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June 10, 2009

Terrence Reis, Deputy Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials and Environmental Management Programs
U.S Nuclear Regulatory Commission
T8-E24
Washington, D.C. 20555-0001

Dear Mr. Reis:

Enclosed is a copy of the final revisions to the proposed Nevada Radiation Control Program rules. The proposed regulations are identified by text in blue and correspond to the following equivalent amendments to NRC's regulations.

<u>RATS ID</u>	<u>TITLE</u>	<u>STATE SECTION</u>
1. 1993-1	Decommissioning Recordkeeping and License Termination	License Condition R137-01A
2. 1995-1	Preparation, Transfer for Commercial Distribution & Use of Byproduct Material for Medical use.	Ro84-98A
3. 1995-2	Frequency of Medical Exams for Use of Respiratory Protection Equipment	Ro84-98A
4. 1995-3	Low-Level Waste Shipment Manifest Information & Reporting	Ro84-98A
5. 1995-5	Radiation Protection Requirements	Ro84-98A
6. 1995-6	Clarification of Decommissioning Funding Requirements	Ro84-98A
7. 1995-7	Medical Administration of Radiation & Radioactive Materials	Ro84-98A, R137-01A, Ro85-06A
8. 1996-1	Compatibility with the IAEA	R149-07A
9. 1999-3	Respiratory Protection and Controls	Ro85-06A
10. 2002-2	Medical Use of Byproduct Material	Ro85-06A & R149-07A
11. 2006-2	National Source Tracking System - Serialization	R149-07A

We believe that adoption of these revisions satisfies the compatibility of health and safety categories established in the Office of Federal and State Materials and Environmental Programs (FSME) Procedure SA-200.

The following are a few facts we would like to bring to your attention regarding the above mentioned RATS IDs:

1. 1993-1 Decommissioning Recordkeeping and License Termination: Nevada has adopted and codified all provisions except for the two-year record update requirement. Nevada is making this a license condition until it is incorporated in the regulations. Moreover, Nevada has not and does not have a licensee subject to this condition as of now.

2. 1995-1 Preparation, Transfer for Commercial Distribution & Use of Byproduct Material for Medical use: Codified as R084-98A.NRC comments were rolled over into response to 2002-2.

3. 1995-2 Frequency of Medical Exams For Use of Respiratory Protection Equipment: Codified in R084-98A.

4. 1995-3 Low-Level Waste Shipment Manifest Information & Reporting: Codified in R084-98A. Comments were addressed in subsequent regulations.

5. 1995-5 Radiation Protection Requirements: Codified in R084-98A.

6. 1995-6 Clarification of Decommissioning Funding Requirements: Codified in R084-98A.

7. 1995-7 Medical Administration of Radiation & Radioactive Materials: Codified in R084-98A, R137-01A and R085-06A. Superseded by 2002-2 and 2005-2.

8. 1996-1 Compatibility with the IAEA: Adopted in R149-07A. Superseded by 2004-1.

9. 1999-3 Respiratory Protection and Controls: License condition. Nevada adopted and codified the provisions of this in R085-06A, except for the definitions of air purifying respirator, disposable respirator, filtering face piece, hood and loose-fitting face piece. According to the Legislative Counsel Bureau, those sections were intentionally omitted since the definitions are terms which are not used in the chapter or in the new regulations. According to LCB, the terms are defined in the CFRs and they are used in the CFRs. They do not define terms that are not used in the NAC even if the terms are used in a document that is adopted or incorporated by reference.

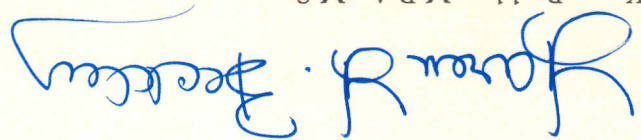
10. 2002-2 Medical Use of Byproduct Material: Adopted and codified in R085-06A except for the three NRC comments. The comment pertaining to 10 CFR 32.72 (b) (2) (i) about allowing a pharmacist who may not be an authorized nuclear pharmacist, but qualifies under 10 CFR 35.2 to work as an authorized nuclear physicist has been adopted in R149-07A Sec45.29 (b) and (c).

11. 2006-2 National Source Tracking System - Serialization: Has been adopted in R149-07A, even though the provisions do not apply to licensees in Nevada.

