

**NEVADA'S RESPONSE TO SRS 08-18-2009, SRS 09-18-2009 & SRS 09-03-2009 – MAY 2010**

**A. SRS 08-18-2009**

No.	NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	71.20	2004-1	B	<p><b>General license: DOT specification container.</b></p> <p>Nevada incorrectly modified the general license expiration date identified in 10 CFR 71.20 from October 1, 2008 to October 11, 2011. The general license has expired and is no longer valid. Nevada may element this provision or indicate that it has expired.</p> <p>Nevada needs to revise the expiration date back to October 1, 2008, to meet the Compatibility B designation assigned to Section 10 CFR 71.20.</p>
				<p><u>R185-08A Sec. 25.</u></p> <p><u>"October 11, 2011" has been removed.</u></p>
2	30.15	2007-2	B	<p><b>Certain items containing byproduct material.</b></p> <p>Nevada's regulation states "...which were manufactured before the effective date of this regulation."</p> <p>Nevada needs to change the date of their regulations (3) and (5) to read "...manufactured before December 17, 2007" to meet the Compatibility Category B designation assigned to 10 CFR 30.15.</p>
				<p><u>R185-08A Sec 54.1.(c),(e)</u></p>
3	30.18	2007-2	B	<p><b>Exempt quantities.</b></p> <p>Nevada's regulation states "...radioactive material in concentrations not in excess of those listed in NAC 459.186," refers to the equivalent of 10 CFR 30.70, Schedule A.</p> <p>Nevada needs to change their regulatory reference to read "NAC 459.188" which is the equivalent of 10 CFR 30.71, Schedule B; to meet the Compatibility Category B designation assigned to 10 CFR 30.18.</p>
				<p><u>R185-08A Sec.52.5</u></p>

4. 31.5 2007-2 B

**Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere.**

R185-08A Sec.63.8

Nevada omits the words “or export” when describing reporting requirements.  
Nevada needs to add the words “or export” to meet the Compatibility Category B designation assigned to 10 CFR 31.5.

B. SRS 09-18-2009

NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENT
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1. 20.1703 1995-2 H&S

NAC.459.349.1(c)5

**Use of Individual Respiratory Protection Equipment**  
Nevada’s regulation for the use of individual respiratory protection equipment did not include the requirement to determine that an individual user is medically fit to use respiratory protection equipment before the first field use of non-face sealing respirators.  
Nevada needs to add this requirement to NAC 459 in order to meet the Category Health and Safety Compatibility designation assigned to 10 CFR 20.1703 (c)(5)(ii).

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2. 20.2006 1995-3 B

R185-08A Sec.76 – NAC 459.313

**Transfer for disposal and manifests**

Nevada omits the requirements specified in 20.2006 (a)(1)(2) and (3), (e)

Nevada needs to add these requirements to NAC 459 in order to meet the Compatibility Category B designation assigned to 10 CFR 20.2006.

3. 61.80 1995-3 C

10CFR61.80(c): NAC 459.8195, 459.363

10CFR61.80(e): NAC.459.8225.2

10CFR61.80(g):NRC authority pertains to 10CFR30.55, 40.64, 74.13 & 15 referenced here.

10CFR61.80(h): NAC.459.819.2

10CFR61.80(i)1:NAC. 459. 819

10CFR61.80(i)2: NAC.459.819.1

10CFR 61.80(j): 10 CFR 70.52 referenced here is under the NRC.

10CFR61.80(k): NAC.459.118, 459.312 & 459.8235

**Maintenance of records, reports and transfers**

Nevada omits the requirements specified in 10 CFR 61.80 (c), (e), (g), (h), (i)(1) and (2), (j) and (k).

Nevada needs to incorporate the requirements listed above to NAC 459 in order to meet the Compatibility Category C designation assigned to 10 CFR 61.80

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4. 20.1003 1995-5 A

**NAC.459.054.3**

**Definitions**

In the definition of Occupational dose, Nevada omits the phrase “from exposure to individuals administered radioactive material and released under 35.75”.

Nevada needs to add the above phrase to NAC 459 in order to meet the Compatibility Category A designation assigned to 10 CFR 20.1003.

5. 20.1003 1995-5 A

**NAC.459.065.3**

**Definitions**

In the definition of Public dose, Nevada omits the phrase “from exposure to individuals administered radioactive material and released under 35.75”.

Nevada needs to add the above phrase to NAC 459 in order to meet the Compatibility Category A designation assigned to 10 CFR 20.1003.

6. 40.42 1995-6 H&S  
70.38

**NAC.459.200.6**

**Expiration and termination of licenses and decommissioning of sites and separate or outdoor areas**

Nevada omits the phrase “The amount of the financial assurance must be increased, or may be decreased, as appropriate, to cover the detailed cost estimate for decommissioning established pursuant to paragraph (g)(4)(v) of this section.” Nevada also omits paragraph (e) (2) from this section.

Nevada needs to add the above phrase and paragraph to NAC 459 in order to meet the Compatibility Category H&S designation assigned to 10 CFR 40.42.



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7. 20.1003 1999-3

B

R185-08A Sec.3

**Definitions**

Nevada states that the definition of “air-purifying respirator: is omitted intentionally, since 10 Part 20 Appendix A is adopted by reference in NAC 459.3205. Nevada needs to either adopt this definition by reference or add this definition.

