



Arkansas Department of Health

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Fay W. Boozman, MD, MPH, Director

Mike Huckabee, Governor

February 18, 2003

Paul Lohaus, Director
Office of State & Tribal Programs
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Third Floor
Rockville, Maryland 20852

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STP

Dear Mr. Lohaus:

The Arkansas Board of Health's Revised Rules and Regulations for Control of Sources of Ionizing Radiation became effective on July 1, 2003. These revisions addressed seventeen (17) amendments identified in the Nuclear Regulatory Commission's Regulatory Assessment Tracking System (RATS). Paper and electronic (CD) copies of this document have been provided to your Office. Currently, these regulations appear on your particular web site.

Review of the Office of State & Tribal Programs' Arkansas Regulation Status page indicates a need to update the RATS Data Sheet. In order to initiate that update, a Memorandum for File has been prepared to address the action that the State of Arkansas has taken incorporate specific regulations. (SEE ATTACHMENT)

If you have any questions and/or comments, please call me. My telephone number is (501) 661-2301.

Sincerely,

Bernard Bevil, Work Unit Leader
Radiation Control &
Emergency Management

Attachment

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STP006
SP08

**ARKANSAS DEPARTMENT OF HEALTH
RADIATION CONTROL & EMERGENCY MANAGEMENT**

MEMORANDUM

TO: FILES

FROM: Bernard Bevill, Work Unit Leader
Radiation Control &
Emergency Management



DATE: February 18, 2003

SUBJECT: **THE ARKANSAS UPDATE FOR THE NUCLEAR REGULATORY
COMMISSION'S REGULATION ASSESSMENT TRACKING
SYSTEM (RATS) FOR THE ARKANSAS RULES AND
REGULATIONS FOR CONTROL OF SOURCES OF IONIZING
RADIATION**

INTRODUCTION

The United States Nuclear Regulatory Commission (NRC) employs a tracking system to determine the status of Agreement State regulations in order to verify compliance and compatibility. This particular system is entitled REGULATION ASSESSMENT TRACKING SYSTEM (RATS). Review of the data currently maintained by the NRC on the status of the Arkansas Rules and Regulations for Control of Sources of Ionizing Radiation, there are several missing RATS data items. These data gaps relate to the effective date of specific regulations. The remainder of this memorandum will address these particular RATS items.

1991-3: STANDARDS FOR PROTECTION AGAINST RADIATION

Revised 'Standards for Protection Against Radiation' (Part 20) were adopted by the State of Arkansas with an effective date of JANUARY 1, 1994.

Reference may be made to the 1994 Regulations on pages 139 – 512 ('Standards for Protection Against Radiation')

Memo to Files
RE: ARKANSAS RATS
UPDATE
February 18, 2003
Page 2

1991-1: SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPY

Revised 'Safety Requirements for Industrial Radiography' were adopted by the State of Arkansas with an effective date of January 1, 1994.

Reference may be made to the 1994 Regulations on pages 333 – 358.

HOWEVER, not all of the required 'Safety Requirements for Industrial Radiography' were incorporated in the 1994 Regulations. A subsequent NRC Program Review pointed out this omission.

Our apparent oversight was rectified in our next revision. The Revised 'Safety Requirements for Industrial Radiography' were adopted by the State of Arkansas with an effective date of JANUARY 1, 1997.

Reference may be made to the 1997 Regulations on pages 336c – 342b.

1991-4: NOTIFICATION OF INCIDENTS

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 may be made to pages 160 – 161 of the 1990 Regulations.

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 'Notifications of Incidents'. Reference may be made to the 1993 DRAFT's Reference Log of Changes on pages 85 –87. This DRAFT eventually became the 1994 Revised Regulations. Its effective date was January 1, 1994. Here, the pertinent, revised 'Notification of Incidents' requirements may be found on pages 220 – 222 of the 1994 Regulations.

