JIM GIBBONS
Governor

MICHAEL J. WILLDEN
Director

RICHARD WHITLEY, MS
Administrator

MARY GUINAN, MD, PhD
State Health Officer

STATE OF NEVADA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
HEALTH DIVISION
BUREAU OF HEALTH CARE QUALITY AND COMPLIANCE

☐ Health Facilities/Lab Services
1550 E. College Parkway
Suite 158
Carson City, Nevada 89706
(775) 687-4475
Fax: (775) 687-6588

☐ Health Facilities/Lab Services
4220 S. Maryland Parkway
Suite 810, Building D
Las Vegas, NV 89119
(702) 486-6515
Fax: (702) 486-6520

☑ Radiation Control Program
4150 Technology Way
Suite 300
Carson City, Nevada 89706
(775) 687-7550
Fax: (775) 687-7552

☐ Radiation Control Program
2080 E. Flamingo
Suite 319
Las Vegas, Nevada 89119
(702) 486-5280
Fax: (702) 486-5024

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.

RATS ID	TITLE	STATE SECTION
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.	R084-98A
3. 1995-2	Frequency of Medical Exams for Use of Respiratory Protection Equipment	R084-98A
4. 1995-3	Low-Level Waste Shipment Manifest Information & Reporting	R084-98A
5. 1995-5	Radiation Protection Requirements	R084-98A
6. 1995-6	Clarification of Decommissioning Funding Requirements	R084-98A
7. 1995-7	Medical Administration of Radiation & Radioactive Materials	R084-98A, R137-01A, R085-06A
8. 1996-1	Compatibility with the IAEA	R149-07A
9. 1999-3	Respiratory Protection and Controls	R085-06A
10. 2002-2	Medical Use of Byproduct Material	R085-06A & 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 till 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.Superceded by 2002-2 and 2005-2.

8. 1996-1 Compatibility with the IAEA: Adopted in R149-07A.Superceded 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, helmet, 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.

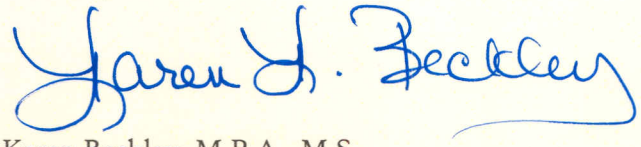
10. 2002-2 Medical Use of Byproduct Material: Adopted and codified in R085-06A except for the three NRC comments. The comment pertaining to 10 CFR 32.72 (b) (2) (i) about allowing a pharmacist who may not be an authorized nuclear pharmacist, but qualifies under 10 CFR 35.2 to work as an authorized nuclear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

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	RATS ID	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
	***Final**			**Codified**	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 has been codified.**
	***Final**	35.32	459.0208	R084-98A Sec.32	**1995-1 was adopted and codified in R084-98A**
		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,	
			459.2571	73,76	
		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	
			459.3895		
		35.615	459.3875	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**
	Final				
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	459.826	R084-98A Sec142	
5	**1995-5**	19.12	459.784	R084-98A Sec135	**1995-5 has been codified in R084-98A.There were no NRC comments**
	Final	20.1003	459.0514	R084-98A Sec35	(Member of Public)
		20.1003	459.054	R084-98A Sec37	(Occupational Dose)

*NRC comments.

