealer or used motor vehicle parts dealer license. A supplemental license may be issued for an additional location operated under the same name by the licensee, but which location is not immediately adjacent to the principal place of business.

(28) "Temporary Plate" means a temporary operating permit issued by a dealer pursuant to O.C.G.A. Section 40-2-8.

(29) "Temporary Site" means a location at which used motor vehicles are sold or offered for sale for which a temporary site permit has been issued by the Board in accordance with O.C.G.A. Section 43-47-8.2 and Board Rule 681-3-.03.

(30) "Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers' Registration Act" and "Act" are synonymous and mean Chapter 47 of Title 43 of the Official Code of Georgia Annotated.

(31) "Working telephone" means an active and working telephone line.

Cite as Ga. Comp. R. & Regs. R. 681-1-.01 v2

AUTHORITY: O.C.G.A. §§ 43-47-2**,** 43-47-3**,** 43-47-6**,** 43-47-8**,** 43-47-12**.**

HISTORY: Original Rule entitled "Organization of Board" adopted as ER. 681-1-0.1-.01. F. Aug. 7, 1995; eff. Aug. 2, 1995, as specified by the Board.

Amended: Permanent Rule entitled "Definitions" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Amended: F. July 16, 2006; eff. August 6, 2006.

Repealed: New Rule of same title adopted. F. Dec. 6, 2006; eff. Dec. 26, 2006.

Amended: F. Feb. 12, 2025; eff. Mar. 4, 2025.

Department 681. RULES OF STATE BOARD OF REGISTRATION OF USED MOTOR VEHICLE DEALERS AND USED MOTOR VEHICLE PARTS DEALERS USED MOTOR VEHICLE DIVISION

Chapter 681-10. RECORDS

681-10-.01 Records Retention

(1) Every licensee shall maintain in the established place of business for three (3) years (or for a longer period of time if required by other statute, law, or regulation), and have available at all times for inspection, the following:

(a) Deal Jackets as defined in Rule 681-1-.01.

(b) All records associated with odometers as required by 49 C.F.R. Part 580. These are required by law and regulations to be maintained for five years.

(c) All bills of sale, buyer's guides, contracts, financing contracts and other evidence of sales or financing transactions with consumers.

(d) Records of all purchases or sales of used motor vehicles, including: a vehicle description; bills of sale; vehicle identification numbers; purchase date; name, address, and driver's license number or state issued identification of the party from whom the purchase was made or to whom the sale was made; and copies of all contracts or other evidence of the purchase or sale.

(e) Copies of all insurance policies and surety bonds as required by the Act.

(f) Copies of leasing or rental records of any used motor vehicle which is intended for sale or is actually sold, including mileage records, the names and addresses of all persons who have rented or leased the vehicle, rental or lease contracts, vehicle identification numbers, and any damage repair records.

(g) Records reflecting any repairs made to any motor vehicle by or on behalf of the licensee.

(h) Copies of all applications for motor vehicle titles.

(i) All sales tax or Title Ad Valorem Tax (TAVT) records, including exemptions, as required by law.

(j) Records of all vehicles or vehicle bodies disposed of by licensee, including its description; vehicle identification number; date of disposition; and name, address, and driver's license or state issued identification of the person to whom it was disposed pursuant to U.S.C. 49 Section 30501, et. Seq., known as the National Motor Vehicle Title Information System (NMVTIS).

(k) Current proof of compliance with continuing education requirements as required by Rule Chapter 681-13.

(2) Any documents electronically stored must be immediately available for inspection upon request by the Board or one of its appointed representatives.

Cite as Ga. Comp. R. & Regs. R. 681-10-.01 v2

AUTHORITY: O.C.G.A. §§ 43-47-6**,** 43-47-7**,** 43-47-10**,** 43-47-12**.**

HISTORY: Original Rule entitled "Records to Be Kept" adopted F. Dec. 8, 1996; eff. Dec. 28, 1995.

Amended: New title, "Records Retention." F. Feb. 19, 2025; eff. Mar. 11, 2025.

Department 681. RULES OF STATE BOARD OF REGISTRATION OF USED MOTOR VEHICLE DEALERS AND USED MOTOR VEHICLE PARTS DEALERS USED MOTOR VEHICLE DIVISION

Chapter 681-16. FINES

681-16-.01 Schedule of Fines, Payment of Fines; Hearings; Disciplinary Actions

(1) The Board may impose fines for violations of O.C.G.A. § 43-47. A Schedule of Fines shall be published, and fines shall not exceed $500 per violation. The Board may, in its discretion, modify the Schedule of Fines as necessary.

