

EXHIBIT K

DEPARTMENT OF HEALTH

(1306)

SUBJECT: Revisions to the Rules & Regulations for Control of Sources of Ionizing Radiation

DESCRIPTION: These revisions pertaining to use of radioactive material are proposed to maintain compatibility with the U.S. Nuclear Regulatory Commission (NRC). Regulation compatibility with the NRC is one of the basic requirements for the state to continue to serve its citizens as an NRC "Agreement State."

The proposed revisions address the following areas:

- Changes in the Generally Licensed Industrial Devices regulations to specifically address "import" and "export" requirements.
- Adoption of requirements for transportation of radioactive materials that are compatible with the International Atomic Energy Agency's Transportation Safety Standard.
- Modifications to the Medical Use of Radioactive Material requirements that address training requirements where additional medical specialty boards are recognized and other minor medical use regulations.
- Adoption of requirements for the department's radioactive material users who possess increase control quantities of radioactive material to participate in the National Source Tracking System as part of the enhanced national homeland security.
- Modifications to occupational dose record requirements to include relaxation of annual dose notification requirements.

PUBLIC COMMENT: A public hearing was held on August 20, 2009. The public comment period expired on August 21, 2009.

The public comments, and the agency's responses thereto, were as follows:

- (1) A UAMS representative noted some typographical errors in RH-3004 and an error concerning the radiation dose in RH-8801. **RESPONSE:** The agency corrected those errors.
- (2) David Fox, Baptist Health, had a few questions concerning the training for a radiation safety officer and asked how the requirements will affect rural health care facilities. **RESPONSE:** The agency recognized that it is not a new problem to find trained and experienced individuals. These requirements are compatible with the NRC.
- (3) Mr. Fox also asked whether there was a proposal to lower the 5 rem dose. **RESPONSE:** An NRC working group is looking at this proposal, but NRC is not inclined to change it right now.
- (4) Another commenter suggested providing an alternative to the use of social security numbers under Paragraph RH-2804 concerning notifications and reports to

individuals. **RESPONSE:** The agency added the alternative of providing a unique identifier in lieu of the use of social security numbers.

The proposed effective date is January 1, 2010.

CONTROVERSY: This is not expected to be controversial.

FINANCIAL IMPACT: There is no financial impact. The financial impact is somewhat speculative. The department indicates that the proposed rules will not create an undue financial burden on its licensees. Overall, the proposed rules will be revenue neutral.

LEGAL AUTHORIZATION: The State Radiation Control Agency is charged with the duty of instituting and maintaining a regulatory program for sources of ionizing radiation that is compatible with the standards and regulatory programs of the federal government. Ark. Code Ann. § 20-21-207. The State Board of Health is designated as the State Radiation Control Agency. Ark. Code Ann. § 20-21-206(a). For the protection of the occupational and public health and safety, the Board of Health shall "[f]ormulate, adopt, promulgate, and repeal codes, rules, and regulations which may provide for licensing or registration relating to control, storage, or disposal of sources of ionizing radiation with due regard for compatibility with the regulatory programs of the federal government." Ark. Code Ann. § 20-21-207(3).