



Arkansas Department of Health

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Governor Asa Hutchinson
José R. Romero, MD, Secretary of Health

January 14, 2021

Theresa V. Clark, Deputy Director
Division of Material Safety, Security, State, and Tribal Programs
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
T8-E18
Washington, D.C. 20555-0001

Dear Mrs. Clark:

Enclosed is our response to NRC comments dated January 6, 2021, and pursuant revisions to proposed revisions to the Arkansas Code Annotated, Title 20 – Public Health and Welfare, Subtitle 2 – Health and Safety, Chapter 21 – Radiation Protection, Subchapter 2 – Ionizing Radiation, current through all legislation enacted and approved in 2020. The proposed legislation is identified by line-in/line-out text and by a right-sided border. Changes to sections previously submitted are indicated in red.

These proposed revisions will be presented during the January 2021 legislative session. Any changes due to NRC's review must occur by the end of next week. We apologize for the short time frame.

We believe that adoption of these revisions will maintain consistency with Federal statutes, as appropriate (Office of Nuclear Material Safety and Safeguards Procedure SA-107).

If you have any questions, please contact me at (501) 661-2301 [Bernard.Bevill@arkansas.gov] or Angela Minden of my staff at Angela.Minden@arkansas.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bernie Bevill", is written over a faint, larger blue ink signature that also appears to read "Bernie Bevill".

Bernard (Bernie) Bevill, Section Chief
Radiation Control Section
Arkansas Department of Health

Enclosures: As stated

BB:AM

ARKANSAS RESPONSE TO NRC COMMENTS ON PROPOSED LEGISLATION

STATE SECTION	SSL SECTION	SUBJECT and NRC COMMENTS	ARKANSAS RESPONSE
1 Section 20-21-201	Section 2	<p>Declaration of Policy</p> <p>This section was omitted in the Arkansas proposed legislation.</p> <p>AR 20-21-202 mentions the policies are set forth in Section 20-21-201.</p> <p>Please provide Section 20-21-201 for our review.</p> <p>Arkansas needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<p>Section 20-21-201 is now provided. Subdivision (3) has been proposed.</p>
2 Section 20-21-203(28)	Section 4	<p>Definition Person</p> <p>The definition of person as stated in Arkansas §20-21-203(28) includes the following statement, "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</p>	<p>A revised definition of "person" is provided from Section 20-21-203, to be like that of the SSL instead of that present in our rule.</p>

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		<p>1982 (96 Stat. 2201), and section 3(b)(2) of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (99 Stat. 1842))" with references to the Department of Energy and the US Nuclear Regulatory Commission.</p> <p>Please explain why the definition includes references to the DOE and NRC.</p>	
3	Section 20-21-203	<p>Definition Radiation</p> <p>The section was omitted in the Arkansas proposed legislation.</p> <p>Arkansas needs to provide an explanation or justification as to the reason for the omission; or supply the missing information.</p>	<p>Arkansas has Subchapter 2, "Ionizing Radiation," and Subchapter 3, "Electronic Products." Each Subchapter has its own definition section. It would not be fitting to define "radiation" in Subchapter 2 as "ionizing radiation and non-ionizing radiation" when the Subchapter only refers to ionizing radiation. The Declaration of Policy and the Purpose sections only provide for ionizing radiation. Uses of the term "radiation" in Subchapter 2 only relate to "ionizing radiation," which is defined.</p> <p>The word "non-ionizing" is not used in Subchapter 2, and therefore "non-ionizing radiation" would not need defining. Such matters would be addressed in Subchapter 3.</p>
4	Section 20-21-203	<p>Definition Non-ionizing Radiation</p> <p>The section was omitted in the Arkansas proposed legislation.</p> <p>Arkansas needs to provide an explanation or justification as to the reason for the omission; or supply the missing information.</p>	
5	Section 20-21-203	<p>Definition Spent Nuclear Fuel</p> <p>In Arkansas §20-21-203(42), it defines spent nuclear fuel to include additional language that it "has not been chemically separated into its constituent</p>	<p>The proposed definition matches that of 10 CFR 71.4 (Compatibility designation "D") and our equivalent (RH-3100). Part 71 revisions have occurred since the SSL language was revised in 1983. The term "spent nuclear fuel" is only used once in Subchapter 2 – as part of the</p>