(2) Fines for violation of this Chapter and O.C.G.A. § 43-47 are as follows:

(a) Failure to apply for a title in the retail purchaser's name within 30 calendar days after the date of sale: $500 per violation;

(b) Possession of an open title not properly assigned as prescribed by O.C.G.A. Title 40: $250 per violation;

(c) Failure to display a properly completed buyer's guide as prescribed by the Federal Trade Commission Rules: $250 for the first violation, and $100 for each additional violation;

(d) Failure to furnish to the purchaser of a vehicle the proper documents in order for the purchaser to obtain a tag for that vehicle within thirty (30) calendar days of the date of purchase: $500 per violation;

(e) Aiding and abetting an unlicensed person in selling vehicles by allowing the unlicensed person to sell those vehicles using a license granted by the Division: $500 per violation;

(f) Failure to properly complete a "finance contract" which complies with the Federal Reserve System, Title I, Regulation Z (Truth In Lending Act) when financing vehicles which are being sold to purchasers: $500 per violation;

(g) Failure to maintain the required surety bond: $500 shall be imposed;

(h) Failure to maintain the required garage liability insurance: $500 shall be imposed;

(i) Failure to make application for an off-premises temporary license: $250 per violation;

(j) Failure to check the appropriate box on odometer disclosure statement and certificate of title: $500 per violation;

(k) Failure to submit an application for change of ownership, registered agent, or designee within the required thirty (30) day period: $100 shall be imposed;

(l) Failure to obtain or appropriately generate, and maintain, the following records: $100 per violation;

1. Bills of Sale for the vehicle; to include the purchase (by the dealer) and the sale (to the customer) of the vehicle;

2. Purchase agreements or contracts, financing contracts or other evidence of sales or of financing transactions;

3. Proof of passing emissions inspection for the vehicle as required by the Department of Natural Resources Rule 391-3-20-.18;

4. Odometer statements from the purchase (by the dealer) and sale (to the customer) of the vehicle;

5. Copy of purchaser's driver's license, or government issued identification;

6. Copy of front and back of the vehicle's buyer's guide;

7. Copy of front and back of vehicle's title;

8. Copy of MV-7, Department of Revenue "Application for a Replacement License Plate (Tag) or Decal", or its equivalent for the vehicle;

9. Copy of MV-1, Department of Revenue "Motor Vehicle Tag/Title Application", or its equivalent for the vehicle;

10. Copy of MV-7D, Department of Revenue "Motor Vehicle Division State and Local Title Ad Valorem Tax (TAVT) Fees" or MV-7L Department of Revenue, "State and Local Title Ad Valorem Tax (TAVT) Fees for Leases", or their equivalent;

11. Copy of all temporary operating permits (TOPS) issued by the dealer to the purchaser;

12. Copies of leasing or rental records of any motor vehicle intended for sale or that have been sold;

13. Records reflecting repairs made to motor vehicles by licensee;

14. Any other tax records or exemption records relating to the purchase or sale of a vehicle.

(m) Failure to issue a temporary operating permit, or issuing a temporary operating permit to aid and abet an unlicensed person, for any vehicle for which the dealer has no assignment or that has more than one (1) temporary plate in violation of O.C.G.A. § 40-2-8: $500 per violation;

(n) Inspectors or investigators inability to conduct a facility inspection after three (3) documented attempts, in accordance with O.C.G.A. § 43-47-17: $500 fine;

(o) Failure to post current license or current copy of online verification from the Board's website in a conspicuous location: $100 fine;

(p) Failure to display/possess current sales tax certificate: $100 fine;

(q) Failure to provide proof that licensee or designee has completed the continuing education requirement: $500 fine;

(r) Failure to remit taxes and/or fees as required by O.C.G.A. §§ 48-5C-1 and 48-8-30: $500 per violation.

Cite as Ga. Comp. R. & Regs. R. 681-16-.01 v2

AUTHORITY: O.C.G.A. §§ 43-1-19**,** 43-47-6**,** 43-47-8**,** 43-47-10**,** 43-47-14**.**

HISTORY: Original Rule entitled "Schedule of Fines" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Amended: F. Sept. 6, 1996; eff. Sept. 26, 1996.

Amended: F. May 15, 1998; eff. June 4, 1998.

Amended: F. Sept. 16, 1998; eff. Oct. 8, 1998.

Repealed: New Rule of same title adopted. F. Dec. 6, 2006; eff. Dec. 26, 2006.

Amended: New title, "Schedule of Fines, Payment of Fines; Hearings; Disciplinary Actions." F. Feb. 19, 2025; eff. Mar. 11, 2025.