STATE OF NEVADA

BRIAN SANDOVAL Governor

MICHAEL J. WILLDEN Director



RICHARD WHITLEY, MS Administrator

TRACEY D. GREEN, M.D. State Health Officer

Department of Health and Human Services Division of Public and Behavioral Health Radiation Control Program 727 Fairview Drive, Suite E Carson City, Nevada 89701 Telephone: (775) 687-7550 Fax: (775) 687-7552

July 1, 2013

Pamela J. Henderson, Deputy Director Division 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 Ms. Henderson:

Enclosed is a copy of the revisions to the proposed Nevada Radiation Control Program Rules. The proposed revisions will be made available for public comment after it makes it through Administrative review. We request NRC's comments by September 15, 2013, if possible. The proposed regulations are identified by the blue color of the text and correspond to the following equivalent amendments to NRC's regulations.

RATS ID	TITLE	LOCATION
2011-2	Licenses, Certifications, and Approvals for Materials Licensees	Please refer to documents numbered 1.
2012-1	Change of Compatibility of 10 CFR 31.5 and 31.6	Please refer to documents numbered 2.
2012-2	Advance Notification to Native American tribes of Transportation of Certain Types of Nuclear Waste	Please refer to documents numbered 3.

Public Health: Working for a Safer and Healthier Nevada

2012-3	Technical Corrections - Parts 30, 34, 40, and 71	Please refer to documents
		numbered 4.
2012-4	Requirements for Distribution of Byproduct Material,	Please refer to documents
	Parts 30, 31, 32, 40, and 70	numbered 5.

We believe that 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, please feel free to contact Karen Beckley at 775-687-7540 or at kbeckley@health.nv.gov.

Sincerely,

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

Enclosures:

- 1. 1-2011-2 showing NV's status
- 2. 1-2011-2 Response
- 3. 2-2012-1 showing NV's status
- 4. 2-2012-1 Response
- 5. 3-2012-2 showing NV's status
- 6. 3-2012-2 Response
- 7. 4-2012-3 showing NV's status
- 8. 4-2012-3 Response
- 9. 5-2012-4 showing NV's status
- 10. 5-2012-4 Response
- 11. R114-12P (Proposed Regulations)
- 12. NAC 459

Licenses, Certifications, and Approvals for Materials Licensees (76 FR 56951) RATS ID # 2011-2 Effective date 11/14/2011 Date Due for State Adoption 11/14/2014

Chan ge to NRC Sectio n	Title	State Sectio n	Compati bility Category	Summary of Change to CFR	Comment	
§ 30.4	Definition: Commenceme nt of construction, Paragraph 1		D	In § 30.4, the definition for the term "commencement of construction" is revised as follows: <i>Commencement of</i> <i>construction</i> means taking any action defined as "construction" or any other activity at the site of a facility subject to the regulations in this part that has a reasonable nexus to: (1) Radiological health and safety; or	N/A	
§ 30.4	Definition Commenceme nt of construction, Paragraph 2		NRC	In § 30.4, the definition for the term "commencement of construction" is revised as follows: (2) Common defense and security.	N/A	

Chan ge to NRC Sectio n	Title	State Sectio n	Compati bility Category	Summary of Change to CFR	Comment	
<u>n</u> § 30.4	Definition Construction, Paragraph 1- 8, 9(i)		D	In § 30.4, the definition for the term "construction" is added in alphabetical order to read as follows: <i>Construction</i> means the installation of foundations, or in-place assembly, erection, fabrication, or testing for any structure, system, or component of a facility or activity subject to the regulations in this part that are related to radiological safety or security. The term "construction" does not	N/A	
				include: (1) Changes for temporary use of the land for public recreational purposes; (2) Site exploration, including necessary borings to determine foundation conditions or other preconstruction monitoring to establish		

Chan ge to NRC Sectio n	Title	State Sectio n	Compati bility Category	Summary of Change to CFR	Comment	
				background information related to the suitability of the site, the environmental impacts of construction or operation, or the protection of environmental values; (3) Preparation of the site for construction of the facility, including clearing of the site, grading, installation of drainage, erosion and other environmental mitigation measures, and construction of temporary roads and borrow areas; (4) Erection of fences and other access control measures that are not related to the safe use of, or security of, radiological materials subject to this part; (5) Excavation; (6) Erection of support buildings (e.g., construction equipment storage sheds, warehouse and shop		

Chan ge to NRC Sectio n	Title	State Sectio n	Compati bility Category	Summary of Change to CFR	Comment	
				facilities, utilities, concrete mixing plants, docking and unloading facilities, and office buildings) for use in connection with the construction of the facility; (7) Building of service facilities (e.g., paved roads, parking lots, railroad spurs, exterior utility and lighting systems, potable water systems, sanitary sewerage treatment facilities, and transmission lines); (8) Procurement or fabrication of components or portions of the proposed facility occurring at other than the final, in-place location at the facility; or (9) Taking any other action that has no reasonable nexus to: (i) Radiological health and safety, or .		

Chan ge to NRC Sectio n	Title	State Sectio n	Compati bility Category	Summary of Change to CFR	Comment	
§ 30.4	Definition Construction, Paragraph 9(ii)		NRC	In § 30.4, the definition for the term "construction" is added in alphabetical order to read as follows: (ii) Common defense and security.	N/A	
§ 30.33	General requirements for issuance of specific licenses.		D	In § 30.33, paragraph (a)(5) is revised.	N/A N/A	

Chan ge to NRC Sectio n	Title	State Sectio n	Compati bility Category	Summary of Change to CFR	Comment	
§ 36.2	Definition: Commenceme nt of construction, Paragraph 1		D	In § 36.2, definitions for the terms "commencement of construction" is added in alphabetical order to read as follows: <i>Commencement of</i> <i>construction</i> means taking any action defined as "construction" or any other activity at the site of a facility subject to the regulations in this part that has a reasonable nexus to: (1) Radiological health and safety; or	N/A	
§ 36.2	Definition Commenceme nt of construction, Paragraph 2		NRC	In § 36.2, definitions for the terms "commencement of construction" is added in alphabetical order to read as follows: (2) Common defense and security.	N/A	

Chan ge to NRC Sectio n	Title	State Sectio n	Compati bility Category	Summary of Change to CFR	Comment	
§ 36.2	Definition Construction, Paragraph 1- 8, 9(i)		D	In § 36.2, definitions for the terms "construction" is added in alphabetical order to read as follows: <i>Construction</i> means the installation of foundations, or in-place assembly, erection, fabrication, or testing for any structure, system, or component of a facility or activity subject to the regulations in this part that are related to radiological safety or security. The term "construction" does not include: (1) Changes for temporary use of the land for public recreational purposes; (2) Site exploration, including necessary borings to determine foundation conditions or other preconstruction monitoring to establish background information	N/A	

Chan ge to NRC Sectio n	Title	State Sectio n	Compati bility Category	Summary of Change to CFR	Comment	
				related to the suitability of the site, the environmental impacts of construction or operation, or the protection of environmental values; (3) Preparation of the site for construction of the facility, including clearing of the site, grading, installation of drainage, erosion and other environmental mitigation measures, and construction of temporary roads and borrow areas; (4) Erection of fences and other access control measures that are not related to the safe use of, or security of, radiological materials subject to this part; (5) Excavation; (6) Erection of support buildings (e.g., construction equipment storage sheds, warehouse and shop facilities, utilities,		

Chan ge to NRC Sectio n	Title	State Sectio n	Compati bility Category	Summary of Change to CFR	Comment	
				concrete mixing plants, docking and unloading facilities, and office buildings) for use in connection with the construction of the facility; (7) Building of service facilities (e.g., paved roads, parking lots, railroad spurs, exterior utility and lighting systems, potable water systems, sanitary sewerage treatment facilities, and transmission lines); (8) Procurement or fabrication of components or portions of the proposed facility occurring at other than the final, in-place location at the facility; or (9) Taking any other action that has no reasonable nexus to: (i) Radiological health and safety, or .		
§ 36.2	Definition Construction,		NRC	In § 36.2, definitions for the terms	N/A	

Chan ge to NRC Sectio n	Title	State Sectio n	Compati bility Category	Summary of Change to CFR	Comment		
	Paragraph 9(ii)			"construction" is added in alphabetical order to read as follows: (ii) Common defense and security.			
<u>§</u> <u>36.13(</u> <u>a)</u>	Specific licenses for irradiators		H&S	In § 36.13, paragraph (a) is revised to read as follows: ***** (a) The applicant shall satisfy the general requirements specified in §§ 30.33(a)(1)-(4) and 30.33(b) of this chapter and the requirements contained in this part.	Do not have irradiator regulations as a separate section since NV has only a few small self-shielded blood irradiators. However, NAC 459.180.1 covers applicants for the use of all radioactive materials: NAC 459.180 Applicable provisions; exceptions. (NRS 459.030, 459.201): 1. The provisions of NAC 459.180 to 459.313, inclusive, provide for the licensing of radioactive materials. No person may receive, possess, use, transfer, own, acquire, manufacture or produce radioactive material except as authorized in a specific or general license issued pursuant to NAC 459.180 to 459.313, inclusive, or as otherwise provided in those sections with the following exceptions:	Please refer to "1- 2011-2 Response".	

Chan ge to NRC Sectio n	Title	State Sectio n	Compati bility Category	Summary of Change to CFR	Comment		
§ 36.15	Commencem ent of construction		D	N/A	N/A		
§ <u>39.13</u>	Specific licenses for well logging.		H&S	In § 39.13, paragraph (a) is revised to read as follows: ***** (a) The applicant shall satisfy the general requirements specified in § 30.33 of this chapter for byproduct material, in § 40.32 of this chapter for source material, and in § 70.23 of this chapter for special nuclear material, as appropriate, and any special requirements contained in this part.	NAC 459.7635 addresses this by including all other applicable requirements found in NAC 459.010 to NAC 459.950, inclusive.(Establish radiation safety requirements for persons using sources of radiation for well logging which are in addition to and not in substitution for other applicable requirements of <u>NAC 459.010</u> to <u>459.950</u> , inclusive;)	Please refer to "1- 2011-2 Response".	
§ 40.4	Definition: Commenceme nt of construction, Paragraph 1		C - States with authority to regulate uranium mill activities (11e.(2)	In § 40.4, the definition for the term "commencement of construction" is revised as follows: Commencement of construction means taking any action defined as	N/A		

Chan ge to NRC Sectio n	Title	State Sectio n	Compati bility Category	Summary of Change to CFR	Comment	
			byproduc t material) D - States without authority	"construction" or any other activity at the site of a facility subject to the regulations in this part that has a reasonable nexus to: (1) Radiological health and safety; or		
§ 40.4	Definition: Commenceme nt of construction, Paragraph 2		NRC	In § 40.4, the definition for the term "commencement of construction" is revised as follows: (2) Common defense and security.	N/A	
§ 40.4	Definition Construction, Paragraph 1- 8, 9(i)		C - States with authority to regulate uranium mill activities (11e.(2) byproduc t material) D -	In § 40.4, the definition for the term "construction" is added in alphabetical order to read as follows: <i>Construction</i> means the installation of foundations, or in-place assembly, erection, fabrication, or testing for any structure, system, or component of a facility or activity subject	N/A	

Chan ge to NRC Sectio n	Title	State Sectio n	Compati bility Category	Summary of Change to CFR	Comment	
			States without authority	to the regulations in this part that are related to radiological safety or security. The term "construction" does not include: (1) Changes for temporary use of the land for public recreational purposes; (2) Site exploration, including necessary borings to determine foundation conditions or other preconstruction monitoring to establish background information related to the suitability of the site, the environmental impacts of construction or operation, or the protection of environmental values; (3) Preparation of the site for construction of the facility, including clearing of the site, grading, installation of drainage, erosion and other environmental mitigation measures,		

Chan ge to NRC Sectio n	Title	State Sectio n	Compati bility Category	Summary of Change to CFR	Comment	
				and construction of temporary roads and borrow areas; (4) Erection of fences and other access control measures that are not related to the safe use of, or security of, radiological materials subject to this part; (5) Excavation; (6) Erection of support buildings (e.g., construction equipment storage sheds, warehouse and shop facilities, utilities, concrete mixing plants, docking and unloading facilities, and office buildings) for use in connection with the construction of the facility; (7) Building of service facilities (e.g., paved roads, parking lots, railroad spurs, exterior utility and lighting systems, potable water systems, sanitary sewerage treatment		

Chan ge to NRC Sectio n	Title	State Sectio n	Compati bility Category	Summary of Change to CFR	Comment	
§ 40.4	Definition		NRC	facilities, and transmission lines); (8) Procurement or fabrication of components or portions of the proposed facility occurring at other than the final, in-place location at the facility; or (9) Taking any other action that has no reasonable nexus to: (i) Radiological health and safety, or . In § 40.4, the definition	N/A	
	Paragraph 9(ii)			"construction" is added in alphabetical order to read as follows: (ii) Common defense and security.		
§ 40.32	General requirements for issuance of specific licenses		H&S - States with authority to regulate uranium mill	In § 40.32, paragraph (e) is revised to read as follows: (e) In the case of an application for a license for a uranium enrichment facility, or	N/A	

Chan ge to NRC Sectio n	Title	State Sectio n	Compati bility Category	Summary of Change to CFR	Comment	
			activities (11e.(2) byproduc t material) NRC - States without authority	for a license to possess and use source and byproduct material for uranium milling, production of uranium hexafluoride, or for the conduct of any other activity which the NRC determines will significantly affect the quality of the environment, the Director, Office of Federal and State Materials and Environmental Management Programs or his/her designee, before commencement of construction, on the basis of information filed and evaluations made pursuant to subpart A of part 51 of this chapter, has concluded, after weighing the environmental, economic, technical and other benefits against environmental costs and considering available alternatives, that the		

Chan ge to NRC Sectio n	Title	State Sectio n	Compati bility Category	Summary of Change to CFR	Comment	
				action called for is the issuance of the proposed license, with any appropriate conditions to protect environmental values. Commencement of construction prior to this conclusion is grounds for denial of a license to possess and use source and byproduct material in the plant or facility. Commencement of construction as defined in section 40.4 may include non-construction activities if the activity has a reasonable nexus to radiological safety and security.		
§ 70.4	Definition: Commenceme nt of construction, Paragraph 1		D	In § 70.4, the definition for the term "commencement of construction" is revised as follows: <i>Commencement of</i> <i>construction</i> means taking any action defined as	N/A	

Chan ge to NRC Sectio n	Title	State Sectio n	Compati bility Category	Summary of Change to CFR	Comment	
				"construction" or any other activity at the site of a facility subject to the regulations in this part that has a reasonable nexus to: (1) Radiological health and safety; or		
§ 70.4	Definition: Commenceme nt of construction, Paragraph 2		NRC	In § 70.4, the definition for the term "commencement of construction" is revised as follows: (2) Common defense and security.	N/A	
§ 70.4	Definition Construction, Paragraph 1- 8, 9(i)		D	In § 70.4, the definition for the term "construction" is added in alphabetical order to read as follows: <i>Construction</i> means the installation of foundations, or in-place assembly, erection, fabrication, or testing for any structure, system, or component of a facility or activity subject	N/A	

Chan ge to NRC Sectio n	Title	State Sectio n	Compati bility Category	Summary of Change to CFR	Comment	
				to the regulations in this part that are related to radiological safety or security. The term "construction" does not include: (1) Changes for temporary use of the land for public recreational purposes; (2) Site exploration, including necessary borings to determine foundation conditions or other preconstruction monitoring to establish background information related to the suitability of the site, the environmental impacts of construction or operation, or the protection of environmental values; (3) Preparation of the site for construction of the facility, including clearing of the site, grading, installation of drainage, erosion and other environmental mitigation measures,		

Chan ge to NRC Sectio n	Title	State Sectio n	Compati bility Category	Summary of Change to CFR	Comment	
				and construction of temporary roads and borrow areas; (4) Erection of fences and other access control measures that are not related to the safe use of, or security of, radiological materials subject to this part; (5) Excavation; (6) Erection of support buildings (e.g., construction equipment storage sheds, warehouse and shop facilities, utilities, concrete mixing plants, docking and unloading facilities, and office buildings) for use in connection with the construction of the facility; (7) Building of service facilities (e.g., paved roads, parking lots, railroad spurs, exterior utility and lighting systems, potable water systems, sanitary sewerage treatment		

Chan ge to NRC Sectio n	Title	State Sectio n	Compati bility Category	Summary of Change to CFR	Comment	
§ 70.4	Definition Construction, Paragraph 9(ii)		NRC	facilities, and transmission lines); (8) Procurement or fabrication of components or portions of the proposed facility occurring at other than the final, in-place location at the facility; or (9) Taking any other action that has no reasonable nexus to: (i) Radiological health and safety, or . In § 70.4, the definition for the term "construction" is	N/A	
				(ii) Common defense and security.		
§ 70.23	Requiremen ts for the approval of applications		NRC	In § 70.23, paragraph (a)(7) is revised to read as follows: (a) *** (7) Where the proposed activity is processing and fuel	N/A	

Chan ge to NRC Sectio n	Title	State Sectio n	Compati bility Category	Summary of Change to CFR	Comment	
				fabrication, scrap recovery, conversion of uranium hexafluoride, uranium enrichment facility construction and operation, or any other activity which the NRC determines will significantly affect the quality of the environment, the Director of Nuclear Material Safety and Safeguards or his/her designee, before commencement of construction of the plant or facility in which the activity will be conducted, on the basis of information filed and evaluations made pursuant to subpart A of part 51 of this chapter, has concluded, after weighing the environmental, economic, technical, and other benefits against environmental costs and considering available alternatives,		

Chan ge to NRC Sectio n	Title	State Sectio n	Compati bility Category	Summary of Change to CFR	Comment	
				that the action called for is the issuance of the proposed license, with any appropriate conditions to protect environmental values. Commencement of construction prior to this conclusion is grounds for denial to possess and use special nuclear material in the plant or facility. Commencement of construction as defined in section 70.4 may include non-construction activities if the activity has a reasonable nexus to radiological safety and security.		
§ 150.31 (b)(3)(i v)	Requirement s for Agreement State regulation of byproduct material.		C - States with authority to regulate uranium mill activities (11e.(2)	In § 150.31, paragraph (b)(3)(iv) is revised to read as follows: (b) *** (3) *** (iv) Prohibit commencement of construction with respect to such material	N/A	

Chan ge to NRC Sectio n	Title	State Sectio n	Compati bility Category	Summary of Change to CFR	Comment	
			byproduc t material) NRC - States without authority	prior to complying with the provisions of paragraph (b)(3)(C)(iii) of this section. As used in this paragraph: (A) The term <i>commencement of</i> <i>construction</i> means taking any action defined as "construction" or any other activity at the site of a facility subject to the regulations in this part that has a reasonable nexus to radiological health and safety. (B) The term <i>construction</i> means the installation of foundations, or in-place assembly, erection, fabrication, or testing for any structure, system, or component of a facility or activity subject to the regulations in this part that have a reasonable nexus to radiological safety or		

Chan ge to NRC Sectio n	Title	State Sectio n	Compati bility Category	Summary of Change to CFR	Comment	
				security. The term "construction" does not include: (1) Changes for temporary use of the land for public recreational purposes; (2) Site exploration, including necessary borings to determine foundation conditions or other preconstruction monitoring to establish background information related to the suitability of the site, the environmental impacts of construction or operation, or the protection of environmental values; (3) Preparation of the site for construction of the facility, including clearing of the site, grading, installation of drainage, erosion and other environmental mitigation measures, and construction of		

Chan ge to NRC Sectio n	Title	State Sectio n	Compati bility Category	Summary of Change to CFR	Comment	
				temporary roads and borrow areas; (4) Erection of fences and other access control measures that are not related to the safe use of or security of radiological materials subject to this part; (5) Excavation; (6) Erection of support buildings (e.g., construction equipment storage sheds, warehouse and shop facilities, utilities, concrete mixing plants, docking and unloading facilities, and office buildings) for use in connection with the construction of the facility; (7) Building of service facilities (e.g., paved roads, parking lots, railroad spurs, exterior utility and lighting systems, potable water systems,		

Chan ge to NRC Sectio n	Title	State Sectio n	Compati bility Category	Summary of Change to CFR	Comment	
				sanitary sewerage treatment facilities, and transmission lines); (8) Procurement or fabrication of components or portions of the proposed facility occurring at other than the final, in-place location at the facility; or (9) Taking any other action which has no reasonable nexus to radiological health and safety.		

