

ARKANSAS DEPARTMENT OF HEALTH – RADIATION CONTROL SECTION
RULES AND REGULATIONS FOR CONTROL OF SOURCES OF IONIZING RADIATION
DRAFT OF CHANGES
July 2021 Rule Package

SECTION 1.
REGISTRATION OF SOURCES OF RADIATION

PART B.
DEFINITIONS

RH-10. **Definitions.**

Person -

1. Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency of this state, political subdivision of this state, or any other state or political subdivision or agency thereof; and
2. any Any legal successor, representative, agent, or agency of the foregoing, other than the but not including United States Nuclear Regulatory Commission and other federal government Government agencies.

Physician - A doctor of medicine or doctor of osteopathy licensed by the Arkansas State Medical Board to prescribe drugs in the practice of medicine.

PART C.
REGISTRATION OF RADIATION MACHINES

RH-21. **Initial Registration.**

- f. An application for registration will be approved if the Department determines that an application meets the requirements of the Act and these Rules. The registration authorizes the proposed activity in such form and containing such conditions and limitations as the Department deems appropriate or necessary to effectuate the purposes of the Act.

RH-23. **Radiation Machine Registration Forms.**

Initial Registration and renewal subsequent notifications to the Department shall be made on forms furnished by the Department RC FORM 200 and RC FORM 201, as applicable. The registration or renewal of registration and shall set forth contain all applicable appropriate information called for required by the forms. The Department may request additional information as part of the registration process.

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RH-25. **Special Registration.**

~~If the reporting of each installation or other information called for is impractical, the Department, upon the request of a registrant, may approve registration in such special form as the Department may prescribe.~~

Terms and Conditions of Registrations.

- a. Each registration issued pursuant to this Section shall be subject to all the provisions of the Act, now or hereafter in effect, and to all rules and orders of the Department.
- b. No registration issued under this Section shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any registration to any person unless the Department shall, after securing full information, find that the transfer is in accordance with the provisions of the Act and shall give its consent in writing.
- c. Each person registered by the Department pursuant to this Section shall confine use and possession of the radiation machine registered to the locations and purposes authorized in the registration.
- d. The Department may incorporate in the registration at the time of issuance, or thereafter by appropriate rule or order, such additional requirements and conditions with respect to the registrant's possession, use, and transfer of radiation machines subject to this Section as it deems appropriate or necessary in order to:
 1. Protect health or to minimize danger to life or property;
 2. Require such reports and the keeping of such records as may be necessary or appropriate to effectuate the purposes of the Act; and
 3. Prevent loss or theft of radiation machines subject to this Section.
- e. The Department may request, and the registrant shall provide, additional information after the registration has been issued to enable the Department to determine whether the registration should be modified in accordance with RH-29.

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RH-26. **Report of Changes.**

The registrant shall notify the Department in writing of any changes that would render the information contained in the application for registration no longer accurate, including, but not limited to, the following changes: name or mailing address of the registrant; location of the installation or an additional use location; designation of the Radiation Safety Officer; ~~and the receipt, sale, or disposal of any reportable source of radiation machine;~~ and placement or removal of a radiation machine into or out of storage. Notification of the Department is required within ten (10) days of a change, unless the change involves a machine use listed in RH-21.b. Changes regarding RH-21.b. uses must be reported in writing to the Department prior to the change being made.

RH-27. **Report of Discontinuance.**

Every registrant who permanently discontinues the use of, ~~or permanently disposes of,~~ all his ~~reportable sources of radiation machines~~ at an installation shall notify the Department in writing within ten (10) days of such action. The notice shall be signed by the registrant or other individual duly authorized to act for and on his behalf.

RH-28. ~~Deleted.~~

Report of Termination.

Every registrant who permanently disposes or transfers all his radiation machines at an installation shall, within ten (10) days of such action:

1. Notify the Department in writing, signed by the registrant or other individual duly authorized to act for and on his behalf; and
2. Submit to the Department a record of the disposal of the radiation machines, if applicable; and if transferred, to whom they were transferred.

RH-29. ~~Reserved.~~

Modification, Suspension, and Revocation of Part C Registrations.

- a. The terms and conditions of registrations issued pursuant to Part C of this Section shall be subject to revision or modification. A registration may be suspended or revoked by reason of amendments to the Act or by reason of rules or orders issued by the Department.

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- b. Any registration may be revoked, suspended, or modified, in whole or in part, for any material false statement in the application or any statement of fact required under provisions of the Act or of these Rules, or because of conditions revealed by such application or statement of fact or any report, record, or inspection or other means which would warrant the Department to refuse to grant a registration on an original application, or for violation of, or failure to observe any of, the terms and conditions of the Act, or the registration, or of any rule or order of the Department.
- c. Except in cases of willful violation or those in which the public health, interest, or safety requires otherwise, no registration shall be modified, suspended, or revoked unless, prior to the institution of proceedings therefor, facts or conduct which may warrant such action shall have been called to the attention of the registrant in writing, and the registrant shall have been accorded opportunity to demonstrate or achieve compliance with all lawful requirements.
- d. Each registration revoked by the Department expires with the Department’s final determination to revoke the registration, or on the expiration date stated in the determination, or as otherwise provided by Department Order.

PART D.
REGISTRATION OF VENDOR SERVICES

RH-32. Vendor Services Registration Forms.

Registration and renewal changes to a registration shall be completed made on forms furnished by the Department RC FORM 800 or RC FORM 801, as applicable, and shall contain all information required by the Department as indicated on the forms and accompanying instructions. The Department may request additional information as part of the registration process.

RH-36. Modification, Suspension, and Revocation of Part D Registrations.

- a. The terms and conditions of registrations issued pursuant to Part D of this Section shall be subject to revision or modification. A registration may be suspended or revoked by reason of amendments to the Act, or by reason of rules or orders issued by the Department.
- b. Any registration may be revoked, suspended, or modified, in whole or in part, for any material false statement in the application or any statement of fact required under provisions of the Act or of these Rules, or because of conditions revealed by such application or statement of fact or any report,

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record, or inspection or other means which would warrant the Department to refuse to grant a registration on an original application, or for violation of, or failure to observe any of, the terms and conditions of the Act, or the registration, or of any rule or order of the Department.

- c. Except in cases of willful violation or those in which the public health, interest, or safety requires otherwise, no registration shall be modified, suspended, or revoked unless, prior to the institution of proceedings therefor, facts or conduct which may warrant such action shall have been called to the attention of the registrant in writing, and the registrant shall have been accorded opportunity to demonstrate or achieve compliance with all lawful requirements.
- d. Each registration revoked by the Department expires with the Department’s final determination to revoke the registration, or on the expiration date stated in the determination, or as otherwise provided by Department Order.

SECTION 2.
LICENSING OF RADIOACTIVE MATERIALS
PART B.
DEFINITIONS

RH-200. **Definitions.**

~~**Authorized nuclear pharmacist**—A pharmacist who:~~

- ~~1. Meets the requirements in RH 8317.; or~~
- ~~2. Is identified as an authorized nuclear pharmacist on a specific license or equivalent permit that authorizes medical use, the practice of nuclear pharmacy, commercial nuclear pharmacy or the manufacture and distribution of radiopharmaceuticals issued by the Department, U.S. Nuclear Regulatory Commission, or Agreement State; or~~
- ~~3. Is identified as an authorized nuclear pharmacist on a permit issued by a Department, U.S. Nuclear Regulatory Commission, or Agreement State specific license of broad scope that is authorized to permit the use of radioactive material.~~

~~**Authorized user**—A physician, dentist, or podiatrist who:~~

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1. ~~Meets the requirements in RH 8318. and RH 8510., RH 8540., RH 8560., RH 8570., RH 8580., RH 8610., RH 8615., RH 8621., or RH 8660.; or~~
2. ~~Is identified as an authorized user on a license or equivalent permit issued by the Department, U.S. Nuclear Regulatory Commission, or Agreement State; or~~
3. ~~Is identified as an authorized user on a permit issued by a Department, U.S. Nuclear Regulatory Commission, or Agreement State specific license of broad scope that is authorized to permit the medical use of radioactive material.~~

Person -

1. Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the U.S. Nuclear Regulatory Commission or the U.S. Department of Energy (except that the DOE shall be considered a person within the meaning of the regulations in 10 CFR chapter I to the extent that its facilities and activities are subject to the licensing and related regulatory authority of the NRC under section 202 of the Energy Reorganization Act of 1974 (88 Stat. 1244), the Uranium Mill Tailings Radiation Control Act of 1978 (92 Stat. 3021), the Nuclear Waste Policy Act of 1982 (96 Stat. 2201), and section 3(b)(2) of the Low Level Radioactive Waste Policy Amendments Act of 1985 (99 Stat. 1842)), any State or any political subdivision of or any political entity within a State, any foreign government or nation or any political subdivision of any such government or nation, or other entity agency of this state, political subdivision of this state, any other state or political subdivision or agency thereof; and
2. Any legal successor, representative, agent, or agency of the foregoing, but not including United States Government agencies.

Physician - Any individual possessing a valid physician's and surgeon's certificate issued by this state A doctor of medicine or doctor of osteopathy licensed by the Arkansas State Medical Board to prescribe drugs in the practice of medicine.