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	RATS ID	10CFR.	NAC	FILE NO./ SEC NO.	COMMENTS
		20.1003	459.065	R084-98A Sec38	
6	**1995-6**	30.35(b)(2)	459.1955	R084-98A Sec56	Nevada has not and does not have licensees subject to this. However,
	Final	30.36	459.1955	R084-98A Sec56.9,12	**1995-6 has been codified in R084-98A** .There were no NRC Comments.
		40.36(b)(2)	459.1995	R084-98A Sec56.2-7	
		40.36(d)	459.1995	R084-98A Sec56.8	
		40.42	459.1995	R084-98A Sec56	
		70.25(a)	459.1995	R084-98A Sec56	
		70.25(b0(2)	459.1995	R084-98A Sec56	
		70.25	459.1995	R084-98A Sec56	
		70.38	459.1995	R084-98A Sec56	
7	**1995-7**	20.1003	459.054	R084-98A Sec37	**Superceded by 2002-2 and 2005-2**
	***Final**	20.1003	459.065	R084-98A Sec38	Except for NRC comments, the rest of **1995-7 has been codified in R084-98A**
		20.1301(a)	459.335(1)(a)	R137-01A Sec, 70.1(a)	**R137-01A and R085-06A**.
		35.2	459.3062	R085-06A Sec.24	10CFR Part 35 was adopted by reference and revision as they existed on
		35.33	459.3062	R085-06A Sec.24	09/16/2004.
8	**1996-1**	71	459.314	R149-07A Sec. 9	10CFR 71 adopted by reference and revision as it existed on 1/26/04
	***Final**				**Superceded by 2004-1**
9	**1999-3**	20	459.320-	R085-06A	**1999-3 was codified in R085-06A,** except for *definitions of air purifying respirator,
	***Final**		459.374		disposable respirator, filtering face piece, helmet, hood and loose-fitting face piece.
10	**2002-2**	20.1003	459.054	R085-06A Sec40	**2002-2 adopted and codified in R085-06A except for the three NRC**
	***Final**	20.1003	459.065	R085-06A Sec43	**comments.(*)**
		20.1301(a)	459.335	R085-06A Sec74. 1-5	
		and'(c)			
	*	32.72(b)(1)	459.300	R185-08 I Sec30.2.(a)	"...or an individual under the supervision of an ANP as specified in
		&(b)(2)(ii)			10CFR35.27" ---Yet to be adopted.
	*	32.72(b)(2)(i)	459.300	R149-07A Sec45.2.(b) &	**R149-07A has been adopted.**
	*	32.74(a)	459.306	R185-08 I Sec31.3	"....byproduct material identified in 35.65..." Yet to be correctly referenced
					instead of 35.57 that is there.
		35	459.3062	R149-07A Sec49	**10CFR 30 was adopted by reference and revision, as it existed on 9/16/04**
					in R149-07A, which has been adopted by NV.
11	**2004-1**	71	459.314	R149-07A Sec 9	**10CFR71 adopted by reference & revision as it existed on 1/26/04**
	Proposed			R185-08 I Sec 34	**in R149-07A, which has been adopted by NV.**
					Updated to adopt 10CFR71 as it existed on 11/14/2007,in R185-08 I
					which is currently before the NV Legislative Counsel Bureau (LCB).
12	**2005-2**	35.2	459.3062	R085-06A Sec 24	**Provisions of 10CFR 35 adopted by reference and revision as they existed**
	Proposed			R149-07A Sec 49	**on 09/16/04 in R085-06A, revised in R149-07A and adopted by reference**
				R185-08 I Sec 32	**and revision as they existed on 10/01/07, in R185-08 I.**

*NRC comments.