RATS ID 2011-2 - RESPONSE

1. 10 CFR 36.13(a):

Do not have irradiator regulations as a separate section. However, NAC 459.180.1 covers requirements for applications for the use of all *radioactive materials. No additional verbiage is necessary.

NAC 459.180: Applicable provisions; exceptions. (NRS 459.030, 459.201):

1. The provisions of NAC 459.180 to 459.313, inclusive, provide for the licensing of *radioactive materials. No person may receive, possess, use, transfer, own, acquire, manufacture or produce <u>radioactive material except as</u> <u>authorized in a specific or general license issued pursuant to NAC 459.180 to 459.313, inclusive</u>, or as otherwise provided in those sections with the following exceptions:

2. 10 CFR 39.13:

NAC 459.180.1: Effectively imposes the requirements of a SL or a GL on any person who receives, uses, transfers, possesses, owns, acquires, manufactures or produces *<u>radioactive materials</u>. No additional verbiage is necessary.

[For reference:

*<u>NAC 459.076</u>: "Radioactive material" defined. (NRS 459.201) "Radioactive material" means any solid, liquid or gaseous material which emits radiation spontaneously. The term includes [‡] by-product material.

* NAC 459.022: "By-product material" defined. (NRS 459.201) "By-product material" means:

1. Any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or making use of special nuclear material;

2. The tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore which is processed primarily for its source material content, including, without limitation, discrete surface wastes resulting from uranium solution extraction processes, except for underground ore bodies which are depleted by operations to extract such solutions;

3. Any discrete source of radium-226 that is produced, extracted or converted after extraction for use in a commercial, medical or research activity before, on or after August 8, 2005;

4. Any material which:

(a) Is an accelerator-produced radioactive material; and

(b) Is produced, extracted or converted after extraction for use in a commercial, medical or research activity before, on or after August 8, 2005; or

5. Except for source material, any discrete source of naturally occurring radioactive material which:

(a) The Nuclear Regulatory Commission, in consultation with the Administrator of the United States Environmental Protection Agency, the Secretary of Energy, the Secretary of Homeland Security and the head of any other appropriate federal agency, determines would pose a threat similar to the threat posed by a discrete source of radium-226 to the public health and safety or the common defense and security; and

(b) Is extracted or converted after extraction for use in a commercial, medical or research activity before, on or after August 8, 2005.]

Change of Compatibility of 10 CFR 31.5 and 31.6 in the Withdrawal of Proposed Rule and Closure of Petition For Rulemaking: Organization of Agreement States and Florida Department of Health, Bureau of Radiation Control (77 FR 3640, Published January 25, 2012) RATS ID: 2012-1 Effective: 1/25/2012 Date Due for State Adoption 1/25/2015

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Comments	
' <u>31.5</u>	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere		C*** (***please note 10 CFR 31.5 was changed from Compatibility Category B to Compatibility Category C)	NO TEXT CHANGE TO 10 CFR 31.5. Text for 10CFR 31.5 can be found in <i>Requirements</i> <i>for Certain Generally</i> <i>Licensed Industrial</i> <i>Devices Containing</i> <i>Byproduct Material</i> , (65 FR 79162, Published December 18, 2000) RATS ID: 2001-1, Effective: 2/16/01.	In NAC 459.216	
<u>'31.6</u>	General license to install devices generally licensed in ' 31.5		C*** (***please note 10 CFR 31.6 was changed from Compatibility Category B to Compatibility Category C)	NO TEXT CHANGE TO 10 CFR 31.6. Text for 10CFR 31.6 can be found in <i>Requirements</i> for Certain Generally Licensed Industrial Devices Containing Byproduct Material, (65 FR 79162, Published	In NAC 459.210.4	

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Comments	
				December 18, 2000) RATS ID: 2001-1, Effective: 2/16/01.		

RATS ID 2012-1

1. <u>10 CFR 31.5</u>- NO TEXT CHANGE

NAC 459.216 General licenses: Certain detecting, measuring, gauging or controlling devices and devices for producing light or ionized atmosphere. (<u>NRS 459.201</u>)

1. A general license is issued to commercial and industrial firms, to research, educational and medical institutions, to a person engaged in the conduct of his or her own business, and to the state and local governments, including the agencies of either, to own, receive, acquire, possess, use or transfer, in accordance with the provisions of subsections 2 and 3 and <u>NAC 459.218</u>, radioactive material, excluding special nuclear material, contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage or qualitative or quantitative chemical composition or for producing light or an ionized atmosphere.

2. The general license in subsection 1 applies only to radioactive material contained in devices which have been manufactured or initially transferred and labeled in accordance with the specifications contained in a specific license issued by the Division pursuant to <u>NAC 459.282</u>, or in accordance with the specifications contained in a specific license issued by the Nuclear Regulatory Commission or an agreement state or contained in an equivalent specific license issued by a state with provisions comparable to 10 C.F.R. § 32.51.

3. A general licensee may receive a device described in this section only from a specific licensee described in subsection 2 or through a transfer made pursuant to subsection 9 of <u>NAC 459.218</u> and <u>459.2185</u>.

4. The general license provided in subsection 1 is subject to the provisions of <u>NAC 459.124</u> to <u>459.134</u>, inclusive, <u>459.198</u>, <u>459.208</u>, <u>459.2185</u>, <u>459.219</u>, <u>459.287</u>, <u>459.289</u>, <u>459.2895</u>, <u>459.3062</u>, <u>459.3075</u>, <u>459.312</u> and <u>459.313</u>.

5. The general license provided in subsection 1 does not authorize the manufacture or import of devices containing radioactive material.

No text change.

2. <u>10 CFR 31.6</u> - NO TEXT CHANGE

NAC 459.210.4: Reciprocal recognition of licenses:

4. Any person who holds a specific license issued by the Nuclear Regulatory Commission or an agreement state authorizing the holder to manufacture, transfer, install or maintain a device described in <u>NAC 459.216</u> within areas subject to the jurisdiction of the licensing body is hereby granted a general license to install, transfer, demonstrate or maintain such a device in this State provided that:

(a) The person shall file a report with the Division within 30 days after the end of each calendar quarter in which any such device is transferred to or installed in this State. Each such report must identify each general licensee to whom the device is transferred by name and address, the type of device transferred and the quantity and type of radioactive material contained in the device;

(b) The device has been manufactured, labeled, installed and maintained in accordance with applicable provisions of the specific license issued to the person by the Nuclear Regulatory Commission or an agreement state;

(c) The person must ensure that any labels required to be affixed to the device under regulations of the authority which licensed manufacture of the device bear a statement that: "Removal of this label is prohibited"; and

(d) The holder of the specific license must furnish to each general licensee to whom he or she transfers the device or on whose premises he or she installs such device a copy of the general license contained in <u>NAC 459.216</u>.

5. The Division may withdraw, limit or qualify its acceptance of any specific license or equivalent licensing document issued by another agency, or any product distributed pursuant to the licensing document, upon determining that such action is necessary in order to prevent undue hazard to public health and safety or property.

Advance Notification to Native American tribes of Transportation of Certain Types of Nuclear Waste (77 FR 34194, Published June 11, 2012) RATS ID: 2012-2 Effective: August 10, 2012 Date Due for State Adoption August 10, 2015

Chang e to NRC Sectio n	Title	Stat e Sect ion	Co mpa tibili ty Cate gory	Summary of Change to CFR	Comments	Comments	
' <u>71.4</u>	Definiti on: Indian tribe		В	In § 71.4, the new definition for the term "Indian tribe" was added as follows: <i>Indian tribe</i> means an Indian or Alaska native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.	R114-12P, Sec.39, NAC 459.1997 – <u>10 CFR Part 71</u> - adopted by reference. (Proposed)	<u>10 CFR Part 71</u> – 2008 version is already in regulation in NAC 459.1997. Current version- proposed in R114- 12P, Sec 39.	
'71.4	Definiti on: Tribal official		В	In § 71.4, the new definition for the term "Tribal official" was added as follows: <i>Tribal official</i> means the highest ranking individual that represents Tribal leadership, such as the Chief, President, or Tribal Council leadership.	R114-12P, Sec.39, NAC 459.1997 – adopted by reference (Proposed)	Same as above.	

Chang e to NRC Sectio n	Title	Stat e Sect ion	Co mpa tibili ty Cate gory	Summary of Change to CFR	Comments	Comments	
§71.97 (a)	Advan ce notifica tion of shipme nt of irradiat ed reactor fuel and nuclea r waste		В	In § 71.97, paragraph (a) is revised to read as follows: (a)(1) As specified in paragraphs (b), (c), and (d) of this section, each licensee shall provide advance notification to the governor of a State, or the governor's designee, of the shipment of licensed material, within or across the boundary of the State, before the transport, or delivery to a carrier, for transport, of licensed material outside the confines of the licensee's plant or other place of use or storage. (2) As specified in paragraphs (b), (c), and (d) of this section, after June 11,2013, each licensee shall provide advance notification to the Tribal official of participating Tribes referenced in paragraph (c)(3)(iii) of this section, or the official's designee, of the shipment of licensed material, within or across the boundary of the Tribe's reservation, before the transport, or delivery to a carrier, for transport, of licensed material outside the confines of the licensee's plant or other place of use or storage.	R114-12P, Sec.39, NAC 459.1997 – adopted by reference (Proposed)	Same as above.	

Chang e to NRC Sectio n	Title	Stat e Sect ion	Co mpa tibili ty Cate gory	Summary of Change to CFR	Comments	Comments	
§71.97 (c)(1)	Advan ce notifica tion of shipme nt of irradiat ed reactor fuel and nuclea r waste		В	In § 71.97, paragraph (c)(1) is revised to read as follows: (c) Procedures for submitting advance notification. (1) The notification must be made in writing to: (i) The office of each appropriate governor or governor's designee; (ii) The office of each appropriate Tribal official or Tribal official's designee; and (iii) The Director, Division of Security Policy, Office of Nuclear Security and Incident Response.	R114-12P, Sec.39, NAC 459.1997 – adopted by reference (Proposed)	Same as above.	
§71.97 (c)(3)	Advan ce notifica tion of shipme nt of irradiat ed reactor fuel and nuclea		В	In § 71.97, paragraph (c)(3) is revised to read as follows: (c) * * * (3) A notification delivered by any other means than mail must reach the office of the governor or of the governor's designee or the Tribal official or Tribal official's designee at least 4 days before the beginning of the 7-day period during which	R114-12P, Sec.39, NAC 459.1997 – adopted by reference (Proposed)	Same as above.	
Chang e to NRC Sectio n	Title	Stat e Sect ion	Co mpa tibili ty Cate gory	Summary of Change to CFR	Comments	Comments	
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	r waste			departure of the shipment is estimated to occur. (i) A list of the names and mailing addresses of the governors' designees receiving advance notification of transportation of nuclear waste was published in the <i>Federal Register</i> on June 30, 1995 (60 FR 34306). (ii) The list of governor's designees and Tribal official's designees of participating Tribes will be published annually in the <i>Federal</i> <i>Register</i> on or about June 30 th to reflect any changes in information. (iii) A list of the names and mailing addresses of the governors' designees and Tribal officials' designees of participating Tribes is available on request from the Director, Division of Intergovernmental Liaison and Rulemaking, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.			

Chang e to NRC Sectio n	Title	Stat e Sect ion	Co mpa tibili ty Cate gory	Summary of Change to CFR	Comments	Comments	
§71.97 (d)(4)	Advan ce notifica tion of shipme nt of irradiat ed reactor fuel and nuclea r waste		B	In § 71.97, paragraph (d)(4) is revised to read as follows: (d) * * * (4) The 7-day period during which arrival of the shipment at State boundaries or Tribal reservation boundaries is estimated to occur;	R114-12P, Sec.39, NAC 459.1997 – adopted by reference (Proposed)	Same as above.	
§71.97 (e)	Advan ce notifica tion of shipme nt of irradiat ed reactor fuel and nuclea r waste		В	In § 71.97, paragraph (e) is revised to read as follows: (e) <i>Revision notice</i> . A licensee who finds that schedule information previously furnished to a governor or governor's designee or a Tribal official or Tribal official's designee, in accordance with this section, will not be met, shall telephone a responsible individual in the office of the governor of the State or of the governor's designee or the Tribal official or the Tribal official's designee and inform that individual of the extent of the delay beyond the schedule originally reported. The	R114-12P, Sec.39, NAC 459.1997 – adopted by reference (Proposed)	Same as above.	

Chang e to NRC Sectio n	Title	Stat e Sect ion	Co mpa tibili ty Cate gory	Summary of Change to CFR	Comments	Comments	
				licensee shall maintain a record of the name of the individual contacted for 3 years.			
§71.97 (f)(1)	Advan ce notifica tion of shipme nt of irradiat ed reactor fuel and nuclea r waste		В	In § 71.97, paragraph (f)(1) is revised to read as follows: (f) Cancellation notice. (1) Each licensee who can cancels an irradiated reactor fuel or nuclear waste shipment for which advance notification has been sent shall send a cancellation notice to the governor of each State or to the governor's designee previously notified, each Tribal official or to the Tribal official's designee previously notified, and the Director, Division of Security Policy, Office of Nuclear Security and Incident Response.	R114-12P, Sec.39, NAC 459.1997 – adopted by reference (Proposed)	Same as above.	
§ 73.2	Definiti on: Indian tribe		NRC	In § 73.2, the new definition for the term "Indian tribe" was added:	N/A		
§ 73.2	Definiti on:		NRC	In § 73.2, the new definition for the term "Tribal official" was	N/A		

Chang e to NRC Sectio n	Title	Stat e Sect ion	Co mpa tibili ty Cate gory	Summary of Change to CFR	Comments	Comments	
	Tribal official			added:			
§ 73.21	Protect ion of Safegu ards Inform ation: Perfor mance Requir ement s.		NRC	In § 73.21, paragraph (a)(2) is revised:	N/A		
§ 73.37	Requir ement s for physic al protect ion of irradiat ed reactor fuel in transit		NRC	In § 73.37, paragraphs (f) and (g) are revised:	N/A		
§ 73.59	Relief from fingerp		NRC	In § 73.59, new paragraph (I) is added:	N/A		

Chang e to NRC Sectio n	Title	Stat e Sect ion	Co mpa tibili ty Cate gory	Summary of Change to CFR	Comments	Comments	
	rinting, identifi cation and crimina I history record s checks and other eleme nts of backgr ound checks for design ated catego ries of						
	individ uals						

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<u>10 CFR Part 71</u> – 2008 version is already in regulation in NAC 459.1997, by adoption.

Adoption of current version- proposed in R114-12P, Sec 39. NO TEXT CHANGE.

Technical Corrections – Parts 30, 34, 40, and 71 (77 FR 39899, Published July 6, 2012) RATS ID: 2012-3 Effective: August 6, 2012 Date Due for State Adoption August 6, 2015

Change to NRC Section	Title	St at S e ct io n	Com patibi lity Cate gory	Summary of Change to CFR	Comment	
' <u>30.34(h)</u> (<u>1)(ii)</u>	Terms and condition s of licenses		H&S	In §30.34, paragraph (h)(1)(ii) was revised to remove the reference "11 U.S.C. 101(14)" and add, in its place, the reference "11 U.S.C. 101(15)." (ii) An entity (as that term is defined in 11 U.S.C. 101(15)) controlling the licensee or listing the license or licensee as property of the estate; or	R114-12, Sec.38,MAC 459.198.4(c)(2): (Proposed)4. Each person licensed by theDivision pursuant to NAC459.180 to 459.950, inclusive, andsections 4 to 20, inclusive, of thisregulation, or each person seeking alicense, shall:(a) Confine his or her use andpossession of the material licensed tothe locations and purposesauthorized in the license.(b) Inform the Division in writingbefore the sale or lease of his or herbusiness if the transaction involvesthe transfer of a source of radiationto another person.(c) Inform the Division, in writing,immediately following the filing of avoluntary or involuntary petition forbankruptcy under Title 11 of theUnited States Code or theappropriate chapter of NRS by oragainst:(1) The licensee;(2) An entity, as that term is	

Change to NRC Section	Title	St at e S e ct io n	Com patibi lity Cate gory	Summary of Change to CFR	Comment	
					defined in 11 U.S.C. § 101(15), which controls the licensee or which lists the licensee as a property of the estate of the entity; or (3) An affiliate, as that term is defined in 11 U.S.C. § 101(2), of the licensee.	
' <u>34.20(a)</u> (<u>1)</u>	Perform ance requirem ents for industrial radiogra phy equipme nt		В	In §34.20(a)(1), the address for the American National Standards Institute is updated as follows: (a)(1) * * * This publication may be purchased from the American National Standards Institute, Inc., 25 West 43 rd Street, New York, New York 10036; Telephone: (212) 642– 4900. * **	R114-12P, Sec.78, NAC 459.737 – (Adoption of 10 CFR Part 34 by reference & revision) (Proposed)	

Change to NRC Section	Title	St at e S e ct io n	Com patibi lity Cate gory	Summary of Change to CFR	Comment	
Part 40, Appendix A, section I, Criterion 4(d)	Criteria Relating to the Operatio n of Uranium Mills and the Dispositi on of Tailings for Wastes Produce d by the Extractio n or Concent ration of Source material from ores process ed primarily for their Source Material Content		C	The eight paragraph of Criterion 4(d) is revised to read as follows: Criterion 4. * * * (d) *** Rock covering of slopes may be unnecessary where top covers are very thick (on the order of 10 m or greater); impoundment slopes are very gentle (on the order of 10 h:1v or less); bulk cover materials have inherently favorable erosion resistance characteristics; and, there is negligible drainage catchment area upstream of the pile and good wind protection as described in points (a) and (b) of this Criterion.	NV does not have authority to regulate U mills.	

