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June 10, 2010

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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

Re: Final Response to Comments in SRS 08-18-2009, SRS 09-03-2009 and SRS 09-18-2009.

Dear Mr. Reis:

Enclosed is the State of Nevada's final response to SRS 08-18-2009, SRS 09-03-2009 and SRS 09-18-2009. We have revised our regulations incorporating your comments, without other significant changes. The new amendments to the regulations are identified by text in blue and correspond to equivalent amendments to NRC's regulations. The locations of these changes are highlighted in yellow. The following documents are included:

- a. RESPONSE JUNE 2010
 - b. R185-08A MAY 2010
 - c. 2010 NAC_CHAPTER 459 – HAZARDOUS MATERIALS
- a. RESPONSE JUNE 2010: This is patterned after SRS 08-18-2009, SRS 09-18-2009 and SRS 09-03-2009. Nevada's response to each comment is given in a highlighted textbox that is linked to the appropriate section in NAC 459 and R185-08A that addresses this deficiency.
- b. R185-08A MAY 2010: This is the latest compilation of regulations that was adopted by the State Board of Health effective from May 7, 2010, in the State of Nevada. It is legally enforceable, though it has not yet codified. Sections of it that resolve deficiencies pointed out in the SRS sheets are highlighted in yellow with note tools giving the RATS ID and the 10 CFRs addressed by these.

c. 2010 NAC CHAPTER 459 – HAZARDOUS MATERIALS: This is Nevada Administrative Code 459, which was revised due to the codification of R149-07A. Sections that address comments made in the SRS sheets are highlighted in yellow with a note tool giving the RATS ID and the appropriate 10 CFRs.

When all three documents are open, and the highlighted boxes in “RESPONSE JUNE 2010” are clicked on, you will be taken directly to the appropriate section in 2010 NAC_ CHAPTER 459 – HAZARDOUS MATERIALS or in R185-08A MAY 2010.

COMMENTS THAT ARE ADDRESSED IN “RESPONSE JUNE 2010”

A. SRS 08-18-2009

RATS ID	TITLE	STATE SECTION
1. 2004-1	General license: DOT specification container.	R185-08A Sec.25
2. 2007-2	Certain items containing byproduct material.	R185-08A Sec. 54.1.(c),(e)
3. 2007-2	Exempt quantities.	R185-08A Sec. 52.5
4. 2007-2	Certain detecting, measuring, gauging or controlling devices and certain devices for producing light or an ionized atmosphere.	R185-08A Sec.63.8

B. SRS 09-18-2009

RATS ID	TITLE	STATE SECTION
1. 1995-2	Use of Individual Respiratory Protection Equipment.	NAC 459.349.1.(c)5
2. 1995-3	Transfer for disposal and manifests.	R185-08A Sec.76
3. 1995-3	Maintenance of records, reports and transfers.	NAC 459. 8195,363,8225. 2, 819, 118, 312, 8235

4. 1995-5	Definitions	NAC.459.054.3
5. 1995-5	Definitions	NAC.459.065.3
6. 1995-6	Expiration and termination of licenses and decommissioning of sites and separate or outdoor areas.	NAC 459.200.6
7. 1999-3	Definitions	R185-08A Sec.3
8. 1999-3	Definitions	R185-08A Sec.7
9. 1999-3	Definitions	R185-08A Sec.11
10. 1999-3	Definitions	R185-08A Sec.12
11. 2002-2	Dose limits for individual members of the public.	NAC 459.335.2(b)
12. 2002-2	Manufacture, preparation or transfer for commercial distribution of radioactive drugs containing byproduct material for medical use in Part 35.	R185-08A Sec. 72
13. 2002-2	Manufacture and distribution of sources or devices containing byproduct material for medical use.	R185-08A Sec. 73
14. 1999-3	Definitions	R185-08A Sec.13

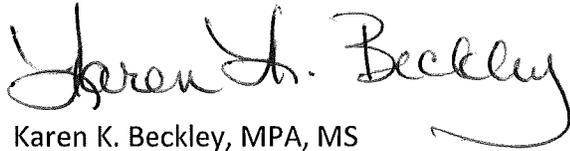
C. SRS 09-03-2009

RATS ID	TITLE	STATE SECTION
1. 1993-1	Decommissioning Recordkeeping and License Termination requirements.	R185-08A Sec. 57

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

If you have any questions or concerns, please feel free to contact Karen Beckley at 775-687-7540 or at kbeckley@health.nv.gov.

Sincerely,



Karen K. Beckley, MPA, MS
Manager, Radiation Control Program
Nevada State Health Division
Bureau of Health Care Quality and Compliance

cc: Kathleen N. Schneider, Senior Project Manager
State Agreements and Industrial Safety Branch
Division of Materials Safety and State Agreements
Office of Federal and State Materials and Environmental Management Programs

Enclosures: a. RESPONSE JUNE 2010
b. R185-08A MAY 2010
c. 2010_NAC_ CHAPTER 459 – HAZARDOUS MATERIALS