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		<p>elements by reprocessing” The SSL definition of spent nuclear fuel does not contain this provision.</p> <p>Arkansas needs to either revise their definition of spent nuclear fuel to be consistent with the SSL definition or explain why it is different.</p>	<p>“low-level radioactive waste” definition. The spent nuclear fuel definition as proposed gives additional information that does not appear to conflict with the SSL’s definition. The proposed definition also appears to sufficiently define “spent nuclear fuel” in relation to the term’s use in the definition of low-level radioactive waste.</p>
6	Section 21-207	<p>State Radiation Control Agency</p> <p>SSL Sections 5 (a)-(c), (e), and (f) were omitted in the Arkansas proposed legislation with regard to State Radiation Control Agency.</p> <p>Additionally, Arkansas §20-21-207(a) seems to limit their program to the control of ionizing radiation.</p> <p>Arkansas needs to provide an explanation or justification as to the reason for the omissions stated above, or supply the missing information.</p>	<p>Section 20-21-206 addresses SSL Section 5 (a)-(c). Only provisions being revised were submitted.</p> <p>SSL subsections (e) and (f) are not applicable because only our agency, the Arkansas Department of Health, has been assigned regulatory responsibilities for radiation.</p> <p>Subchapter 3 addresses “Electronic Products,” though no rules for such exist.</p>
7	NA	<p>Advisory Committee on Radiation</p> <p>Parts (a) and (b) of this section were omitted in the Arkansas proposed legislation.</p> <p>Arkansas needs to provide an explanation or justification as to the reason for the omission; or supply the missing information.</p>	<p>Arkansas does not wish to have this authority.</p>
8	§20-21-213(a)	<p>Licensing and Registration of Sources of Radiation</p>	<p>Section 20-21-214 addresses SSL Section 7, Alternative II, subsections (b) and (c). Only provisions being revised were submitted.</p>

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		<p>Arkansas appears to provide (a) as an equivalent to Section 7 Alternative II. However AR §20-21-213 does not provide equivalent language for Alternative II sections (b) and (c).</p> <p>Arkansas needs to provide an explanation or justification as to the reason for the omission; or supply the missing information. Particularly, Arkansas needs to provide language with regard to the Program's ability to authorize exemptions for certain sources of radiation as provided in section 7(c).</p>	
9	Section 9	<p>Low-level Radioactive Waste Disposal</p> <p>AR legislation does not include language similar to SSL Section 9(a) discussing authority to enter into compacts to establish disposal facilities.</p> <p>Arkansas needs to provide an explanation or justification as to the reason for the omission; or supply the missing information.</p> <p>Additionally, Arkansas also needs to explain whether there exists another Arkansas agency that regulates low-level waste disposal sites; and if not, whether a conflict would exist for the licensing agency to be controlling custody and operational management of disposal facilities.</p>	<p>Provisions concerning the Central Interstate Low-Level Radioactive Waste Compact Commission that Arkansas is a member of are found in Title 8 – Environmental Law, Chapter 8 – Interstate Compacts, Subchapter 2 - Central Interstate Low-Level Radioactive Waste Compact.</p> <p>The Arkansas Department of Health is the agency that would regulate/license a low-level waste disposal site in our State, in regard to ionizing radiation (§ 20-21-219(a)).</p> <p>The Arkansas Department of Energy and Environment, Division of Environmental Quality, has very limited provisions in Title 8, Chapter 7 – Hazardous Substances, Subchapter 6 – Low-Level Radioactive Waste, that address disposal and storage of low-level radioactive waste. § 8-7-602 allows disposal or storage only in above-ground facilities. § 8-7-603 does not allow an agency to issue a permit for a facility for the disposal or storage of LLRW in the State unless the facility complies with the requirements</p>