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**PART D.
LICENSES**

RH-409. **Specific Terms and Conditions of Licenses.**

- a. Each license issued pursuant to these ~~Regulations~~ Rules shall be subject to all the provisions of the Act, now or hereafter in effect, and to all rules, ~~regulations~~ and orders of the Department.
- b.
 1. No license issued or granted pursuant to these ~~Regulations~~ Rules nor any right under a license shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Department shall, after securing full information, find that the transfer is in accordance with the provisions of the Act and shall give its consent in writing.
 2. An application for transfer of license must include:
 - A. The identity, technical, and financial qualifications of the proposed transferee; and
 - B. Financial assurance for decommissioning information required by RH-409.h.
- c. Each person licensed by the Department pursuant to these ~~Regulations~~ Rules shall confine his ~~use and possession and use of the material~~ licensed material to the locations and purposes authorized in the license. Except as otherwise provided in the license, a license issued pursuant to these ~~Regulations~~ Rules shall carry with it the right to receive, acquire, receive title to, own, possess, and use radioactive material. Preparation for shipment and transport of radioactive material shall be in accordance with the provisions of Section 4 of these ~~Regulations~~ Rules.
- d. The Department may incorporate, in any license issued pursuant to these ~~Regulations~~ Rules, at the time of issuance, or thereafter by appropriate rule, ~~regulation~~, or order, such additional requirements and conditions with respect to the licensee's receipt, possession, use, and transfer of radioactive material as it deems appropriate or necessary in order to:
 1. Protect health or to minimize danger to life or property;
 2. Require such reports and the keeping of such records and to provide for such inspections of activities under the license as may

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be necessary or appropriate to effectuate the purposes of the Act
and ~~these Regulations~~ rules thereunder; ~~and~~

3. Prevent loss or theft of licensed material.

RH-409. (Cont'd)

- e. Each licensee shall notify the Department in writing when the licensee decides to permanently discontinue all activities involving materials authorized under the license. This notification requirement applies to all specific licenses issued under these ~~Regulations~~ Rules.
- f. Licensees required to submit emergency plans by RH-403.g. shall follow the emergency plan approved by the Department. Proposed changes to the plan may not be implemented without prior application to and prior approval by the Department.
- g. **Bankruptcy notification.**
 1. Each general licensee that is required to register by RH-402.c.13. and each specific licensee shall notify the Department in writing immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 (Bankruptcy) of the United States Code by or against:
 - A. The licensee;
 - B. An entity (as that term is defined in 11 U.S.C. 101(15)) controlling the licensee or listing the license or licensee as property of the estate; or
 - C. An affiliate (as that term is defined in 11 U.S.C. 101(2)) of the licensee.
 2. This notification must indicate:
 - A. The bankruptcy ~~C~~court in which the petition for ~~B~~bankruptcy was filed; ~~and~~,
 - B. The case name and number; and
 - ~~B~~C. The date of the filing of the petition.

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SECTION 3.
STANDARDS FOR PROTECTION AGAINST RADIATION

PART B.
DEFINITIONS

RH-1100. **Definitions.**

Person -

1. Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, ~~Government agency other than the U.S. Nuclear Regulatory Commission or the U.S. Department of Energy (except that the DOE shall be considered a person within the meaning of the regulations in 10 CFR chapter I to the extent that its facilities and activities are subject to the licensing and related regulatory authority of the NRC under section 202 of the Energy Reorganization Act of 1974 (88 Stat. 1244), the Uranium Mill Tailings Radiation Control Act of 1978 (92 Stat. 3021), the Nuclear Waste Policy Act of 1982 (96 Stat. 2201), and section 3(b)(2) of the Low Level Radioactive Waste Policy Amendments Act of 1985 (99 Stat. 1842)), any State or any political subdivision of or any political entity within a State, any foreign government or nation or any political subdivision of any such government or nation, or other entity agency of this state, political subdivision of this state, any other state or political subdivision or agency thereof; and~~
2. Any legal successor, representative, agent, or agency of the foregoing, but not including United States Government agencies.

Physician - A doctor of medicine or doctor of osteopathy licensed by the Arkansas State Medical Board to prescribe drugs in the practice of medicine.

PART I.
LICENSES FOR INDUSTRIAL RADIOGRAPHY AND RADIATION SAFETY
REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC OPERATIONS

RH-1801. **Equipment Control.**

k. **Notifications.**

3. Any licensee or registrant conducting radiographic operations or storing radioactive material at any location not listed on the license or registration for a period in excess of 180 days in a calendar year, shall notify the Department prior to exceeding the 180 days.

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SECTION 4.
TRANSPORTATION OF RADIOACTIVE MATERIALS

PART F.
OPERATING CONTROLS AND PROCEDURES

RH-3509. Advance Notification of Shipment of Irradiated Reactor Fuel and Nuclear Waste.

- a.
 1. As specified in paragraphs b., c., and d. of this section, each licensee shall provide advance notification to the governor of a State, or the governor's designee, of the shipment of licensed material, within or across the boundary of the State, before the transport, or delivery to a carrier, for transport, of licensed material outside the confines of the licensee's plant or other place of use or storage.
 2. As specified in paragraphs b., c., and d. of this section, after June 11, 2013, each licensee shall provide advance notification to the Tribal official of participating Tribes referenced in paragraph c.3.C of this section, or the official's designee, of the shipment of licensed material, within or across the boundary of the Tribe's reservation, before the transport, or delivery to a carrier, for transport, of licensed material outside the confines of the licensee's plant or other place of use or storage.
- b. Advance notification is also required under this section for the shipment of licensed material, other than irradiated fuel, meeting the following three conditions:
 1. The licensed material is required by this Section to be in Type B packaging for transportation;
 2. The licensed material is being transported to or across a State boundary en route to a disposal facility or to a collection point for transport to a disposal facility; and
 3. The quantity of licensed material in a single package exceeds the least of the following:

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- A. 3000 times the A_1 value of the radionuclides as specified in Table A-1 of Appendix A to Section 4 for special form radioactive material;
- B. 3000 times the A_2 value of the radionuclides as specified in Table A-1 of Appendix A to Section 4 for normal form radioactive material; or
- C. 1000 TBq (27,000 Ci).

c. Procedures for submitting advance notification.

- 1. The notification must be made in writing to:
 - A. The office of each appropriate governor or governor's designee;
 - B. The office of each appropriate Tribal official or Tribal official's designee; and
 - C. The Director, ~~Division of Security Policy~~, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission.
- 2. A notification delivered by mail must be postmarked at least seven (7) days before the beginning of the seven (7) day period during which departure of the shipment is estimated to occur.

RH-3509.c. (Cont'd)

- 3. A notification delivered by any other means than mail must reach the office of the governor or of the governor's designee or the Tribal official or Tribal official's designee at least four (4) days before the beginning of the seven (7) day period during which departure of the shipment is estimated to occur.
 - A. ~~A list of the names and mailing addresses of the governors' designees receiving advance notification of transportation of nuclear waste was published in the Federal Register on June 30, 1995 (60 FR 34306).~~ Reserved.
 - B. Contact information for each State, including telephone and mailing addresses of governors and governors' designees, and participating Tribes, including telephone and mailing

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addresses of Tribal officials and Tribal officials' designees, is available on the U.S. Nuclear Regulatory Commission website at <https://scp.nrc.gov/special/designee.pdf>.

C. A list of the names and mailing addresses of the governors' designees and Tribal officials' designees of participating Tribes is available on request from the Director, Division of ~~Material Safety, State, Tribal, and Rulemaking Programs~~ Materials Safety, Security, State, and Tribal Programs, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

4. The licensee shall retain a copy of the notification as a record for three (3) years.

d. **Information to be furnished in advance notification of shipment.**

Each advance notification of shipment of irradiated reactor fuel or nuclear waste must contain the following information:

1. The name, address, and telephone number of the shipper, carrier, and receiver of the irradiated reactor fuel or nuclear waste shipment;
2. A description of the irradiated reactor fuel or nuclear waste shipment, as specified in the regulations of ~~DOT~~ the U.S. Department of Transportation in 49 CFR 172.202 and 172.203(d);
3. The point of origin of the shipment and the seven (7) day period during which departure of the shipment is estimated to occur;

RH-3509.d. (Cont'd)

4. The seven (7) day period during which arrival of the shipment at State boundaries or Tribal reservation boundaries is estimated to occur;
5. The destination of the shipment, and the seven (7) day period during which arrival of the shipment is estimated to occur; and
6. A point of contact, with a telephone number, for current shipment information.

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e. **Revision notice.**

A licensee who finds that schedule information previously furnished to a governor or governor's designee or a Tribal official or Tribal official's designee, in accordance with this section, will not be met, shall telephone a responsible individual in the office of the governor of the State or of the governor's designee or the Tribal official or the Tribal official's designee and inform that individual of the extent of the delay beyond the schedule originally reported. The licensee shall maintain a record of the name of the individual contacted for three (3) years.

f. **Cancellation notice.**

1. Each licensee who cancels an irradiated reactor fuel or nuclear waste shipment for which advance notification has been sent shall send a cancellation notice to the governor of each State or to the governor's designee previously notified, each Tribal official or to the Tribal official's designee previously notified, and the Director, ~~Division of Security Policy~~, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission.
2. The licensee shall state in the notice that it is a cancellation and identify the advance notification that is being canceled. The licensee shall retain a copy of the notice as a record for three (3) years.

SECTION 5.
RULES OF PRACTICE

PART B.
ADMINISTRATION

RH-4005. **Administrative Examination of Applications.**

Applications for the issuance of a license or registration, amendment of a license or registration at the request of the holder, and renewal of a license or registration will be given a docket number or other ~~identifying number~~ identifier for administrative examination. The applicant may be required to submit additional information and may be requested to confer informally regarding the application. The Department will give to others such notice of the filing of applications as is required under the applicable provisions of these ~~Regulations~~ Rules and such additional notices as it deems appropriate.

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RH-4006. Action on Application, Hearings.

- a. The Department will, upon request of the applicant or intervener and may upon its own initiative, direct the holding of a formal hearing prior to taking action on the application. If no prior formal hearing has been held and no notice of proposed action has been served as provided in paragraph b. of this section, the Department will direct the holding of a formal hearing upon receipt of a request therefore from the applicant or intervener within thirty (30) days after the issuance of a license or registration or other approval or a notice of denial.

RH-4008. Notice of Violation.

- a. Prior to the institution of any proceeding for the modification, suspension, or revocation of a license or registration for alleged violation of any provision of the Act, ~~these Regulations~~ Rules, or conditions of a license, or a registration, the licensee or registrant shall be served with a written notice calling the facts to his/her attention and requesting a written explanation or statement in reply. Within ~~fifteen (15)~~ thirty (30) days of the ~~receipt date of such~~ the notice or other specified time, the licensee or registrant shall send his/her reply to the Department. If the notice relates to conditions or conduct ~~which that~~ that may be susceptible to correction or to being brought into full compliance by action of the licensee or registrant, he/she shall state in his/her reply the corrective steps that have been taken and the results achieved, ~~or to be instituted in achieving correction and preventing further violations~~ the corrective steps that will be taken, and the date when ~~such correction and~~ full compliance will be achieved. Corrective actions must address methods to prevent future noncompliance.

RH-4009. Orders.

In any case described in RH-4008. ~~of this Regulation~~, the Department may issue to the licensee or registrant a notice to comply with the applicable provisions of the Act or the rules ~~and regulations~~ of the Arkansas State Board of Health or any order issued by the Department. The order shall apprise the licensee or registrant that he/she has the right to request a hearing within thirty (30) days by making a written request therefore to the Director. In the event a request for a hearing is received by the Director within the time specified, a notice of hearing shall be issued by the Department in accordance with RH-4028. ~~of these Regulations.~~

RH-4029. Answer.