Nevada needs to add a definition of “air-purifying respirator” to NAC 459 in order to meet the Category B Compatibility designation assigned to 10 CFR 20.1003.

8. 20.1003 1999-3

B

R185-08A Sec.7

**Definitions**

Nevada states that the definition of “disposable respirator” is omitted intentionally, since 10 Part 20 Appendix A are adopted by reference in NAC 459.3205. Nevada needs to either adopt this definition by reference or add this definition.

Nevada needs to add a definition of “disposable respirator” to NAC 459 in order to meet the Category B Compatibility designation assigned to 10 CFR 20.1003.

9. 20.1003 1999-3

B

R185-08A Sec.11

**Definitions**

Nevada states that the definition of “filtering facepiece (dust mask)” is omitted intentionally, since 10 Part 20 Appendix A is adopted by reference in NAC 459.3205. Nevada needs to either adopt this definition by reference or add this definition.

Nevada needs to add a definition of “filtering facepiece (dust mask)” to NAC 459 in order to meet the Category B Compatibility designation assigned to 10 CFR 20.1003.

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10. 20.1003 1999-3 B

R185-08A Sec.12

**Definitions**

Nevada states that the definition of “helmet” is omitted intentionally, since 10 Part 20 Appendix A is adopted by reference in NAC 459.3205. Nevada needs to either adopt this definition by reference or add this definition. Nevada needs to add a definition of “helmet” to NAC 459 in order to meet the Category B Compatibility designation assigned to 10 CFR 20.1003.

11. 20.1301(a) 2002-2 A  
and (c).

NAC.459.335.2(b)

**Dose limits for individual members of the public**

Nevada substitutes the term “authorized user” for “licensee” in Section 74 (2) (b). Nevada needs to substitute “authorized user” for “licensee” in NAC 459 in order to meet the Compatibility Category A designation assigned to 10 CFR 20.1301(c).

12. 32.72(b)(1)& 2002-2 B  
(b)(2)(i)

R185-08A Sec.72 – NAC.459.300.2(a)

**Manufacture, preparation, or transfer for commercial distribution of radioactive drugs containing byproduct material for medical use in Part 35**

Nevada omits the phrase “or an individual under the supervision of an authorized nuclear pharmacist as specified in 10 CFR 35.27” as specified in 10 CFR 32.72(b)(1). Nevada needs to add the above phrase to NAC 349 in order to meet the Category B Compatibility designation assigned to 10 CFR 32.72(b)(1).

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13. 32.74(a) 2002-2 B

**R185-08A Sec.73 – NAC.459.306.3**

**Manufacture and distribution of sources or devices containing byproduct material for medical use**

Nevada incorrectly references 35.57 instead of 35.65 as specified in 10 CFR 32.74(a)(3). Nevada needs to correctly reference 35.65 in NAC 459 in order to meet the Category B Compatibility designation assigned to 10 CFR 32.74(a).

14. 20.1003 1999-3 B

**R185-08A Sec.13**

**Definitions**

Nevada states that the definition of “hood” is omitted intentionally, since 10 Part 20 Appendix A are adopted by reference in NAC 459.3205. Nevada needs to either adopt this definition by reference or add this definition.

Nevada needs to add a definition of “hood” to NAC 459 in order to meet the Category B Compatibility designation assigned to 10 CFR 20.1003.

C. **SRS 09-03-2009**

September 3, 2009  
Karen Beckley, M.P.A., M.S., Manager  
Radiation Control Program  
Bureau of Health Care Quality and Compliance  
4150 Technology Way, Suite 300  
Carson City, NV 89706

Dear Ms. Beckley:

We have reviewed the Nevada license condition that was submitted to address RATS 1993-1 Decommissioning Recordkeeping and License Termination requirements received by our office on August 5, 2009. This license condition was reviewed by comparison to the equivalent NRC rules in 10 CFR 30, 40 and 70 and the requirements of the one amendment identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the license condition with Sneha Ravikumar on August 27, 2009.

As a result of our review, we have no comments. We have determined that Nevada's license condition meets the compatibility and health and safety categories established in the Office of Federal and State Materials and Environmental Management Programs (FSME) Procedure SA-200.

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The SRS Data Sheet summarizes our knowledge of the status of other Nevada regulations and legal binding requirements, as indicated. Please let us know if you note any inaccuracies, or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on the FSME website: <http://nrc-stp.ornl.gov/rulemaking.html>.

If you have any questions regarding the review results, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact Kathleen Schneider, State Regulation Review Coordinator at 301-415-2320 (kathleen.schneider@nrc.gov) or Michelle Beardsley at 610-337-6942 (michelle.beardsley@nrc.gov).

Sincerely,

**/RA/**

Terrence Reis, Deputy Director  
Division of Materials Safety and State Agreements  
Office of Federal and State Materials  
and Environmental Management Programs

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**RESPONSE**

1. RATS 1993-1 10CFR 30.35(g)(3) Decommissioning Recordkeeping and License Termination requirements

**R185-08A Sec. 57 – NAC 459.1955.12.d**

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