12. Cross Reference: A table cross linking RATS IDs with CFRs and File Numbers is provided.

If you have any questions, please feel free to contact Sneha Ravikumar at 775-687-7528 email at sravikumar@health.nv.gov or contact me at 775-687-7540 email at kbeckley@health.nv.gov.

Sincerely,



Karen Beckley, M.P.A., M.S.
Manager, Radiation Control Program

cc: Randy Erickson

Enclosures (On a CD):

1. RATS ID vs. CFRs vs. File Numbers.

2. R084-98A <http://www.leg.state.nv.us/register/1998Register/R084-98A.pdf>
3. R137-01A <http://www.leg.state.nv.us/register/2001Register/R137-01A.pdf>
4. R085-06A <http://www.leg.state.nv.us/register/2006Register/R085-06A.pdf>
5. R149-07A <http://www.leg.state.nv.us/register/2007Register/R149-07A.pdf>
6. R185-08I <http://www.leg.state.nv.us/register/2008Register/R185-08I.pdf>

**Radiation Control Program
Nevada State Health Division
RATS ID vs. CFR vs. File Numbers June 10, 2009**

RATS	10CFR	NAC	FILE NO./SEC NO.	COMMENTS
1	1993-1	30.35(g)(3)	459.1955.10 R137-01A Sec.57.10	Regarding the* 2 year record update requirement, NV has not had and does not have a licensee subject to this. There is one licensee considering this. We are making this a license condition till it is incorporated into our regulations.1993-1 has been codified in R137-01A
2	1995-1	30.4	459 R084-98A Sec.7 R084-98A Sec.32	R084-98A has been codified. 1995-1 was adopted and codified in R084-98A
	*Final	35.32	459 R084-98 A Sec 7	Comments to 1995-1 were rolled over into the response to RATS ID 2002-2.
		35.32	459.0514 R084-98 A Sec 36	
		35.32	459.1165 R084-98A Secs. 41,72,	
		35.11	459.264 R084-98A Secs.77,78	
		35.32(a)(b)ⓐ	459.2573 R084-98A Sec.74	
		35.52	459.245 R084-98A Sec.22,67	
		35.539(a)(b)	459.245 R084-98A Sec 67	
		35.75(a)	459.256 R084-98A Sec 71	
		35.75(b)	459.256 R084-98A Sec 71	
		35.100)	459.247 R084-98A Sec 68	
		35.200	459.2481 R084-98A Sec 69	
		35.300	459.255 R084-98A Sec70	
		35.404	459.256 R084-98A Sec71	
		35.406(a)ⓐ	459.3864 R084-98A Sec107	
		35.610	459.3875, R084-98A Sec109,111	
		35.615	459.3895 R084-98A Sec109,110,	
		459.3881	112	
		459.3901		
3	1995-2	20.1703	459.349 R084-98A Sec87	1995-2 was codified in R084-98A. There were no NRC comments
4	1995-3	20.2006	459 R084-98A Sec137	1995-3 was codified in R084-98A
	*Final	20.2101	459.8165 R084-98A Sec137,138,	Comments to 1995-3 were addressed in subsequent regulations..
		459.818	139,140,141,142,143	
		459.8235		
		459.824		
		459.8245		
		459.826		
		459.830		
	Part 20	459.8165	R084-98A Sec137	
	Appendix G	61.8	R084-98A Sec142	
		19.12	R084-98A Sec135	1995-5 has been codified in R084-98A. There were no NRC comments
5	1995-5	20.1003	459.0514 R084-98A Sec35	(Member of Public)
	Final	20.1003	459.054 R084-98A Sec37	(Occupational Dose)