Change to NRC Section	Title	St at e S e ct io n	Com patibi lity Cate gory	Summary of Change to CFR	Comment	
Part 40, Appendix A, section I, Criterion 8A	Criteria Relating to the Operatio n of Uranium Mills and the Dispositi on of Tailings for Wastes Produce d by the Extractio n or Concent ration of Source material from ores process ed primarily for their Source Material Content		C	The third sentence of Criterion 8A is revised to read as follows: Criterion 8A. *** The appropriate NRC regional office as indicated in appendix D to 10 CFR part 20 of this chapter, or the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, must be immediately notified of any failure in a tailings or waste retention system that results in a release of tailings or waste into unrestricted areas, or of any unusual conditions (conditions not contemplated in the design of the retention system) that if not corrected could indicate the potential or lead to failure of the system and result in a release of tailings or waste into unrestricted areas.	N/A NV does not have authority to regulate U mills.	

Change to NRC Section	Title	St at e S e ct io n	Com patibi lity Cate gory	Summary of Change to CFR	Comment	
Part 71, Appendix A, Table A-1	Packagi ng and Transpor tation of Radioact ive Material, A_1 and A_2 Values for Radionu clides		[B]	In Table A-1, the entries for Bi-205, Cm-248, Eu-150 (long lived), and Te-132(a) and footnote b were revised to read as follows: See the table at the end of the document.	R114-12P, Sec.39, NAC 459.1997– (Adoption of 10 CFR Part 71, Appendix A, by reference & revision) (Proposed)	

Symbol of	Element and					Specific ad	ctivity
radionuclide	atomic number	A₁ (TBq)	A ₁ (Ci) ^b	A ₂ (TBq)	A ₂ (Ci) ^b	(TBq/g)	(Ci/g)
*	*	*	*	*	*	*	*
Bi-205	Bismuth (83)	7.0×10 ⁻¹	1.9×10 ¹	7.0×10 ⁻¹	1.9×10 ¹	1.5x10 ³	4.2×10 ⁴
*	*	*	*	*	*	*	*
Cm-248		2.0×10 ⁻²	5.4×10 ⁻¹	3.0×10⁻⁴	8.1×10 ⁻³	1.6x10 ⁻⁴	4.2×10 ⁻³
*	*	*	*	*	*	*	*
Eu-150		7.0x10 ⁻¹	1.9×10 ¹	7.0×10 ⁻¹	1.9×10 ¹	6.1×10 ⁴	1.6×10 ⁶
(long lived)							
*	*	*	*	*	*	*	*
Te-132 (a)		5.0×10 ⁻¹	1.4×10 ¹	4.0×10 ⁻¹	1.1×10 ¹	1.1×10 ⁴	3.0x10 ⁵
*	*	*	*	*	*	*	*

Table A-1—A₁ and A₂ VALUES FOR RADIONUCLIDES

^b The values of A_1 and A_2 in Curies (Ci) are approximate and for information only; the regulatory standard units are Terabecquerels (TBq) (see Appendix A to part 71—Determination of A_1 and A_2 , Section I).

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1. <u>10 CFR 30.34(h)(1)(ii):</u>

R114-12, Sec.38, NAC 459.198.4(c)(2): (Proposed)

4. Each person licensed by the Division pursuant to NAC 459.180 to 459.950, inclusive, and sections 4 to 20, inclusive, of this regulation, or each person seeking a license, shall:

(a) Confine his or her use and possession of the material licensed to the locations and purposes authorized in the license.

(b) Inform the Division in writing before the sale or lease of his or her business if the transaction involves the transfer of a source of radiation to another person.

(c) Inform the Division, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under Title 11 of the United States Code or the appropriate chapter of NRS by or against:

(1) The licensee;

(2) <u>An entity, as that term is defined in 11 U.S.C. § 101(15)</u>, which controls the licensee or which lists the licensee as a property of the estate of the entity; or

(3) An affiliate, as that term is defined in 11 U.S.C. § 101(2), of the licensee.

2. 10 CFR 34.20(a)(1):

<u>R114-12P, Sec.78, NAC 459.737</u> – (Adoption of 10 CFR Part 34 by reference & revision): Part 34, 2008 is already in regulation in NAC 459.737. The current version has been proposed for adoption by reference and revision in R114-12P, Sec. 78.

3. <u>10 CFR Part 71:</u>

R114-12P, Sec.39, NAC 459.1997 – (Adoption of 10 CFR Part 71, Appendix A, by reference & revision) (Proposed)

Requirements for Distribution of Byproduct Material, Parts 30, 31, 32, 40, and 70 (77 FR 43666, Published July 25, 2012) RATS ID: 2012-4 Effective: October 23, 2012 Date Due for State Adoption: October 23, 2015

Change to NRC Section	Title	S t a t	Comp atibilit y Categ	Summary of Change to CFR	Comment	
		e S c t i o n	ory		KEY - New verbiage Repealed	
§30.6(b)(1)(iv)	Communi cations		D	N/A	N/A	
§30.8(c)(1)	Informati on collection requirem ents: OMB approval		D	N/A	N/A	
<u>§30.15(a)</u> (2)	Certain items containin g byproduct material		В	In § 30.15, paragraph (a)(2) is added to read as follows: (a) * * * (2)(i) Static elimination devices which contain, as a sealed source or sources, byproduct material consisting of a total of not more than	 NAC 459.190.1.(j)(1)-(3): (1) Static elimination devices which contain, as a sealed source or sources, byproduct material consisting of a total of not more than 18.5 MBq (500 μCi) of polonium-210 per device. (2) Ion generating tubes designed for ionization of air that contain, as a sealed 	

					Comment
Change	Title	S	Comp	Summary of Change to CFR	
to NRC		t	atibilit		
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		С			KEY - New verbiage Repealed
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				18.5 MBq (500 μCi) of polonium-210	source or sources, byproduct material
				per device.	consisting of a total of not more than 18.5
				(ii) Ion generating tubes designed	MBq (500 μ Ci) of polonium-210 per device
				for ionization of air that contain, as a	or of a total of not more than 1.85 GBq (50
				sealed source or sources, byproduct	mCi) of hydrogen-3 (tritium) per device.
				material consisting of a total of not	(3) Such devices authorized before October
				more than 18.5 MBq (500 μCi) of	23, 2012 for use under the general license
				polonium-210 per device or of a total	then provided in § 31.3 and equivalent
				of not more than 1.85 GBq (50 mCi)	regulations of Agreement States and
				of hydrogen-3 (tritium) per device.	manufactured, tested, and labeled by the
				(iii) Such devices authorized	manufacturer in accordance with the
				before October 23, 2012 for use	specifications contained in a specific license
				under the general license then	issued by the Division.
				provided in § 31.3 and equivalent	
				regulations of Agreement States and	
				manufactured, tested, and labeled by	
				the manufacturer in accordance with	
				the specifications contained in a	
				specific license issued by the	
				Commission.	

<u>§30.19(b)</u>	Self-	В	In § 30.19, paragraph (b) is revised	NAC 459.192: 1. (a) Except for persons who	
	luminous		to read as follows:	manufacture, process or produce self-	
	products			luminous products containing tritium,	
	containin			krypton-85 or promethium-147, any person	
	g tritium,		(b) Any person who desires to	is exempt from the provisions of NAC	
	krypton-8		manufacture, process, or produce, or	459.010 to 459.950, inclusive, to the extent	
	5, or		initially transfer for sale or	that he or she receives, possesses, uses,	
	promethi		distribution self-luminous products	transfers, owns or acquires tritium, krypton-	
	um-147		containing tritium, krypton-85, or	85 or promethium-147 in self-luminous	
			promethium-147 for use under	products manufactured, processed,	
			paragraph (a) of this section, should	produced, imported or transferred in	
			apply for a license under § 32.22 of	accordance with a specific license issued by	
			this chapter and for a certificate of	the Nuclear Regulatory Commission	
			registration in accordance with	pursuant to 10 C.F.R. § 32.22, which license	
			§ 32.210 of this chapter.	authorizes the transfer of the product to	
				persons who are exempt from regulatory	
				requirements.	
				(b)Any person who desires to manufacture,	
				process, or produce, or initially transfer for	
				sale or distribution self-luminous products	
				containing tritium, krypton-85, or	
				promethium-147 for use under paragraph	
				(a) of this section, should apply for a license	
				under 10 CFR Part § 32.22 and for a	
				certificate of registration in accordance with	
				10 CFR § 32.210.	
				(c)The exemption in this subsection for self-	
				luminous products does not apply to tritium,	
				krypton-85 or promethium-147 used in	
				products for frivolous purposes or in toys or	
				adornments.	

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<u>§30.20</u>	Gas and	В	Section 30.20 is revised to read as	NAC 459.192.3(b):	
	aerosol		follows:	B. (a) Except for persons who manufacture, process, produce or initially	
	detectors			transfer for sale or distribution gas and aerosol detectors containing	
	containin		(a) Except for persons who	radioactive material, any person is exempt from the provisions of <u>NAC</u>	
	g		manufacture, process, produce, or	459.010 to 459.950, inclusive, to the extent that he or she receives,	
	byproduct		initially transfer for sale or	possesses, uses, transfers, owns or acquires radioactive material in gas	
	material		distribution gas and aerosol	and aerosol detectors designed to protect life health, safety or property	
			detectors containing byproduct	from fires and airborne hazards if the detectors containing radioactive	
			material, any person is exempt	material have been manufactured, processed, produced or initially	
			from the requirements for a	transferred in accordance with a specific license issued by the Division,	
			license set forth in section 81 of	the Nuclear Regulatory Commission or any other agreement state	
			the Act and from the regulations	pursuant to 10 C.F.R. § 32.26 or its equivalent, which authorizes the	
			in parts 19, 20, 21, and 30 through	initial transfer of the detectors for use. This exemption also applies to	
			36 and 39 of this chapter to the	gas and aerosol detectors manufactured or distributed before	
			extent that such person receives,	November 30, 2010, in accordance with a specific license issued by a	
			possesses, uses, transfers, owns,	state under comparable provisions to 10 C.F.R. § 32.26 authorizing	
			or acquires byproduct material in	distribution to persons exempt from regulatory requirements. The	
			gas and aerosol detectors	following also apply to gas and aerosol detectors containing radioactive	
			designed to protect health, safety,	material:	
			or property, and manufactured.	(a)(1) The provisions of subsection 2 of NAC 459.190 apply to this	
			processed, produced, or initially	subsection.	
			transferred in accordance with a	(b)(2) Any gas and aerosol detector which contains by product material.	
			specific license issued under	or naturally occurring and accelerator-produced radioactive material and	
			§ 32.26 of this chapter, which	which was previously manufactured and distributed to general licensees	
			license authorizes the initial	in accordance with a specific license issued by an agreement state	
			transfer of the product for use	pursuant to provisions comparable to 10 C.F.R. § 32.26 is exempt under	
			under this section. This exemption	this subsection if the device is labeled in accordance with the specific	
			also covers gas and aerosol	license and if the device meets the requirements of NAC 459 280	
			detectors manufactured or	(b) Any person who desires to manufacture process or produce gas and	
			distributed before November 30	aerosol detectors containing hyproduct material or to initially transfer	
			2007 in accordance with a specific	such products for use under paragraph (a) of this section, should apply	
			license issued by a State under	for a license under 8 32 26 of this chanter and for a certificate of	
			comparable provisions to 8 32 26	registration in accordance with § 32.20 of this chapter and for a certificate of	
			of this chanter authorizing	registration in accordance with 3 52.210 of this chapter.	
			distribution to persons exempt		
			from regulatory requirements		
			nom regulatory requirements.		

			(b) Any person who desires to manufacture, process, or produce gas and aerosol detectors containing byproduct material, or to initially transfer such products for use under paragraph (a) of this section, should apply for a license under § 32.26 of this chapter and for a certificate of registration in accordance with § 32.210 of this chapter.		
<u>§30.22</u>	Certain industrial devices	В	Section 30.22 is added under the undesignated heading Exemptions to read as follows: (a) Except for persons who manufacture, process, produce, or initially transfer for sale or distribution industrial devices containing byproduct material designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing an ionized atmosphere, any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in parts 19, 20, 21, 30 through 36, and 39 of	 NAC 459.192.5: 5. (a) Except for persons who manufacture, process, produce, or initially transfer for sale or distribution industrial devices containing byproduct material designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing an ionized atmosphere, any person is exempt from the provisions of NAC 459.010 to 459.950, inclusive, to the extent that such person receives, possesses, uses, transfers, owns, or acquires byproduct material, in these certain detecting, measuring, gauging, or controlling devices and certain devices for producing an ionized atmosphere, and manufactured, processed, produced, or initially transferred in accordance with a specific license issued under 10 CFR § 32.30, which license authorizes the initial transfer of the device for use under this section. This exemption does not cover sources not incorporated into a device, such as calibration and reference sources. (b) Any person who desires to manufacture, process, produce, or initially transfer for sale or distribution industrial devices containing 	

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				this chapter to the extent that	byproduct material for use under paragraph (a) of this subsection,	
				such person receives, possesses,	should apply for a specific license issued by the Nuclear Regulatory	
				uses, transfers, owns, or acquires	Commission pursuant to 10 CFR § 32.30 and for a certificate of	
				byproduct material, in these	registration in accordance with 10 CFR § 32.210.	
				certain detecting, measuring,		
				gauging, or controlling devices and		
				certain devices for producing an		
				ionized atmosphere, and		
				manufactured, processed,		
				produced, or initially transferred in		
				accordance with a specific license		
				issued under § 32.30 of this		
				chapter, which license authorizes		
				the initial transfer of the device for		
				use under this section. This		
				exemption does not cover sources		
				not incorporated into a device,		
				such as calibration and reference		
				sources.		
				(b) Any person who desires to		
				manufacture, process, produce, or		
				initially transfer for sale or		
				distribution industrial devices		
				containing byproduct material for		
				use under paragraph (a) of this		
				section should apply for a license		
				under § 32 30 of this chapter and		
				for a certificate of registration in		
				accordance with δ 32 210 of this		
				chanter		
§30,32(g)	Applicatio		С	In ' 30.32, paragraph (g) is	NAC 459.236.7.(d).(e):An application for a specific license to use	
<u></u>	n for			revised to read as follows:	radioactive material in the form of a sealed source or in a device that	
	specific				contains a sealed source must:	
	licenses			(g)(1) Except as provided in	(a) Identify the source or device by manufacturer and model number as	

paragraphs (g)(2), (g)(3), and (g)(4)	registered with the Nuclear Regulatory Commission, or for a source or
of this section, an application for a	device which contains radium-226 or accelerator-produced radioactive
specific license to use byproduct	material, pursuant to the provisions of NAC 459.289, 459.2895 or
material in the form of a sealed	459.3075 or 10 C.F.R. § 32.210 or registered with an agreement state
source or in a device that contains	pursuant to an equivalent regulation of the agreement state;
the sealed source must either	(b) Contain the information identified in <u>NAC 459.289</u> , <u>459.2895</u> or
(i) Identify the source or	459.3075, 10 C.F.R. § 32.210 or an equivalent regulation of an agreement
device by manufacturer and model	state; or
number as registered with the	(c) For a source or device which contains naturally occurring or
Commission under § 32.210 of this	accelerator-produced radioactive material which was manufactured
chapter, with an Agreement State,	before the effective date of this regulation, which is not registered with
or for a source or a device	the Division pursuant to <u>NAC 459.3075</u> , the Nuclear Regulatory
containing radium-226 or	Commission pursuant to 10 C.F.R. § 32.210 or an agreement state
accelerator-produced radioactive	pursuant to an equivalent regulation of the agreement state, and for
material with a State under	which the applicant cannot provide all the information specified in 10
provisions comparable to § 32.210	C.F.R. § 32.210(c):
of this chapter; or	(1) Include all available information identified in 10 C.F.R. § 32.210(c)
(ii) Contain the	which concerns the source and, if applicable, the device; and
information identified in	(2) Include sufficient additional information to demonstrate with
§ 32.210(c) of this chapter.	reasonable assurance that the radiation safety properties of the source
	or device are adequate to protect health and minimize danger to life and
(2) For sources or devices	property, including, without limitation, a description of the source or
manufactured before October 23,	device, a description of the radiation safety features, the intended use
2012 that are not registered with	and associated operating experience of the licensee and the results of a
the Commission under § 32.210 of	recent leak test of the source or device.
this chapter or with an Agreement	(d) For sealed sources and devices allowed to be distributed without
State, and for which the applicant	registration of safety information in accordance with 10 CFR
is unable to provide all categories	§ 32.210(g)(1, the applicant may supply only the manufacturer, model
of information specified in	number, and radionuclide and quantity.
§ 32.210(c) of this chapter, the	(e) If it is not feasible to identify each sealed source and device
application must include:	individually, the applicant may propose constraints on the number and
(i) All available	type of sealed sources and devices to be used and the conditions under
information identified in	which they will be used, in lieu of identifying each sealed source and
§ 32.210(c) of this chapter	device.
concerning the source, and, if	
applicable, the device; and	