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	RATS ID	10CFR.	NAC	FILE NO./ SEC NO.	COMMENTS
		35.50	459.5933	R185-08 I Sec 16. 4-8	(Training for RSO)
		35.51	459.5933	R185-08 I Sec 16. 5-8	(Training for AMP)
		35.55	459.3062	R185-08 A Sec 32	(Training for ANP)35.57
		35.57	459.3062	R185-08 A Sec 32	(Training for experienced RSO...)
		35.75	459.3062	R185-08 A Sec 32	(Release of individuals..)
		35.100	459.3062	R185-08 A Sec 32	(Excretion studies..)
		35.190	459.3062	R185-08 A Sec 32	(Training for 35.100)
		35.200	459.3062	R185-08 A Sec 32	(Imaging and localization studies..)
		35.290	459.3062	R185-08 A Sec 32	(Training for 35.200)
		35.390	459.3062	R185-08 A Sec 32	(Training for 35.300)
		35.392	459.3062	R185-08 A Sec 32	(Training for oral administration of Na I-131 ≤ 1.22 gigabecquerel)
		35.394	459.3062	R185-08 A Sec 32	(Training for oral administration of Na I-131 ≥ 1.22 gigabecquerel)
		35.396	459.3062	R185-08 A Sec 32	(Training for parenteral administration of unsealed byproduct..)
		35.490	459.3062	R185-08 A Sec 32	(Training for use of manual brachytherapy sources)
		35.491	459.3062	R185-08 A Sec 32	(Training for ophthalmic use of Sr-90)
		35.590	459.3062	R185-08 A Sec 32	(Training for sealed sources for diagnosis)
		35.690	459.3062	R185-08 A Sec 32	(Training for use of remote afterloader units,teletherapy units & γ - ...)
13	**2006-1**	20.App. B	459.0192	R185-08 A Sec 19	
	Proposed	32.72	459.300	R185-08 A Sec30.2(b)	
		32.74	459.306	R185-08 A Sec 31	
		35.2	459.3062	R149-07A Sec 49	Updated in R185-08 I Sec32 (AMP)
		35.2	459.3062	R185-08 I Sec32	(ANP)
		35.2	459.3062	R185-08 I Sec32	(AU)
		35.2	459.3062	R185-08 I Sec32	(RSO)
		35.49	459.3062	R185-08 I Sec32	(Suppliers for sealed sources)
		35.50	459.3062	R185-08 I Sec32	(Training for RSO)
		35.51	459.3062	R185-08 I Sec32	(Training for AMP)
		35.59	459.3062	R185-08 I Sec32	(Recentness of Training)
		35.65	459.3062	R185-08 I Sec32	(Authorization for calibration,...)
		35.100	459.3062	R185-08 I Sec32	(Use of unsealed byproduct material for uptake, dilution & excretion studies)
		35.190	459.3062	R185-08 I Sec32	(Training for 35.100)
		35.200	459.3062	R185-08 I Sec32	(Use of unsealed byproduct material for imaging and localization studies..)
		35.290	459.3062	R185-08 I Sec32	(Training for 35.200)
		35.300	459.3062	R185-08 I Sec32	(Use of unsealed byproduct material for which a written directive is required)
		35.390	459.3062	R185-08 I Sec32	(Training for 35.300)
		35.392	459.3062	R185-08 I Sec32	(Training for oral admin. Of NaI(131)....≤ 1.22 gigabecquerel)
		35.394	459.3062	R185-08 I Sec32	(Training for oral admin. Of NaI(131)....>1.22 gigabecquerel)
		35.396	459.3062	R185-08 I Sec32	(Training for parenteral admin. Of unsealed byproduct material requiring a written directive)
		35.490	459.3062	R185-08 I Sec32	(Training for use of manual brachytherapy sources)
		35.491	459.3062	R185-08 I Sec32	(Training for ophthalmic use of Sr-90)
		35.690	459.3062	R185-08 I Sec32	(Training for use of remote afterloader units,teletherapy units & γ - ...)
14	**2006-2**	20 App. E	459.019	R149-07A Sec.3	(Nationally tracked sources threshold) .**Adopted**
	Final	32.2	459	R149-07A Sec.6	(Definition - Nationally tracked source).**Adopted**

*NRC comments.

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	RATS ID	10CFR.	NAC	FILE NO./ SEC NO.	COMMENTS
		32.201	459	R149-07A Sec.7	(Serialization of nationally tracked source) **Adopted**
15	**2006-3**	20	459.320-.374	R149-07A Sec.1-.7	**Adopted.** *Will not be considered under the Non-Common Performance
	Final				Indicator "Compatibility Requirements" for IMPEP reviews until such time as the NSTS 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)	459.300	R185-08 I Sec30.2.(a)-(d)	**R185-08 I is before the Legislative Counsel Bureau (LCB).**
	Proposed	32.74(a)	459.306	R185-08 I Sec 31	
		35.75 (a)	459.3062	R185-08 I Sec32	
		35.92	459.3062	R185-08 I Sec32	
		35.190	459.3062	R185-08 I Sec 32	
		35.290	459.3062	R185-08 I Sec32	
17	**2007-2**	30,31,32,150		R185-08 I	Before the LCB.To be adopted.
	Proposed				
18	**2007-3**	20,30,31,32,33,		R185-08 I	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				
	Condition				
20	**2008-1**				Before the LCB.To be adopted.
	Proposed				

*NRC comments.