Once again, the Division addressed changes in the Notification of Incident requirements within its 1996 Revisions. The Revised 'Notification of Incidents' were adopted by the State of Arkansas with an effective date of JANUARY 1, 1997.

Reference may be made to the 1997 Regulations on pages 220 – 222d.

Memo to Files
RE: ARKANSAS RATS
UPDATE
February 18, 2003
Page 3

1992-1: QUALITY MANAGEMENT PROGRAM & MISADMINISTRATION

The NRC RATS Data Sheet refers to regulations that would have been published in the 56FR34104. The Agreement State Due Date was January 27, 1995. The pertinent Arkansas Regulation would be RH-1507, Records & Reports of Misadministration, and RH-1510, Quality Management Program.

It should be noted that the Arkansas Revision dated June 1, 1992, RH-1507 (entitled "Records and Reports of Misadministration") addresses misadministration. Reference may be made to pages 162a – 162b of the 1992 Regulations.

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. Here, the Division added RH-1507.e. in order to address Medical Use Misadministration. Reference may be made to pages 226 – 227 of the 1994 Regulations. During this same revision process, the Division added RH-1510 in order to address Quality Management Programs. Reference may be made to pages 230 – 232 of the 1994 Regulations. These additions were adopted by the State of Arkansas with an effective date of JANUARY 1, 1994.

Review of the 1997 Revised Regulations indicates that RH-1510, "Quality Management Program", was amended. Reference may be made to page 223 of the 1997 Regulation. These regulations became effective on January 1, 1997.

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.

Historically, 'License Termination' has been covered in Arkansas' RH-410. Review of our 1993 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. Here, it was retitled "Expiration and Termination of License and Decommissioning of Sites and Separate Buildings or Outdoor Areas". Reference may be made to pages 105a – 105b of the 1997 Regulations. These amendments were adopted by the State of Arkansas with an effective date of JANUARY 1, 1997.

Memo to Files
RE: ARKANSAS RATS
UPDATE
February 18, 2003
Page 4

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. It is believed that the same discussion will also apply to this particular item.

Specifically, the 1997 Regulation Revisions to RH-410 should certainly address this topic. Again, reference may be made to pages 105a – 105b of the 1997 Regulations. These amendments were adopted by the State of Arkansas with an effective date of JANUARY 1, 1997.

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 the 59FR61767, 59FR65246, AND 60FR322. The Agreement State Due Date was January 1, 1998.

The Arkansas 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 Register Numbers used in 32.72 leads me to believe that this is the particular regulation referenced in the RATS ID 1995-1.

Hence, RH-405.1. which was added in the Arkansas 1997 Revisions address this particular RATS ID. RH-405.1. may be found on pages 66 – 67 of the 1997 Regulations. These revisions were adopted by the State of Arkansas with an effective date of JANUARY 1, 1997.

Memo to Files
RE: ARKANSAS RATS
UPDATE
February 18, 2003
Page 5

1995-2: FREQUENCY OF MEDICAL EXAMINATIONS FOR USE OF RESPIRATORY PROTECTION EQUIPMENT

The NRC RATS Data Sheet refers to regulations that would have been published in the 60FR7900. The Agreement State Due Date was March 13, 1998.

The Arkansas 1997 Revisions contain an amended regulation (RH-1303.f.5. (f)) that addresses this frequency requirement for medical examinations. RH-1303.f.5.(f) may be found on page 192 of the 1997 Regulations. These revisions were adopted by the State of Arkansas with an effective date of JANUARY 1, 1997.

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.

The Arkansas 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". From a brief review of both our Regulations and the NRC's Regulation, they appear to be same regulation. Yet, the Federal Register reference noted for 20.2006 is 63FR50127!

RH-1403 may be found on pages 207 – 208 of the 1997 Regulations. These revisions were adopted by the State of Arkansas with an effective date of JANUARY 1, 1997.