(ii) Sufficient additional information to demonstrate that there is reasonable assurance that there is reasonable assurance that the radiation safety properties of the source or device are adequate to protect health and minimize danger to life and property. Such information must include a description of the source or device, a description of radiation safety features, the intended use and associated operating experience, and the results of a recent leak test. (3) For sealed sources and devices allowed to be distributed without registration of safety information in accordance with § 32.210(g)(1) of this chapter, the applicant may supply only the manufacturer, model number, and radionucide and quantity. (4) If it is not feasible to identify each sealed source and device individually, the applicant may propose constraints on the number and type of sealed sources and devices to be used and the conditions under which they with the used, lieu of identifying each sealed source and device.	· · · ·			—
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§30.38	Applicatio	D	N/A	N/A	
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§30.39	Commissi	D	N/A	N/A	
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§30.61	Modificati	D	N/A	N/A	
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<u>§31.3</u>	Certain	В	Section 31.3 is removed and	NAC 459.214 will be repealed.	
	devices		reserved	NAC 459.214 General licenses: Certain devices designed for use as static eliminators or	
	and			for ionization of air. (NRS 459.201)	
	and equipmen t			 for ionization of air. (NRS 459.201) A general license is issued to transfer, receive, acquire, own, possess and use-radioactive material incorporated in the following devices or equipment which have beenmanufactured, tested and labeled by the manufacturer in accordance with a specific-license issued to the manufacturer by the Nuclear Regulatory Commission for use-pursuant to 10 C.F.R. § 31.3. This general license is subject to the provisions of NAC-459.124 to 459.134, inclusive, subsection 3 of NAC 459.184, NAC 459.198, 459.208, 459.312 and 459.320 to 459.374, inclusive, relating to the labeling of containers, and NAC-459.780 to 459.794, inclusive. The devices included in this license are: (a) Devices designed for use as static eliminators which contain, as a sealed source or sources, radioactive material consisting of a total of not more than 500 microcuries of polonium-210 per device; and (b) Devices designed for ionization of air which contain, as a sealed source or sources, radioactive material consisting of a total of not more than 500 microcuries of polonium- 	
				210 per device or a total of not more than 50 millicuries of hydrogen-3 (tritium) per-	
				device.	
§31.23(b)	Criminal penalties	D	N/A	N/A	
§32.1(a)	Purpose and scope	D	N/A	N/A	
§32.2	Definition : Committe d dose	D	N/A	N/A	
§32.2	Definition : Sealed source and device registry	D	N/A	N/A	

oright collection requirem ents: OMB approval NRC In § 32.14, paragraphs (b)(4) and (b)(5) are revised to read as follows: N/A §32.14(b) (4) & (b)(5) Certain terms containin g byproduct material; requirem ents for license to apply or linetaster initially NRC (b) * * * In § 32.14, paragraphs (b)(4) and (b)(5) are revised to read as follows: N/A § byproduct material; requirem ents for license to apply or linetaster initially NRC (b) * * * In § 32.14, paragraphs (b)(4) and (b)(5) are revised to read as follows: N/A § byproduct material; requirem ents for license to apply or license to apply or linetaster initially NRC (b) * * * In § 32.14, paragraphs (b)(4) and (b)(5) are revised to read as follows: § byproduct material; will not become detactors and timepieces thintight sources, procedures for and results of prototype testing to demostrate that the byproduct and that the byproduct material will not be released to the environment under the most severe conditions likely to be encountered in normal use of the product; (5) In the case of ionizing radiation measuring instruments and timepieces containing tritum in the form of paint, quality (5) In the case of ionizing radiation measuring instruments	§32.8(b)	Informati	D	N/A	N/A	
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license to apply or initiallyand ionization chamber smoke detectors and timepieces containing promethium-147 or tritium in the form of gaseous tritium light sources, procedures for and results of prototype testing to demonstrate that the byproduct material will not become detached from the product and that the byproduct material will not be released to the environment under the most severe conditions likely to be encountered in normal use of the product;(5) In the case of ionizing radiation measuring instruments and timepieces containing tritium in the form of paint, quality(5) In the case of ionizing radiation measuring instruments and timepieces containing tritium in the form of paint, quality(5) In the case of ionizing radiation measuring instruments and timepieces containing tritium in the form of paint, quality(5) In the case of ionizing radiation measuring instruments and timepieces containing tritium in the form of paint, quality(5) In the case of ionizing radiation measuring instruments and timepieces containing tritium in the form of paint, quality(6) In the case of ionizing radiation measuring instruments and timepieces containing tritium in the form of paint, quality		ents for		(4) Except for electron tubes		
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initially containing promethium-147 or transfer tritium in the form of gaseous tritium light sources, procedures for and results of prototype testing to demonstrate that the byproduct material will not become detached from the product and that the byproduct material will not be released to the environment under the most severe conditions likely to be encountered in normal use of the product; (5) In the case of ionizing radiation measuring instruments and timepieces containing tritium in the form of paint, quality in the form of paint, quality		apply or		detectors and timepieces		
transfer tritium in the form of gaseous tritium light sources, procedures for and results of prototype testing to demonstrate that the byproduct material will not become detached from the product and that the byproduct material will not be released to the environment under the most severe conditions likely to be encountered in normal use of the product; (5) In the case of ionizing radiation measuring instruments and timepieces containing tritium in the form of paint, quality in the form of paint, quality		initially		containing promethium-147 or		
<pre>tritium light sources, procedures for and results of prototype testing to demonstrate that the byproduct material will not become detached from the product and that the byproduct material will not be released to the environment under the most severe conditions likely to be encountered in normal use of the product; (5) In the case of ionizing radiation measuring instruments and timepieces containing tritium in the form of paint, quality</pre>		transfer		tritium in the form of gaseous		
for and results of prototype testing to demonstrate that the byproduct material will not become detached from the product and that the byproduct material will not be released to the environment under the most severe conditions likely to be encountered in normal use of the product; (5) In the case of ionizing radiation measuring instruments and timepieces containing tritium in the form of paint, quality				tritium light sources, procedures		
<pre>testing to demonstrate that the byproduct material will not become detached from the product and that the byproduct material will not be released to the environment under the most severe conditions likely to be encountered in normal use of the product;</pre> (5) In the case of ionizing radiation measuring instruments and timepieces containing tritium in the form of paint, quality				for and results of prototype		
byproduct material will not become detached from the product and that the byproduct material will not be released to the environment under the most severe conditions likely to be encountered in normal use of the product; (5) In the case of ionizing radiation measuring instruments and timepieces containing tritium in the form of paint, quality				testing to demonstrate that the		
become detached from the product and that the byproduct material will not be released to the environment under the most severe conditions likely to be encountered in normal use of the product; (5) In the case of ionizing radiation measuring instruments and timepieces containing tritium in the form of paint, quality				byproduct material will not		
<pre>product and that the byproduct material will not be released to the environment under the most severe conditions likely to be encountered in normal use of the product; (5) In the case of ionizing radiation measuring instruments and timepieces containing tritium in the form of paint, quality</pre>				become detached from the		
(5) In the case of ionizing radiation measuring instruments and timepieces containing tritium in the form of paint, quality				product and that the byproduct		
 (5) In the case of ionizing radiation measuring instruments and timepieces containing tritium in the form of paint, quality 				the environment under the meet		
 Severe conditions likely to be encountered in normal use of the product; (5) In the case of ionizing radiation measuring instruments and timepieces containing tritium in the form of paint, quality 				severe conditions likely to be		
(5) In the case of ionizing radiation measuring instruments and timepieces containing tritium in the form of paint, quality				encountered in normal use of the		
(5) In the case of ionizing radiation measuring instruments and timepieces containing tritium in the form of paint, quality				product:		
(5) In the case of ionizing radiation measuring instruments and timepieces containing tritium in the form of paint, quality						
radiation measuring instruments and timepieces containing tritium in the form of paint, quality				(5) In the case of ionizing		
and timepieces containing tritium in the form of paint, quality				radiation measuring instruments		
in the form of paint, quality				and timepieces containing tritium		
				in the form of paint, quality		
control procedures to be followed				control procedures to be followed		

		lots of the product and the quality control standards the product will be required to meet;		
§ 32.15 Same: Quality assurance , prohibitio n of transfer, and labeling.	NR	 In § 32.15, paragraph (c) is removed and reserved and paragraphs (a) and (b) are revised to read as follows: (a) Each person licensed under § 32.14 for products for which quality control procedures are required shall: (1) Maintain quality assurance systems in the manufacture of the part or product, or the installation of the part into the product, in a manner sufficient to provide reasonable assurance that the safety-related components of the distributed products are capable of performing their intended functions; (2) Subject inspection lots to acceptance sampling procedures, by procedures specified in the license issued under § 32.14, to provide at least 95 percent confidence that the Lot Tolerance Percent Defective of 5.0 percent will not be exceeded; and (3) Visually inspect each unit in inspection lots. Any unit which has an observable physical defect that could adversely affect 	N/A	

containment of the byproduct		
material must be considered a		
defective unit.		
(b) No person licensed under		
§ 32.14 shall transfer to other		
persons for use under § 30.15 of		
this chapter or equivalent		
regulations of an Agreement State:		
(1) Any part or product tested		
and found defective under the		
criteria and procedures specified		
in the license issued under		
§ 32.14, unless the defective part		
or product has been repaired or		
reworked, retested, and found by		
an independent inspector to meet		
the applicable acceptance criteria;		
or		
(2) Any part or product		
contained within any lot that has		
been sampled and rejected as a		
result of the procedures in		
paragraph (a)(2) of this section,		
unless:		
(i) A procedure for		
defining sub-lot size,		
independence, and additional		
testing procedures is contained in		
the license issued under § 32.14;		
and		
(ii) Each individual sub-lot		
is sampled, tested, and accepted		
in accordance with the procedures		
specified in paragraphs (a)(2) and		
(b)(2)(i) of this section and any		

§32.22(a) (3)	Self- luminous products containin g tritium, krypton-8 5 or promethi um-147: Requirem ents for license to manufact ure, process, produco	NRC	other criteria that may be required as a condition of the license issued under § 32.14. (c) [Reserved] In § 32.22, paragraph (a)(3) is added to read as follows: (a) * * * (3)(i) The Commission determines that the product meets the safety criteria in § 32.23; and (ii) The product has been evaluated by the NRC and registered in the Sealed Source and Device Registry.	N/A	
	or initially				
§32,26	transter Gas and	NRC	In § 32.26. the introductory text is	N/A	
332.20	aerosol detectors containin g byproduct material: Requirem ents for license to manufact	TAIL	revised and paragraph (c) is added to read as follows: An application for a specific license to manufacture, process, or produce gas and aerosol detectors containing byproduct material and designed to protect health, safety, or property, or to initially transfer such products for use under		
	ure,		§ 30.20 of this chapter or		

	process, produce, or initially transfer		equivalent regulations of an Agreement State, will be approved if: ***** (c)(1) The Commission determines that the product meets the safety criteria in § 32.27; and (2) The product has been evaluated by the NRC and registered in the Sealed Source and Device Registry.		
§32.30	Certain industrial devices containin g byproduct material: Requirem ents for license to manufact ure, process, produce, or initially transfer	NRC	 Section 32.30 is added under subpart A to read as follows: An application for a specific license to manufacture, process, produce, or initially transfer for sale or distribution devices containing byproduct material for use under § 30.22 of this chapter or equivalent regulations of an Agreement State will be approved if: (a) The applicant satisfies the general requirements of § 30.33 of this chapter: However, the requirements of § 30.33(a)(2) and (a)(3) do not apply to an application for a license to transfer byproduct material in such industrial devices manufactured, processed, or produced under a license issued by an Agreement 	N/A	

	State;	
	(b) The applicant submits	
	sufficient information relating to	
	the design, manufacture,	
	prototype testing, quality control	
	procedures, labeling or marking,	
	and conditions of handling,	
	storage, use, and disposal of the	
	industrial devices to demonstrate	
	that the device will meet the	
	safety criteria set forth in § 32.31.	
	The information should include:	
	(1) A description of the device	
	and its intended use or uses;	
	(2) The type and quantity of	
	byproduct material in each unit;	
	(3) Chemical and physical form	
	of the byproduct material in the	
	device and changes in chemical	
	and physical form that may occur	
	during the useful life of the device;	
	(4) Solubility in water and body	
	fluids of the forms of the	
	byproduct material identified in	
	paragraphs (b)(3) and (b)(12) of	
	this section;	
	(5) Details of construction and	
	design of the device as related to	
	containment and shielding of the	
	byproduct material and other	
	safety features under normal and	
	severe conditions of handling,	
	storage, use, and disposal of the	
	device;	
	(6) Maximum external	

radiation levels at 5 and	
30 centimeters from any external	
surface of the device, averaged	
over an area not to exceed	
10 square centimeters and the	
method of measurement:	
(7) Degree of access of human	
beings to the device during normal	
handling and use	
(8) Total quantity of byproduct	
material expected to be	
distributed in the devices annually:	
(9) The expected useful life of	
the device:	
(10) The proposed methods of	
labeling or marking the device and	
its point-of-sale package to satisfy	
the requirements of § $32.32(b)$:	
(11) Procedures for prototype	
testing of the device to	
demonstrate the effectiveness of	
the containment, shielding, and	
other safety features under both	
normal and severe conditions of	
handling, storage, use, and	
disposal of the device;	
(12) Results of the prototype	
testing of the device, including any	
change in the form of the	
byproduct material contained in	
the device, the extent to which the	
byproduct material may be	
released to the environment, any	
increase in external radiation	
levels, and any other changes in	
safety features;	

1		-			
			(13) The estimated external		
			radiation doses and committed		
			doses resulting from the intake of		
			byproduct material in any one		
			year relevant to the safety criteria		
			in § 32.31 and the basis for these		
			estimates;		
			(14) A determination that the		
			probabilities with respect to the		
			doses referred to in § 32.31(a)(4)		
			meet the criteria of that		
			paragraph;		
			(15) Quality control procedures		
			to be followed in the fabrication of		
			production lots of the devices and		
			the quality control standards the		
			devices will be required to meet;		
			and		
			(16) Any additional		
			information, including		
			experimental studies and tests,		
			required by the Commission.		
			(c)(1) The Commission determines		
			that the device meets the safety		
			criteria in § 32.31.		
			(2) The device is unlikely to be		
			routinely used by members of the		
			general public in a non-		
			occupational environment.		
			(3) The device has been		
			registered in the Sealed Source		
			and Device Registry.		
	ļ				
§32.31	Certain	NR	C Section 32.31 is added under	N/A	
	industrial		subpart A to read as follows:		

devices		
containin	(a) An applicant for a license under	
g	§ 32.30 shall demonstrate that the	
byproduct	device is designed and will be	
material:	manufactured so that:	
Safety	(1) In normal use, handling, and	
criteria	storage of the quantities of	
	exempt units likely to accumulate	
	in one location, including during	
	marketing, distribution,	
	installation, and servicing of the	
	device, it is unlikely that the	
	external radiation dose in any one	
	year, or the committed dose	
	resulting from the intake of	
	radioactive material in any one	
	year, to a suitable sample of the	
	group of individuals expected to	
	be most highly exposed to	
	radiation or radioactive material	
	from the device will exceed	
	200 μSv (20 mrem).	
	(2) It is unlikely that the	
	external radiation dose in any one	
	year, or the committed dose	
	resulting from the intake of	
	radioactive material in any one	
	year, to a suitable sample of the	
	group of individuals expected to	
	be most highly exposed to	
	radiation or radioactive material	
	from disposal of the quantities of	
	units likely to accumulate in the	
	same disposal site will exceed	
	10 μSv (1 mrem).	
	(3) It is unlikely that there will	

- 6				
		be a significant reduction in the		
		effectiveness of the containment,		
		shielding, or other safety features		
		of the device from wear and abuse		
		likely to occur in normal handling		
		and use of the device during its		
		useful life.		
		(4) In use, handling, storage,		
		and disposal of the quantities of		
		exempt units likely to accumulate		
		in one location, including during		
		marketing, distribution,		
		installation, and servicing of the		
		device, the probability is low that		
		the containment, shielding, or		
		other safety features of the device		
		would fail under such		
		circumstances that a person would		
		receive an external radiation dose		
		or committed dose in excess of		
		5 mSv (500 mrem), and the		
		probability is negligible that a		
		person would receive an external		
		radiation dose or committed dose		
		of 100 mSv (10 rem) or greater. ¹		
		(b) An applicant for a license under		
		§ 32.30 shall demonstrate that,		
		even in unlikely scenarios of		
		misuse, including those resulting		
		in direct exposure to the		
		unshielded source removed from		1
		the device for 1,000 hours at an		1
		average distance of 1 meter and		
		those resulting in dispersal and		
		subsequent intake of 10 ⁻⁴ of the		

-				
		quantity of byproduct material (or		
		in the case of tritium, an intake of		
		10 percent), a person will not		
		receive an external radiation dose		1
		or committed dose in excess of		1
		100 mSv (10 rem), and, if the		1
		unshielded source is small enough		1
		to fit in a pocket, that the dose to		
		localized areas of skin averaged		1
		over areas no larger than 1 square		
		centimeter from carrying the		
		unshielded source in a pocket for		
		80 hours will not exceed 2 Sv		1
		(200 rem).		
				1
		¹ It is the intent of this paragraph		
		that as the magnitude of the		
		potential dose increases above		
		that permitted under normal		
		conditions, the probability that		
		any individual will receive such a		
		dose must decrease. The		
		probabilities have been expressed		1
		in general terms to emphasize the		
		approximate nature of the		
		estimates that are to be made.		
		The following values may be used		
		as guides in estimating compliance		1
		with the criteria: Lownot more		
		than one such failure/incident per		
		year for each 10,000 exempt units		1
		distributed. Negligiblenot more		1
		than one such failure/incident per		1
		year for each one million exempt		1
		units distributed.		

§32.32	Condition	NRC	Section 32.32 is added under	N/A	Τ
	s of		subpart A to read as follows:		
	licenses				
	issued		Each person licensed under		
	under		§ 32.30 shall:		
	§ 32.30:				
	Quality		(a) Carry out adequate control		
	control,		procedures in the manufacture of		
	labeling,		the device to ensure that each		
	and		production lot meets the quality		
			control standards approved by the		
	reports of		Commission;		
	transfer				
			(b) Label or mark each device and		
			its point-of-sale package so that:		
			(1) Each item has a durable,		
			legible, readily visible label or		
			marking on the external surface of		
			the device containing:		
			(i) The following		
			statement: "CONTAINS		
			RADIOACTIVE MATERIAL";		
			(ii) The name of the		
			radionuclide(s) and quantity(ies)		
			of activity;		
			(iii) An identification of the		
			person licensed under § 32.30 to		
			transfer the device for use under		
			§ 30.22 of this chapter or		
			equivalent regulations of an		
			Agreement State; and		
			(iv) Instructions and		
			precautions necessary to assure		
			safe installation, operation, and		
			servicing of the device (documents		
			such as operating and service		

