



# Arkansas Department of Health

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Governor Asa Hutchinson

José R. Romero, MD, Secretary of Health

## ARKANSAS INFORMATION NOTICE 21-03

To: Radioactive Material Licensees, Accelerator Licensees, X-ray Registrants,  
General License Registrants, Vendors, and other Interested Parties

From: Bernard Bevill, Section Chief  
Radiation Control Section

A handwritten signature in blue ink, appearing to read "B. Bevill", is written over the printed name of Bernard Bevill.

Date: December 14, 2021

Subject: **Final revisions to the Arkansas State Board of Health Rules for Control of Sources of Ionizing Radiation – July 2021 package**

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This Information Notice (IN) is to advise all licensees, registrants, and other interested parties of the adoption of revisions to the Arkansas State Board of Health Rules for Control of Sources of Ionizing Radiation pursuant to the Administrative Procedures Act as amended, Ark. Code Ann. 25-15-201 et seq., by authority of Ark. Code Ann. 20-21-201–222. In conformance with the Administrative Procedures Act, all steps for final approval/certification have been completed.

This final rule effective on December 20, 2021, contains those proposed rules brought to the Board of Health on July 22, 2021. The final rule can be accessed on the Department's website, [www.healthy.arkansas.gov](http://www.healthy.arkansas.gov). A copy of the final rule is available upon request. The proposed rule is also available on the website.

The following revisions have been made final:

- Revisions concerning U.S. Nuclear Regulatory Commission (NRC) regulation amendments, in order to maintain Agreement State compatibility — Miscellaneous Corrections Amendments (3) - 10 CFR Parts 1, 2, 21, 34, 37, 40, 50, 52, 70, 71, 73, 110, and 140:

The objective of these three rules is to make miscellaneous corrections concerning office, division, and agency references and functions; remove a follow up reporting instruction; correct cross reference, typographical, and grammatical errors; add a certification recipient and clarifying language; remove obsolete language; and correct mailing, email, and web page addresses. (*Sections 2, 3, 4, and 12*)

- Revisions due to Act 268 of 2021:

Changes include those provisions presented in Section 1 (Registration of Sources of Radiation), definitions of “person” and “physician,” and provisions presented in Section 5 (Rules of Practice).

- Revisions not in conjunction with a particular NRC regulation amendment (general clean up):

Changes include deletion or revision of two radioactive material healing arts definitions, correction of references found in RH-7083.b., and addition of form numbers to RH-23.

Some specific things to note:

- Concerning x-ray registrations, revisions to RH-26, “**Report of Changes,**” and RH-27, “**Report of Discontinuance**” have occurred. RH-26 requires registrants to “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; the receipt, sale, or disposal of any 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 now indicates that this written (and signed) report of discontinuance to the Department must be made when the use of all radiation machines has been permanently discontinued by the registrant. A new RH-28, “**Report of Termination,**” clarifies that “every registrant who permanently disposes or transfers all his radiation machines at an installation shall, within ten (10) days of such action, notify the Department in writing” (signed) and submit a record of disposal or transfer.
- Concerning licensees possessing an aggregated category 1 or category 2 quantity of radioactive material, revisions regarding the **submission of reviewing officials’ trustworthiness and reliability certifications** have occurred (RH-11023.b.). These certifications must be submitted to the Department. **Protection of information requirements** concerning the list of individuals that have been approved for unescorted access have been revised (RH-11043.d.). Also, please note that the NRC **fingerprint submission** address, email addresses to request copies of fingerprinting forms and request guidance on electronic fee payments, and webpages containing guidance on submitting electronic fingerprints and determining the current fee amount have changed (RH-11027.c.).

If you have any questions, please call the Radiation Control Section at (501) 661-2301.