- a. Within the time allowed by the notice of hearing for filing and serving an answer, and as required, the answer of a licensee, registrant, or applicant

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shall fully advise the Department and any other parties as to the nature of the defense or other position of the answering party, the issues he/she proposes to controvert and those he/she does not controvert, and whether or not he/she proposes to appear and present evidence. If facts are alleged, the answer shall admit or deny specifically each allegation of fact; or where knowledge is lacking, the answer may so state and the statement shall operate as a denial. Allegations of fact not denied shall be deemed to be admitted. Matters alleged as affirmative defenses or positions shall be separately stated and identified and, in the absence of a reply, shall be deemed to be controverted. The answer of an intervener shall fully advise the Department and other parties of his/her position and whether or not he/she proposes to appear and present evidence.

SECTION 6.
LICENSES AND RADIATION SAFETY REQUIREMENTS
FOR PARTICLE ACCELERATORS

PART B.
DEFINITIONS

RH-5100. **Definitions.**

Person –

1. Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency of this state, political subdivision of this State state, any other State state or political subdivision or agency thereof; and
2. any Any legal successor, representative, agent, or agency of the foregoing, other than the but not including U.S. Nuclear Regulatory Commission and other federal United States government Government agencies.

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**SECTION 8.
LICENSES AND RADIATION SAFETY REQUIREMENTS FOR IRRADIATORS**

**PART E.
RECORDS AND REPORTS**

RH-7083. **Reports.**

- a. In addition to the reporting requirements in other Sections of these ~~Regulations~~ Rules, the licensee shall report the following events if not reported under other Sections of the Department ~~Regulations~~ rules: ...
- b. The report must include a telephone report within 24 (twenty-four) hours as described in ~~RH-1502.g.1.601.c.1.~~ and a written report within thirty (30) days as described in ~~RH-1502.g.2601.c.2.~~

**SECTION 9.
USE OF RADIONUCLIDES IN THE HEALING ARTS**

**PART B.
DEFINITIONS**

RH- 8100. **Definitions.**

Authorized nuclear pharmacist means a pharmacist who:

1. Meets the requirements in RH-8317.a. and RH-8319.; or
2. Is identified as an authorized nuclear pharmacist on:
 - A. A specific license issued by the Nuclear Regulatory Commission or Agreement State that authorizes medical use or the practice of nuclear pharmacy;
 - B. A permit issued by a Nuclear Regulatory Commission master material licensee that authorizes medical use or the practice of nuclear pharmacy;
 - C. A permit issued by a Nuclear Regulatory Commission or Agreement State broad scope medical use licensee that authorizes medical use or the practice of nuclear pharmacy;
or

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- D. A permit issued by a Nuclear Regulatory Commission master material license broad scope medical use ~~committee~~ permittee that authorizes medical use or the practice of nuclear pharmacy; or
- 3. Is identified as an authorized nuclear pharmacist by a commercial nuclear pharmacy that has been authorized to identify authorized nuclear pharmacists; or
- 4. Is designated as an authorized nuclear pharmacist in accordance with RH-405.1.2.D.

Authorized user means a physician, dentist, or podiatrist who:

- 1. Meets the requirements in RH-8319. and RH-8510.a., RH-8540.a., RH-8560.a., RH-8570.a., RH-8580.a., RH-8610.a., RH-8615.a., RH-8621.a., or RH-8660.a.; or
- 2. Is identified as an authorized user on:
 - A. A Nuclear Regulatory Commission or Agreement State license that authorizes the medical use of radioactive material;
 - B. A permit issued by a Nuclear Regulatory Commission master material licensee that is authorized to permit the medical use of radioactive material;
 - C. A permit issued by a Nuclear Regulatory Commission or Agreement State specific licensee of broad scope that is authorized to permit the medical use of radioactive material; or
 - D. A permit issued by a Nuclear Regulatory Commission master material license broad scope ~~committee~~ permittee that is authorized to permit the medical use of radioactive material.

Physician ~~(as used in this Section)~~ – A doctor of medicine or doctor of osteopathy licensed by the ~~appropriate authority~~ Arkansas State Medical Board to prescribe drugs in the practice of medicine ~~in the state in which the Department is located.~~

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SECTION 11.
THERAPEUTIC RADIATION MACHINES

PART B.
DEFINITIONS

RH-10100. **Definitions.**

Physician - A doctor of medicine or doctor of osteopathy licensed by the Arkansas State Medical Board to prescribe drugs in the practice of medicine.

SECTION 12.
PHYSICAL PROTECTION OF CATEGORY 1 AND
CATEGORY 2 QUANTITIES OF RADIOACTIVE MATERIAL

PART A.
GENERAL

RH-11005. **Definitions.**

Person -

1. Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, ~~Government agency other than the U.S. Nuclear Regulatory Commission or the U.S. Department of Energy (except that the DOE shall be considered a person within the meaning of the regulations in 10 CFR chapter I to the extent that its facilities and activities are subject to the licensing and related regulatory authority of the NRC under section 202 of the Energy Reorganization Act of 1974 (88 Stat. 1244), the Uranium Mill Tailings Radiation Control Act of 1978 (92 Stat. 3021), the Nuclear Waste Policy Act of 1982 (96 Stat. 2201), and section 3(b)(2) of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (99 Stat. 1842)), any State or any political subdivision of or any political entity within a State, any foreign government or nation or any political subdivision of any such government or nation, or other entity~~ agency of this state, political subdivision of this state, any other state or political subdivision or agency thereof; and
2. Any legal successor, representative, agent, or agency of the foregoing, but not including United States Government agencies.

PART B.
BACKGROUND INVESTIGATIONS AND ACCESS AUTHORIZATION PROGRAM

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RH-11023. Access Authorization Program Requirements.

b. Reviewing officials.

1. Reviewing officials are the only individuals who may make trustworthiness and reliability determinations that allow individuals to have unescorted access to category 1 or category 2 quantities of radioactive materials possessed by the licensee.
2. Each licensee shall name one or more individuals to be reviewing officials. After completing the background investigation on the reviewing official, the licensee shall provide under oath or affirmation, a certification that the reviewing official is deemed trustworthy and reliable by the licensee. Provide oath or affirmation certifications to the Department by an appropriate method listed in RH-11007. The fingerprints of the named reviewing official must be taken by a law enforcement agency, Federal or State agencies that provide fingerprinting services to the public, or commercial fingerprinting services authorized by a State to take fingerprints. The licensee shall recertify that the reviewing official is deemed trustworthy and reliable every ten (10) years in accordance with RH-11025.c.

RH-11027. Requirements for Criminal History Records Checks of Individuals Granted Unescorted Access to Category 1 or Category 2 Quantities of Radioactive Material.

c. Procedures for processing of fingerprint checks.

1. For the purpose of complying with this Part, licensees shall submit to the U.S. Nuclear Regulatory Commission, Director, Division of ~~Facilities and Security~~ Physical and Cyber Security Policy, 11545 Rockville Pike, ~~Rockville, Maryland 20852~~, ATTN: Criminal History Program, ~~Mail Stop TWB-05-B32M T-07D04M,~~ Rockville, Maryland 20852, one completed, legible standard fingerprint card (Form FD-258, ORIMDNRCOOOZ), electronic fingerprint scan or, where practicable, other fingerprint record for each individual requiring unescorted access to category 1 or category 2 quantities of radioactive material. Copies of these forms may be obtained by ~~writing the Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission,~~ Washington, DC 20555-0001, by calling 1-630-829-9565, or by email to FORMS.Resource@nrc.gov emailing

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MAILSVS.Resource@nrc.gov. Guidance on submitting electronic fingerprints can be found at ~~<https://www.nrc.gov/site-help/e-submittals.html>~~ <https://www.nrc.gov/security/chp.html>.

RH-11027.c. (Cont'd)

2. Fees for the processing of fingerprint checks are due upon application. Licensees shall submit payment with the application for the processing of fingerprints through corporate check, certified check, cashier's check, money order, or electronic payment, made payable to "U.S. NRC." (For guidance on making electronic payments, contact the ~~Security Branch, Division of Facilities and Security~~ Division of Physical and Cyber Security Policy at 1-301-492-3534 by emailing Crimhist.Resource@nrc.gov.) Combined payment for multiple applications is acceptable. The U.S. Nuclear Regulatory Commission publishes the amount of the fingerprint check application fee on the NRC's public Web site. (To find the current fee amount, go to the Electronic Submittals Licensee Criminal History Records Checks & Firearms Background Check Information page at ~~<https://www.nrc.gov/site-help/e-submittals.html>~~ <https://www.nrc.gov/security/chp.html> and see the link for the ~~Criminal History Program under Electronic Submission Systems~~: "How do I determine how much to pay for the request?")
3. The U.S. Nuclear Regulatory Commission will forward to the submitting licensee all data received from the FBI as a result of the licensee's application(s) for criminal history records checks.

PART C.
PHYSICAL PROTECTION REQUIREMENTS DURING USE

RH-11043. **General Security Program Requirements.**

- d. **Protection of information.**
 1. Licensees authorized to possess category 1 or category 2 quantities of radioactive material shall limit access to and unauthorized disclosure of their security plan, implementing procedures, and the list of individuals that have been approved for unescorted access.
 2. Efforts to limit access shall include the development, implementation, and maintenance of written policies and procedures for controlling access to, and for proper handling and protection against unauthorized disclosure of, the security plan.

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~~and implementing procedures, and the list of individuals that have been approved for unescorted access.~~

3. Before granting an individual access to the security plan, ~~or implementing procedures, or the list of individuals that have been approved for unescorted access,~~ licensees shall:

A. Evaluate an individual’s need to know the security plan, ~~or implementing procedures, or the list of individuals that have been approved for unescorted access;~~ and

RH-11043.d.3. (Cont’d)

B. If the individual has not been authorized for unescorted access to category 1 or category 2 quantities of radioactive material, safeguards information, or safeguards information-modified handling, the licensee must complete a background investigation to determine the individual’s trustworthiness and reliability. A trustworthiness and reliability determination shall be conducted by the reviewing official and shall include the background investigation elements contained in RH-11025.a.2. through a.7.

4. Licensees need not subject the following individuals to the background investigation elements for protection of information:

A. The categories of individuals listed in RH-11029.a.; or

B. Security service provider employees, provided written verification that the employee has been determined to be trustworthy and reliable, by the required background investigation in RH-11025.a.2. through a.7., has been provided by the security service provider.