manuals may be identified in the label and used to provide this information). (2) The external surface of the point-of-sale package has a legible, readily visible label or marking containing: (i) The name of the radionucilde and quantity of activity; (ii) An identification of the person licensed under \$ 32.30 to transfer the device for use under § 30.22 of this chapter or equivalent regulations of an Agreement State; and (ii) The following or a substantially similar statement: TTHIS DEVICE CONTAINS RADIOACTIVE MATERIAL AND HAS BEEN MANUFACTURED IN COMPLIANCE WITH U.S. NUCLEAR REGULATORY COMMISSION SAFETY CRITERIA IN 10 CFR 32.31. THE PURCHASER IS EXEMPT FROM ANY REGULATORY REQUIREMENTS." (3) Each device and point-of- sale package contains such other information as may be required by the Commission; and	·			
Iabel and used to provide this information). (2) The external surface of the point-of-sale package has a legible, readily visible label or marking containing: (i) The name of the radionucilde and quantity of activity; (ii) An identification of the person licensed under § 32.30 to transfer the device for use under § 30.22 of this chapter or equivalent regulations of an Agreement State; and (iii) The following or a substantially similar statement: "THIS DEVICE CONTAINS RADIOACTURE MATERIAL AND HAS BEEN MANUFACTURED IN COMPLIANCE WITH U.S. NUCLEAR REGULATORY COMMISSION SAFETY CRITERIA IN 10 CFR 32.31. THE PURCHASER IS EXEMPT FROM ANY REGULATORY REQUIREMENTS." (3) Each device and point-of- sale package contains such other information as may be required by the Commission; and (c) Maintain records of all		manuals may be identified in the		
<pre>information). (2) The external surface of the point-of-sale package has a legible, readily visible label or marking containing:</pre>		label and used to provide this		
(2) The external surface of the point-of-sale package has a legible, readily visible label or marking containing: (i) The name of the radionuclide and quantity of activity; (ii) An identification of the person licensed under § 32.30 to transfer the device for use under § 30.22 of this chapter or equivalent regulations of an Agreement State; and (iii) The following or a substantially similar statement: "THIS DEVICE CONTAINS RADIOACTIVE MATERIAL AND HAS BEEN MANUFACTURED IN COMPLIANCE WITH U.S. NUCLEAR REGULATORY COMMISSION SAFETY CRITERIA IN 10 CFR 32.31. THE PURCHASER IS EXEMPT FROM ANY REGULATORY REQUIREMENTS." (3) Each device and point-of- sale package contains such other information as may be required by the Commission; and (c) Maintain records of all transfer and file a report with the (c) Maintain records of all transfer the present as the report of all (c) Maintain records of all 		information).		
point-of-sale package has a legible, readily visible label or marking containing: (i) The name of the radionuclide and quantity of activity; (ii) An identification of the person licensed under § 32.30 to transfer the device for use under § 30.22 of this chapter or equivalent regulations of an Agreement State; and (iii) The following or a substantially similar statement: "THIS DEVICE CONTAINS RADIOACTIVE MATERIAL AND HAS BEEN MANUFACTURED IN COMPLIANCE WITH U.S. NUCLEAR REGULATORY COMMISSION SAFETY CRITERIAL IN 10 CFR 32.31. THE PURCHASER IS EXEMPT FROM ANY REGULATORY REQUIREMENTS." (3) Each device and point-of- sale package contains such other information as may be required by the Commission; and		(2) The external surface of the		
readily visible label or marking containing: (i) The name of the radionuclide and quantity of activity; (ii) An identification of the person licensed under § 32.30 to transfer the device for use under § 30.22 of this chapter or equivalent regulations of an Agreement State; and (iii) The following or a substantially similar statement: "THIS DEVICE CONTAINS R ADIOACTIVE MATERIAL AND HAS BEEN MANUFACTURED IN COMPLIANCE WITH U.S. NUCLEAR REGULATORY COMMISSION SAFETY CINTERIAL IN DI CER 32.31. THE PURCHASER IS EXEMPT FROM ANY REGULATORY REQUIREMENTS." (3) Each device and point-of- sale package contains such other information as may be required by the Commission; and (c) Maintain records of all		point-of-sale package has a legible,		
containing: (i) The name of the radionuclide and quantity of activity: (ii) An identification of the person licensed under § 32.30 to transfer the device for use under § 30.22 of this chapter or equivalent regulations of an Agreement State; and (iii) The following or a substantially similar statement: "THIS DEVICE CONTAINS RADIOACTIVE MATERIAL AND HAS BEEN MANUFACTURED IN COMPLIANCE WITH U.S. NUCLEAR REGULATORY COMMISSION SAFETY CRITERIA IN 10 CFR 32.31. THE PURCHASER IS EXEMPT FROM ANY REGULATORY RROUIREMENTS." (i) 3) Each device and point-of- sale package contains such other information as may be required by the Commission; and (c) Maintain records of all tracefors and files a report with the		readily visible label or marking		
 (i) The name of the radionuclide and quantity of activity; (ii) An identification of the person licensed under § 32.30 to transfer the device for use under § 30.22 of this chapter or equivalent regulations of an Agreement State; and (iii) The following or a substantially similar statement: "THIS DEVICE CONTAINS RADIOACTIVE MATERIAL AND HAS BEEN MANUFACTURED IN COMPLIANCE WITH U.S. NUCLEAR REGULATORY COMMISSION SAFETY CRITERIA IN 10 CFR 32.31. THE PURCHASER IS EXEMPT FROM ANY REGULATORY REQUIREMENTS." (3) Each device and point-of-sale package contains such other information as may be required by the Commission; and (c) Maintain records of all transfers and file a renort with the 		containing:		
radionuclide and quantity of activity; (ii) An identification of the person licensed under § 32.30 to transfer the device for use under § 30.22 of this chapter or equivalent regulations of an Agreement State; and (iii) The following or a substantially similar statement: "THIS DEVICE CONTAINS RADIOACTIVE MATERIAL AND HAS BEEN MANUFACTURED IN COMPLIANCE WITH U.S. NUCLEAR REGULATORY COMMISSION SAFETY CRITERIA IN 10 CER 32.31. THE PURCHASER IS EXEMPT FROM ANY REGULATORY REQUIREMENTS." (3) Each device and point-of- sale package contains such other information as may be required by the Commission; and (c) Maintain record with the		(i) The name of the		
activity; (ii) An identification of the person licensed under § 32.30 to transfer the device for use under § 30.22 of this chapter or equivalent regulations of an Agreement State; and (iii) The following or a substantially similar statement: "THIS DEVICE CONTAINS RADIOACTUVE MATERIAL AND HAS BEEN MANUFACTURED IN COMPLIANCE WITH U.S. NUCLEAR REGULATORY COMMISSION SAFETY CONTINIS SAFETY CONTINIS ANY REGULATORY REGULATORY (3) Each device and point-of-sale package contains such other information as may be required by the Commission; and (c) Maintain records of all transferr and file a report with the		radionuclide and quantity of		
(ii) An identification of the person licensed under § 32.30 to transfer the device for use under § 30.22 of this chapter or equivalent regulations of an Agreement State; and		activity;		
person licensed under § 32.30 to transfer the device for use under § 30.22 of this chapter or equivalent regulations of an Agreement State; and (iii) The following or a substantially similar statement: "THIS DEVICE CONTAINS RADIOACTIVE MATERIAL AND HAS BEEN MANUFACTURED IN COMPLIANCE WITH U.S. NUCLEAR REGULATORY COMMISSION SAFETY CRITERIA IN 10 CFR 32.31. THE PURCHASER IS EXEMPT FROM ANY REGULATORY REQUIREMENTS." (3) Each device and point-of- sale package contains such other information as may be required by the Commission; and (c) Maintain records of all transfer and file a remotify the be		(ii) An identification of the		
transfer the device for use under § 30.22 of this chapter or equivalent regulations of an Agreement State; and (iii) The following or a substantially similar statement: "THIS DEVICE CONTAINS RADIOACTIVE MATERIAL AND HAS BEEN MANUFACTURED IN COMPLIANCE WITH U.S. NUCLEAR REGULATORY COMMISSION SAFETY CRITERIA IN 10 CFR 32.31. THE PURCHASER IS EXEMPT FROM ANY REGULATORY REQUIREMENTS." (3) Each device and point-of- sale package contains such other information as may be required by the Commission; and (c) Maintain records of all transfers and file a report with the		person licensed under § 32.30 to		
§ 30.22 of this chapter or equivalent regulations of an Agreement State; and (iii) The following or a substantially similar statement: "THIS DEVICE CONTAINS RADIOACTIVE MATERIAL AND HAS BEEN MANUFACTURED IN COMPLIANCE WITH U.S. NUCLEAR REGULATORY COMMISSION SAFETY CRITERIA IN 10 CFR 32.31. THE PURCHASER IS EXEMPT FROM ANN REGULATORY REQUIREMENTS." (3) Each device and point-of- sale package contains such other information as may be required by the Commission; and (c) Maintain records of all transfers and file a report with the		transfer the device for use under		
equivalent regulations of an Agreement State; and (iii) The following or a substantially similar statement: "THIS DEVICE CONTAINS RADIOACTIVE MATERIAL AND HAS BEEN MANUFACTURED IN COMPLIANCE WITH U.S. NUCLEAR REGULATORY COMMISSION SAFETY CRITERIA IN 10 CFR 32.31. THE PURCHASER IS EXEMPT FROM ANY REGULATORY REQUIREMENTS." (3) Each device and point-of- sale package contains such other information as may be required by the Commission; and (c) Maintain records of all transfers and file a report with the		§ 30.22 of this chapter or		
Agreement State; and (iii) The following or a substantially similar statement: "THIS DEVICE CONTAINS RADIOACTIVE MATERIAL AND HAS BEEN MANUFACTURED IN COMPLIANCE WITH U.S. NUCLEAR REGULATORY COMMISSION SAFETY CRITERIA IN 10 CFR 32.31. THE PURCHASER IS EXEMPT FROM ANY REGULATORY REQUIREMENTS." (3) Each device and point-of-sale package contains such other information as may be required by the Commission; and (c) Maintain records of all		equivalent regulations of an		
(iii) The following or a substantially similar statement: "THIS DEVICE CONTAINS RADIOACTIVE MATERIAL AND HAS BEEN MANUFACTURED IN COMPLIANCE WITH U.S. NUCLEAR REGULATORY COMMISSION SAFETY CRITERIA IN 10 CFR 32.31. THE PURCHASER IS EXEMPT FROM ANY REGULATORY REQUIREMENTS." (3) Each device and point-of- sale package contains such other information as may be required by the Commission; and (c) Maintain records of all transfers and file a report with the		Agreement State; and		
substantially similar statement: "THIS DEVICE CONTAINS RADIOACTIVE MATERIAL AND HAS BEEN MANUFACTURED IN COMPLIANCE WITH U.S. NUCLEAR REGULATORY COMMISSION SAFETY CRITERIA IN 10 CFR 32.31. THE PURCHASER IS EXEMPT FROM ANY REGULATORY REQUIREMENTS." (3) Each device and point-of- sale package contains such other information as may be required by the Commission; and (c) Maintain records of all transfers and file a report with the		(iii) The following or a		
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sale package contains such other information as may be required by the Commission; and (c) Maintain records of all transfers and file a report with the		(3) Each device and point-of-		
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(c) Maintain records of all transfers and file a report with the				
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		transfers and file a report with the		
Director of the Office of Federal		Director of the Office of Federal		
and State Materials and		and State Materials and		
Environmental Management Programs by an apportate method listed in § 30.6(a) of this chapter, including in the address: ATTN: Document Control Desk/Exempt Distribution. (1) The report must clearly identify the specific licensee submitting the report and include the license number of the specific licensee. (2) The report must indicate that the devices are transferred for use under § 30.22 of this chapter or equivalent regulations of an Agreement State: (1) A description or liedntification of the type of each device and the model number(5); (iii) For each radionuclide in each type of device and each model number, the total quantity of the radionuclide; and (iiii) The ruber of units of each type of device transferred during the reporting period by model number, the total quantity of the radionuclide; and (iii) The number of units of each type of device transferred during the reporting period by model number, (4)(i) T				
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Programs by an appropriate method listed in § 30.6(a) of this chapter, including in the address: ATTN: Document Control Desk/Exempt Distribution. (1) The report must clearly identify the specific licensee submitting the report and include the license number of the specific license. (2) The report must indicate that the devices are transferred for use under § 30.22 of this chapter or equivalent regulations of an Agreement State. (3) The report must include the following information on devices transferred to other persons for use under § 30.22 or equivalent regulations of an Agreement State: (i) A description or identification of the type of each device and the model number(s); (ii) For each radionuclide; and (iii) The number of units of each type of device transferred during the reporting the preceding (4)(i) The incense shall file the report, covering the preceding calendary var, on or before Janewary 31 of each year.	Environmental Management			
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model number. (4)(i) The licensee shall file the report, covering the preceding calendar year, on or before January 31 of each year.	during the reporting period by		l	
(4)(i) The licensee shall file the report, covering the preceding calendar year, on or before January 31 of each year.	model number.		1	
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calendar year, on or before January 31 of each year.	report, covering the preceding		1	
January 31 of each year.	calendar year, on or before			
	January 31 of each year.		L	

<u>§32.51(a)</u> (6) § <u>32.53(b)</u>	Byproduct material contained in devices for use under § 31.5; requirem ents for license to manufact ure, or initially transfer		В	 (ii) Licensees who permanently discontinue activities authorized by the license issued under § 32.30 shall file a report for the current calendar year within 30 days after ceasing distribution. (5) If no transfers of byproduct material have been made under § 32.30 during the reporting period, the report must so indicate. (6) The licensee shall maintain the record of a transfer for a period of one year after the transfer is included in a report to the Commission. In § 32.51, paragraph(a)(6) is added to read as follows: (a) * * * (6) The device has been registered in the Sealed Source and Device Registry. 	 NAC 459.282.6: Specific licenses: Manufacture or distribution of devices. (NRS 459.201) An application for a specific license to manufacture or distribute devices containing radioactive material, excluding special nuclear material, to persons generally licensed under NAC 459.216 or equivalent regulations of the Nuclear Regulatory Commission or an agreement state will be approved if: 5. Each device described in paragraph (a) of subsection 13 of NAC 459.218 bears a permanent label, including, without limitation, an embossed, etched, engraved or a stamped label, affixed to the source housing if separable or to the device if the source housing is not separable, which contains the words "CAUTION - RADIOACTIVE MATERIAL" and the radiation symbol described in NAC 459.355, if practicable. 6. The device has been registered in the Sealed Source and Device Registry. 		
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(5)	safety devices for use in aircraft: Requirem ents for license to manufact ure,		revised as follows: (b) * * * (5) Quality assurance procedures to be followed that are sufficient to ensure compliance with § 32.55;	 NAC 459.290: Specific licenses: Manufacture, assembly or repair of luminous safety devices for use in aircraft. (NRS 459.201) An application for a specific license to manufacture, assemble or repair luminous safety devices containing tritium or promethium 147 for use in aircraft, for distribution to persons generally licensed under NAC 459.220, will be approved subject to the following conditions: The applicant satisfies the general requirements specified in NAC 459.238; and The applicant satisfies the requirements of 10 C.F.R. §§ 32.53-32.56 	
	assemble, repair or initially transfer			& 32.101 or their equivalent.	
<u>§32.53(d)</u> (<u>4</u>)	Luminous safety devices for use in aircraft: Requirem ents for license to manufact ure, assemble, repair or initially transfer	В	In § 32.53, paragraph (d)(4) is revised follows: (d) * * * (4) Prototypes of the device have been subjected to and have satisfactorily passed the tests required by paragraph (e) of this section.	 Already adopted in NAC 459.290.2:No changes required NAC 459.290: Specific licenses: Manufacture, assembly or repair of luminous safety devices for use in aircraft. (NRS 459.201) An application for a specific license to manufacture, assemble or repair luminous safety devices containing tritium or promethium 147 for use in aircraft, for distribution to persons generally licensed under NAC 459.220, will be approved subject to the following conditions: 1. The applicant satisfies the general requirements specified in NAC 459.238; and 2. The applicant satisfies the requirements of 10 C.F.R. §§ 32.53-32.56 & 32.101 or their equivalent. 	
<u>§32.53(e)</u>	Luminous safety devices for use in aircraft: Requirem ents for	В	In § 32.53, paragraph (e) is added to read as follows: (e) The applicant shall subject at least five prototypes of the device to tests as follows: (1) The devices are subjected to	Already adopted in NAC 459.290.2:No changes required NAC 459.290: Specific licenses: Manufacture, assembly or repair of luminous safety devices for use in aircraft. (NRS 459.201) An application for a specific license to manufacture, assemble or repair luminous safety devices containing tritium or promethium 147 for use in aircraft, for distribution to persons generally licensed under NAC 459.220, will be approved subject to the following conditions:	

license to	tests that adequately take into		
manufact	account the individual, aggregate,	1. The applicant satisfies the general requirements specified in NAC	
ure,	and cumulative effects of	459.238; and	
assemble,	environmental conditions		
repair or	expected in service that could	2. The applicant satisfies the requirements of 10 C.F.R. §§ 32.53-32.56	
initially	adversely affect the effective	& 32.101 or their equivalent.	
transfer	containment of tritium or		
	promethium-147, such as		
	temperature, moisture, absolute		
	pressure, water immersion,		
	vibration, shock, and weathering.		
	(2) The devices are inspected		
	for evidence of physical damage		
	and for loss of tritium or		
	promethium-147, after each stage		
	of testing, using methods of		
	inspection adequate for		
	determining compliance with the		
	criteria in paragraph (e)(3) of this		
	section.		
	(3) Device designs are rejected		
	for which the following has been		
	detected for any unit:		
	(i) A leak resulting in a loss		
	of 0.1 percent or more of the		
	original amount of tritium or		
	promethium-147 from the device;		
	or		
	(ii) Surface contamination		
	of tritium or promethium-147 on		
	the device of more than		
	2,200 disintegrations per minute		
	per 100 square centimeters of		
	surface area; or		
	(iii) Any other evidence of		
	physical damage.		

