

October 24, 2011

Bernard Bevill, Section Chief
Radiation Control Section
Arkansas Department of Health
4815 West Markham Street, Slot #30
Little Rock, Arkansas 72205

Dear Mr. Bevill:

We have reviewed the final revision to the Arkansas regulations, Rules and Regulations for Control of Sources of Ionizing Radiation, received by our office on September 1, 2011. These regulations were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) rules in 10 CFR Parts 19, 20, 30, 32, 35, 36, 40, 61 and the requirements of the five amendments identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with Angela Minden on October 25, 2011.

As a result of our review, we have four standing comments from a previous review that have been identified in the enclosure. Please note that we have limited our review to regulations required for compatibility and/or health and safety. We have determined that if these regulations are revised, incorporating our comments and without other significant change, they would meet the compatibility and health and safety categories established in the Office of Federal and State Materials and Environmental Management Programs (FSME) Procedure SA-200.

We request that when you revise your regulations to address our comments, a copy of the "as published" regulations be provided to us for review. As requested in FSME Procedure SA-201, "Review of State Regulatory Requirements," please highlight the location of any changes made by Arkansas, in response to our comments, and provide a copy to Division of Materials Safety and State Agreements, FSME.

The SRS Data Sheet summarizes our knowledge of the status of other Arkansas regulations, as indicated. We have made the corrections requested in your August 25, 2011, letter. Please let us know if you note any inaccuracies, or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on the FSME website: <http://nrc-stp.ornl.gov/rulemaking.html>.

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If you have any questions regarding the comments, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact (name) State Regulation Review Coordinator at (301) 415-2320 (kathleen.schneider@nrc.gov) or Stephen Poy at (301) 415-7135 (stephen.poy@nrc.gov).

Sincerely,

/RA/

A. Duncan White, Acting Deputy Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials and
Environmental Management Programs

Enclosures:
As stated

[Concurrence Page]

Enclosures: As stated

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COMPATIBILITY COMMENTS ON *Arkansas* FINAL REGULATIONS

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	RH-1406	§20.2006	1998-6	B	<p>Transfer for disposal and manifests</p> <p>The State makes reference to appendix F from 10 CFR Part 20. This appendix has been removed and appendix G has been issued in its place.</p> <p>The State needs to remove reference to Appendix F to Part 20.</p> <p>Arkansas needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 20.2006.</p> <p>Comment Stands from April 30, 2003 Letter</p>
2	RH-2795 Appendix J	Part 20 Appendix G	1995-3	B	<p>Requirements for Low-level Waste Transfer for disposal at land disposal facilities and Manifest</p> <p>Arkansas has not amended its regulations to comply with the requirements of Appendix G of Part 20.</p> <p>Arkansas needs to add requirement.</p> <p>Arkansas needs to make the above change in order to meet the Compatibility Category B designation assigned to Part 20 Appendix G.</p> <p>Comment Stands from April 30, 2003 Letter</p>
3	RH-1302	§20.1502	None	H&S	<p>Conditions requiring individual monitoring of external and internal occupational dose</p> <p>Arkansas has grouped Minors and Pregnant women in the same time requirement of one year. This means the fetal dose would be calculated over 12 months not 9 and lead to an incorrect dose assessment.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>Arkansas needs to separate these two categories as in 20.1502 (2) and (3) so that minors are calculated over a year and declared pregnant women are calculated over 9 months. The State needs to correct this in both 1302 (a) and (b). The Suggested State Regulations have recently been amended to correct this also.</p> <p>Arkansas needs to make the above change in order to meet the Compatibility Category H&S designation assigned to 10 CFR 20.1502.</p> <p>Comment Stands from April 30, 2003 Letter</p>
4	None	§20.1905	None	A	<p>Exceptions to labeling requirements</p> <p>Arkansas has omitted this requirement.</p> <p>Arkansas needs to add these requirements to achieve compatibility.</p> <p>Arkansas needs to make the above change in order to meet the Compatibility Category A designation assigned to 10 CFR 20.1905.</p> <p>Comment Stands from April 30, 2003 Letter</p>

STATE REGULATION STATUS

State: Arkansas

Tracking Ticket Number: 11-26

[5 Amendment(s) reviewed is identified by a ★
at the beginning of the equivalent NRC requirement.]

