

**PART A**

**General Provisions**

Rule A.1 - Scope.

- a. Except as otherwise specified, these rules apply to a person who acquires, receives, owns, possesses, uses, stores, transports, transfers, or disposes a source of radiation. Nothing in these rules shall apply to a person to the extent the person is subject to regulation by the U.S. nuclear regulatory commission.
- b. A person subject to the requirements for registration or licensing for sources of radiation in the possession or control of the person, shall comply with the act and with these rules.

Rule A.2 - Definitions.

Specific definitions will be added later in the rules revision process.  
As used in this Part, "act" means 1978 PA 368, as amended, MCL 333.1101 to 333.25211.

**Exemptions from the Regulatory Requirements**

Rule A.3 - Exemptions

- a. General Provision. The department may, in response to a request or on its own initiative, grant an exemption, or exception from the requirements of these rules as it determines is authorized by law and will not result in an undue hazard to public health and safety, property, or the environment.
- b. Department of Energy Contractors and Nuclear Regulatory Commission Contractors. A department of energy contractor or subcontractor and a nuclear regulatory commission contractor or subcontractor of the following categories working in this state is exempt from these rules to the extent that the contractor or subcontractor under the contract receives, acquires, possesses, uses, transfers, or transports, a source of radiation:
  - i. A prime contractor doing work for the department of energy at a U.S. government-owned or -controlled site, including the transportation of a source of radiation to or from a site and the performance of contract services during temporary interruptions of the transportation.
  - ii. A prime contractor of the department of energy doing research in, or development, manufacture, storage, testing, or transportation of, a nuclear weapon or a component of a nuclear weapon.
  - iii. A prime contractor of the department of energy using or operating a nuclear reactor or other nuclear device in a U. S. government-owned vehicle or vessel.
  - iv. Any other prime contractor or subcontractor of the department of energy or of the nuclear regulatory commission when the state and the U.S. nuclear regulatory commission jointly determine that:
    - (1) The exemption of the prime contractor or subcontractor is authorized by law.
    - (2) The terms of the contract or subcontract provide sufficient assurance that the work under the contract or subcontract can be done without undue risk to the public health and safety, property, and the environment.

49 **General Regulatory Requirements**

50  
51 Rule A.4 - Records.

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53 A licensee or registrant shall keep records relating to the receipt, use, storage, transfer, and  
54 disposal of each source of radiation. Other record requirements are specified elsewhere in  
55 these rules.

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57 Rule A.5 - Inspections.

- 58  
59 a. Under authority of section 13517(1) of the act, a licensee or registrant shall allow the  
60 department at all reasonable times opportunity to inspect a source of radiation and the  
61 premises and facilities where a source of radiation is used or stored.  
62  
63 b. Under authority of section 13517(2) of the act, the department may obtain a warrant for  
64 search of property or seizure of a source of radiation or evidence of a violation of the act or  
65 a rule, registration, or license.  
66  
67 c. A licensee or registrant shall make available to the department for inspection, at all  
68 reasonable times, records maintained under these rules.  
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70 Rule A.6 - Tests.

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72 Upon instruction by the department, a licensee or registrant shall make or cause to be made,  
73 and shall allow the department to make tests that the department considers appropriate or  
74 necessary including, but not limited to, tests of:

- 75  
76 a. Sources of radiation.  
77 b. Facilities where sources of radiation are used or stored.  
78 c. Radiation detection and monitoring instruments.  
79 d. Other equipment and devices used in connection with use or storage of sources of radiation.  
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81 **Additional Regulatory Requirements**

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83 Rule A.7 - Additional Requirements.

84  
85 The department may impose, by rule, by order, or by license or registration conditions, on a  
86 licensee or registrant additional requirements that it considers appropriate or necessary to  
87 minimize danger to public health and safety, property, and the environment.  
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89 **Enforcement Requirements**

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91 Rule A.8 - Violations.