<u>§32.53(f</u>)	Luminous safety devices for use in aircraft: Requirem ents for license to manufact ure, assemble, repair or initially transfer	In § 32.53, paragraph (f) to read as follows: (f) The device has been r in the Sealed Source and Registry.) is addedNAC 459: 290:1, 2 NAC 459.290: Specific licenses: Manufacture, assembly or repair of luminous safety devices for use in aircraft. (NRS 459.201) An application for a specific license to manufacture, assemble or repair luminous safety devices containing tritium or promethium 147 for use in aircraft, for distribution to persons generally licensed under NAC 459.220, will be approved subject to the following conditions: 1. The applicant satisfies the general requirements specified in NAC 459.238; and2. The applicant satisfies the requirements of 10 C.F.R. §§ 32.53-32.56 & 32.101 or their equivalent.	
§ <u>32.55</u>	Same: Quality assurance , prohibitio n of transfer	 Section 32.55 is revised follows: (a) Each person licensed § 32.53 shall visually insp device and shall reject at has an observable physic that could adversely affect containment of the tritic promethium-147. (b) Each person licensed § 32.53 shall: 	to read asAlready adopted in NAC 459.290.2:No changes required NAC 459.290: Specific licenses: Manufacture, assembly or repair of luminous safety devices for use in aircraft. (NRS 459.201) An application for a specific license to manufacture, assemble or repair luminous safety devices containing tritium or promethium 147 for use in aircraft, for distribution to persons generally licensed under NAC 459.220, will be approved subject to the following conditions:ect um or1. The applicant satisfies the general requirements specified in NAC 459.238; andd under um or2. The applicant satisfies the requirements of 10 C.F.R. §§ 32.53-32.56 & 32.101 or their equivalent.assurance ture of the in a ovide hat the nts of the capable of3.101 or their equivalent.	

performing their intended	
functions; and	
(2) Subject inspection lots to	
acceptance sampling procedures,	
by procedures specified in	
paragraph (c) of this section and in	
the license issued under § 32.53,	
to provide at least 95 percent	
confidence that the Lot Tolerance	
Percent Defective of 5.0 percent	
will not be exceeded.	
(c) The licensee shall subject each	
inspection lot to:	
(1) Tests that adequately take	
into account the individual,	
aggregate, and cumulative effects	
of environmental conditions	
expected in service that could	
adversely affect the effective	
containment of tritium or	
promethium-147, such as absolute	
pressure and water immersion.	
(2) Inspection for evidence of	
physical damage, containment	
failure, or for loss of tritium or	
promethium-147 after each stage	
of testing, using methods of	
inspection adequate for applying	
the following criteria for defective:	
(i) A leak resulting in a loss	
of 0.1 percent or more of the	
original amount of tritium or	
promethium-147 from the device;	
(ii) Levels of radiation in	
excess of 5 microgray (0.5 millirad)	

per hour at 10 centimeters from any surface when measured through 50 milligrams per square centimeter of absorber, if the device contains promethium-147; and (iii) Any other criteria specified in the license issued under § 32.53. (d) No person licensed under § 32.53 shall transfer to persons generally licensed under § 31.7 of this hopter, or under § and Agreement State: (1) Any luminous safety device tested and found defective under any condition of a license issued under § 32.53, or paragraph (b) of this section, unless the defective luminous safety device has been repaired or reworked, retested, and determined by an independent inspector to meet the applicable acceptarce criteria; or (2) Any luminous safety device contained within any lot that has been sampled and rejected as a result of the procedures in paragraph (b		
any surface when measured through 50 milligrams per square centimeter of absorber, if the device contains promethium-147; and (iii) Any other criteria specified in the license issued under § 32.53. (d) No person licensed under § 32.53 shall transfer to persons generally licensed under 6 31.7 of this chapter, or under an equivalent general license of an Agreement State: (1) Any luminous safety device tested and found defective under any condition of a license issued under § 32.53, or paragraph (b) of this staty device has been repaired or reworked, rested, and determined by an independent inspectro to meet the applicable acceptraing. or (2) Any luminous safety device contained within any lot that has been sampled and rejected as a result of the procedures in paragraph (b)(2) of this section, unders: (i) A procedure for defining sub-lot size, (ii) A procedure for defining sub-lot si	per hour at 10 centimeters from	
<pre>through 50 milligrams per square centimeter of absorber, if the device contains promethium-147; and (ii) Any other criteria specified in the license issued under § 32.53. (d) No person licensed under § 32.53 shall transfer to persons generally licensed under § 31.7 of this chapter, or under an equivalent general license of an Agreement State: (1) Any luminous safety device tested and found defective under any condition of a license issued under § 32.53, or paragraph (b) of this section, unless the defective luminous safety device has been repaired or reworked, retested, and determined by an independent inspector to meet the applicable acceptance criteria; or (2) Any luminous safety device tested and proved under any condition a justice as a result of the procedures in paragraph (b)(2) of this section, unless: (i) A procedure for defining sub-lot size, (i) A procedure for defining sub-lot size, (i) A procedure for</pre>	any surface when measured	
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this chapter, or under an equivalent general license of an Agreement State: (1) Any luminous safety device tested and found defective under any condition of a license issued under § 32.53, or paragraph (b) of this section, unless the defective luminous safety device has been repaired or reworked, retested, and determined by an independent inspector to meet the applicable acceptance criteria; or (2) Any luminous safety device contained within any lot that has been sampled and rejected as a result of the procedures in paragraph (b)(2) of this section, unless: (i) A procedure for defining sub-lot size, independence, and additional	generally licensed under § 31.7 of	
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Agreement State: (1) Any luminous safety device tested and found defective under any condition of a license issued under § 32.53, or paragraph (b) of this section, unless the defective luminous safety device has been repaired or reworked, retested, and determined by an independent inspector to meet the applicable acceptance criteria; or (2) Any luminous safety device contained within any lot that has been sampled and rejected as a result of the procedures in paragraph (b)(2) of this section, unless: (i) A procedure for defining sub-lot size, independence, and additional	equivalent general license of an	
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tested and found defective under any condition of a license issued under § 32.53, or paragraph (b) of this section, unless the defective luminous safety device has been repaired or reworked, retested, and determined by an independent inspector to meet the applicable acceptance criteria; or (2) Any luminous safety device contained within any lot that has been sampled and rejected as a result of the procedures in paragraph (b)(2) of this section, unless: (i) A procedure for defining sub-lot size, independence, and additional	(1) Any luminous safety device	
any condition of a license issued under § 32.53, or paragraph (b) of this section, unless the defective luminous safety device has been repaired or reworked, retested, and determined by an independent inspector to meet the applicable acceptance criteria; or (2) Any luminous safety device contained within any lot that has been sampled and rejected as a result of the procedures in paragraph (b)(2) of this section, unless: (i) A procedure for defining sub-lot size, independence, and additional	tested and found defective under	
under § 32.53, or paragraph (b) of this section, unless the defective luminous safety device has been repaired or reworked, retested, and determined by an independent inspector to meet the applicable acceptance criteria; or (2) Any luminous safety device contained within any lot that has been sampled and rejected as a result of the procedures in paragraph (b)(2) of this section, unless: (i) A procedure for defining sub-lot size, independence, and additional	any condition of a license issued	
this section, unless the defective luminous safety device has been repaired or reworked, retested, and determined by an independent inspector to meet the applicable acceptance criteria; or (2) Any luminous safety device contained within any lot that has been sampled and rejected as a result of the procedures in paragraph (b)(2) of this section, unless: (i) A procedure for defining sub-lot size, independence, and additional	under § 32.53, or paragraph (b) of	
Iuminous safety device has been repaired or reworked, retested, and determined by an independent inspector to meet the applicable acceptance criteria; or (2) Any luminous safety device contained within any lot that has been sampled and rejected as a result of the procedures in paragraph (b)(2) of this section, unless: (i) A procedure for defining sub-lot size, independence, and additional	this section, unless the defective	
repaired or reworked, retested, and determined by an independent inspector to meet the applicable acceptance criteria; or (2) Any luminous safety device contained within any lot that has been sampled and rejected as a result of the procedures in paragraph (b)(2) of this section, unless: (i) A procedure for defining sub-lot size, independence, and additional	luminous safety device has been	
and determined by an independent inspector to meet the applicable acceptance criteria; or (2) Any luminous safety device contained within any lot that has been sampled and rejected as a result of the procedures in paragraph (b)(2) of this section, unless: (i) A procedure for defining sub-lot size, independence, and additional	repaired or reworked, retested,	
<pre>independent inspector to meet the applicable acceptance criteria; or (2) Any luminous safety device contained within any lot that has been sampled and rejected as a result of the procedures in paragraph (b)(2) of this section, unless: (i) A procedure for defining sub-lot size, independence, and additional</pre>	and determined by an	
the applicable acceptance criteria; or (2) Any luminous safety device contained within any lot that has been sampled and rejected as a result of the procedures in paragraph (b)(2) of this section, unless: (i) A procedure for defining sub-lot size, independence, and additional independence, and additional	independent inspector to meet	
or (2) Any luminous safety device contained within any lot that has been sampled and rejected as a result of the procedures in paragraph (b)(2) of this section, unless: (i) A procedure for defining sub-lot size, independence, and additional	the applicable acceptance criteria;	
<pre>(2) Any luminous safety device contained within any lot that has been sampled and rejected as a result of the procedures in paragraph (b)(2) of this section, unless: (i) A procedure for defining sub-lot size, independence, and additional</pre>	or	
<pre>contained within any lot that has been sampled and rejected as a result of the procedures in paragraph (b)(2) of this section, unless: (i) A procedure for defining sub-lot size, independence, and additional</pre>	(2) Any luminous safety device	
been sampled and rejected as a result of the procedures in paragraph (b)(2) of this section, unless: (i) A procedure for defining sub-lot size, independence, and additional	contained within any lot that has	
result of the procedures in paragraph (b)(2) of this section, unless: (i) A procedure for defining sub-lot size, independence, and additional	been sampled and rejected as a	
paragraph (b)(2) of this section, unless: (i) A procedure for defining sub-lot size, independence, and additional	result of the procedures in	
unless: (i) A procedure for defining sub-lot size, independence, and additional	paragraph (b)(2) of this section,	
(i) A procedure for defining sub-lot size, independence, and additional	unless:	
defining sub-lot size, independence, and additional	(i) A procedure for	
independence, and additional	defining sub-lot size,	
	independence, and additional	

			testing procedures is contained in the license issued under § 32.53; and (ii) Each individual sub-lot is sampled, tested, and accepted in accordance with paragraphs (b)(2) and (d)(2)(i) of this section and any other criteria that may be required as a condition of the license issued under § 32.53.		
<u>§32.56</u>	Same: Material transfer reports	В	Section 32.56 is revised to read as follows: (a) Each person licensed under § 32.53 shall file an annual report with the Director, Office of Federal and State Materials and Environmental Management Programs, ATTN: Document Control Desk/GLTS, by an appropriate method listed in § 30.6(a) of this chapter, which must state the total quantity of tritium or promethium-147 transferred to persons generally licensed under § 31.7 of this chapter. The report must identify each general licensee by name, state the kinds and numbers of luminous devices transferred, and specify the quantity of tritium or promethium-147 in each kind of device. Each report must cover the year ending June 30 and must	 Already adopted in NAC 459.290.2:No changes required NAC 459.290: Specific licenses: Manufacture, assembly or repair of luminous safety devices for use in aircraft. (NRS 459.201) An application for a specific license to manufacture, assemble or repair luminous safety devices containing tritium or promethium 147 for use in aircraft, for distribution to persons generally licensed under NAC 459.220, will be approved subject to the following conditions: The applicant satisfies the general requirements specified in NAC 459.238; and The applicant satisfies the requirements of 10 C.F.R. §§ 32.53-32.56 & 32.101 or their equivalent. 	

δ22 57(d)	Calibratio	R	be filed within thirty (30) days thereafter. If no transfers have been made to persons generally licensed under § 31.7 of this chapter during the reporting period, the report must so indicate. (b) Each person licensed under § 32.53 shall report annually all transfers of devices to persons for use under a general license in an Agreement State's regulations that are equivalent to § 31.7 of this chapter to the responsible Agreement State agency. The report must state the total quantity of tritium or promethium-147 transferred, identify each general licensee by name, state the kinds and numbers of luminous devices transferred, and specify the quantity of tritium or promethium-147 in each kind of device. If no transfers have been made to a particular Agreement State during the reporting period, this information must be reported to the responsible Agreement State agency upon request of the agency.	NAC 459 2923 Specific licenses: Manufacture or initial transfer of	
<u>(2)</u>	n or		revised as follows:	calibration or reference sources. (NRS 459.201) An application for a	
	reference			specific license to manufacture or initially transfer calibration or	

sources	(d) * * *	reference sources which contain americium-241 or radium-226 for
containin	(2) The source has been	distribution to a person who holds a general license issued pursuant to
g	subjected to and has satisfactorily	NAC 459.224 will be approved:
americiu	passed appropriate tests required	
m-241 or	by paragraph (e) of this section.	1. If the applicant satisfies the general requirements of NAC 459.238;
radium-22		
6:		2. If the applicant submits sufficient information regarding each type
Requirem		of calibration or reference source relating to the evaluation of the
ents for		potential radiation exposure, including, without limitation:
license to		
manufact		(a) The chemical and physical form of the source and maximum
ure or		quantity of americium-241 or radium-226 in the source;
initially		
transfer		(b) The details of construction and design of the source;
		(c) The details of the method of incorporation and binding of the
		americium-241 or radium-226 in the source;
		(d) The procedure for and results of a prototype testing of a source
		designed to contain more than 0.005 microcurie (185 becquerels) of
		americium-241 or radium-226 in order to demonstrate that the
		americium-241 or radium-226 contained in each source will not be
		released or removed from the source under normal conditions of use;
		(e) The details of quality control procedures which will be followed in
		the manufacture of the source;
		(f) A description of the labeling to be affixed to the source or the
		storage container for the source; and
		(g) Any additional information, including experimental studies and
		tests, required by the Division to facilitate a determination of the safety
		of the source;
		3. If each source contains not more than 5 microcuries (185
		kilobecquerels) of americium-241 or radium-226; and

				 4. If the Division determines, for any source which contains more than 0.005 microcurie (185 becquerels) of americium-241 or radium-226 that: (a) The method of incorporation and binding of the americium-241 or radium-226 in the source is such that the americium-241 or radium-226 will not be released or removed from the source under normal conditions of use and handling of the source; and (b) The source has been subjected to, and has passed in a satisfactory manner, the prototype tests prescribed by 10 C.F.R. § 32.102, Schedule C, as it existed on November 30, 2007, or an equivalent regulation of an agreement state. appropriate tests required by paragraph 5 of this section. 	
<u>§32.57(e)</u>	Calibratio	В	In § 32.57 paragraph (e) is added	NAC 459. 2923:5:	
	n or		to read as follows:	5. The applicant shall subject at least five prototypes of each source that	
	reference			is designed to contain more than 0.185 kilobecquerel (0.005 microcurie)	
	sources		(e) The applicant shall subject at	of americium-241 or radium-226 to tests as follows:	
	containin		least five prototypes of each		
	g		source that is designed to contain	(a) The initial quantity of radioactive material deposited on each source is	
	americiu		more than 0.185 kilobecquerel	measured by direct counting of the source.	
	m-241 or		(0.005 microcurie) of		
	radium-22		americium-241 or radium-226 to	(b) The sources are subjected to tests that adequately take into account	
	6:		tests as follows:	the individual, aggregate, and cumulative effects of environmental	
	Requirem			conditions expected in service that could adversely affect the effective	
	ents for		(1) The initial quantity of	containment or binding of americium-241 or radium-226, such as	
	license to		radioactive material deposited on	physical handling, moisture, and water immersion.	
	manufact		each source is measured by direct		
	ure or		counting of the source.	(c) The sources are inspected for evidence of physical damage and for	
	initially		(2) The sources are subjected to	loss of americium-241 or radium-226, after each stage of testing, using	
	transfer		tests that adequately take into	methods of inspection adequate for determining compliance with the	
			account the individual, aggregate,	criteria in paragraph 5.(d) of this section.	
			and cumulative effects of		
			environmental conditions	(d) Source designs are rejected for which the following has been detected	

			expected in service that could adversely affect the effective containment or binding of americium-241 or radium-226, such as physical handling, moisture, and water immersion. (3) The sources are inspected for evidence of physical damage and for loss of americium-241 or radium-226, after each stage of testing, using methods of inspection adequate for determining compliance with the criteria in paragraph (e)(4) of this section. (4) Source designs are rejected for which the following has been detected for any unit: removal of more than 0.185 kilobecquerel (0.005 microcurie) of americium-241 or radium-226 from the source or any other evidence of physical damage.	for any unit: Removal of more than 0.185 kilobecquerel (0.005 microcurie) of americium-241 or radium-226 from the source or any other evidence of physical damage.	
<u>§32.59</u>	Same: Leak testing of each source	В	Section 32.59 is revised to read as follows: Each person licensed under § 32.57 shall perform a dry wipe test upon each source containing more than 3.7 kilobecquerels (0.1 microcurie) of americium-241 or radium-226 before transferring the source to a general licensee under § 31.8 of this chapter or under equivalent regulations of an	 NAC 459.2927:Specific licenses: Holder of license issued pursuant to NAC 459.2923 to perform dry wipe test before transferring source. (NRS 459.201) Before transferring a source containing more than 0.1 microcurie (3.7 kilobecquerels) of americium-241 or radium-226 to a person who holds a general license issued pursuant to NAC 459.224, a person who holds a specific license issued pursuant to NAC 459.2923 shall perform a dry wipe test on the source. The test must be performed by wiping with moderate pressure the entire radioactive surface of the source with a filter paper. 2. The radioactivity of the filter paper after the dry wipe test must be 	

I				1
		Agreement State. This test must	measured by a radiation detection instrument which is capable of	
		be performed by wiping the entire	detecting 0.005 microcurie (185 becquerels) of americium-241 or	
		radioactive surface of the source	radium-226.	
		with a filter paper with the		
		application of moderate finger	3. If the test discloses more than 0.005 microcurie (185 becquerels) of	
		pressure. The radioactivity on the	radioactive material, the source shall be deemed to be leaking	
		filter paper must be measured	americium-241 or radium-226 and the source must be rejected and must	
		using methods capable of	not be transferred to a general licensee pursuant to NAC 459.224, 10	
		detecting 0.185 kilobecquerel	C.F.R. § 31.8 or an equivalent regulation of an agreement state.	
		(0.005 microcurie) of		
		americium-241 or radium-226. If a		
		source has been shown to be		
		leaking or losing more than		
		0.185 kilobecquerel		
		(0.005 microcurie) of		
		americium-241 or radium-226 by		
		the methods described in this		
		section, the source must be		
		rejected and must not be		
		transferred to a general licensee		
		under § 31.8 of this chapter, or		
		equivalent regulations of an		
		Agreement State.		

<u>§32.61(e)</u> (<u>4)</u>	Ice detection devices containin g strontium -90; requirem ents for license to manufact ure or initially transfer	В	In § 32.61, paragraph (e)(4) is revised as follows: e) * * * (4) Prototypes of the device have been subjected to and have satisfactorily passed the tests required by paragraph (f) of this section.	Already adopted in NAC 459.298.2. No change needed. NAC 459.298: Specific licenses: Manufacture and distribution of ice detection devices. (NRS 459.201) An application for a specific license to manufacture and distribute ice detection devices to persons generally licensed under NAC 459.232 will be approved subject to the following conditions: 1. The applicant satisfies the general requirements of NAC 459.238; and 2. The criteria of 10 C.F.R. §§ 32.61, 32.62 & 32.103 are met.
<u>§32.61(f)</u>	Ice detection devices containin g strontium -90; requirem ents for license to manufact ure or initially transfer	В	In § 32.61, paragraph (f) is added to read as follows: (f) The applicant shall subject at least five prototypes of the device to tests as follows: (1) The devices are subjected to tests that adequately take into account the individual, aggregate, and cumulative effects of environmental conditions expected in service that could adversely affect the effective containment of strontium-90, such as temperature, moisture, absolute pressure, water immersion, vibration, shock, and weathering. (2) The devices are inspected for evidence of physical damage and for loss of strontium-90 after each stage of testing, using	Already adopted in NAC 459.298.2. No change needed . NAC 459.298: Specific licenses: Manufacture and distribution of ice detection devices. (NRS 459.201) An application for a specific license to manufacture and distribute ice detection devices to persons generally licensed under NAC 459.232 will be approved subject to the following conditions: 1. The applicant satisfies the general requirements of NAC 459.238; and 2. The criteria of 10 C.F.R. §§ 32.61, 32.62 & 32.103 are met.

			methods of inspection adequate for determining compliance with the criteria in paragraph (f)(3) of this section. (3) Device designs are rejected for which the following has been detected for any unit: (i) A leak resulting in a loss of 0.1 percent or more of the original amount of strontium-90 from the device; or (ii) Surface contamination of strontium-90 on the device of more than 2,200 disintegrations per minute per 100 square centimeters of surface area; or (iii) Any other evidence of physical damage.		
<u>932.61(g)</u>	detection	В	to read as follows:	NAC 459.298: Specific licenses: Manufacture and distribution of ice	
	devices			detection devices. (NRS 459.201) An application for a specific license to	
			(g) The device has been registered in the Sealed Source and Device	icensed under NAC 459 232 will be approved subject to the following	
	strontium		Registry.	conditions:	
	-90;		-0 ,		
	requirem			1. The applicant satisfies the general requirements of NAC 459.238;	
	ents for			and	
	manufact			2. The criteria of 10 C F R §§ 32 61, 32 62 & 32 103 are met	
	ure or				
	initially				
	transfer				
<u>§32.62(c)</u>	Same:	В	In § 32.62, paragraphs (c), (d), and	Already adopted in NAC 459.298.2. No change needed	
<u>, (d), &</u>	Quality		(e) are revised to read as follows:	NAC 459.298: Specific licenses: Manufacture and distribution of ice	
<u>(e)</u>	assurance			detection devices. (NRS 459.201) An application for a specific license to	