Date: October 24, 2011

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
1991-1	Safety Requirements for Radiographic Equipment Part 34 55 FR 843 (Superceded by 1997-5)	01/10/1994	Final ML031270002	No Comments 04/30/2003 ML031220523	Arkansas has adopted final regulations equivalent to RATS ID 1997-5.
1991-2	ASNT Certification of Radiographers Part 34 56 FR 11504 (Superceded by 1997-5)	none	Final ML031270002	No Comments 04/30/2003 ML031220523	Arkansas has adopted final regulations equivalent to RATS ID 1997-5.
1991-3	Standards for Protection Against Radiation Part 20 56 FR 23360; 56 FR 61352; 57 FR 38588; 57 FR 57877; 58 FR 67657; 59 FR 41641; 60 FR 20183;	01/01/1994	Final ML031270002	No Comments 04/30/2003 ML031220523	
1991-4	Notification of Incidents Parts 20, 30, 31, 34, 39, 40, 70 56 FR 64980;	10/15/1994	Final ML031270002	No Comments 04/30/2003 ML031220523	
1992-1	Quality Management Program and Misadministrations Part 35 56 FR 34104 (Superceded by 2002-2)	01/27/1995	Final ML031270002	No Comments 04/30/2003 ML031220523	Arkansas has adopted final regulations equivalent to RATS ID 2002-2.
1992-2	Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions Parts 30, 35 57 FR 45566	none	Not Required	Not Required	These regulations are not required to be adopted for purposes of Compatibility.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
1993-1	Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites] Parts 30, 40 58 FR 39628	10/25/1996	Final ML031270002	No Comments 04/30/2003 ML031220523	
1993-2	Licensing and Radiation Safety Requirements for Irradiators Part 36 58 FR 7715	07/01/1996	Final ML093090272	No Comments 12/02/2009 ML093230551	
1993-3	Definition of Land Disposal and Waste Site QA Program Part 61 58 FR 33886	07/22/1996	Final ML031270002	No Comments 04/30/2003 ML031220523	
1994-1	Self-Guarantee as an Additional Financial Mechanism Parts 30, 40, 70 58 FR 68726; 59 FR 1618	none	Not Required	Not Required	These regulations are not required to be adopted for purposes of Compatibility.
1994-2	Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards Part 40 59 FR 28220	07/01/1997	Not Applicable	Not Applicable	Arkansas does not have the authority to regulate this material under its Agreement.
1994-3	Timeliness in Decommissioning Material Facilities Parts 30, 40, 70 59 FR 36026	08/15/1997	Final ML031270002	No Comments 04/30/2003 ML031220523	
*1995-1	Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use Parts 30, 32, 35 59 FR 61767; 59 FR 65243; 60 FR 322	01/01/1998	Final ML112420011	No Comments 10/24/2011 ML112760170	Changes to Part 35 have been superseded by RATS ID 2002-2