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			<p>of Subchapter 6. .essentially, the use of an above-ground facility (defined as "any facility which has a substantial portion of its structure above ground").</p> <p>§ 8-7-604 states that implementation of Subchapter 6 will not affect Arkansas' continued membership in the Central Interstate Low-Level Radioactive Waste Compact Commission and that the provisions of the compact (Title 8, Chapter 8, Subchapter 2) shall be controlling.</p> <p>No agency other than the Arkansas Department of Health regulates ionizing radiation in our State.</p>
10	§20-21-207(c)(2)(D) §20-21-219(c) §20-21-219(a), (b), (d)(1) and (e)	<p>Low-level Radioactive Waste Disposal</p> <p>Arkansas Section 20-21-207(c)(2)(D) omits provisions from Section 9(c). For example, language equivalent to the phrase, "Before such site is leased for other use, the regulatory agency shall require and assure that the radioactive waste history of the site be recorded in the permanent land records of the site" is omitted from the statute.</p> <p>Arkansas needs to include the above phrase in its equivalent of Section 9(c) or explain why it is omitted.</p> <p>Additionally, Arkansas omits language in §20-21-219(a), (b), (d)(1), and (e) with regard to disposal on land not owned by the state or federal government.</p> <p>Arkansas needs to include language related to disposal on land not owned by the state or federal government for this SSL to be applicable to Arkansas.</p>	<p>Provisions regarding non-exclusive use are omitted because Arkansas only allows exclusive use of such a site, i.e., the site would never be released for other uses.</p> <p>Section 20-21-207 is provided. Subdivision (b)(3) [like that of SSL Section 9(e)] was added.</p>

STATE SECTION	SSL SECTION	SUBJECT and NRC COMMENTS	ARKANSAS RESPONSE
11 §20-21-207(c)(2)(A)	Section 11	<p>Surety Requirement</p> <p>AR §20-21-207(c)(1)(A) omits Section 11(e) requirement for funds for long-term site surveillance and care of facilities.</p> <p>Arkansas needs to include the above phrase in its equivalent of section 11(e) or explain why it is omitted.</p> <p>Additionally, Arkansas §20-21-207(c)(2)(A) states that monies accrued as interest on a trust fund established by a licensee are automatically transferred to the Perpetual Maintenance Fund, but it is not clear whether interest from these monies in the Perpetual Maintenance Fund remains within the Fund.</p> <p>Arkansas needs to explain if interest on monies from the Perpetual Maintenance Fund remain within the Fund to be expended by the agency for the continuing long-term surveillance, maintenance and other care of facilities from which such funds are collected as necessary for protection of the public health, safety and environment.</p>	<p>The funding in Section 20-21-207(c)(2) provides for long-term site surveillance and care of facilities.</p> <p>SSL Section 11(e) equivalent was added as subdivision (c)(3).</p> <p>Subdivision (c)(1)(C) moved to become (c)(4), and the exemption now more specifically says (c)(1) and (c)(2) instead of just (c). Also, subdivision (c)(3) became (c)(5), and subdivision (c)(5) now references the section instead of the subsection.</p> <p>Moneys accrued as interest will remain within the Perpetual Maintenance Fund to be expended by the agency for the continuing long-term surveillance, maintenance and other care of facilities from which such funds are collected as necessary for protection of the public health, safety and environment.</p> <p>Subdivision (c)(2)(A)(iii)(b) has been revised for clarity.</p>
12 NA	Section 12	<p>Inspection</p> <p>The section was omitted in the Arkansas proposed legislation.</p>	<p>§ 20-21-205(a) addresses SSL Section 12. Only provisions being revised were submitted.</p>

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		Arkansas needs to provide an explanation or justification as to the reason for the omission; or supply the missing information.	
13	NA	<p>Federal-State Agreements</p> <p>The section was omitted in the Arkansas proposed legislation.</p> <p>Arkansas needs to provide an explanation or justification as to the reason for the omission; or supply the missing information.</p>	§ 20-21-221(a) addresses SSL Section 14. Only provisions being revised were submitted.
14	NA	<p>Inspection Agreements and Training Programs</p> <p>The section was omitted in the Arkansas proposed legislation.</p> <p>Arkansas needs to provide an explanation or justification as to the reason for the omission; or supply the missing information.</p>	§ 20-21-221(b) and § 20-21-220 address SSL Section 15. Only provisions being revised were submitted.
15	NA	<p>Conflicting Laws</p> <p>The section was omitted in the Arkansas proposed legislation.</p> <p>Arkansas needs to provide an explanation or justification as to the reason for the omission; or supply the missing information.</p>	§ 20-21-211 addresses SSL Section 16. Only provisions being revised were submitted.