	(c) Each person licensed under	manufacture and distribute ice detection devices to persons generally	
, prohibitio	§ 32 61 shall	licensed under NAC 459 232 will be approved subject to the following	
n of	(1) Maintain quality assurance	conditions:	
transfer	systems in the manufacture of the		
transier	ice detection device containing	1 The applicant satisfies the general requirements of NAC 459 238.	
	strontium-90 in a manner	and	
	sufficient to provide reasonable	and	
	assurance that the safety-related	2. The criteria of $10 \in \mathbb{R}$, $88 = 261 = 2262, 8 = 22102$ are met	
	components of the distributed	2. The chiefia of 10 c.t. N. 33 52.01, 52.02 & 52.105 are filet.	
	devices are capable of performing		
	their intended functions, and		
	(2) Subject increation late to		
	(2) Subject inspection lots to		
	acceptance sampling procedures,		
	by procedures specified in		
	paragraph (d) of this section and in		
	the license issued under § 32.61,		
	to provide at least 95 percent		
	confidence that the Lot Tolerance		
	Percent Defective of 5.0 percent		
	will not be exceeded.		
	(d) Each person licensed under		
	§ 32.61 shall subject each		
	inspection lot to:		
	(1) Tests that adequately take		
	into account the individual,		
	aggregate, and cumulative effects		
	of environmental conditions		
	expected in service that could		
	possibly affect the effective		
	containment of strontium-90, such		
	as absolute pressure and water		
	immersion.		
	(2) Inspection for evidence of		
	physical damage, containment		
	failure, or for loss of strontium-90		

after each stage of testing, using		
methods of inspection adequate		
to determine compliance with the		
following criteria for defective: a		
leak resulting in a loss of		
0.1 percent or more of the original		
amount of strontium-90 from the		
device and any other criteria		
specified in the license issued		
under § 32.61.		
(e) No person licensed under		
§ 32.61 shall transfer to persons		
generally licensed under § 31.10 of		
this chapter, or under an		
equivalent general license of an		
Agreement State:		
(1) Any ice detection device		
containing strontium-90 tested		
and found defective under the		
criteria specified in a license		
issued under § 32.61, unless the		
defective ice detection device has		
been repaired or reworked,		
retested, and determined by an		
independent inspector to meet		
the applicable acceptance criteria;		
or		
(2) Any ice detection device		
containing strontium-90 contained		
within any lot that has been		
sampled and rejected as a result of		
the procedures in paragraph (c)(2)		
of this section, unless:		
(i) A procedure for		
	37	,

			defining sub-lot size, independence, and additional testing procedures is contained in the license issued under § 32.61; and (ii) Each individual sub-lot is sampled, tested, and accepted in accordance with paragraphs (c)(2) and (e)(2)(i) of this section and any other criteria as may be required as a condition of the license issued under § 32.61.		
<u>§32.74(a)</u> (4)	Manufact ure and distributio n of sources or devices containin g byproduct material for medical use	В	Section 32.74 is amended by adding paragraph (a)(4) to read as follows: (a) * * * (4) The source or device has been registered in the Sealed Source and Device Registry.	 NAC 459.306.4:Specific licenses: <u>Manufacture and distribution of sources</u> <u>and devices for medical use. (NRS 459.201)</u>: An application for a specific license to manufacture and distribute sources and devices containing radioactive material to persons licensed pursuant to 10 C.F.R. Part 35 or equivalent regulations of an agreement state, for use as a calibration, transmission or reference source or for the uses listed in 10 C.F.R. §§ 35.400, 35.500, 35.600 and 35.1000 or equivalent regulations of an agreement state, will be approved if: 1. The applicant satisfies the general requirements in NAC 459.238; 2. The applicant submits sufficient information regarding each type of source or device pertinent to an evaluation of its radiation safety, including: (a) The radioactive material contained, its chemical and physical form, and amount; (b) Details of design and construction of the source or device; (c) Procedures for, and results of, prototype tests to demonstrate that the source or device will maintain its integrity under stresses likely to be 	

	encountered in normal use and in accidents;	
	(d) For devices containing radioactive material, the radiation profile of a prototype device;	
	(e) Details of quality control procedures to ensure that production sources and devices meet the standards of the design and prototype tests;	
	(f) Procedures and standards for calibrating sources and devices;	
	(g) Legends and methods for labeling sources and devices as to their radioactive content; and	
	(h) Instructions for handling and storing the source or device from the radiation safety standpoint, which instructions must be included on a durable label attached to the source or device or attached to a permanent storage container for the source or device, provided that instructions which are too lengthy for the label may be summarized on the label and printed in detail on a brochure which is referenced on the label; and	
	 The label affixed to the source, device or permanent storage container for the source or device contains information on the radionuclide, quantity and date of assay, and a statement that the source or device is approved by the Division for distribution to persons licensed to use radioactive material identified in 10 C.F.R. §§ 35.65, 35.400, 35.500 and 35.600 or to persons who hold equivalent licenses of the Nuclear Regulatory Commission or an agreement state. The source or device has been registered in the Sealed Source and Device Registry. 	

<u>§32.101</u>	Schedule B prototype tests for luminous safety devices for use in aircraft	В	Section 32.101 is removed.	 NAC 459.290:Specific licenses: Manufacture, assembly or repair of luminous safety devices for use in aircraft. (NRS 459.201) An application for a specific license to manufacture, assemble or repair luminous safety devices containing tritium or promethium 147 for use in aircraft, for distribution to persons generally licensed under NAC 459.220, will be approved subject to the following conditions: The applicant satisfies the general requirements specified in NAC 459.238; and The applicant satisfies the requirements of 10 C.F.R. §§ 32.53-32.56 32.101 has been removed. 	
<u>§32.102</u>	Schedule C— prototype tests for calibratio n or reference sources containin g americiu m-241 or radium-22 6	В	Section 32.102 is removed.	 NAC 459.292:Specific licenses: Manufacture of calibration and reference sources. (NRS 459.201) An application for a specific license to manufacture calibration and reference sources containing americium 241, plutonium or radium 226 to persons generally licensed under NAC 459.224 will be approved subject to the following conditions: The applicant satisfies the general requirement of NAC 459.238; and The applicant satisfies the requirements of 10 C.F.R. §§ 32.57-32.59 32.102 and 10 C.F.R. § 70.39 or their equivalent. NAC 459.2923 Specific licenses: Manufacture or initial transfer of calibration or reference sources: If the Division determines, for any source which contains more than 0.005 microcurie (185 becquerels) of americium-241 or radium-226 that: (a) The method of incorporation and binding of the americium-241 or radium-226 will not be released or removed from the source under normal conditions of use and handling of the source; and 	

				(b) The source has been subjected to, and has passed in a satisfactory manner, the prototype tests prescribed by 10 C.F.R. § 32.102, Schedule C, as it existed on November 30, 2007, or an equivalent regulation of an agreement state, 32.102 has been removed.	
<u>§32.103</u>	Schedule D prototype tests for ice detection devices containin g strontium -90	В	Section 32.103 is removed.	 NAC 459.298 Specific licenses: Manufacture and distribution of ice detection devices. (NRS 459.201) An application for a specific license to manufacture and distribute ice detection devices to persons generally licensed under NAC 459.232 will be approved subject to the following conditions: The applicant satisfies the general requirements of NAC 459.238; and The criteria of 10 C.F.R. §§ 32.61[7] & 32.62 & 32.103 has been removed. 	
§32.110	Acceptanc e sampling procedure s under certain specific licenses	В	Section 32.110 is removed.	Not present in NAC 459. No change required.	
<u>§32.210(</u> <u>a)</u>	Registrati on of product informati on	B - States with autho rity for sealed source and	In § 32.210, paragraph (a) is revised as follows: (a) Any manufacturer or initial distributor of a sealed source or device containing a sealed source may submit a request to the NRC for evaluation of radiation safety information about its product and	NAC 459.3075:Sealed source or device containing sealed source intended for use under specific license: Request for evaluation and registration; manufacture and distribution. (NRS 459.201)1. A manufacturer or initial distributor of a sealed source or device containing a sealed source whose product is intended for use under a specific license may submit a request to the Nuclear Regulatory Commission or an agreement state for evaluation of the radiation safety information concerning its product and for registration of the product	

		device (SS&D) evalua tions D - States witho ut SS&D autho rity	for its registration.		
<u>932.210(</u> <u>b)</u>	Registrati on of product	в- States with	in § 32.210, paragraph (b) is revised as follows:	<u>NAC 459.3075:Sealed source or device containing sealed source intended</u> for use under specific license: Request for evaluation and registration; manufacture and distribution. (NRS 459 201)	
	informati	autho	(b) The request for review must be		
	on	rity	sent to the NRC's Office of Federal	1. A manufacturer or initial distributor of a sealed source or device	
		, for	and State Materials and	containing a sealed source whose product is intended for use under a	
		sealed	Environmental Management	specific license may submit a request to the Nuclear Regulatory	
		source	Programs, ATTN: SSDR by an	Commission or an agreement state for evaluation of the radiation safety	
		and dovice	appropriate method listed in	information concerning its product and for registration of the product.	
		uevice		2 A request for review submitted pursuant to subsection 1 must be	
		(SS&D		sent to the Office of Nuclear Material Safety and Safeguards Office of	
)		Federal and State Materials and Environmental Management Programs,	
		evalua		ATTN: SSDR, of the United States Nuclear Regulatory Commission by a	
		tions		method listed in 10 C.F.R. § 30.6(a) or to the equivalent agency of an	
		D -		agreement state.	
		States			
		witho			
		ut			
		SS&D			
		autho			
		rity			

<u>§32.210(</u> <u>d)</u>	Registrati on of product informati on	B - States with autho rity for sealed source and device (SS&D) evalua tions D - States witho ut SS&D autho rity	In § 32.210, paragraph (d) is revised as follows: (d) The NRC normally evaluates a sealed source or a device using radiation safety criteria in accepted industry standards. If these standards and criteria do not readily apply to a particular case, the NRC formulates reasonable standards and criteria with the help of the manufacturer or distributor. The NRC shall use criteria and standards sufficient to ensure that the radiation safety properties of the device or sealed source are adequate to protect health and minimize danger to life and property. Subpart A of this part includes specific criteria that apply to certain exempt products and subpart B includes specific criteria applicable to certain generally licensed devices.	NAC 459.3075:Sealed source or device containing sealed source intended for use under specific license: Request for evaluation and registration; manufacture and distribution. (NRS 459.201) CHECK if NV has authority to do SS&D evaluations.	
			generally licensed devices. Subpart C includes specific provisions that apply to certain specifically licensed items.		
<u>§32.210(</u>	Registrati	B -	In § 32.210, paragraph (e) is	NAC 459.3075.5:Sealed source or device containing sealed source	
<u>e</u>)	on of product	States	revised as follows:	Intended for use under specific license: Request for evaluation and	
	informati	autho	(e) After completion of the	<u>ורפאטנומנוטוו, ווומוועומננערפ מווע עוטנו טענוטוו. (וערט 459.201</u>	
	on	rity	evaluation, the Commission issues	5. If the Nuclear Regulatory Commission or agreement state completes	
		for	a certificate of registration to the	an evaluation pursuant to a request made pursuant to subsection 1 and	
		sealed	person making the request. The	issues a certificate of registration to the manufacturer or initial	
		source	certificate of registration	distributor of a sealed source or device containing a sealed source who	

		and device (SS&D) evalua tions D - States witho ut SS&D	acknowledges the availability of the submitted information for inclusion in an application for a specific license proposing use of the product, or concerning use under an exemption from licensing or general license as applicable for the category of certificate.	made the request pursuant to subsection 1, the certificate of registration acknowledges the availability of the submitted information for inclusion in an application for a specific license proposing use of the product, or concerning use under an exemption from licensing or general license as applicable for the category of certificate, and the manufacturer or initial distributor shall manufacture and distribute the product in accordance with: (a) The statements and representations, including, without limitation, the quality control program, contained in the request submitted pursuant to subsection 1; and	
		autho rity		(b) The provisions of the certificate of registration.	
<u>§32.210(</u>	Registrati	rity B -	In § 32.210, paragraph (g) is	NAC 459.3075.6:Sealed source or device containing sealed source	
<u>g)</u>	on of	States	added to read as follows:	intended for use under specific license: Request for evaluation and	
	product	with		registration; manufacture and distribution. (NRS 459.201	
	informati	autho	(g) Authority to manufacture or	6. Authority to manufacture or initially distribute a sealed source or	
	on	rity	initially distribute a sealed source	device to specific licensees may be provided in the license without the	
		for	or device to specific licensees may	issuance of a certificate of registration in the following cases:	
		sealed	be provided in the license without	(a) Calibration and reference sources containing no more than:	
		source	the issuance of a certificate of	(i) 37 MBq (1 mCi), for beta and/or gamma emitting	
		and	registration in the following cases:	radionuclides; or	
		device	(1) Calibration and reference	(ii) 0.37 MBq (10 μ Ci), for alpha emitting radionuclides; or	
		(SS&D	sources containing no more than:	(b) The intended recipients are qualified by training and experience	
)	(i) 37 MBq (1 mCi), for	and have sufficient facilities and equipment to safely use and handle the	
		evalua	beta and/or gamma emitting	requested quantity of radioactive material in any form in the case of	
		tions	radionuclides; or	unregistered sources or, for registered sealed sources contained in	
			(ii) 0.37 MBq (10 μCi), for	unregistered devices, are qualified by training and experience and have	
		D -	alpha emitting radionuclides; or	sufficient facilities and equipment to safely use and handle the requested	
		States	(2) The intended recipients are	quantity of radioactive material in unshielded form, as specified in their	
		witho	qualified by training and	licenses; and	
		ut	experience and have sufficient	(i) The intended recipients are licensed under part 33 of this	
		SS&D	facilities and equipment to safely	chapter or comparable provisions of an Agreement State; or	
		autho	use and handle the requested	(ii) The recipients are authorized for research and development;	
		rity	quantity of radioactive material in	or	

			any form in the case of unregistered sources or, for registered sealed sources contained in unregistered devices, are qualified by training and experience and have sufficient facilities and equipment to safely use and handle the requested quantity of radioactive material in unshielded form, as specified in their licenses; and (i) The intended recipients are licensed under part 33 of this chapter or comparable provisions of an Agreement State; or (ii) The recipients are authorized for research and development; or (iii) The sources and devices are to be built to the unique specifications of the particular recipient and contain no more than 740 GBq (20 Ci) of tritium or 7.4 GBq (200 mCi) of any other radionuclide.	(iii) The sources and devices are to be built to the unique specifications of the particular recipient and contain no more than 740 GBq (20 Ci) of tritium or 7.4 GBq (200 mCi) of any other radionuclide.	
§32.210(Registrati	C -	In § 32,210, paragraph (h) is	NAC 459.3075.7: Sealed source or device containing sealed source	
<u>h)</u>	on of	States	added to read as follows:	intended for use under specific license: Request for evaluation and	
	product	with	(h) After the certificate is issued,	registration; manufacture and distribution. (NRS 459.201	
	informati	autho	the Commission may conduct an	7. After the certificate is issued, the Commission may conduct an	
	on	rity	additional review as it determines	additional review as it determines is necessary to ensure compliance with	
		tor	is necessary to ensure compliance	current regulatory standards. In conducting its review, the Commission	
		sealed	with current regulatory standards.	will complete its evaluation in accordance with criteria specified in this	
		source	In conducting its review, the	section. The Commission may request such additional information as it	
		and	Commission will complete its	considers necessary to conduct its review and the certificate holder shall	

		device (SS&D) evalua tions D - States witho ut SS&D autho rity	evaluation in accordance with criteria specified in this section. The Commission may request such additional information as it considers necessary to conduct its review and the certificate holder shall provide the information as requested.	provide the information as requested.	
<u>§32.211</u>	Inactivati	B -	Section 32.211 is added to read as	NAC 459.3075.8:Sealed source or device containing sealed source	
	on of	States	follows:	Intended for use under specific license: Request for evaluation and	
	s of	autho	(a) A certificate holder who ho longer manufactures or initially	8 (a) A certificate holder who no longer manufactures or initially	
	registratio	rity	transfers any of the sealed	transfers any of the sealed source(s) or device(s) covered by a particular	
	n of	for	source(s) or device(s) covered by a	certificate issued by the Commission shall request inactivation of the	
	sealed	sealed	particular certificate issued by the	registration certificate. Such a request must be made to the NRC's Office	
	sources	source	Commission shall request	of Federal and State Materials and Environmental Management	
	and	and	inactivation of the registration	Programs, ATTN: SSDR by an appropriate method listed in § 30.6(a) of	
	devices	device	certificate. Such a request must	this chapter and must normally be made no later than two years after	
		(SS&D	be made to the NRC's Office of	initial distribution of all of the source(s) or device(s) covered by the	
)	Federal and State Materials and	certificate has ceased. However, if the certificate holder determines that	
		evalua	Environmental Management	an initial transfer was in fact the last initial transfer more than two years	
		tions	Programs, ATTN: SSDR by an	after that transfer, the certificate holder shall request inactivation of the	
			appropriate method listed in	certificate within 90 days of this determination and briefly describe the	
		D -	§ 30.6(a) of this chapter and must	circumstances of the delay.	
		States	normally be made no later than	(b) If a distribution license is to be terminated in accordance with § 30.36	
		witho	two years after initial distribution	of this chapter, the licensee shall request inactivation of its registration	
		ut	of all of the source(s) or device(s)	certificates associated with that distribution license before the	
		SS&D	covered by the certificate has	Commission will terminate the license. Such a request for inactivation of	
		autno	ceased. However, if the certificate	certificate(s) must indicate that the license is being terminated and	
		rity	transfor was in fast the last initial	include the associated specific license number.	
			transfer was in fact the fast Initial		

			transfer more than two years after that transfer, the certificate holder shall request inactivation of the certificate within 90 days of this determination and briefly describe the circumstances of the delay. (b) If a distribution license is to be terminated in accordance with § 30.36 of this chapter, the licensee shall request inactivation of its registration certificates associated with that distribution license before the Commission will terminate the license. Such a request for inactivation of certificate(s) must indicate that the license is being terminated and include the associated specific license number. (c) A specific license to manufacture or initially transfer a source or device covered only by an inactivated certificate no longer authorizes the licensee to initially	(c) A specific license to manufacture or initially transfer a source or device covered only by an inactivated certificate no longer authorizes the licensee to initially transfer such sources or devices for use. Servicing of devices must be in accordance with any conditions in the certificate, including in the case of an inactive certificate.	
			license number. (c) A specific license to manufacture or initially transfer a source or device covered only by an inactivated certificate no longer authorizes the licensee to initially transfer such sources or devices for use. Servicing of devices must be in accordance with any		
			conditions in the certificate, including in the case of an inactive certificate.		
§32.303(b)	Criminal penalties	D	N/A	N/A	
§40.5(b)(1)(iv)	Communi cations	D	N/A	N/A	

§70.5(b)(Communi	D	N/A	N/A	
1)(iv)	cations				

RATS ID 2012-4

KEY - New verbiage Repealed

1. §30.15(a)(2):

NAC 459.190.1.(j)(1)-(3): Miscellaneous exemptions: Certain timepieces, lock illuminators, precision balances, automobile shift quadrants, marine navigational instruments, ionization chamber smoke detectors, thermostats, electron tubes and ionizing radiation measuring instruments. (NRS 459.030, 459.201)

1. Except for persons who apply radioactive material to, or persons who incorporate radioactive material into, the following products, any person is exempt from NAC 459.010 to 459.950, inclusive, to the extent that he or she receives, possesses, uses, transfers, owns or acquires the following products:

- (j)(1) Static elimination devices which contain, as a sealed source or sources, byproduct material consisting of a total of not more than 18.5 MBq (500 μCi) of polonium-210 per device.
 - (2) Ion generating tubes designed for ionization of air that contain, as a sealed source or sources, byproduct material consisting of a total of not more than 18.5 MBq (500 μ Ci) of polonium-210 per device or of a total of not more than 1.85 GBq (50 mCi) of hydrogen-3 (tritium) per device.
- (3) Such devices authorized before October 23, 2012 for use under the general license then provided in § 31.3 and equivalent regulations of Agreement States and manufactured, tested, and labeled by the manufacturer in accordance with the specifications contained in a specific license issued by the Division.