5. The licensee shall document the basis for concluding that an individual is trustworthy and reliable and should be granted access to the security plan, ~~or implementing procedures, or the list of individuals that have been approved for unescorted access.~~

6. Licensees shall maintain a list of persons currently approved for access to the security plan, ~~or implementing procedures, or the list of individuals that have been approved for unescorted access.~~ When a licensee determines that a person no longer needs access to

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the security plan, ~~or~~ implementing procedures, or the list of individuals that have been approved for unescorted access, or no longer meets the access authorization requirements for access to the information, the licensee shall remove the person from the approved list as soon as possible, but no later than seven (7) working days, and take prompt measures to ensure that the individual is unable to obtain the security plan, ~~or~~ implementing procedures, or the list of individuals that have been approved for unescorted access.

7. When not in use, the licensee shall store its security plan, implementing procedures, and the list of individuals that have been approved for unescorted access in a manner to prevent unauthorized access. Information stored in nonremovable electronic form must be password protected.

RH-11043.d. (Cont'd)

8. The licensee shall retain as a record for three (3) years after the document is no longer needed:
 - A. A copy of the information protection procedures; and
 - B. The list of individuals approved for access to the security plan, ~~or~~ implementing procedures, or the list of individuals that have been approved for unescorted access.

RH-11045. **LLEA Coordination.**

- b. The licensee shall notify the Department as specified in RH-11007. within three (3) business days if:
 1. The LLEA has not responded to the request for coordination within sixty (60) days of the coordination request; or
 2. The LLEA notifies the licensee that the LLEA does not plan to participate in coordination activities.

PART D.
PHYSICAL PROTECTION IN TRANSIT

RH-11077. **Advance Notification of Shipment of Category 1 Quantities of Radioactive Material.**

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As specified in paragraphs a. and b. of this section, each licensee shall provide advance notification to the Department and to the governor of a State, or the governor's designee, of the shipment of licensed material in a category 1 quantity, through or across the boundary of the State, before the transport, or delivery to a carrier for transport, of the licensed material outside the confines of the licensee's facility or other place of use or storage.

a. Procedures for submitting advance notification.

1. The notification must be made to the Department and to the office of each appropriate governor or governor's designee. The contact information, including telephone and mailing addresses, of the Department and of governors and governors' designees, is available on the U.S. Nuclear Regulatory Commission website at <https://scp.nrc.gov/special/designee.pdf>. A list of the contact information is also available upon request from the ~~Director, Division of Material Safety, State, Tribal, and Rulemaking Programs, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001~~ Department. The notification to the Department may be made by ~~fax to 1-501-280-4407~~ email to Communication.Center@arkansas.gov.

2. A notification delivered by mail must be postmarked at least seven (7) days before transport of the shipment commences at the shipping facility.

RH-11077.a. (Cont'd)

3. A notification delivered by any means other than mail must reach the Department at least four (4) days before the transport of the shipment commences and must reach the office of the governor or the governor's designee at least four (4) days before transport of a shipment within or through the State.

b. Information to be furnished in advance notification of shipment.

Each advance notification of shipment of category 1 quantities of radioactive material must contain the following information, if available at the time of notification:

1. The name, address, and telephone number of the shipper, carrier, and receiver of the category 1 radioactive material;

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2. The license numbers of the shipper and receiver;
3. A description of the radioactive material contained in the shipment, including the radionuclides and quantity;
4. The point of origin of the shipment and the estimated time and date that shipment will commence;
5. The estimated time and date that the shipment is expected to enter each State along the route;
6. The estimated time and date of arrival of the shipment at the destination; and
7. A point of contact, with a telephone number, for current shipment information.

c. Revision notice.

1. The licensee shall provide any information not previously available at the time of the initial notification, as soon as the information becomes available but not later than commencement of the shipment, to the governor of the State or the governor's designee and to the Department.

RH-11077.c. (Cont'd)

2. A licensee shall promptly notify the governor of the State or the governor's designee of any changes to the information provided in accordance with paragraphs b. and c.1. of this section. The licensee shall also immediately notify the Department of any such changes.

d. Cancellation notice.

Each licensee who cancels a shipment for which advance notification has been sent shall send a cancellation notice to the governor of each State or to the governor's designee previously notified and to the Department. The licensee shall send the cancellation notice before the shipment would have commenced or as soon thereafter as possible. The licensee shall state in the notice that it is a cancellation and identify the advance notification that is being cancelled.

e. Records.

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The licensee shall retain a copy of the advance notification and any revision and cancellation notices as a record for three (3) years.

f. Protection of information.

State officials, State employees, and other individuals, whether or not licensees of the Department, the NRC, or of an Agreement State, who receive schedule information of the kind specified in RH-11077.b. shall protect that information against unauthorized disclosure as specified in RH-11043.d.

RH-11081. Reporting of Events.

- g.** The initial telephone notification required by paragraphs a. through d. of this section must be followed within a period of thirty (30) days by a written report submitted to the Department by an appropriate method listed in RH-11007. A written report is not required for notifications on suspicious activities required by paragraphs c. and d. of this section. The report must set forth the following information, as appropriate:
1. A description of the licensed material involved, including kind, quantity, and chemical and physical form;
 2. A description of the circumstances under which the loss, theft, etc. occurred;
 3. A statement of disposition, or probable disposition, of the licensed material involved;
 4. Actions that have been taken, or will be taken, to recover the material; and
 5. Procedures or measures that have been, or will be, adopted to ensure against a recurrence of this type of event.

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: H2/10/21

A Bill

HOUSE BILL 1154

5 By: Representative Ladyman
6 By: Senator D. Wallace
7

For An Act To Be Entitled

9 AN ACT TO AMEND AND UPDATE THE ARKANSAS CODE
10 REGARDING REGULATION OF IONIZING RADIATION TO COMPLY
11 WITH FEDERAL LAWS AND REGULATIONS; AND FOR OTHER
12 PURPOSES.
13
14

Subtitle

15 TO AMEND AND UPDATE THE ARKANSAS CODE
16 REGARDING REGULATION OF IONIZING
17 RADIATION TO COMPLY WITH FEDERAL LAWS AND
18 REGULATIONS.
19
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 20-21-202(3), concerning the purpose of the
25 subchapter regarding ionizing radiation, amended to read as follows:

26 (3) To establish procedures for assumption and performance of
27 certain regulatory responsibilities with respect to ~~by-product, source, and~~
28 ~~special nuclear materials~~ radioactive materials and radiation equipment and
29 to provide for registration of ~~persons providing radiation machine~~
30 ~~installation~~ service personnel; and
31

32 SECTION 2. Arkansas Code § 20-21-203 is amended to read as follows:

33 20-21-203. Definitions.

34 As used in this subchapter:

35 (1) "Accelerator or particle accelerator, medical" means a
36 device used to impart kinetic energy of not greater than one hundred



1 megaelectronvolts (100 MeV) to electrically charged particles such as
2 electrons, protons, deuterons, and helium ions, and which is used for medical
3 purposes;

4 (2) "Accelerator or particle accelerator, nonmedical" means a
5 device used to impart kinetic energy of not greater than one hundred
6 megaelectronvolts (100 MeV) to electrically charged particles such as
7 electrons, protons, deuterons, and helium ions, and which is not used for
8 medical purposes;

9 (3) "Accelerator-produced radioactive material" means any
10 material made radioactive, so as to emit radiation spontaneously, by a
11 particle accelerator;

12 ~~(4) [Repealed.]~~

13 ~~(5)~~(4) "Assembler" means any person who is engaged in the
14 business of installing or offering to install radiation machines or
15 components associated with radiation machines;

16 ~~(6) [Repealed.]~~

17 ~~(7)~~(5) "By-product material" means:

18 (A) Any ~~any~~ radioactive material, except special nuclear
19 material, yielded in or made radioactive by exposure to the radiation
20 incident to the process of producing or utilizing special nuclear material;

21 (B) The tailings or wastes produced by the extraction or
22 concentration of uranium or thorium from ore processed primarily for its
23 source material content, including discrete surface wastes resulting from
24 uranium solution extraction processes. Underground ore bodies depleted by
25 these solution extraction operations do not constitute by-product material
26 within this definition;

27 (C)(i) Any discrete source of radium-226 that is produced,
28 extracted, or converted after extraction, before, on or after August 8, 2005,
29 for use for a commercial, medical, or research activity; or

30 (ii) Any material that:

31 (a) Has been made radioactive by use of a
32 particle accelerator; and

33 (b) Is produced, extracted, or converted after
34 extraction, before, on, or after August 8, 2005, for use for a commercial,
35 medical, or research activity; and

36 (D) Any discrete source of naturally occurring radioactive

1 material, other than source material, that:

2 (i) The United States Nuclear Regulatory Commission,
 3 in consultation with the Administrator of the United States Environmental
 4 Protection Agency, the United States Secretary of Energy, the United States
 5 Secretary of Homeland Security, and the head of any other appropriate federal
 6 agency, determines would pose a threat similar to the threat posed by a
 7 discrete source of radium-226 to the public health and safety or the common
 8 defense and security; and

9 (ii) Before, on, or after August 8, 2005, is
 10 extracted or converted after extraction for use in a commercial, medical, or
 11 research activity;

12 ~~(8)(6)~~ “Calibration sources – consulting services” means any
 13 individual, group of individuals, or company possessing a sealed radioactive
 14 source used for the calibration of radiation-measuring instruments or
 15 ~~radiation machines~~ devices as authorized by a radioactive material license;

16 ~~(9)~~ “~~Category I-A hospital~~” means ~~a hospital or medical center~~
 17 ~~that meets one (1) of the following criteria:~~

18 ~~(A) Has a nuclear medicine department, one (1) or more X-~~
 19 ~~ray machines, and one (1) or more particle accelerator units; or~~

20 ~~(B) Has a nuclear medicine department, eleven (11) or more~~
 21 ~~X-ray machines, and one (1) or more teletherapy units;~~

22 ~~(10) “Category I-B hospital” means a hospital or medical center~~
 23 ~~that has a nuclear medicine department, has ten (10) or fewer X-ray machines,~~
 24 ~~and has one (1) or more teletherapy units;~~

25 ~~(11) “Category II-A hospital” means a hospital or medical center~~
 26 ~~that meets one (1) of the following criteria:~~

