

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 1. RADIATION REGULATORY AGENCY

PREAMBLE

- 1. Sections Affected**
R12-1-102
- Rulemaking Action**
Amend
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rule is implementing (specific):**
Authorizing statutes: A.R.S. §§ 30-654(B) and 30-673
Implementing statutes: A.R.S. §§ 30-657, 30-672(J), and 30-672.01
- 3. A list of all previous notices appearing in the Register addressing the proposed rule:**
Notice of Rulemaking Docket Opening: 9 A.A.R. 5478, December 19, 2003
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Daniel H. Kuhl
Address: Arizona Radiation Regulatory Agency
4814 S. 40th Street
Phoenix, AZ 85040
Telephone: (602) 255-4845, ext. 233
Fax: (602) 437-0705
E-mail: dkuhl@arra.state.az.us
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**
Two definitions in R12-1-102 are being amended to Nuclear Regulatory Commission (NRC) standards. The definitions are used to understand the requirements in Title 12, Chapter 1.
- 6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
None
- 7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
- 8. The preliminary summary of the economic, small business, and consumer impact:**
There should not be any significant economic impact as a result of adopting the new definitions. The benefits from the amendments are the increased public safety from the safe use, transport, storage, and disposal of radiation sources.
The Arizona Radiation Regulatory Agency (ARRA) should not experience an increase in its cost of operation as a result of implementing the new definitions. Other agencies and political subdivisions possessing radiation sources should not experience an increase in their cost of operation as result of publishing the new definitions. The current

Notices of Proposed Rulemaking

mix of Arizona businesses possessing radiation sources should not experience an increase in their cost of operation as result of implementing the rule amendment.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Aubrey V. Godwin, Director
Address: Arizona Radiation Regulatory Agency
4814 S. 40th Street
Phoenix, AZ 85040
Telephone: (602) 255-4845
Fax: (602) 437-0705

10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

An oral proceeding at the Agency is scheduled for Tuesday, January 6, 2004, at 10:00 a.m. A person may submit written comments concerning the proposed rules to the following person:

Name: Aubrey V. Godwin, Director
Address: Arizona Radiation Regulatory Agency
4814 S. 40th Street
Phoenix, AZ 85040
Telephone: (602) 255-4845
Fax: (602) 437-0705

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

None

13. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES

CHAPTER 1. RADIATION REGULATORY AGENCY

ARTICLE 1. GENERAL PROVISIONS

Section
R12-1-102. Definitions

ARTICLE 1. GENERAL PROVISIONS

R12-1-102. Definitions

Terms defined in A.R.S. § 30-651 have the same meanings when used in this Chapter. The following terms have the definitions below. Additional subject specific definitions are used in other Articles.

“A₁” No change

“A₂” No change

“Absorbed dose” No change

“Accelerator” No change

“Accelerator produced material” No change

“Act” No change

“Activity” No change

“Adult” No change

“Agency” or “ARRA” No change

“Agreement State” means any state with which the United States Nuclear Regulatory Commission has entered into an effective agreement under Section 274(b) of the Atomic Energy Act of 1954, as amended (73 Stat. 689). Nonagreement State means any other state.

“Airborne radioactive material” No change

“Airborne radioactivity area” No change

“ALARA” No change

“Analytical x-ray equipment” No change

“Analytical x-ray system” No change

“Annual” No change

“Background radiation” means ~~radiation from cosmic sources; not technologically enriched naturally occurring radioactive materials, including radon, except as a decay product of source or special nuclear material less than 10 times the quantities listed in Article 4, Appendix B, Table II; and global fallout as it exists in the environment from the testing of nuclear explosive devices. “Background radiation” does not include sources of radiation from radioactive materials regulated by the Agency.~~ radiation from cosmic sources; not technologically enhanced naturally occurring radioactive material, including radon (except as a decay product of source or special nuclear material); and global fallout as it exists in the environment from the testing of nuclear explosive devices or from past nuclear accidents such as Chernobyl that contribute to background radiation and are not under the control of a licensee. “Background radiation” does not include sources of radiation regulated by the Agency.