1995-4: PERFORMANCE REQUIREMENTS FOR RADIOGRAPHY EQUIPMENT

Performance Requirements for Radiography Equipment (Part 34) were adopted by the State of Arkansas with an effective date of JULY 1, 2002.

Reference may be made to the 2002 Regulations on pages 335 – 365 ('Equipment Control').

Memo to Files
RE: ARKANSAS RATS
UPDATE
February 18, 2003
Page 6

**1995-5: RADIATION PROTECTION REQUIREMENTS:
AMENDED DEFINITIONS AND CRITERIA**

Radiation Protection Requirements pertaining to amended definitions and amended criteria (Parts 19 & 20) were adopted by the State of Arkansas with an effective date of **JULY 1, 2002.**

Reference may be made to the 2002 Regulations on pages 156 – 173 (Definitions).

**1995-6: CLARIFICATION OF DECOMMISSIONING FUNDING
REQUIREMENTS**

Clarification of Decommissioning Funding Requirements (Parts 30, 40, & 70) was adopted by the State of Arkansas with an effective date of **JULY 1, 2002.**

Reference may be made to the 2002 Regulations on pages 102 – 108 (Financial assurance and record keeping for decommissioning.) and pages 146 – 151 (Appendices C and D expanding Criteria Related to Use of Financial Tests and Self Guarantees for specified entities).

**1995-7: MEDICAL ADMINISTRATION OF RADIATION AND RADIOACTIVE
MATERIALS**

Amendments related to the records and reports of misadministration (Parts 20 & 35) were adopted by the State of Arkansas with an effective date of **JULY 1, 2002.**

Reference may be made to the 2002 Regulations on pages 236 – 237 (records and reports of misadministration).

**1996-1: 10CFR Part 71: COMPATIBILITY WITH THE INTERNATIONAL
ATOMIC ENERGY AGENCY**

Amendments related to the radioactive material transportation regulations (Parts 70) were adopted by the State of Arkansas with an effective date of **JULY 1, 2002.**

Reference may be made to the 2002 Regulations on pages 545 – 552 (transportation definitions). Other transportation regulations may be found on pages 553 - 569.

Memo to Files
RE: ARKANSAS RATS
UPDATE
February 18, 2003
Page 7

**1996-3: TERMINATION OR TRANSFER OF LICENSED ACTIVITIES:
RECORDKEEPING REQUIREMENTS**

Termination or Transfer of Licensed Activities' Record keeping Requirements (30.51(d) & 30.51(e)) were adopted by the State of Arkansas with an effective date of JULY 1, 2002.

Reference may be made to the 2002 Regulations on page 119 (RH-600.d & RH-600.e.)

NOTE: The NRC Regulation 30.51.f. equivalent was omitted from this revision.

**1997-1: RESOLUTION OF DUAL REGULATION OF AIRBORNE EFFLUENTS
OF RADIOACTIVE MATERIALS; CLEAN AIR ACT**

Amendments related to the reportable events related to doses in excess of ALARA constraints for air emissions and contents of reports (Part 20) were adopted by the State of Arkansas with an effective date of JULY 1, 2002.

Reference may be made to the 2002 Regulations on pages 234 – 235.

**1997-2: RECOGNITION OF AGREEMENT STATE LICENSES IN AREAS
UNDER EXCLUSIVE FEDERAL JURISDICTION WITHIN AN AGREEMENT
STATE**

This requirement is addressed **VIA LICENSE CONDITION**.

Arkansas' License Condition (3.C.1) addresses this particular matter. It states:

Radioactive material may be used at temporary job sites throughout the State of Arkansas except in areas under exclusive Federal jurisdiction.

(Revised 11/5/96)

Memo to Files
RE: ARKANSAS RATS
UPDATE
February 18, 2003
Page 8

1997-3: CRITERIA FOR THE RELEASE OF INDIVIDUALS ADMINISTERED RADIOACTIVE MATERIAL

Amendments related to the release of individuals containing radiopharmaceuticals or permanent implants (Parts 20 & 35) were adopted by the State of Arkansas with an effective date of JULY 1, 2002.