27 ~~(A) Has a nuclear medicine department and eleven (11) or~~
 28 ~~more X-ray machines;~~

29 ~~(B) Has a nuclear medicine department and one (1) or more~~
 30 ~~particle accelerator units;~~

31 ~~(C) Has one (1) or more X-ray machines and one (1) or more~~
 32 ~~particle accelerator units; or~~

33 ~~(D) Has eleven (11) or more X-ray machines and one (1) or~~
 34 ~~more teletherapy units;~~

35 ~~(12) “Category II-B hospital” means a hospital or medical center~~
 36 ~~that meets one (1) of the following criteria:~~

1 ~~(A) Has a nuclear medicine department and ten (10) or~~
2 ~~fewer X-ray machines;~~

3 ~~(B) Has a nuclear medicine department and one (1) or more~~
4 ~~teletherapy units; or~~

5 ~~(C) Has ten (10) or fewer X-ray machines and one (1) or~~
6 ~~more teletherapy units;~~

7 ~~(13) "Category III hospital" means a hospital or medical center~~
8 ~~that meets one (1) of the following criteria:~~

9 ~~(A) Has a nuclear medicine department;~~

10 ~~(B) Has one (1) or more X-ray machines; or~~

11 ~~(C) Has one (1) or more teletherapy units;~~

12 ~~(14) "Chiropractor" means a person licensed by the Arkansas~~
13 ~~State Board of Chiropractic Examiners;~~

14 ~~(15)~~(7) "Civil penalty" means any monetary penalty levied on a
15 licensee or registrant because of violation of statutes, ~~regulations~~ rules,
16 licenses, or registration certificates but does not include criminal
17 penalties;

18 (8) "Closure" means all activities performed at a waste disposal
19 site, such as stabilization and contouring, to assure that the site is in a
20 stable condition so that only minor custodial care, surveillance, and
21 monitoring are necessary at the site following termination of licensed
22 operation;

23 ~~(16)~~(9) "Decommissioning" means final operational activities at
24 a facility to dismantle site structures, to decontaminate site surfaces and
25 remaining structures, to stabilize and contain residual radioactive material,
26 and to carry out any other activities to prepare the site for post-
27 operational care;

28 ~~(17)~~(10) "Dental radiographic unit" means any X-ray device that
29 is subject to the requirements for intraoral dental radiographic systems set
30 forth in the rules for control of sources of ionizing radiation promulgated
31 by the State Board of Health;

32 ~~(18) [Repealed.]~~

33 ~~(19)~~(11) "Gas chromatograph and X-ray fluorescence devices"
34 means analytical laboratory instruments designed for qualitative and
35 quantitative analysis using radioactive material as a component of the
36 instrument detector or as a fluorescence excitation source;

1 ~~(20)(A)~~(12)(A) “General license” means a license effective
2 pursuant to rules promulgated by the State Radiation Control Agency without
3 the filing of an application with the Department of Health or the issuance of
4 licensing documents to particular persons to transfer, acquire, own, possess,
5 or use quantities of radioactive material or devices or equipment utilizing
6 radioactive material.

7 (B) “Specific license” means a license issued to a named
8 person upon application filed pursuant to rules promulgated under this
9 subchapter to use, manufacture, produce, transfer, receive, acquire, own, or
10 possess quantities of radioactive material or equipment utilizing radioactive
11 material.

12 (C) “Academic broad license” means any radioactive
13 material license issued to a college or university and subject to the special
14 requirements for “specific licenses of broad scope” as set forth in the rules
15 for control of sources of ionizing radiation promulgated by the State Board
16 of Health.

17 (D) “Academic radioactive material license” means any
18 radioactive material license issued to a college or university, excluding
19 academic broad licenses;

20 ~~(21)~~(13) “High-level radioactive waste” means:

21 (A) Irradiated reactor fuel;

22 (B) Liquid wastes resulting from the operation of the
23 first cycle solvent extraction system, or equivalent, and the concentrated
24 wastes from subsequent extraction cycles, or equivalent, in a facility for
25 reprocessing irradiated reactor fuel; and

26 (C) Solids into which such liquid wastes have been
27 converted;

28 ~~(22)~~(14) “Industrial units” means X-ray machines used within the
29 manufacturing industry and other industries and in industrial radiography;

30 ~~(23)~~(15) “In vitro laboratory testing” means nonhuman use of
31 radioactive material for laboratory testing in accordance with a general
32 license authorized by the rules for control of sources of ionizing radiation
33 promulgated by the State Board of Health;

34 ~~(24)~~(16) “Ionizing radiation” means gamma rays and X-rays, alpha
35 and beta particles, high-speed electrons, neutrons, protons, and other
36 nuclear particles, but ~~it~~ does not include sound or radio waves or visible,

1 infrared, or ultraviolet light;

2 ~~(25)~~(17) "Irradiator" means a device or facility which contains
3 and uses sealed sources for the irradiation of objects or materials;

4 ~~(26)~~(18) "Low-level radioactive waste" means radioactive waste
5 not classified as high-level radioactive waste, transuranic waste, spent
6 nuclear fuel, or by-product material as defined in Section 11e. (2) of the
7 Atomic Energy Act of 1954;

8 ~~(27)~~(19) "Mobile nuclear medicine service" means the
9 transportation and medical use of by-product material and diagnostic
10 instrumentation;

11 ~~(28)~~(20) "Naturally occurring radioactive material" means any
12 material of natural origin that emits radiation spontaneously, excluding
13 uranium, thorium, and the tailings produced in their extraction or
14 concentration;

15 ~~(29)~~(21) "Nuclear gauge" means a device that uses radioactive
16 material as a means of measurement or testing;

17 ~~(30)~~(22) "Nuclear medicine" means human use of radioactive
18 material for diagnostic or therapeutic purposes, not including radioisotope
19 teletherapy;

20 ~~(31)~~(23) "Nuclear pharmacy" means a facility licensed by the
21 Arkansas State Board of Pharmacy for the purpose of compounding and
22 dispensing prescription drugs which contain or are intended to be used with
23 radioactive material. In addition, the facility is intended to provide
24 service for more than one (1) medical licensee;

25 ~~(32)~~ "Others", as used in the contexts of registration, means
26 any X-ray machine which is not otherwise included in the definitions in this
27 section;

28 ~~(33)~~(24) "Panoramic wet source storage irradiator" means a
29 controlled human access irradiator in which the sealed source is contained in
30 a storage pool, usually containing water, and in which the sealed source is
31 fully shielded when not in use. The sealed source is exposed within a
32 radiation room that is maintained as inaccessible during use by interlocked
33 controls;

34 ~~(34)~~(25) "Person" means:

35 (A) Any ~~any~~ individual, corporation, partnership, firm,
36 association, trust, estate, public or private institution, group, agency of

1 this state, political subdivision of this state, of any other state, or
2 political subdivision or agency thereof; and

3 (B) Any any legal successor, representative, agent, or
4 agency of the foregoing, other than the United States Atomic Energy
5 Commission, or any successor thereto, and other than United States Government
6 agencies licensed by the United States Atomic Energy Commission, or any
7 successor thereto but not including United States Government agencies;

8 ~~(35)~~(26) "Physician" means ~~any individual possessing a valid~~
9 ~~physician's and surgeon's certificate issued by this state~~ a doctor of
10 medicine or doctor of osteopathy licensed by the Arkansas State Medical Board
11 to prescribe drugs in the practice of medicine;

12 ~~(36)~~ "Podiatrist" means ~~a person licensed by the Arkansas Board~~
13 ~~of Podiatric Medicine;~~

14 ~~(37)~~(27) "Private practice" means any use of radioactive
15 material subject to the requirements for licensing of individual physicians
16 for human use of radioactive materials as set forth in the rules for control
17 of sources of ionizing radiation promulgated by the State Board of Health,
18 ~~excluding those installations subject to the requirements for X-ray and~~
19 ~~electron therapy systems with energies of one megaelectronvolt (1 MeV) and~~
20 ~~above and for teletherapy as set forth in the same rules;~~

21 ~~(38)~~(28) "Radiation equipment" means any manufactured product or
22 device, or component part of a product or device, or any machine or system
23 which during operation can generate or emit ionizing radiation, except those
24 which emit radiation only from radioactive material;

25 ~~(39)~~(29)(A) "Radioactive material" means any material, whether
26 solid, liquid, or gas, which emits ionizing radiation spontaneously.

27 (B) "Radioactive material" includes ~~accelerator-produced,~~
28 ~~by-product,~~ naturally occurring, source, and special nuclear materials;

29 ~~(40)~~(30) "Radioactive waste management" means storage,
30 treatment, or disposal of radioactive wastes;

31 ~~(41)~~(31) "Radiography" means the examination of the macroscopic
32 structure of materials by nondestructive methods utilizing sources of
33 ionizing radiation;

34 ~~(42)~~(32)(A) "Radioisotope teletherapy" means the use of
35 radiation from a sealed radioactive source for medical treatment.

36 (B) "Radioisotope teletherapy" ~~This~~ does not include

1 radiation from sealed radioactive sources implanted within individuals or on-
2 surface contact with individuals;

3 ~~(43)~~(33) "Reciprocity" means the reciprocal recognition of
4 licenses, registrations, or the equivalent issued by the United States
5 Nuclear Regulatory Commission or any agreement state other than Arkansas,
6 subject to provisions for reciprocal recognition of licenses, registrations,
7 or the equivalent as set forth in the rules for control of sources of
8 ionizing radiation promulgated by the State Board of Health;

9 ~~(44)~~(34) "Registration" means registration with the Department
10 of Health ~~by any person possessing any source of ionizing radiation in~~
11 accordance with rules ~~and standards adopted by the Department of Health~~
12 promulgated by the State Board of Health;

13 ~~(45)~~(35) "Service personnel" means any person who is engaged in
14 the business of offering or performing:

15 (A) Repair or service of radiation machines and associated
16 radiation machine components;

17 (B) Repair or service of devices containing radioactive
18 material;

19 ~~(B)~~(C) Calibration of radiation machines;

20 ~~(C)~~(D) Calibration of radiation instrumentation or
21 devices; or

22 ~~(D)~~(E) Furnishing personnel dosimetry services to State
23 Radiation Control Agency licensees or registrants;

24 (36)(A) "Source material" means:

25 (i) Uranium, thorium, or any combination thereof, in
26 any physical or chemical form; or

27 (ii) Ores that contain by weight one-twentieth of
28 one percent (0.05%) or more of uranium, thorium, or any combination thereof.

