



Arkansas Department of Health

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Governor Mike Beebe

Nathaniel Smith, MD, MPH, Director and State Health Officer

ARKANSAS INFORMATION NOTICE 14-05

To: Radioactive Material Licensees, Accelerator Licensees, X-ray Registrants,
General License Registrants, Vendors, and Other Interested Parties

From: Bernard Bevill, Section Chief 
Radiation Control Section

Date: July 30, 2014

Subject: **Revisions to the Arkansas State Board of Health Rules and Regulations for
Control of Sources of Ionizing Radiation**

The Arkansas Department of Health will hold a public hearing on Tuesday, September 2, 2014, in conformance with the Administrative Procedures Act (Act 434 of 1967 as amended). This public hearing will be in the Freeway Medical Tower Building's Board Room #906 at 5800 West 10th Street, Little Rock, Arkansas. The hearing will begin at 10:00 a.m. in order to receive comments from the public and interested parties.

It is proposed to revise the Arkansas State Board of Health Rules and Regulations for Control of Sources of Ionizing Radiation pursuant to the Administrative Procedures Act as amended, Ark. Code Ann. 25-15-201 et seq., by the authority of Ark. Code Ann. 20-21-203 through 20-21-217.

The current proposed revisions include proposed revisions that underwent a Public Comment Period beginning on April 28, 2014. A summary of all of the proposed revisions is attached for your review. A summary of comments and responses as a result of the Public Comment Period, as well as the current proposed revisions themselves, may be viewed on the Arkansas Department of Health's Web Site –

<http://www.healthy.arkansas.gov/aboutADH/Pages/RulesRegulationsProposed.aspx>

In addition, a copy of the proposed revisions is available upon request. Copies may be obtained by calling Radiation Control at (501) 661-2301.

Written comments may be submitted to the Department either to Slot 30, during the Public Hearing, or via electronic mail to the following address: adh.ram@arkansas.gov. The public may also submit comments orally by calling the Radiation Control Section at (501) 661-2301.

If you have any questions, please contact the Radiation Control Section at (501) 661-2301.

**PROPOSED REVISIONS TO THE ASBH
RULES AND REGULATIONS FOR CONTROL OF SOURCES
OF IONIZING RADIATION**

2014 REGULATION PACKAGE

The Radiation Control Section has initiated the process for the revision of the Arkansas State Board of Health Rules and Regulations for Control of Sources of Ionizing Radiation. The Section regulates the possession and use of x-ray machines, accelerators, and radioactive material in the State of Arkansas. Revisions to x-ray machine and accelerator regulations are drawn primarily from the nationally recognized Conference of Radiation Control Program Directors' Suggested State Regulations. Revisions to radioactive material regulations are driven by our agreement with the U.S. Nuclear Regulatory Commission (NRC). The State of Arkansas, as an Agreement State, is expected to have regulations that are compatible with NRC regulations. In order to maintain this compatibility, one NRC regulation amendment (as well as some general clean-up) is being addressed, as listed below. Proposed revisions are as follows:

- Revisions to definitions of “construction” and “commencement of construction” due to NRC regulation amendment RATS 2011-2, “Licenses, Certifications, and Approvals for Materials Licensees”
- Revisions to Section 3, “Standards for Protection Against Radiation,” concerning Appendix A to Section 3, Appendix B to Section 3, RH-1210., RH-1303., and the RH-1400’s (deletion of a table and related regulations that have been superseded by other current regulations, in order to maintain compatibility with the NRC; other general clean-up)
- Removal of individual letter/number designations from definitions throughout the Regulations; general clean-up of some definitions
- Revision of current accelerator licensing and radiation safety requirement regulations including Section 6, “Particle Accelerators,” and related regulations in Part I, “Radiation Safety Requirements for Industrial Radiographic Operations,” and Part J, “Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies,” of Section 3 (general clean-up and clarification; addition of licensing requirements comparable to those used with radioactive material licenses; updating of radiation safety provisions; addition of survey meter operability and calibration requirements previously handled in licensing)
- Addition of a new Section 11, “Therapeutic Radiation Machines,” that will address therapeutic uses of x-ray machines (< 500 kV), medical accelerators (\geq 500 kV/keV), and electronic brachytherapy devices. The new Section will update and make more succinct existing requirements found in RH-1607., RH-1608., and the RH-5500’s. These sections will be deleted.
- Revisions to the initial registration requirements and reporting of changes regarding registration of x-ray machines and electronic brachytherapy devices (registration required prior to operation of the machine/device, designation of a Radiation Safety Officer, notification of the Department prior to changes that render registration no longer accurate)

Based on comments received during the prior Public Comment Period, revisions are being proposed that address the following:

- Initial registration requirements and reporting of changes regarding registration of x-ray machines (RH-21., RH-23., and RH-26.)

The Section has taken this opportunity to also revise the following:

- Matching the proposed RH-5407.h. to that of the proposed RH-10300.a.4.B. regarding the contents of radiation protection survey reports based on the National Council on Radiation Protection and Measurements recommendations;
- Changing the record keeping retention period for dosimetry system calibrations from the proposed duration of the license/registration to five years (RH-5407.p. and RH-10300.c.3.) to be commensurate with the retention period for full calibration records; and
- Cleaning up the designation of licensee vs. registrant in the proposed RH-10304.c.; paragraphs b., g., and i. of RH-10307.; and RH-10308.a.