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
1995-2	Frequency of Medical Examinations for Use of Respiratory Protection Equipment Part 20 60 FR 7900	03/13/1998	Final ML031270002	No Comments 04/30/2003 ML031220523	
*1995-3	Low-Level Waste Shipment Manifest Information and Reporting Parts 20, 61 60 FR 15649; 60 FR 25983	03/01/1998	Final ML112420011	Comments 10/24/2011 ML112760170	
1995-4	Performance Requirements for Radiography Equipment Part 34 60 FR 28323 (Superceded by 1997-5)	06/30/1998	Final ML031270002	No Comments 04/30/2003 ML031220523	
*1995-5	Radiation Protection Requirements: Amended Definitions and Criteria Parts 19, 20 60 FR 36038	08/14/1998	R ¹ ML112420011	No Comments 10/24/2011 ML112760170	
1995-6	Clarification of Decommissioning Funding Requirements Parts 30, 40, 70 60 FR 38235	11/24/1998	Final ML031270002	No Comments 04/30/2003 ML031220523	
1995-7	Medical Administration of Radiation and Radioactive Materials Parts 20, 35 60 FR 48623 (Superceded by 2002-2 and 2005-2)	10/20/1998	Final ML031270002	No Comments 04/30/2003 ML031220523	Arkansas has not yet adopted regulations equivalent to RATS ID 2005-2.
1996-1	Compatibility with the International Atomic Energy Agency Part 71 60 FR 50248; 61 FR 28724 (Superceded by 2004-1)	04/01/1999	Final ML031270002	Comments 04/30/2003 ML031220523	Arkansas has not yet adopted regulations equivalent to RATS ID 2004-1.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
1996-2	One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses Parts 30, 40, 70 61 FR 1109	02/15/1999	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1996-3	Termination or Transfer of Licensed Activities: Record keeping Requirements Parts 20, 30, 40, 61, 70 61 FR 24669	06/17/1999	Final ML031270002	No Comments 04/30/2003 ML031220523	
1997-1	Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act Part 20 61 FR 65120	01/9/2000	Final ML031270002	No Comments 04/30/2003 ML031220523	
1997-2	Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State Part 150 62 FR 1662	02/27/2000	Final ML031270002	No Comments 04/30/2003 ML031220523	
1997-3	Criteria for the Release of Individuals Administered Radioactive Material Parts 20, 35 62 FR 4120	05/29/2000	Final ML031270002	No Comments 04/30/2003 ML031220523	
1997-4	Fissile Material Shipments and Exemptions Part 71 62 FR 5907 (Superseded by 2004-1)	02/10/2000	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-97-078)
1997-5	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations Parts 30, 34, 71, 150 62 FR 28947	06/27/2000	Final ML031270002	No Comments 04/30/2003 ML031220523	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
1997-6	Radiological Criteria for License Termination Parts 20, 30, 40, 70 62 FR 39057	08/20/2000	Final ML031270002	No Comments 04/30/2003 ML031220523	
1997-7	Exempt Distribution of a Radioactive Drug Containing One Micro curie of Carbon-14 Urea Part 30 62 FR 63634	01/02/2001	Final ML031270002	No Comments 04/30/2003 ML031220523	
1998-1	Deliberate Misconduct by Unlicensed Persons Parts 30, 40, 61, 70, 71, 150 63 FR 1890; 63 FR 13773	02/12/2001	Final ML031270002	No Comments 04/30/2003 ML031220523	
1998-2	Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees Parts 30, 40, 70 63 FR 29535	07/01/2001	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1998-3	License Term for Medical Use Licenses Part 35 63 FR 31604 (Superseded by 2002-2)	07/10/2001	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-98-074) Arkansas has adopted final regulations equivalent to RATS ID 2002-2.
1998-4	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations Part 34 63 FR 37059	07/09/2001	Final ML063520501	No Comments 01/23/2007 ML070240401	
*1998-5	Minor Corrections, Clarifying Changes, and a Minor Policy Change Parts 20, 32, 35, 36, 40 63 FR 39477; 63 FR 45393	10/26/2001	R ¹ ML112420011	No Comments 10/24/2011 ML112760170	
*1998-6	Transfer for Disposal and Manifests: Minor Technical Conforming Amendment	11/20/2001	R ¹ ML112420011	Comments 10/24/2011	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
	Part 20 63 FR 50127			ML112760170	
1999-1	Radiological Criteria for License Termination of Uranium Recovery Facilities Part 40 64 FR 17506	06/11/2002	Not Applicable	Not Applicable	Arkansas does not have the authority to regulate this material under its Agreement.
1999-2	Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information Part 31 64 FR 42269	10/04/2002	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1999-3	Respiratory Protection and Controls to Restrict Internal Exposure Part 20 64 FR 54543; 64 FR 55524	02/02/2003	Final ML063520501	No Comments 01/23/2007 ML070240401	
2000-1	Energy Compensation Sources for Well Logging and Other Regulatory Clarifications Part 39 65 FR 20337	05/17/2003	Final ML063520501	No Comments 01/23/2007 ML070240401	
2000-2	New Dosimetry Technology Parts 34, 36, 39 65 FR 63750	01/08/2004	Final ML063520501	No Comments 01/23/2007 ML070240401	
2001-1	Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material Parts 30, 31, 32 65 FR 79162	02/16/2004	R ¹ ML080240443	Comments 03/07/2008 ML080660573	
2002-1	Revision of the Skin Dose Limit Part 20 67 FR 16298	04/05/2005	Final ML063520501	No Comments 01/23/2007 ML070240401	
2002-2	Medical Use of Byproduct Material	10/24/2005	Final	No Comments	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
	Parts 20, 32, 35 67 FR 20249		ML063520501	01/23/2007 ML070240401	
2003-1	Financial Assurance for Materials Licensees Parts 30, 40, 70 68 FR 57327	12/03/2006	Final ML063520501	No Comments 01/23/2007 ML070240401	
2004-1	Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments Part 71 69 FR 3697	10/01/2007	Proposed ML080240443	Comments 03/07/2008 ML080660573	
2005-1	Security Requirements for Portable Gauges Containing Byproduct Material Part 30 70 FR 2001	07/11/2008	Final ML063520501	No Comments 01/23/2007 ML070240401	
2005-2	Medical Use of Byproduct Material - Recognition of Specialty Boards Part 35 70 FR 16336; 71 FR 1926	04/29/2008	Proposed ML080240443	Comments 03/07/2008 ML080660573	
2005-3	Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) 70 FR 72128	12/01/2005	License Condition ML052510171	No Comments 09/09/2005 ML052520313	
2006-1	Minor Amendments Parts 20, 30, 32, 35, 40 and 70 71 FR 15005	03/27/2009	Proposed ML080240443	Comments 03/07/2008 ML080660573	
2006-2	National Source Tracking System - Serialization Requirements Part 32 with reference to Part 20 Appendix E 71 FR 65685	02/06/2007	Not Applicable ¹	Not Applicable	Arkansas does not have any licensees subject to these regulations. (See SECY-95-112)