29 (B) "Source material" does not include special nuclear
30 material;

31 (37) "Sources of radiation" means, collectively, radioactive
32 material and radiation equipment;

33 ~~(46)~~(38) "Special nuclear material" means:

34 (A) Plutonium, ~~uranium-233~~ uranium-233, uranium enriched
35 in the isotope 233 or in the isotope 235, and any other material ~~which the~~
36 ~~Governor declares by order to be special nuclear material after~~ that the

1 ~~United States Atomic Energy Commission, or any successor thereto, has~~
2 ~~determined the material to be such~~ Nuclear Regulatory Commission under the
3 provisions of § 51 of the Atomic Energy Act of 1954, as amended, determines
4 to be special nuclear material but does not include source material; or

5 (B) Any material artificially enriched by any of the
6 foregoing but does not include source material;

7 (39)(A) "Spent nuclear fuel" means fuel that has been
8 withdrawn from a nuclear reactor following irradiation, has undergone at
9 least one (1) year's decay since being used as a source of energy in a power
10 reactor, and has not been chemically separated into its constituent elements
11 by reprocessing.

12 (B) "Spent nuclear fuel" includes special nuclear
13 material, by-product material, source material, and other radioactive
14 material associated with fuel assemblies;

15 ~~(47) "Source material" means:~~

16 ~~(A) Uranium, thorium, or any other material which the~~
17 ~~Governor declares by order to be source material after the United States~~
18 ~~Atomic Energy Commission, or any successor thereto, has determined the~~
19 ~~material to be such; or~~

20 ~~(B) Ores containing one (1) or more of the foregoing~~
21 ~~materials, in such concentration as the Governor declares by order to be~~
22 ~~source material after the United States Atomic Energy Commission, or any~~
23 ~~successor thereto, has determined the material in such concentration to be~~
24 ~~source material;~~

25 ~~(48) "Sources of radiation" means, collectively, radioactive~~
26 ~~material and radiation equipment;~~

27 (40) "Transuranic waste" means radioactive waste containing
28 alpha-emitting transuranic elements, with radioactive half-lives greater than
29 five (5) years, in excess of ten (10) nanocuries per gram;

30 ~~(49)~~(41) "Veterinary medicine radiographic systems" means any X-
31 ray device that is subject to the requirements for veterinary medicine
32 radiographic installations set forth in the rules for control of sources of
33 ionizing radiation promulgated by the State Board of Health;

34 ~~(50)~~(42) "Wireline service operation" means any evaluation or
35 mechanical service which is performed in ~~the well bore~~ a wellbore, using
36 devices on a wireline; and

1 ~~(51)~~(43) "X-ray tube" means any electron tube which is designed
2 to be used primarily for the production of X-rays.

3
4 SECTION 3. Arkansas Code § 20-21-207 is amended to read as follows:
5 20-21-207. State Radiation Control Agency – Powers and duties
6 generally.

7 (a) For the protection of the occupational and public health and
8 safety, the State Radiation Control Agency shall:

9 (1) Develop programs for evaluation and control of hazards
10 associated with the use of sources of ionizing radiation;

11 (2) Develop programs, with due regard for compatibility with
12 federal programs, for regulation of ~~by-product, source, and special nuclear~~
13 ~~materials~~ radioactive material and for regulation of radiation equipment;

14 (3) Formulate, adopt, promulgate, and repeal codes and rules
15 which may provide for licensing or registration relating to control, storage,
16 or disposal of sources of ionizing radiation with due regard for
17 compatibility with the regulatory programs of the United States Government;

18 (4) Issue such orders or modifications as may be necessary in
19 *connection with proceedings under this subchapter. This power is intended*
20 *for use in conjunction with any licensing or registration authority;*

21 (5) Advise, consult, and cooperate with other agencies of the
22 state, the United States Government, other states and interstate agencies,
23 political subdivisions, and groups concerned with control of sources of
24 ionizing radiation;

25 (6) Have the authority to accept and administer loans, grants,
26 or other funds or gifts, conditional or otherwise, in furtherance of its
27 functions, from the United States Government and from other sources, public
28 or private;

29 (7) Encourage, participate in, or conduct studies,
30 investigations, training, research, and demonstrations relating to control of
31 sources of ionizing radiation; and

32 (8) Collect and disseminate information relating to control of
33 sources of ionizing radiation, including:

34 (A) Maintenance of a file of all license or registration
35 applications, issuances, denials, amendments, transfers, renewals,
36 modifications, suspensions, and revocations;

1 (B) Maintenance of a file of general license registrants
2 possessing sources of ionizing radiation requiring registration under this
3 subchapter and any administrative or judicial action pertaining thereto; and

4 (C) Maintenance of a file of all rules and regulations
5 *relating to regulation of sources of ionizing ~~radiations~~ radiation, pending*
6 *or promulgated, and proceedings thereon.*

7 ~~(9)(A)(b)(1)~~ Be The State Radiation Control Agency is authorized
8 to acquire by purchase, acceptance, or condemnation, for and on behalf of the
9 *State of Arkansas, any lands, buildings, and grounds where radioactive by-*
10 *products and wastes produced by industrial, medical, agricultural,*
11 *scientific, or other organizations can be concentrated, stored, or otherwise*
12 *disposed of in a manner consistent with the public health and safety.*

13 ~~(B)(2)~~ The State Radiation Control Agency may exercise its
14 power to condemn as prescribed by law for condemnation by the Arkansas
15 *Department of Transportation in § 27-67-301 et seq.*

16 (3) The State Radiation Control Agency shall not approve any
17 application for a license to receive radioactive waste from other persons for
18 disposal on land not owned by the state or the United States Government.

19 ~~(10)(A)~~ ~~Allow the Secretary of the Department of Health or his~~
20 ~~or her authorized representative to require the posting of a bond by~~
21 ~~licensees to provide funds in the event of abandonment, default, or other~~
22 ~~inability of the licensee to meet the requirements of the State Radiation~~
23 ~~Control Agency. The State Radiation Control Agency may establish bonding~~
24 ~~requirements by classes of licensee and by range of monetary amounts. In~~
25 ~~establishing the requirements, the State Radiation Control Agency shall give~~
26 ~~consideration to the potential for contamination, injury, cost of disposal,~~
27 ~~and reclamation of the property.~~

28 (c)(1)(A) For licensed activities involving commercial burial of
29 radioactive waste, the State Radiation Control Agency shall, and for other
30 classes of licensed activity the State Radiation Control Agency may,
31 establish by rule standards and procedures to ensure that the licensee will
32 provide an adequate surety or other financial arrangement to permit the
33 completion of all requirements established by the State Radiation Control
34 Agency for the decontamination, closure, decommissioning, and reclamation of
35 sites, structures, and equipment used in conjunction with such licensed
36 activity, in case the licensee should default for any reason in performing

1 such requirements.

2 (B)(i) ~~The State Radiation Control Agency shall deposit~~
3 ~~the proceeds from all forfeited bonds into a special fund known as and called~~
4 ~~the "Radiation Reclamation Fund". All sureties required under subdivision~~
5 ~~(c)(1)(A) of this section that are forfeited shall be paid to the State~~
6 ~~Radiation Control Agency for deposit by the Treasurer of State in a special~~
7 ~~fund called the "Radiation Site Closure and Reclamation Fund".~~

8 (ii) ~~All moneys in the Radiation Reclamation Fund~~
9 ~~the Radiation Site Closure and Reclamation Fund are appropriated to the State~~
10 ~~Radiation Control Agency for use in effectuating protection of public health~~
11 ~~and safety and may be expended by the State Radiation Control Agency as~~
12 ~~necessary to complete such requirements on which licensees have defaulted.~~

13 (iii) ~~Moneys in the Radiation Reclamation Fund the~~
14 ~~Radiation Site Closure and Reclamation Fund shall not be used for normal~~
15 ~~operating expenses of the State Radiation Control Agency.~~

16 (C) ~~A bond deemed acceptable in Arkansas shall be a bond~~
17 ~~issued by a fidelity or surety company authorized to do business in Arkansas,~~
18 ~~a personal bond secured by such collateral as the secretary deems~~
19 ~~satisfactory, a cash bond, or a letter of credit.~~

20 (D)(i) ~~All state, local, or other governmental agencies or~~
21 ~~subdivisions shall be exempt from the requirements of this subdivision (10).~~

22 (ii) ~~The secretary may exempt classes of licensees~~
23 ~~from the requirements of this section when a finding is made that the~~
24 ~~exemption will not result in a significant risk to the public health and~~
25 ~~safety; and~~

26 (11)(A)(2)(A) ~~Allow~~ The State Radiation Control Agency shall
27 allow the secretary Secretary of the Department of Health or his or her
28 authorized representative to require a licensee to deposit funds on an
29 annual, semiannual, or quarterly basis into a trust fund established for the
30 exclusive purpose set out in this subdivision ~~(11)(c)(2).~~

31 (B) The Perpetual Maintenance Fund shall be defined so as
32 to embrace each of the following:

33 (i) A source of revenue to provide for ~~perpetual~~
34 care and the continuing long-term surveillance, maintenance, and other care
35 of a radioactive waste concentration, storage, and disposal site as described
36 in ~~subdivision (9) subsection (b)~~ of this section or a source of revenue to

1 provide for ~~perpetual care and~~ the continuing long-term surveillance,
2 maintenance, and other care of a formerly licensed activity still containing
3 or having associated with it radioactive material, the activity having ceased
4 to operate by reason of default, abandonment, or decommissioning;

5 (ii) The Perpetual Maintenance Fund shall have two
6 (2) inputs:

7 (a) Fees which are contributed by the lessee
8 or licensee resulting from the operation of concentrating, storing, or
9 disposing of radioactive material as set forth in ~~subdivision (9)~~ subsection
10 (b) of this section; and

11 (b)(1) Moneys accrued as interest on a trust
12 fund established by a licensee.

13 ~~(2) These funds~~ All trust fund moneys
14 including moneys accrued as interest on the trust fund, shall be
15 automatically transferred to the Perpetual Maintenance Fund in the event of
16 default, abandonment, or decommissioning;

17 (iii) Moneys in the Perpetual Maintenance Fund shall
18 be appropriated to the State Radiation Control Agency for use in a way
19 consonant with this subchapter, including such items as ~~perpetual care,~~
20 ~~maintenance, and surveillance~~ long-term site surveillance, maintenance, and
21 other care; and

22 (iv) All licensee contributions to the Perpetual
23 Maintenance Fund shall be payable to the secretary and deposited by the
24 Treasurer of State.

