



Arkansas Department of Health

4815 West Markham Street • Little Rock, Arkansas 72205-3867 • Telephone (501) 661-2000
Fay W. Boozman, M.D. Director
Mike Huckabee, Governor

-VIA FAX & U.S. MAIL-

August 8, 2000

Mr. Lloyd Bolling
State Agreements Program
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, Maryland 20852-2738

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OSP

Dear Mr. Bolling:

Last week, you contacted Mr. David Snellings, Division Director, via e-mail regarding the status of several regulations that the State of Arkansas should have incorporated into its regulations years ago. At this time, the Nuclear Regulatory Commission (NRC) has developed its Regulation Assessment Tracking System (RATS) to keep up with the Agreement's States' Regulations and to verify compatibility. Each regulation of NRC concern has a RATS Identification Number. Apparently, the status of Arkansas' adoption of several specific regulations is in question. Those regulations as identified by RATS IDs have been made available to Arkansas.

It should be noted that I have been assigned to research this matter. Please find attached a copy of my memorandum dated August 3, 2000, to Mr. Snellings detailing my findings. (SEE ATTACHMENT) Should additional questions related to the regulations in questions arise during further review by NRC staff and/or contractors, I believe that I can now easily retrieve the older regulation revisions and demonstrate that the State of Arkansas incorporated the required regulations.

During your telephone discussions with Mr. Snellings, Arkansas' adoption of the "TWO (2) MAN" RULE was reviewed. Effective August 3, 2000, the State of Arkansas REQUIRES its industrial radiography licensees to comply with this Rule. This requirement was sent to ALL of our Industrial Radiographers via Information Notice 00-02. (SEE ATTACHMENT)

-Continued-

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OSP-006 Template

Rido Code: SPO8

Letter to Bolling
RE: Status of Older
Ark. Regs &
NRC RATS
August 8, 2000

Please be advised that our Regulation Revision Process continues. Draft revisions have been made which address the vast majority the compatibility regulations listed in the FINAL 1998 IMPEP Report. During a close review of the NRC's Part 34 for Industrial Radiography, it was noted that the vast majority of these specific regulations have changed since our last revision. Hence, additional revisions are being drafted at this time. These particular revisions may go beyond those required for Agreement State Compatibility. Based on our Regulation Revision Time Schedule, the Division will present our DRAFT Revisions to the Arkansas Board of Health with a request to proceed with the promulgation process. The Board's next meeting will be in October 2000. Copies of the Arkansas Revisions will also be sent to the NRC for review and comment.

If you have ANY questions and/or comments regarding this matter, please call me. My telephone number is (501) 661-2107.

Sincerely,



Bernard Bevill, Supervisor
Division of Radiation Control &
Emergency Management Programs

pc: Snellings
Thompson

Attachments

ADMINISTRATIVE MEMORANDUM

TO: David Snellings, Jr., Director
Division of Radiation Control
& Emergency Management

FROM: Bernard Bevill, Supervisor
Quality & Evaluation Section



DATE: August 3, 2000

SUBJECT: **NRC INQUIRY RELATED TO SELECT RULES & REGULATIONS
IMPLEMENTATIONS**

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## INTRODUCTION

Yesterday, Lloyd Bolling with the Nuclear Regulatory Commission's Agreement State Program contacted you regarding the implementation status of select rules and regulations within the Arkansas Rules & Regulations for Control of Sources of Ionizing Radiation. Apparently, the NRC has discovered blanks in their Regulation Assessment Tracking System (RATS) for Arkansas' regulations. Mr. Bolling's e-mail has delineated those specific regulations in which the NRC RATS lack the appropriate data to ascertain regulatory compatibility.

With a copy of Mr. Bolling's e-mail and the RATS DATA SHEET, I have researched Arkansas' Regulation Revision History and will attempt in the remainder of this memorandum to fill the NRC RATS holes. Please note that over the past six or more years, the NRC has made SEVERAL revisions in the area of industrial radiography equipment, misadministrations, and decommissioning. The absolute validation that Arkansas' Regulations met earlier Federal Register (FR) references was not immediately possible. The NRC regulations available to me have what I hope to be their most current regulations with the most current FR listing.