“Becquerel” No change

“Bioassay” No change

“Brachytherapy” No change

“By-product material” No change

“Calendar quarter” No change

“Calibration” No change

“Certifiable cabinet x-ray system” No change

“CFR” No change

“Chelating agent” No change

“Civil penalty” No change

“Collective dose” No change

“Committed dose equivalent” No change

“Committed effective dose equivalent” No change

“Curie” No change

“Current license or registration” No change

“Deep-dose equivalent” No change

“Depleted uranium” No change

“Dose” No change

“Dose equivalent (H_T)” No change

“Dose limits” No change

“Dosimeter” No change

“Effective dose equivalent (H_E)” No change

“Effluent release” No change

“Embryo/fetus” No change

“Enclosed beam x-ray system” No change

“Enclosed radiography” No change

“Cabinet radiography” No change

“Shielded room radiography” No change

“Entrance or access point” No change

“Exhibit” No change

“Explosive material” No change

“Exposure” No change

“Exposure rate” No change

“External dose” No change
“Extremity” No change
“Fail-safe characteristics” No change
“Field radiography” No change
“Field station” No change
“Former U.S. Atomic Energy Commission (AEC) or U.S. Nuclear Regulatory Commission (NRC) licensed facilities”
No change
“Generally applicable environmental radiation standards” No change
“Gray” No change
“Hazardous waste” No change
“Healing arts” No change
“Health care institution” No change
“High radiation area” No change
“Human use” No change
“Impound” No change
“Individual” No change
“Individual monitoring” No change
“Individual monitoring device” or “individual monitoring equipment” No change
“Industrial radiography” No change
“Injection tool” No change
“Inspection” No change
“Interlock” No change
“Internal dose” No change
“Irradiate” No change
“Laser” No change
“Lens dose equivalent” No change
“License” No change
“Licensed material” No change
“Licensed practitioner” No change
“Licensee” No change
“Licensing State” No change
“Limits” No change
“Local components” No change
“Logging supervisor” No change
“Logging tool” No change
“Lost or missing licensed or registered source of radiation” No change
“Low-level waste” No change
“Major processor” No change
“Medical dose” No change
“Member of the public” No change
“MeV” No change
“Mineral logging” No change
“Minor” No change
“Monitoring” No change
“Multiplier” No change
“NARM” No change

- “Normal operating procedures” No change
- “Natural radioactivity” No change
- “NRC” No change
- “Nuclear waste” No change
- “Occupational dose” No change
- “Open beam system” No change
- “Package” No change
- “Particle accelerator” No change
- “Permanent radiographic installation” No change
- “Personnel dosimeter” No change
- “Personnel monitoring equipment” No change
- “Personal supervision” No change
- “Pharmacist” No change
- “Physician” No change
- “Primary beam” No change
- “Public dose” No change
- “Pyrophoric liquid” No change
- “Pyrophoric solid” No change
- “Qualified expert” No change
- “Quality Factor” No change
- “Quarter” No change
- “Rad” No change
- “Radiation” No change
- “Radiation area” No change
- “Radiation dose” No change
- “Radiation machine” No change
- “Radiation safety officer” No change
- “Radioactive marker” No change
- “Radioactive material” No change
- “Radioactivity” No change
- “Radiographer” No change
- “Radiographer’s assistant” No change
- ~~“Radiographic exposure device” means any instrument containing a sealed source, in which the sealed source or its shielding may be moved or otherwise changed from a shielded to unshielded position for purposes of making an industrial radiographic exposure.~~
- “Registrant” No change
- “Registration” No change
- “Regulations of the U.S. Department of Transportation” No change
- “Rem” No change
- “Research and Development” No change
- “Restricted area” No change
- “Roentgen” No change
- “Safety system” No change
- “Sealed source” No change
- “Shallow dose equivalent” No change
- “Shielded position” No change
- “Sievert” No change

“Site boundary” No change
“Source changer” No change
“Source holder” No change
“Source material” No change
“Source material milling” No change
“Source of radiation” or “source” No change
“Special form radioactive material” No change
“Special nuclear material in quantities not sufficient to form a critical mass” No change
“Storage area” No change
“Storage container” No change
“Subsurface tracer study” No change
“Survey” No change
“TEDE” No change
“Teletherapy” No change
“Temporary job site” No change
“Test” No change
“These rules” No change
“Total Effective Dose Equivalent” (TEDE) No change
“Total Organ Dose Equivalent” (TODE) No change
“Unrefined and unprocessed ore” No change
“Unrestricted area” No change
“U.S. Department of Energy” No change
“Waste” No change
“Waste handling licensees” No change
“Week” No change
“Well-bore” No change
“Well-logging” No change
“Whole body” No change
“Wireline” No change
“Wireline service operation” No change
“Worker” No change
“WL” No change
“WLM” No change
“Workload” No change
“Year” No change