25 ~~(B)(C)(i)~~ To provide for the proper care and surveillance
26 of licensed sites subject to subdivision ~~(11)(A)~~ (c)(2)(B)(i) of this
27 section, the state shall have the right to acquire by gift, transfer,
28 purchase, or condemnation from another government agency or private person
29 any lands, buildings, and grounds necessary to fulfill the purposes of this
30 section.

31 (ii) Any gift, transfer, purchase, or condemnation
32 shall be subsequently subject to be approved and accepted by the state.

33 ~~(C) To effectuate the provisions of this subchapter, the~~
34 ~~State Radiation Control Agency, by lease or license with any person, may~~
35 ~~provide for the operation of a site. Any lessee or licensee operating under~~
36 ~~the provisions of this subdivision (11) shall be subject to subdivision (10)~~

1 ~~of this section.~~

2 (D)(i) The funds required by this subdivision ~~(11)~~ (c)(2)
3 shall be established at such rate that interest on the sum of all funds
4 reasonably anticipated as payable shall provide an annual amount equal to the
5 anticipated reasonable costs necessary to maintain, monitor, and otherwise
6 supervise and care for the lands and facilities as required in the interest
7 of public health and safety.

8 (ii) In arriving at the rate of funds to be
9 deposited, the State Radiation Control Agency shall consider the nature of
10 the licensed material, size and type of activity, estimated future receipts,
11 and estimated future expenses of maintenance, monitoring, and supervision.

12 (E)(i) Recognizing that ultimate responsibility to protect
13 the public health and safety must be reposed in a solvent government, without
14 regard to the existence of any particular agency or department ~~thereof~~, all
15 lands, buildings, and grounds acquired by the state under subdivision ~~(11)(B)~~
16 (c)(2)(C) of this section shall be owned in fee simple absolute by the state
17 for purposes stated in subdivision ~~(11)(B)~~ (c)(2)(C) of this section.

18 (ii) All radioactive material received at the site
19 and located therein at time of acquisition of ownership by the state becomes
20 the property of the state.

21 (F)(i) If a person licensed by any governmental agency
22 other than the State of Arkansas desires to transfer a site to the state for
23 the purpose of administering or providing ~~perpetual~~ long-term care, a lump-
24 sum deposit shall be made to a trust fund.

25 (ii) The amount of the deposit shall be determined
26 by the secretary, taking into consideration the factors stated in subdivision
27 ~~(11)(D)~~ (c)(2)(D) of this section.

28 (3) The sureties or other financial arrangements and funds
29 required by subdivisions (c)(1) and (2) of this section shall be established
30 in amounts sufficient to ensure compliance with those standards, if any,
31 established by the United States Nuclear Regulatory Commission pertaining to
32 closure, decommissioning, reclamation, and long-term site surveillance and
33 care of such facilities and sites.

34 (4) All state, local, or other governmental agencies or
35 subdivisions shall be exempt from the requirements of subdivisions (c)(1) and
36 (2) of this section.

1 (5) The State Radiation Control Agency may by contract,
2 agreement, lease, or license with any person, including another state agency,
3 provide for the decontamination, closure, decommissioning, reclamation,
4 surveillance, or other care of a site subject to subsection (c) of this
5 section as needed to carry out the purposes of this section.

6
7 SECTION 4. Arkansas Code § 20-21-209 is amended to read as follows:

8 20-21-209. State Radiation Control Agency – Recognition of other
9 licenses or registrations.

10 Rules promulgated pursuant to this subchapter may provide for
11 recognition of other state or federal licenses or registrations, or
12 equivalents, as the State Radiation Control Agency may deem desirable,
13 subject to such licensing or registration requirements as the agency may
14 prescribe.

15
16 SECTION 5. Arkansas Code § 20-21-213 is amended to read as follows:

17 20-21-213. Licensing and registration requirements generally.

18 (a) The State Radiation Control Agency shall provide by rule for
19 ~~general or specific~~ licensing of ~~accelerator-produced material, by-product~~
20 ~~material, source material, special nuclear material~~ radioactive material, or
21 devices or equipment utilizing such material, and for licensing or
22 registration of radiation equipment.

23 (b) The rule shall provide for amendment, suspension, or revocation of
24 licenses and registrations.

25 (c) The rule shall provide that:

26 (1) Each application for a specific license, or license or
27 registration of radiation equipment, shall be in writing and shall state such
28 information as the agency by rule may determine to be necessary to decide the
29 technical, ~~insurance~~, and financial qualifications or any other
30 qualifications of the applicant as the agency may deem reasonable and
31 necessary to protect the occupational and public health and safety;

32 (2) The agency may at any time after the filing of the
33 application and before the expiration of the license or registration require
34 further written statements and may make such inspections as the agency may
35 deem necessary in order to determine whether the license or registration
36 should be granted or denied or whether the license or registration should be

1 modified, suspended, or revoked;

2 (3) All applications and statements shall be signed by the
3 applicant, ~~or licensee, or registrant~~;

4 (4) The agency may require any applications or statements to be
5 made under oath or affirmation;

6 (5) Each license or registration shall be in ~~such a~~ form and
7 contain ~~such~~ terms and conditions as the agency may by rule prescribe;

8 (6) ~~No license issued under this subchapter and no right to~~
9 ~~possess or utilize sources of ionizing radiation granted by any license shall~~
10 ~~be assigned or in any manner disposed of~~ No license or registration issued
11 under this subchapter nor any right under a license or registration shall be
12 transferred, assigned, or in any manner disposed of unless the agency shall,
13 after securing full information, find that the transfer is in accordance with
14 the provisions of this subchapter and shall give its consent in writing;

15 (7) The terms and conditions of all licenses or registrations
16 shall be subject to amendment, revision, or modification by rules or orders
17 issued in accordance with this subchapter;

18 (8) Licenses issued by the agency shall:

19 ~~(A) Be nontransferable;~~

20 ~~(B)(A)~~ Be renewed every five (5) to ten (10) years based
21 on risk factors as determined by the agency; and

22 ~~(C)(B)~~ Expire at a time specified by the agency; and

23 (9) Registrations issued shall:

24 ~~(A) Be nontransferable;~~

25 ~~(B)(A)~~ Be renewed at a time specified by the agency; and

26 ~~(C)(B)~~ Expire one (1) year after issuance or at a time
27 specified by the agency.

28
29 SECTION 6. Arkansas Code §§ 20-21-215 – 20-21-218 are amended to read
30 as follows:

31 20-21-215. Licensing and registration requirements – Recognition of
32 other licenses or registrations.

33 *Rules promulgated pursuant to this subchapter may provide for*
34 *recognition of other state or federal licenses or registrations, or*
35 *equivalents, as the State Radiation Control Agency ~~shall~~ may deem desirable,*
36 *subject to such licensing or registration requirements as the agency may*

1 prescribe.

2

3 ~~20-21-216. Licensing and registration requirements—Termination.~~

4 ~~(a) Any radioactive materials license issued or renewed after July 4,~~
5 ~~1983, for any activity which results in the production of radioactive~~
6 ~~material shall contain such terms and conditions as the State Radiation~~
7 ~~Control Agency determines to be necessary to assure that before termination~~
8 ~~of the license:~~

9 ~~(1) The licensee will comply with decontamination,~~
10 ~~decommissioning, and reclamation standards prescribed by the agency, which~~
11 ~~shall be equivalent to or more stringent than those of the United States~~
12 ~~Nuclear Regulatory Commission or any successor thereto, for sites at which~~
13 ~~ores were processed primarily for their source material content and at which~~
14 ~~the radioactive material is deposited;~~

15 ~~(2) Ownership of any disposal site and the radioactive material~~
16 ~~which resulted from the licensed activity shall be transferred to either the~~
17 ~~United States or the state, if this state exercises the option to acquire~~
18 ~~land used for the disposal of the radioactive material; and~~

19 ~~(3) Any license which is in effect on July 4, 1983, and which is~~
20 ~~subsequently terminated without renewal shall comply with subdivisions (a)(1)~~
21 ~~and (2) of this section upon termination.~~

22 ~~(b) The agency shall require by rule or order that, before the~~
23 ~~termination of any license which is issued after July 4, 1983, title to the~~
24 ~~land including any interests therein other than land held in trust by the~~
25 ~~United States for any Indian tribe or owned by an Indian tribe subject to a~~
26 ~~restriction against alienation imposed by the United States, or land already~~
27 ~~owned by the United States or by this state, which is used pursuant to the~~
28 ~~license for the disposal of radioactive material shall be transferred to~~
29 ~~either the United States or to the state, unless the United States Nuclear~~
30 ~~Regulatory Commission or any successor thereto determines before the~~
31 ~~termination that transfer of title to the land and the material is not~~
32 ~~necessary or desirable to protect the public health, safety, or welfare, or~~
33 ~~to minimize danger to life or property.~~

34 ~~(c) If transfer of the title to the radioactive material and land to~~
35 ~~the state is required, the agency, following the United States Nuclear~~
36 ~~Regulatory Commission's determination that the licensee has complied with~~

1 applicable standards and requirements under his or her license, shall assume
2 title to the material or land and maintain the material and land in such
3 manner as will protect the public health and safety and the environment.

4 (d) The agency may undertake such monitoring, maintenance, and
5 emergency measures as are necessary to protect the public health and safety
6 for those materials and property for which it has assumed custody pursuant to
7 this subchapter.

8 (e) The transfer of title to land or radioactive materials to the
9 United States or to this state shall not relieve any licensee of liability
10 for any fraudulent or negligent acts done before the transfer.

11 (f) Other than administrative and legal costs incurred by the United
12 States or by this state in carrying out the transfer, radioactive materials
13 or land transferred to the United States or to the state in accordance with
14 this section shall be transferred without cost.

15
16 20-21-217. Licensing and registration requirements - Compliance with
17 standards - Fees.

18 (a) In licensing and regulation of radioactive material or of any
19 activity which results in the production of radioactive materials so defined,
20 the State Radiation Control Agency shall require compliance with applicable
21 standards promulgated by the State Radiation Control Agency which are
22 equivalent to or more stringent than standards adopted and enforced by the
23 United States Nuclear Regulatory Commission for the same purpose, including
24 requirements and standards promulgated by the United States Environmental
25 Protection Agency.