### 1991-1: Safety Requirements for Radiographic Equipment

The NRC RATS Data Sheet refers to regulations that would have been published in the 55FR843. The Agreement State Due Date was January 10, 1994. The pertinent Arkansas Regulation would be RH-1801, Equipment Control.

It should be noted that the Arkansas Revision dated August 15, 1990, reflect a change in RH-1801. Yet, I do not believe that this is the Radiographic Equipment change the NRC had in mind.

In 1993, the Division undertook a major regulation revision project to add the NRC's NEW PART 20 to our current body of regulations. I believe that the NRC Radiographic Equipment Requirements were not added to our regulations that became effective on January 1, 1994. Furthermore, I think that the next NRC Program Review was quick to point out that omission!

Yet, our oversight was rectified in the next revision! The current Regulations which became effective January 1, 1997, reflect the NRC requirements as specified in 1996. (REFERENCE 1997 REGULATIONS; PAGES 336c-342b)

-Continued-

Memo to Snellings  
RE: NRC Inquiry Related  
to Select R&R  
Implementation  
August 3, 2000

### **1991-1 (Con't)**

Please note since 1996, the NRC Radiographic Equipment requirements have changed again. The 1998 IMPEP Review indicated the need to address Industrial Radiography "Performance Equipment as detailed in 60FR28323. In preparing the DRAFT REVISIONS, I have referenced the NRC regulations that had been published in 62FR28948. (REFERENCE DRAFT REVISIONS; PAGES 9-13)

### **1991-4: Notification of Incident**

The NRC RATS Data Sheet refers to regulations that would have been published in the 56FR64980. The Agreement State Due Date was October 15, 1994. The pertinent Arkansas Regulation would be RH-1502, Notification of Incidents.

It should be noted that the Arkansas Revision dated August 15, 1990, reflects a change in RH-1502.a. (REFERENCE 1992 REGULATIONS; PAGE 160)

Again, in 1993, the Division undertook a major regulation revision project to add the NRC's NEW PART 20 to our current body of regulations. Review of the 1993 DRAFT reflects changes in RH-1502 'Notification of Incidents' (REFERENCE 1993 DRAFT; PAGE 85-87 of 100; REFERENCE LOG OF CHANGES) This DRAFT became the 1994 Revised Regulations. Here, the DRAFT regulation became the revised regulation. (REFERENCE 1994 REGULATIONS; PAGES 220-222)

Once again, the Division addressed changes in the Notification of Incident Requirements within the 1996 Revisions. (REFERENCE 1997 REGULATIONS; PAGES 220-222d)

At this time, I am not aware of additional changes which will require further revisions of the 'Notification of Incident' Requirements.

### **1992-1: Quality Management Program & Misadministration**

The NRC RATS Data Sheet refers to regulations that would have been published in the 56FR64980. The Agreement State Due Date was October 15, 1994. The pertinent Arkansas Regulations would be RH-1507, Records & Reports of Misadministration, and RH-1510, Quality Management Program.

It should be noted that in the Arkansas Revision dated June 1, 1992, RH-1507 entitled "Records and of Reports of Misadministration" addresses misadministration. (REFERENCE 1992 REGULATIONS; PAGE 162a-162b)

-Continued-

Memo to Snellings  
RE: NRC Inquiry Related  
to Select R&R  
Implementation  
August 3, 20000

**1992-1: (Con't)**

In 1993, while revising the Regulations to incorporate the NRC's NEW PART 20, several significant additions were made in the area of interest. Those were:

- (a) ADD RH-1507.e. for medical use misadministration PAGES 226-227
- (b) ADD RH-1508 Report of Planned Special Exposure PAGE 228
- (c) ADD RH-1509 Report of Individual Monitoring PAGES 229-230
- (d) ADD RH-1510 Quality Management Program PAGES 230-232
- (e) ADD RH-1511 Deliberate Misconduct PAGE 233