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RATS ID	10CFR	NAC	FILE NO./SEC NO.	COMMENTS
13	2006-1	20 App. B	35.50	R185-08 Sec 16. 4-8 (Training for RSO)
			35.51	R185-08 Sec 16. 5-8 (Training for AMP)
			35.55	R185-08 A Sec 32 (Training for ANP)35.57
			35.57	R185-08 A Sec 32 (Training for experienced RSO...)
			35.75	R185-08 A Sec 32 (Release of individuals..)
			35.100	R185-08 A Sec 32 (Excretion studies..)
			35.190	R185-08 A Sec 32 (Training for 35.100)
			35.200	R185-08 A Sec 32 (Imaging and localization studies..)
			35.290	R185-08 A Sec 32 (Training for 35.200)
			35.390	R185-08 A Sec 32 (Training for 35.300)
			35.392	R185-08 A Sec 32 (Training for oral administration of Na I-131 ≤ 1.22 gigabecquerel)
			35.394	R185-08 A Sec 32 (Training for oral administration of Na I-131 ≥ 1.22 gigabecquerel)
			35.396	R185-08 A Sec 32 (Training for parenteral administration of unsealed byproduct..)
			35.490	R185-08 A Sec 32 (Training for use of manual brachytherapy sources)
			35.491	R185-08 A Sec 32 (Training for ophthalmic use of Sr-90)
			35.590	R185-08 A Sec 32 (Training for sealed sources for diagnosis)
			35.690	R185-08 A Sec 32 (Training for use of remote afterloader units,teletherapy units & Y - ...)
14	2006-2	20 App. E	32.72	R185-08 A Sec30.2(b)
			32.74	R185-08 A Sec 31
			35.2	R149-07A Sec 49 Updated in R185-08 Sec32 (AMP)
			35.2	R185-08 Sec32 (ANP)
			35.2	R185-08 Sec32 (AU)
			35.2	R185-08 Sec32 (RSO)
			35.49	R185-08 Sec32 (Suppliers for sealed sources)
			35.50	R185-08 Sec32 (Training for RSO)
			35.51	R185-08 Sec32 (Training for AMP)
			35.59	R185-08 Sec32 (Recentness of Training)
			35.65	R185-08 Sec32 (Authorization for calibration,...)
			35.100	R185-08 Sec32 (Use of unsealed byproduct material for uptake, dilution & excretion studies)
			35.190	R185-08 Sec32 (Training for 35.100)
			35.200	R185-08 Sec32 (Use of unsealed byproduct material for imaging and localization studies..)
			35.290	R185-08 Sec32 (Training for 35.200)
			35.300	R185-08 Sec32 (Use of unsealed byproduct material for which a written directive is required)
			35.390	R185-08 Sec32 (Training for 35.300)
			35.392	R185-08 Sec32 (Training for oral admin. Of Na(I31)....≤ 1.22 gigabecquerel)
			35.394	R185-08 Sec32 (Training for oral admin. Of Na(I31)....>1.22 gigabecquerel)
			35.396	R185-08 Sec32 (Training for parenteral admin. Of unsealed byproduct material requiring a written directive)
			35.490	R185-08 Sec32 (Training for use of manual brachytherapy sources)
			35.491	R185-08 Sec32 (Training for ophthalmic use of Sr-90)
			35.690	R185-08 Sec32 (Training for use of remote afterloader units,teletherapy units & Y - ...)
			459.3062	R149-07A Sec 6 (Nationally tracked sources threshold) .Adopted
			459.3062	(Definition - Nationally tracked source) .Adopted

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RATS	10CFR.	NAC	FILE NO./SEC NO.	COMMENTS	ID
15	2006-3	20	R149-07A Sec.7	(Serialization of nationally tracked source) Adopted	Final
		459	R149-07A Sec.7		
		459.320-.374	R149-07A Sec.1-.7	Adopted. *Will not be considered under the Non-Common Performance Indicator "Compatibility Requirements" for IMPEP reviews until such time as the NTS is ready for use. Revisions in the implementation date for Agreement States will be provided to the States under separate correspondence & the SRS sheet will be revised as appropriate.	
16	2007-1	32.72(b)(5)	R185-08 Sec30.2. (a)-(d)	R185-08 Is before the Legislative Counsel Bureau (LCB).	Proposed
		459.306	R185-08 Sec 31		
		459.3062	R185-08 Sec32		
		35.92	R185-08 Sec32		
		35.190	R185-08 Sec 32		
		35.290	R185-08 Sec32		
17	2007-2	30.31,32,150	R185-08	Before the LCB. To be adopted.	Proposed
			R185-08		
		459.3062	R185-08 Sec 32		
18	2007-3	20.30,31,32,33,	R185-08	Before the LCB. To be adopted.	Proposed
		35,61,150			
19	2007-4	2.302(g)		Increased Control. Binding license conditions approved by the NRC.	License
20	2008-1			Before the LCB. To be adopted.	Condition
					Proposed