- 92  
93 a. Under authority of section 13536 of the act, the department may obtain an injunction or  
94 other court order prohibiting a violation of the act or a rule, or order, or condition of a license  
95 or registration issued under the act.  
96  
97 b. Under the authority of section 13535 of the act, the department, in addition to taking other  
98 enforcement action, may impose a civil penalty, not to exceed \$10,000 for each violation, on  
99 a person who violates the act or a rule, or order, or condition of a license or registration  
100 issued under the act. Each day that a violation continues shall constitute a separate

101 offense.

- 102  
103 c. A person who willfully violates the act or a rule, or order, or condition of a license or  
104 registration issued under the act may be guilty of a crime and, on conviction, may be fined,  
105 imprisoned, or both, as provided by law.

106  
107 Rule A.9 - Emergency Orders and Impounding.

- 108  
109 a. The department shall have the authority to issue an emergency order pursuant to section  
110 13516 of the act. A person responsible for the source of radiation shall bear expenses  
111 incidental to the order.  
112  
113 b. A source of radiation shall be subject to impoundment pursuant to section 13517 of the act.  
114 Impoundment by the department shall not relieve the owner of the responsibility for the  
115 source of radiation. A person who has a source of radiation impounded shall bear expenses  
116 incidental to the impoundment.

117  
118 **Hearing Procedure**

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120 Rule A.WW - Hearing Procedure.

- 121  
122 a. Before the issuance of an order, the department shall afford an opportunity for a hearing that  
123 shall be conducted pursuant to 1969 PA 306, as amended, MCL 24.201 et. seq.  
124  
125 b. In a contested case, the department shall conduct a hearing as provided in 1969 PA 306, as  
126 amended, MCL 24.201 et. seq.

127  
128 Rule A.XX - Deliberate misconduct.

- 129  
130 a. This rule applies to each:  
131 i. Licensee.  
132 ii. Registrant.  
133 iii. Applicant for a license or registration.  
134 iv. Contractor (including a supplier or consultant) or subcontractor, to a person identified in  
135 paragraphs (a)(i) to (a)(iii) of this rule.  
136 v. Employee or employer of a person identified in paragraphs (a)(i) through (a)(iv) of this  
137 rule.  
138  
139 b. A person who knowingly provides to an entity, listed in paragraphs (a)(i) to (a)(v) of this rule,  
140 components, equipment, materials, or other goods or services that relate to a licensee's,  
141 registrant's, or applicant's actions subject to this part, shall not:  
142 i. Engage in deliberate misconduct that causes or would have caused, if not detected, a  
143 licensee, registrant, or applicant to be in violation of a rule or order, or a term, condition,  
144 or limitation of a license or registration issued by the department.  
145 ii. Deliberately submit to the department, a licensee, a registrant, or an applicant, or a  
146 licensee's, registrant's, or applicant's contractor or subcontractor, information that the  
147 person submitting the information knows to be incomplete or inaccurate in some respect  
148 material to the department.  
149  
150 c. A person who violates paragraph (b)(i) or (b)(ii) of this rule shall be subject to civil or criminal  
151 penalties, or both.  
152

- 153 d. Deliberate misconduct by a person means an intentional act or omission that the person  
154 knows:  
155 i. Would cause a licensee, registrant, or applicant to be in violation of a rule or order, or a  
156 term, condition, or limitation, of a license or registration issued by the department.  
157 ii. Constitutes a violation of a requirement, procedure, instruction, contract, purchase order,  
158 or policy of a licensee, registrant, applicant, contractor, or subcontractor.

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160 Rule A.YY - Severability.

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162 If a court of competent jurisdiction finds that any rule or the application of a rule to a person or  
163 circumstance is invalid, the invalidity shall not affect the remaining rules or applications of the  
164 rules. These rules are declared to be severable.

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166 Rule A.18 – Rescission.

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168 The rules of the department entitled “Ionizing Radiation Rules”, being R325.5001 to R325.5665  
169 of the Michigan Administrative Code, are rescinded.

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