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
2006-3	National Source Tracking System Part 20 71 FR 65685, 72 FR 59162	01/31/2009	Proposed ML080240443 License Condition ML090060786	No Comment 03/07/2008 ML080660573 No Comments 01/22/2009 ML090120596	
2007-1	Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35 72 FR 45147, 54207	10/29/2010			
2007-2	Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements Parts 30, 31, 32, 150 72 FR 58473	12/17/2010			
2007-3	Requirements for Expanded Definition of Byproduct Material Parts 20, 30, 31, 32, 33, 35, 61, 150 72 FR 55864	11/30/2010			
2007-4	Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material NRC Order EA-07-305 72 FR 70901	06/05/2008	License Condition ML080240020	No Comments 03/03/2008 ML080630031	
2008-1	Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19, 20 72 FR 68043	02/15/2011			

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
2009-1	Medical Use of Byproduct Material – Authorized User Clarification Part 35 74 FR 33901	09/28/2012			
2011-1	Decommissioning Planning Parts 20, 30, 40, 70 76 FR 35512	12/17/2015			
2011-2	Licenses, Certifications, and Approvals for Materials Licensees Parts 30, 36, 39, 40, 51, 70, and 150 76 FR 56951	11/14/2014			
N/A	10 CFR 20.1502 and 20.1905	N/A	Final ML112420011	Comments 10/24/2011 ML112760170	

¹ R means proposed revisions to a final rule