The following should be noted regarding the 1997 Revised Regulation changes:

- (a) RH-1507.e. for medical use misadministration NO CHANGES
- (b) RH-1508 Report of Planned Special Exposure DELETED
- (c) RH-1509 Report of Individual Monitoring SOME CHANGES SEE PAGES 229-230
- (d) RH-1510 Quality Management Program SOME CHANGES SEE PAGE 233
- (e) RH-1511 Deliberate Misconduct NO CHANGES

In the 1998 IMPEP Review, it was indicated that there is a need to address "Medical Administration of Radiation and Radioactive Materials" as detailed in 60FR4862. I believe that this area has been addressed in our DRAFT REVISIONS. (REFERENCE DRAFT REVISIONS; PAGES 45-48; also, some text duplication has been deleted)

**1992-2: Eliminating the Recordkeeping Requirements fro Departures from Manufacturer's Instructions -- Part 30,35**

The NRC RATS Data Sheet refers to regulations that would have been published in the 57FR45566. There is NO Agreement State Due Date! Since this particular set of requirements were NOT required, I do not believe that we even addressed the topic!

Memo to Snellings  
RE: NRC Inquiry Related  
to Select R&R  
Implementation  
August 3, 2000

**1993-1: Decommission Record Keeping & License Termination**

The NRC RATS Data Sheet refers to regulations that would have been published in the 58FR39628. The Agreement State Due Date was October 25, 1996.

It should be noted that historically 'License Termination' has been covered in RH-410. Review of our 1992 Regulation Revisions (page 96) and of our 1994 Regulation Revisions (page 105) indicates that RH-410 had not been modified.

Yet, in our 1997 Regulation Revisions, RH-410 was revised. It was retitled "Expiration and Termination of License and Decommissioning of Sites and Separate Buildings or Outdoor Areas. (REFERENCE 1997 REVISIONS; PAGES 105a-105b)

Please note since 1996, the NRC Decommissioning requirements have changed again. The 1998 IMPEP Review indicated the need to address "Clarification of Decommission Funding Requirements" as detailed in 60FR38235. In preparing the DRAFT REVISIONS, I have referenced the NRC decommissioning related regulations that had been published in 60FR38235, 62FR39058, 61FR1109, 61FR29636, 62FR28948, 62FR39058, and 63FR29535. (REFERENCE DRAFT REVISIONS; PAGE 19 (definition change); PAGES 24-31; and PAGES 49-67)

**1994-3: Timeliness in Decommissioning Material Facilities**

The NRC RATS Data Sheet refers to regulations that would have been published in the 59FR36026. The Agreement State Due Date was August 15, 1997.

Reference should be made again to the above discussion for 1993-1. I believe the same discussion will also apply for this particular item.

Specifically, I believe that the 1997 REVISIONS for RH-410 certainly address this topic. (REFERENCE 1997 REVISIONS; PAGES 105a-105b)

**1995-1: Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use**

The NRC RATS Data Sheet refers to regulations that would have been published in 59FR61767, 59FR65246, and 60FR322. The Agreement State Due Date was January 1, 1998.

Our 1997 REVISIONS contain an amended regulation (RH-405.1.) that is equivalent to the NRC's Regulation 32.72. RH-405.1. is entitled "Manufacture, Preparation, or Transfer for Commercial Distribution of Radiopharmaceuticals Containing Radioactive Material for Medical Use Under Group Licenses". Comparison of the Federal Registers numbers used in 32.72 leads me to believe that this is the particular regulation referenced as RATS ID 1995-1.

Therefore, it is my opinion that the 1997 REVISIONS for RH-405.1. certainly address this topic. (REFERENCE 1997 REVISIONS; PAGES 66-67)

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Implementation  
August 3, 2000

**1995-3: Low-Level Waste Shipment Manifest Information and Reporting**

The NRC RATS Data Sheet refers to regulations that would have been published in the 60FR15649, and 60FR25983. The Agreement State Due Date was March 1, 1998.