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16 NA	Section 18	Injunction Proceedings The section was omitted in the Arkansas proposed legislation. Arkansas needs to provide an explanation or justification as to the reason for the omission; or supply the missing information.	§ 20-21-205(c) addresses SSL Section 18. Only provisions being revised were submitted.
17 NA	Section 19	Prohibited Uses The section was omitted in the Arkansas proposed legislation. Arkansas needs to provide an explanation or justification as to the reason for the omission; or supply the missing information.	§ 20-21-212 addresses SSL Section 19. Only provisions being revised were submitted.
18 NA	Section 20	Impounding The section was omitted in the Arkansas proposed legislation. Arkansas needs to provide an explanation or justification as to the reason for the omission; or supply the missing information.	§ 20-21-205(b) addresses SSL Section 20. Only provisions being revised were submitted.
19 NA	Section 21	Penalties The section was omitted in the Arkansas proposed legislation.	§ 20-21-204 addresses SSL Section 21. Only provisions being revised were submitted.

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		Arkansas needs to provide an explanation or justification as to the reason for the omission; or supply the missing information.	

THIS SECTION IS PROVIDED FOR THE FIRST TIME.

§ 20-21-201. Declaration of policy.

It is the policy of the State of Arkansas in furtherance of its responsibility to protect the occupational and public health and safety, to protect the environment, and to further the industrial and economic growth of the state:

- (1) To institute and maintain a regulatory program for sources of ionizing radiation so as to provide:
 - (A) Compatibility and consistency with the standards and regulatory programs of the United States Government;
 - (B) A single effective system of regulation within the state; and
 - (C) A system consonant insofar as possible with those of other states; and
- (2) To institute and maintain a program to permit development and utilization of sources of ionizing radiation for peaceful purposes consistent with the health and safety of the public; and
- (3) To provide for the availability of capacity either within or outside the state for the disposal of low-level radioactive waste generated within the state except for waste generated as a result of defense or United States Government research and development activities.

SECTIONS SHOWN HERE HAVE NEW REVISIONS.

There were some non-substantive changes pointed out by the Bureau of Legislative Research (e.g., "United States Government" instead of "federal government" and different formatting in a few places based on Code updates).

§ 20-21-203. Definitions.

SUB

~~(34)~~(28) "Person" means:

(A) any 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)), political subdivision of this state, of any other state, or political subdivision or agency thereof, 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, and

(B) any Any legal successor, representative, agent, or agency of the foregoing , other than the United States Atomic Energy Commission, or any successor thereto, and other than federal government agencies licensed by the United States Atomic Energy Commission, or any successor thereto,

WITH

~~(34)~~(27) "Person" means:

(A) any Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency of this state, political subdivision of this state, of any other state, or political subdivision or agency thereof; and
(B) any Any legal successor, representative, agent, or agency of the foregoing, other than the United States Atomic Energy Commission, or any successor thereto, and other than federal government agencies licensed by the United States Atomic Energy Commission, or any successor thereto but not including United States Government agencies;

§ 20-21-207. State Radiation Control Agency -- Powers and duties generally.

