

## Arkansas Department of Health

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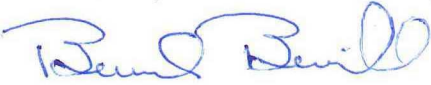
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Governor Mike Beebe

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

### ARKANSAS INFORMATION NOTICE 14-07

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: October 28, 2014

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

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The Arkansas Department of Health will hold a public hearing on Tuesday, December 9, 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 10<sup>th</sup> 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 ASBH Rules and Regulations for Control of Sources of Ionizing Radiation can be accessed on the Department's website, [www.healthy.arkansas.gov](http://www.healthy.arkansas.gov), by way of the "Proposed Rules & Regs."

Alternately, a copy of the proposed revisions is available upon request by calling Radiation Control at (501) 661-2301.

Written comments may be submitted to the Department by mail to Slot 30, during the Public Hearing, or via electronic mail to the following address: [adh.ram@arkansas.gov](mailto:adh.ram@arkansas.gov). Comments may be submitted verbally by calling the Radiation Control Section at (501) 661-2301.

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

## OCTOBER 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 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, the following NRC regulation amendments (as well as some general clean-up) are being addressed, as listed below:

- **Decommissioning Planning** – to improve decommissioning planning and thereby reduce the likelihood that any current operating facility will become a legacy site; to require licensees to conduct their operations to minimize the introduction of residual radioactivity into the site, which includes the site's subsurface soil and groundwater; to require licensees to report additional details in their decommissioning cost estimate, eliminate the escrow account and line of credit as approved financial assurance mechanisms, and modify other financial assurance requirements (*Sections 2 and 3*)
- **Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste** – to require licensees to provide advance notification to participating Federally-recognized Tribal governments regarding shipments of irradiated reactor fuel and certain nuclear wastes for any shipment that passes within or across their reservations (*Section 4*)
- **Technical Corrections** – to make technical corrections in certain parts of the regulations, including typographical and spelling errors, and other edits and conforming changes (*Sections 2, 3, and 4*)
- **Requirements for Distribution of Byproduct Material** – to make requirements for distributors of byproduct material clearer, less prescriptive, and more risk-informed and up to date; to redefine categories of devices to be used under exemptions, adding explicit provisions regarding the sealed source and device registration process, and adding flexibility to the licensing of users of sealed sources and devices (*Section 2*)

Also, the following sections not in conjunction with a particular NRC regulation amendment have been revised in order to reflect compatibility with the NRC as well:

- Posting of panoramic and underwater irradiators (*RH-7023.g.*)
- Exemption of common and contract carriers from the regulations (*RH-302.*) - *RH-402.j.* to be deleted which currently indicates general licensing
- Exempt Quantity and Exempt Concentration tables (*Schedules B and C to Section 2*)