26 (b)(a) Until the State Board of Health promulgates rules under
27 subsection (d) (c) of this section, the State Radiation Control Agency may
28 charge and collect the following annual fees associated with licensing and
29 registration of sources of ionizing radiation:

- 30 (1) Hospitals or medical centers:
 - 31 (A) Category I-A\$900.00
 - 32 (B) Category I-B700.00
 - 33 (C) Category II-A650.00
 - 34 (D) Category II-B450.00
 - 35 (E) Category III200.00
- 36 (2) Radioactive material licenses:

- 1 (A) Private practice, other than teletherapy units or
- 2 particle accelerators\$100.00
- 3 (B) Radiography:
- 4 (i) In plant350.00 for first bay
- 5500.00 for 2 or more bays
- 6 (ii) Field1,000.00
- 7 (C) Wireline service operation ..300.00 for 1 to 3 sources
- 8500.00 for 4 or more sources
- 9 (D) Academic:
- 10 (i) Broad500.00
- 11 (ii) Other200.00
- 12 (E) Gas chromatograph devices and lead analyzers ..100.00
- 13 (F) Nuclear gauges300.00 for 1 to 5 gauges
- 14500.00 for 6 or more gauges
- 15 (G) Particle accelerators, nonmedical200.00
- 16 (H) In vitro laboratory testing25.00
- 17 (I) Irradiators1,000.00
- 18 (J) Nuclear pharmacy1,000.00
- 19 (K) Mobile nuclear medicine service1,200.00
- 20 (L) Consultants250.00
- 21 (3) General licensed devices: Initial registration and annual
- 22 fees for the receipt, possession, or use of radioactive material under a
- 23 general license or a license obtained through reciprocity, as defined by the
- 24 State Radiation Control Agency, shall be as follows:
- 25 (A) Certain measuring, gauging, and controlling devices
- 26\$300.00
- 27 (B) Generally licensed gas chromatographs200.00
- 28 (C) Static elimination devices100.00
- 29 (D) Source material devices500.00
- 30 (E) Devices containing depleted uranium500.00
- 31 (F) Public safety devices containing radioactive material
- 3250.00
- 33 (G) All other general license registrations other than
- 34 those specified above150.00
- 35 (4) Other:
- 36 (A) Medical, therapy, nonhospital unit

- 1\$250.00 for first unit
- 2175.00 for each additional unit
- 3 (B) Particle accelerator, medical, nonhospital unit
- 4450.00 for first unit
- 5300.00 for each additional unit
- 6 (C) State Board of Health Rules ~~and Regulations~~ for
- 7 Control of Sources of Ionizing Radiation
- 80.00 for first copy
- 930.00 for each additional copy
- 10 (D) Naturally occurring radioactive material license
- 112,500.00
- 12 (E) Amendment to existing license50.00 per amendment
- 13 (5) Reciprocity:
- 14 (A) Naturally occurring radioactive material\$2,500.00
- 15 (B) Radiography, field1,000.00
- 16 (C) Wireline500.00
- 17 (D) Nuclear gauge500.00
- 18 (E) Consultant100.00
- 19 (6) Late fees: A late fee equal to ten percent (10%) of the
- 20 applicable fee shall be charged for fees not received within sixty (60) days
- 21 of the invoiced due date and for every sixty (60) days thereafter.

22 ~~(e)~~(b) The State Radiation Control Agency may charge and collect the
 23 following annual fees associated with X-ray registrations:

- 24 (1) All X-ray units, sixty-five dollars (\$65.00) per tube up to
- 25 a maximum of two hundred sixty dollars ~~(\$260.00)~~ (\$260); and
- 26 (2) Vendor services providing radiation equipment services or
- 27 radiation safety services, or both, sixty-five dollars (\$65.00).

28 ~~(d)~~~~(1)~~(c)(1) For the fees under subsection ~~(b)~~ (a) of this section,
 29 the board shall adopt rules to establish fees at a level to sustain
 30 operations of the State Radiation Control Agency's mandated programs.

- 31 (2) The fees shall not:
- 32 (A) Conflict with federal program schedules; or
- 33 (B) Exceed twenty-five percent (25%) of the fees that
- 34 would be levied by the United States Nuclear Regulatory Commission if the
- 35 United States Nuclear Regulatory Commission were to regulate the State
- 36 Radiation Control Agency's mandated programs.

1 ~~(e)~~(d) Each application for reciprocal recognition of an out-of-state
2 license or of an out-of-state registration shall be accompanied by the
3 applicable annual fee, provided that no fee has been submitted during the
4 calendar year of the application.

5 ~~(f)~~~~(1)~~(e)(1) The annual fee shall be based upon the calendar year,
6 January 1 through December 31, with fees for any given year due by December
7 31 of the previous year.

8 (2)(A) Applications for new licenses or registrations shall be
9 accompanied by the appropriate fees.

10 (B) An applicant ~~The applicants~~ shall be charged for a
11 full calendar year regardless of the month the license or registration is
12 issued.

13 (3) Applications for amendments to licenses or registration
14 certificates which result in a change to a more costly category shall be
15 accompanied by a fee equal to the difference between the fee for the current
16 category and the one to which the amended license or certificate will
17 escalate.

18 (4) Fee payments shall be by check, draft, or money order made
19 payable to the Department of Health.

20 (5) In any case in which the State Radiation Control Agency
21 finds that an applicant for a new license or new certificate of registration
22 has failed to pay the fee prescribed in this section, the State Radiation
23 Control Agency shall not process that application until the fee is paid.

24 (6) In any case in which the State Radiation Control Agency
25 finds that a person has failed to pay a fee prescribed by this section within
26 ninety (90) days of the date due, the State Radiation Control Agency may
27 issue an order to show cause why that registration, license, or other service
28 should not be revoked, suspended, or terminated, as appropriate.

29 ~~(g)~~(f) Annual fees shall not be required for those applicants,
30 licensees, registrants, or other applicable persons whose use of sources of
31 radiation is certified as financed solely by the General Revenue Fund Account
32 of the State Apportionment Fund.

33 ~~(h)~~(g) All fees levied and collected under this section are declared
34 to be special revenues and shall be deposited into the State Treasury, there
35 to be credited to the Public Health Fund.

36 ~~(i)~~(h) Subject to the rules as may be implemented by the Chief Fiscal

1 Officer of the State, the disbursing officer for the department may transfer
2 all unexpended funds relative to licensing and registration for use of
3 radioactive materials and X-ray equipment that pertain to fees collected, as
4 certified by the Chief Fiscal Officer of the State, to be carried forward and
5 made available for expenditures for the same purpose for any following fiscal
6 year.

7

8 20-21-218. Records.

9 (a)(1) The State Radiation Control Agency shall require each person
10 who manufactures, possesses, distributes, sells, installs, repairs, or uses a
11 source of ionizing radiation to maintain records relating to its receipt,
12 storage, transfer, or disposal and such other records as the agency may
13 require subject to such exemptions as may be provided by rule.

14 (2) The agency shall require each person who manufactures,
15 possesses, distributes, sells, installs, repairs, or uses a source of
16 ionizing radiation, or who furnishes personnel dosimetry services for agency
17 licensees or registrants to maintain appropriate records showing the
18 radiation exposure of all individuals for whom personnel monitoring is
19 required by rules of the agency.

20 (b)(1) Copies of all records required by subsection (a) of this
21 section shall be submitted to the agency upon request. The agency shall
22 obtain these required records from each person who manufactures, possesses,
23 distributes, sells, installs, repairs, or uses a source of ionizing radiation
24 and from service personnel.

25 ~~(2) Any person possessing or using a source of ionizing~~
26 ~~radiation shall furnish to each~~ To each employee for whom personnel
27 monitoring is required, a copy of the employee's personal exposure record, ~~as~~
28 ~~follows:~~ shall be given at the frequency required by rule.

29 ~~(A) Annually;~~

30 ~~(B) At any time the employee has received excessive~~
31 ~~exposure; and~~

32 ~~(C) Upon termination of employment.~~

33

34 SECTION 7. Arkansas Code § 20-21-222(a), concerning administrative
35 proceedings related to ionizing radiation, is amended to read as follows:

36 (a) Under this subchapter:

1 (1) In any proceeding for the issuance or modification of rules
2 relating to control of sources of ionizing radiation, the State Radiation
3 Control Agency shall provide an opportunity for public participation through
4 written comments or a public hearing, or both;

5 (2) In any proceeding for the denial of an application for a
6 license or registration or for revocation, suspension, or modification of a
7 license or registration, the agency shall provide to the applicant, ~~or~~
8 licensee, or registrant an opportunity for a hearing on the record;

9 (3) In any proceeding for ~~licensing ores processed primarily for~~
10 ~~their source material content or disposal of radioactive material or for~~
11 licensing commercial burial of radioactive ~~wastes~~ waste, the agency shall
12 provide:

13 (A) An opportunity, after public notice, for written
14 comments and a public hearing with a transcript;

15 (B) An opportunity for cross examination; and

16 (C) A written determination of the action to be taken
17 ~~which~~ that is based upon findings included in the determination and upon
18 evidence presented during the public comment period;

19 (4)(A) In any proceeding for ~~licensing ores processed primarily~~
20 ~~for their source material content, for disposal of radioactive material, or~~
21 ~~for~~ licensing commercial burial of radioactive ~~wastes~~ waste, the agency shall
22 prepare for each licensed activity that has a significant impact on the human
23 environment a written analysis of the impact of the activity on the
24 environment ~~for each licensed activity which has a significant impact on the~~
25 ~~human environment.~~

26 (B) The environmental impact analysis shall be available
27 to the public before the commencement of hearings held pursuant to
28 subdivision (a)(3) of this section and shall include:

29 (A)(i) An assessment of the radiological and
30 nonradiological impacts to the public health;

31 (B)(ii) An assessment of any impact on any waterway and
32 groundwater;

33 (C)(iii) Consideration of alternatives, including
34 alternative sites and engineering methods, to the activities to be conducted;
35 and

36 (D)(iv) Consideration of the long-term impacts including

1 decommissioning, decontamination, and reclamation of facilities and sites
2 associated with the licensed activities and management of any radioactive
3 materials which will remain on the site after the decommissioning,
4 decontamination, ~~or~~ and reclamation; and

5 (5) The agency shall prohibit any major construction with
6 respect to any activity for which an environmental impact analysis is
7 required by subdivision (a)(4) of this section before completion of such ~~an~~
8 analysis.

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/s/Ladyman

APPROVED: 3/4/21