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

- (1) Develop programs for evaluation and control of hazards associated with the use of sources of ionizing radiation;
- (2) Develop programs, with due regard for compatibility with federal programs, for regulation of ~~by-product, source, and special nuclear materials~~ radioactive material and for regulation of radiation equipment;
- (3) Formulate, 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~~ United States government;
- (4) Issue such orders or modifications as may be necessary in connection with proceedings under this subchapter. This power is intended for use in conjunction with any licensing or registration authority;
- (5) Advise, consult, and cooperate with other agencies of the state, the ~~federal~~ United States government, other states and interstate agencies, political subdivisions, and groups concerned with control of sources of ionizing radiation;
- (6) Have the authority to accept and administer loans, grants, or other funds or gifts, conditional or otherwise, in furtherance of its functions, from the ~~federal~~ United States government and from other sources, public or private;
- (7) Encourage, participate in, or conduct studies, investigations, training, research, and demonstrations relating to control of sources of ionizing radiation; and
- (8) Collect and disseminate information relating to control of sources of ionizing radiation, including:
 - (A) Maintenance of a file of all license or registration applications, issuances, denials, amendments, transfers, renewals, modifications, suspensions, and revocations;
 - (B) Maintenance of a file of general license registrants possessing sources of ionizing radiation requiring registration under this subchapter and any administrative or judicial action pertaining thereto; and

(C) Maintenance of a file of all rules and regulations relating related to the regulation of sources of ionizing radiations, pending or promulgated, and proceedings ~~thereon~~; related to the regulation of sources of ionizing radiation.

~~(9)~~(b)

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

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

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

~~(10)~~(c)

~~(1)(A)~~ Allow the ~~Secretary~~ of the Department of Health or his or her authorized representative to require the posting of a bond by licensees to provide funds in the event of abandonment, default, or other inability of the licensee to meet the requirements of the State Radiation Control Agency. The State Radiation Control Agency may establish bonding requirements by classes of licensee and by range of monetary amounts. In establishing the requirements, the State Radiation Control Agency shall give consideration to the potential for contamination, injury, cost of disposal, and reclamation of the property. For licensed activities involving commercial burial of radioactive waste the State Radiation Control aAgency shall, and for other classes of licensed activity the State Radiation Control aAgency may, establish by rule standards and procedures to ensure that the licensee will provide an adequate surety or other financial arrangement to permit the completion of all requirements established by the State Radiation Control aAgency for the decontamination, closure, decommissioning, and reclamation of sites, structures, and equipment used in conjunction with such licensed activity, in case the licensee should default for any reason in performing such requirements.

(B) ~~(i)~~ The State Radiation Control Agency shall deposit the proceeds from all forfeited bonds into a special fund known as and called the "Radiation Reclamation Fund". All sureties required under subdivision (c)(1)(A) of this section which that are forfeited shall be

paid to the State Radiation Control aAgency for deposit by the Treasurer of State in a special fund called the “Radiation Site Closure and Reclamation Fund.”

(ii) All moneys in the Radiation Reclamation Fund this fund the Radiation Site Closure and Reclamation Fund are hereby appropriated to to and may be expended by the State Radiation Control aAgency for use in effectuating protection of public health and safety as necessary to complete such requirements on which licensees have defaulted.

(iii) Moneys in the Radiation Reclamation Fund this fund the Radiation Site Closure and Reclamation Fund shall not be used for normal operating expenses of the State Radiation Control aAgency

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

(D)(C)

(i) All state, local, or other governmental agencies or subdivisions shall be exempt from the requirements of this subdivision (10c)-

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

(11)(A)(2)(A) The State Radiation Control aAgency shall allow the director Director Secretary of the Department of Health or his or her authorized representative to require a licensee to deposit funds on an annual, semiannual, or quarterly basis in a trust fund established for the exclusive purpose set out in this subdivision (11)(c)(2)

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

(i) A source of revenue to provide for perpetual care and the continuing long-term surveillance, maintenance, and other care of a radioactive waste concentration, storage, and disposal site as described in subdivision subsection (9)(b) of this section or a source of revenue to provide for perpetual care and the continuing long-term surveillance, maintenance, and other care of a formerly licensed activity still containing or having associated with it radioactive material, the activity having ceased to operate by reason of default, abandonment, or decommissioning;

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

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

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

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

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

(iv) All licensee contributions to the Perpetual Maintenance Fund shall be payable to the director ~~Director~~ secretary and deposited by the Treasurer of State.

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

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

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

~~(D)(C)(D)~~

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

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

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

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

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

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

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

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

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