Reference may be made to the 2002 Regulations on pages 192 – 193.

1997-5: LICENSES FOR INDUSTRIAL RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHY OPERATIONS

Amendments related to the licensure of industrial radiography and the radiation safety requirements for industrial radiography operations were adopted by the State of Arkansas with an effective date of JULY 1, 2002.

Reference may be made to the 2002 Regulations on pages 366 – 382.

1997-6: RADIOLOGIC CRITERIA FOR LICENSE TERMINATION

Amendments related to the radiological criteria for license termination were adopted by the State of Arkansas with an effective date of JULY 1, 2002.

Reference may be made to the 2002 Regulations on pages 193 – 197.

1997-7: EXEMPT DISTRIBUTION OF A RADIOACTIVE DRUG CONTAINING ONE MICROCURIE OF CARBON-14 UREA

Amendments related to the exempt distribution of a radioactive drug containing one (1) microcurie of Carbon-14 Urea were adopted by the State of Arkansas with an effective date of JULY 1, 2002.

Reference may be made to the 2002 Regulations on pages 72 – 73.

Memo to Files
RE: ARKANSAS RATS
UPDATE
February 18, 2003
Page 9

1998-1: DELIBERATE MISCONDUCT BY UNLICENSED PERSONS

Amendments related to the deliberate misconduct regulations were made to address misconduct by unlicensed persons. These were adopted by the State of Arkansas with an effective date of JULY 1, 2002.

Reference may be made to the 2002 Regulations on page 241.

1998-4: LICENSES FOR INDUSTRIAL RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC OPERATIONS

Amendments related to the licensure of industrial radiography and the radiation safety requirements for industrial radiography operations were adopted by the State of Arkansas with an effective date of JULY 1, 2002.

Reference may be made to the 2002 Regulations on pages 366 – 382.

1998-5: MINOR CORRECTIONS, CLARIFYING CHANGES AND A MINOR POLICY CHANGE

Minor corrections, clarifying changes, and a minor policy change (Part 20) were adopted by the State of Arkansas with an effective date of JULY 1, 2002.

Reference may be made to the 2002 Regulations on pages 182 & 184.

1998-6: TRANSFER FOR DISPOSAL AND MANIFESTS: MINOR TECHNICAL CONFORMING ADMENDMENT

A MINOR technical conforming amendment in Part 20 was made in the regulations pertaining to transfer for disposal and the associated manifests. This amendment was adopted by the State of Arkansas with an effective date of JULY 1, 2002.

Reference may be made to the 2002 Regulations on pages 220 – 221.

Memo to Files
RE: ARKANSAS RATS
UPDATE
February 18, 2003
Page 10

1999-3: RESPIRATORY PROTECTION AND CONTROLS TO RESTRICT INTERNAL EXPOSURE

Amendments to the Respiratory Protection and Control to Restrict Internal Exposure (Part 20) were adopted by the State of Arkansas with an effective date of **JULY 1, 2002**.

Reference may be made to the 2002 Regulations on pages 207 - 212.

2000-1: ENERGY COMPENSATION SOURCES FOR WELL LOGGING AND OTHER REGULATORY CLARIFICATIONS

Energy Compensation sources for well logging and other regulatory clarifications (Part 39) were adopted by the State of Arkansas with an effective date of **JULY 1, 2002**.

Reference may be made to the 2002 Regulations on pages 388 – 410.

CONCLUSIONS

The revised regulations that were effective on July 1, 2002, are **CURRENT** based on the NRC's RATS up through 2000-1! This particular regulation was to have been adopted by the Agreement States on or before May 17, 2003.

With the submission of this particular memorandum, the 2002 Revision Process will be deemed complete. Then, the next revision process will begin! At that time, any necessary corrections and new NRC regulatory requirements will be addressed.