Our 1997 REVISIONS contain an amended regulation (RH-1406) that is equivalent to the NRC's Regulation 20.2006. RH-1406 is entitled "Transfer for Disposal and Manifests". (REFERENCE 1997 REVISIONS; PAGES 207-208) From a brief review of both our Regulation and the NRC Regulation, they appear to be the same regulation. Yet, the Federal Register reference for 20.2006 is 63FR50127!

Thus, it is my belief that the 1997 REVISION covered the particular regulation referenced as RATS ID 1995-3.

It should be noted that I will return to this regulation and perform a MUCH CLOSER WORD-BY-WORD COMPARISON. If necessary, the CURRENT DRAFT REVISIONS will contain any necessary changes. It was also noted that in the NRC 61.80 (I) there is a requirement for manifest information be kept in an electronic recordkeeping system (60FR15649) The requirements of 61.80 apply to licensees who are licensed for land disposal of radioactive waste. As I approach the end of the drafting of our latest Revisions, I will also research this particular area and determine if additional changes are needed.

**FINAL REMARKS**

Based on my review, I believe that the State of Arkansas has revised its regulations to incorporate the specific regulations that the NRC RATS may not indicate. Next week, upon Mr. Bolling's return to his office, I will call him to discuss this particular matter. It is also my intent to fax this memorandum to him.

During my review with Mr. Bolling, I will also ascertain that the NRC State Agreement Program Office has a current copy of our Regulations. From earlier reviews by NRC Contractors, it is apparent that they have used earlier editions! It should be noted that the Division provided the 1994 REVISED REGULATIONS to Dennis Sollenberger on September 30, 1994. During the 1996 REVISION PROCESS, OUR DRAFT REGULATIONS were reviewed by the State Agreement Program and/or by a NRC Contractor. Steve Solomon with that Program informed me that they had found no problems with these REVISIONS.

If you have ANY questions related to this matter, please see me.

pc: Bolling (NRC)  
Thompson  
Mack



## Arkansas Department of Health

4815 West Markham Street • Little Rock, Arkansas 72205-3867 • Telephone (501) 661-2000

Fay W. Boozman, M.D. Director

Mike Huckabee, Governor

To: Industrial Radiography Licensees

From: David D. Snellings, Jr., CHP, Director  
Division of Radiation Control and Emergency Management

Date: March 3, 2000

Subject: Information Notice 00-02

The Department is issuing this Information Notice to advise industrial radiography licensees that effective August 3, 2000, all industrial radiography performed in the State of Arkansas will be required to comply with the following:

- Whenever radiography is performed at a location other than a permanent radiographic installation, each licensee shall provide, as a minimum, two-person crews. The crew shall consist of at least two qualified radiographers, or an approved instructor directly supervising a qualified radiographer trainee, or an approved instructor directly supervising a radiographer assistant.
- The radiographer has received written approval from a certifying entity that the individual has satisfactorily met certain established radiation safety, testing, and experience criteria. Arkansas licensee's are required to submit documentation of their certification by August 3, 2000. Arkansas will not be administering the certification tests.
- The radiographic exposure device, source assembly, or sealed source, and all associated equipment must meet the requirements specified in the American National Standards Institute, N432-1980 "Radiological Safety for the Design and Construction of Apparatus for Gamma Radiography," published as NBS Handbook 136, issued January 1981, approved and incorporated by reference by the Director of the Federal Register in accordance with 5 U.S.C.552(a) and 1 CFR Part 51. This publication may be purchased from the American National Standards Institute, 11 West 42<sup>nd</sup> Street, New York, New York 10036, Telephone (212)642-4900.

The purpose of this Information Notice is to maintain Agreement State compatibility with the United States Nuclear Regulatory Commission (NRC) and is based on the rules and regulations contained in the NRC's 10 CFR Part 34. If you need additional information or have any questions, please call (501)661-2301.

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