2. <u>§30.19(b):</u>

NAC 459.192.3:

1.(a) Except for persons who manufacture, process or produce self-luminous products containing tritium, krypton-85 or promethium-147, any person is exempt from the provisions of NAC 459.010 to 459.950, inclusive, to the extent that he or she receives, possesses, uses, transfers, owns or acquires tritium, krypton-85 or promethium-147 in self-luminous products manufactured, processed, produced, imported or transferred in accordance with a specific license issued by the Nuclear Regulatory Commission pursuant to 10 C.F.R. § 32.22, which license authorizes the transfer of the product to persons who are exempt from regulatory requirements.

(b)Any person who desires to manufacture, process, or produce, or initially transfer for sale or distribution selfluminous products containing tritium, krypton-85, or promethium-147 for use under paragraph (a) of this section, should apply for a license under 10 CFR Part § 32.22 and for a certificate of registration in accordance with 10 CFR § 32.210.

(c)The exemption in this subsection for self-luminous products does not apply to tritium, krypton-85 or promethium-147 used in products for frivolous purposes or in toys or adornments.

3. <u>§30.20:</u>

NAC 459.192.3(b):

3. (a)Except for persons who manufacture, process, produce or initially transfer for sale or distribution gas and aerosol detectors containing radioactive material, any person is exempt from the provisions of <u>NAC</u> <u>459.010</u> to <u>459.950</u>, inclusive, to the extent that he or she receives, possesses, uses, transfers, owns or acquires radioactive material in gas and aerosol detectors designed to protect life health, safety or property from fires and airborne hazards if the detectors containing radioactive material have been manufactured, processed, produced or initially transferred in accordance with a specific license issued by the Division, the Nuclear Regulatory Commission or any other agreement state pursuant to 10 C.F.R. § 32.26 or its equivalent, which authorizes the initial transfer of the detectors for use. This exemption also applies to gas and aerosol detectors manufactured or distributed before November 30, 2010, in accordance with a specific license issued by a state under comparable provisions to 10 C.F.R. § 32.26 authorizing distribution to persons exempt from regulatory requirements. The following also apply to gas and aerosol detectors containing radioactive material:

(a)(1) The provisions of subsection 2 of <u>NAC 459.190</u> apply to this subsection.

(b)(2) Any gas and aerosol detector which contains by-product material, or naturally occurring and accelerator-produced radioactive material, and which was previously manufactured and distributed to general licensees in accordance with a specific license issued by an agreement state, pursuant to provisions comparable to 10 C.F.R. § 32.26, is exempt under this subsection if the device is labeled in accordance with the specific license and if the device meets the requirements of <u>NAC 459.280</u>.

(b) Any person who desires to manufacture, process, or produce gas and aerosol detectors containing byproduct material, or to initially transfer such products for use under paragraph (a) of this section, should apply for a license under NAC 459.280 and for a certificate of registration in accordance with NAC 459. 3075.

4. <u>10 CFR 30.22:</u>

NAC 459.192.5:

5. (a) Except for persons who manufacture, process, produce, or initially transfer for sale or distribution industrial devices containing byproduct material designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing an ionized atmosphere, any person is exempt from the provisions of NAC 459.010 to 459.950, inclusive, to the extent that such person receives, possesses, uses, transfers, owns, or acquires byproduct material, in these certain detecting, measuring, gauging, or controlling devices and certain devices for producing an ionized atmosphere, and manufactured, processed, produced, or initially transferred in accordance with a specific license issued under 10 CFR § 32.30, which license authorizes the initial transfer of the device for use under this section. This exemption does not cover sources not incorporated into a device, such as calibration and reference sources.

(b) Any person who desires to manufacture, process, produce, or initially transfer for sale or distribution industrial devices containing byproduct material for use under paragraph (a) of this subsection, should apply for a specific license issued by the Nuclear Regulatory Commission pursuant to 10 CFR § 32.30 and for a certificate of registration in accordance with NAC 459 3075.

5. 10 CFR 30.32(g):

NAC 459. 236.7(d),(e):

NAC 459.236 Specific licenses: Application. (NRS 459.201)

1. Applications for specific licenses must be filed on a form prescribed by the Division and accompanied by the appropriate fee as prescribed in <u>NAC 459.310</u>.

2. The Division may at any time after the filing of the original application, and before the expiration of the license, require further statements in order to enable the Division to determine whether the application should be granted or denied or whether a license should be modified or revoked.

3. Each application must be signed by the applicant or licensee or a person duly authorized to act for and on his or her behalf.

4. An application for a license may include a request for a license authorizing one or more activities.

5. In his or her application, the applicant may incorporate by reference information contained in previous applications, statements or reports filed with the Division provided such references are clear and specific.

6. Applications and documents submitted to the Division may be made available for public inspection except that the Division may withhold any document or part thereof from public inspection if disclosure of its content is not required in the public interest and would adversely affect the interest of a person concerned.

7. An application for a specific license to use radioactive material in the form of a sealed source or in a device that contains a sealed source must:

(a) Identify the source or device by manufacturer and model number as registered with the Nuclear Regulatory Commission, or for a source or device which contains radium-226 or accelerator-produced radioactive material, pursuant to the provisions of <u>NAC 459.289</u>, <u>459.2895</u> or <u>459.3075</u> or 10 C.F.R. § 32.210 or registered with an agreement state pursuant to an equivalent regulation of the agreement state;

(b) Contain the information identified in <u>NAC 459.289</u>, <u>459.2895</u> or <u>459.3075</u>, 10 C.F.R. § 32.210 or an equivalent regulation of an agreement state; or

(c) For a source or device which contains naturally occurring or accelerator-produced radioactive material which was manufactured before the effective date of this regulation, which is not registered with the Division pursuant to <u>NAC 459.3075</u>, the Nuclear Regulatory Commission pursuant to 10 C.F.R. § 32.210 or an agreement state pursuant to an equivalent regulation of the agreement state, and for which the applicant cannot provide all the information specified in 10 C.F.R. § 32.210(c):

(1) Include all available information identified in 10 C.F.R. § 32.210(c) which concerns the source and, if applicable, the device; and

(2) Include sufficient additional information to demonstrate with reasonable assurance that the radiation safety properties of the source or device are adequate to protect health and minimize danger to life and property, including, without limitation, a description of the source or device, a description of the radiation safety features, the intended use and associated operating experience of the licensee and the results of a recent leak test of the source or device.

- (d) For sealed sources and devices allowed to be distributed without registration of safety information in accordance with 10 CFR § 32.210(g)(1), the applicant may supply only the manufacturer, model number, and radionuclide and quantity.
- (e) If it is not feasible to identify each sealed source and device individually, the applicant may propose constraints on the number and type of sealed sources and devices to be used and the conditions under which they will be used, in lieu of identifying each sealed source and device.

6. <u>10 CFR 31.3:</u>

NAC 459.214:

NAC 459.214 will be repealed.

NAC 459.214 General licenses: Certain devices designed for use as static eliminators or for ionization of air. (NRS 459.201)

— 1. A general license is issued to transfer, receive, acquire, own, possess and use radioactive material incorporated in the following devices or equipment which have been manufactured, tested and labeled by the manufacturer in accordance with a specific license issued to the manufacturer by the Nuclear Regulatory Commission for use pursuant to 10 C.F.R. § 31.3. This general license is subject to the provisions of NAC 459.124 to 459.134, inclusive, subsection 3 of NAC 459.184, NAC 459.198, 459.208, 459.312 and 459.320 to 459.374, inclusive, relating to the labeling of containers, and NAC 459.780 to 459.794, inclusive.

— 2. The devices included in this license are:

(a) Devices designed for use as static eliminators which contain, as a sealed source or sources, radioactive material consisting of a total of not more than 500 microcuries of polonium-210 per device; and

(b) Devices designed for ionization of air which contain, as a sealed source or sources, radioactive material consisting of a total of not more than 500 microcuries of polonium 210 per device or a total of not more than 50 millicuries of hydrogen 3 (tritium) per device.

7. 10 CFR §32.51(a)(6)

NAC 459.282.6: Specific licenses: Manufacture or distribution of devices. (NRS 459.201) An application for a specific license to manufacture or distribute devices containing radioactive material, excluding special nuclear material, to persons generally licensed under NAC 459.216 or equivalent regulations of the Nuclear Regulatory Commission or an agreement state will be approved if:

5. Each device described in paragraph (a) of subsection 13 of NAC 459.218 bears a permanent label, including, without limitation, an embossed, etched, engraved or a stamped label, affixed to the source housing if separable or to the device if the source housing is not separable, which contains the words "CAUTION - RADIOACTIVE MATERIAL" and the radiation symbol described in NAC 459.355, if practicable.

6. The device has been registered in the Sealed Source and Device Registry.

8. §32.53(b)(5):

NAC 459.290.2 already satisfies this requirement:

NAC 459.290 Specific licenses: Manufacture, assembly or repair of luminous safety devices for use in aircraft. (NRS 459.201) An application for a specific license to manufacture, assemble or repair luminous safety devices containing tritium or promethium 147 for use in aircraft, for distribution to persons generally licensed under NAC 459.220, will be approved subject to the following conditions:

1. The applicant satisfies the general requirements specified in NAC 459.238; and

2. The applicant satisfies the requirements of 10 C.F.R. §§ 32.53-32.56 & 32.101 or their equivalent.

9. <u>§32.53(d)(4):</u>

NAC 459.290.2 already satisfies this requirement:

NAC 459.290: Specific licenses: Manufacture, assembly or repair of luminous safety devices for use in aircraft. (NRS 459.201) An application for a specific license to manufacture, assemble or repair luminous safety devices containing tritium or promethium 147 for use in aircraft, for distribution to persons generally licensed under NAC 459.220, will be approved subject to the following conditions:

- 1. The applicant satisfies the general requirements specified in NAC 459.238; and
- 2. The applicant satisfies the requirements of 10 C.F.R. §§ 32.53-32.56 & 32.101 or their equivalent.

10. <u>§32.53(e):</u>

NAC 459.290.2 already satisfies this requirement:

NAC 459.290: Specific licenses: Manufacture, assembly or repair of luminous safety devices for use in aircraft. (NRS 459.201) An application for a specific license to manufacture, assemble or repair luminous safety devices containing tritium or promethium 147 for use in aircraft, for distribution to persons generally licensed under NAC 459.220, will be approved subject to the following conditions:

1. The applicant satisfies the general requirements specified in NAC 459.238; and

2. The applicant satisfies the requirements of 10 C.F.R. §§ 32.53-32.56 & 32.101 or their equivalent.

11. <u>§32.53(f):</u>

NAC 459.290.2 already satisfies this requirement:

NAC 459.290: Specific licenses: Manufacture, assembly or repair of luminous safety devices for use in aircraft. (NRS 459.201) An application for a specific license to manufacture, assemble or repair luminous safety devices containing tritium or promethium 147 for use in aircraft, for distribution to persons generally licensed under NAC 459.220, will be approved subject to the following conditions:

1. The applicant satisfies the general requirements specified in NAC 459.238; and

2. The applicant satisfies the requirements of 10 C.F.R. §§ 32.53-32.56 & 32.101 or their equivalent.

12. <u>§32.55:</u>

Already adopted in NAC 459.290.2: No changes required:

NAC 459.290: Specific licenses: Manufacture, assembly or repair of luminous safety devices for use in aircraft. (NRS 459.201) An application for a specific license to manufacture, assemble or repair luminous safety devices containing tritium or promethium 147 for use in aircraft, for distribution to persons generally licensed under NAC 459.220, will be approved subject to the following conditions:

- 1. The applicant satisfies the general requirements specified in NAC 459.238; and
- 2. The applicant satisfies the requirements of 10 C.F.R. §§ 32.53-32.56 & 32.101 or their equivalent.

13. <u>§32.56:</u>

Already adopted in NAC 459.290.2: No changes required.

NAC 459.290: Specific licenses: Manufacture, assembly or repair of luminous safety devices for use in aircraft. (NRS 459.201) An application for a specific license to manufacture, assemble or repair luminous safety devices containing tritium or promethium 147 for use in aircraft, for distribution to persons generally licensed under NAC 459.220, will be approved subject to the following conditions:

1. The applicant satisfies the general requirements specified in NAC 459.238; and

2. The applicant satisfies the requirements of 10 C.F.R. §§ 32.53-32.56 & 32.101 or their equivalent.

14. §32.57(d)(2):

NAC 459.2923.4.(b): Specific licenses: Manufacture or initial transfer of calibration or reference sources. (NRS 459.201)

4. If the Division determines, for any source which contains more than 0.005 microcurie (185 becquerels) of americium-241 or radium-226 that:

(a) The method of incorporation and binding of the americium-241 or radium-226 in the source is such that the americium-241 or radium-226 will not be released or removed from the source under normal conditions of use and handling of the source; and

(b) The source has been subjected to, and has passed in a satisfactory manner, the prototype tests prescribed by 10 C.F.R. § 32.102, Schedule C, as it existed on November 30, 2007, or an equivalent regulation of an agreement state. appropriate tests required by paragraph 5 of this section.

15. §32.57(e):

NAC 459. 2923:5:

5. The applicant shall subject at least five prototypes of each source that is designed to contain more than 0.185 kilobecquerel (0.005 microcurie) of americium-241 or radium-226 to tests as follows:

(a) The initial quantity of radioactive material deposited on each source is measured by direct counting of the source.

(b) The sources are subjected to tests that adequately take into account the individual, aggregate, and cumulative effects of environmental conditions expected in service that could adversely affect the effective containment or binding of americium-241 or radium-226, such as physical handling, moisture, and water immersion.

(c) The sources are inspected for evidence of physical damage and for loss of americium-241 or radium-226, after each stage of testing, using methods of inspection adequate for determining compliance with the criteria in paragraph 5.(d) of this section.

(d) Source designs are rejected for which the following has been detected for any unit: Removal of more than 0.185 kilobecquerel (0.005 microcurie) of americium-241 or radium-226 from the source or any other evidence of physical damage.

16. <u>10 CFR 32.59:</u>

NAC 459.2927:Specific licenses: Holder of license issued pursuant to NAC 459.2923 to perform dry wipe test before transferring source. (NRS 459.201)

1. Before transferring a source containing more than 0.1 microcurie (3.7 kilobecquerels) of americium-241 or radium-226 to a person who holds a general license issued pursuant to NAC 459.224, a person who holds a specific license issued pursuant to NAC 459.2923 shall perform a dry wipe test on the source. The test must be performed by wiping with moderate pressure the entire radioactive surface of the source with a filter paper.

2. The radioactivity of the filter paper after the dry wipe test must be measured by a radiation detection instrument which is capable of detecting 0.005 microcurie (185 becquerels) of americium-241 or radium-226.

3. If the test discloses more than 0.005 microcurie (185 becquerels) of radioactive material, the source shall be deemed to be leaking americium-241 or radium-226 and the source must be rejected and must not be transferred to a general licensee pursuant to NAC 459.224, 10 C.F.R. § 31.8 or an equivalent regulation of an agreement state.

17. 10 CFR 32.61(e)(4):

NAC 459.298: Specific licenses: Manufacture and distribution of ice detection devices. (NRS 459.201) An application for a specific license to manufacture and distribute ice detection devices to persons generally licensed under NAC 459.232 will be approved subject to the following conditions:

1. The applicant satisfies the general requirements of NAC 459.238; and

The criteria of 10 C.F.R. §§ 32.61, 32.62 & 32.103 are met

18 to 20. 10 CFR 32.61(f); 10 CFR 32.61(g); 10 CFR 32.62(c)(d)(e):

NAC 459.298: Specific licenses: Manufacture and distribution of ice detection devices. (NRS 459.201) An application for a specific license to manufacture and distribute ice detection devices to persons generally licensed under NAC 459.232 will be approved subject to the following conditions:

1. The applicant satisfies the general requirements of NAC 459.238; and

2. The criteria of 10 C.F.R. §§ 32.61, 32.62 & 32.103 are met.

21. 1<u>0 CFR 32.74(a)(4):</u>

NAC 459.306.4: Specific licenses: Manufacture and distribution of sources and devices for medical use. (NRS 459.201): An application for a specific license to manufacture and distribute sources and devices containing radioactive material to persons licensed pursuant to 10 C.F.R. Part 35 or equivalent regulations of an agreement state, for use as a calibration, transmission or reference source or for the uses listed in 10 C.F.R. §§ 35.400, 35.500, 35.600 and 35.1000 or equivalent regulations of an agreement state, will be approved if:

1. The applicant satisfies the general requirements in NAC 459.238;

2. The applicant submits sufficient information regarding each type of source or device pertinent to an evaluation of its radiation safety, including:

(a) The radioactive material contained, its chemical and physical form, and amount;

(b) Details of design and construction of the source or device;

(c) Procedures for, and results of, prototype tests to demonstrate that the source or device will maintain its integrity under stresses likely to be encountered in normal use and in accidents;

(d) For devices containing radioactive material, the radiation profile of a prototype device;

(e) Details of quality control procedures to ensure that production sources and devices meet the standards of the design and prototype tests;

(f) Procedures and standards for calibrating sources and devices;

(g) Legends and methods for labeling sources and devices as to their radioactive content; and

(h) Instructions for handling and storing the source or device from the radiation safety standpoint, which instructions must be included on a durable label attached to the source or device or attached to a permanent storage container for the source or device, provided that instructions which are too lengthy for the label may be summarized on the label and printed in detail on a brochure which is referenced on the label; and

3. The label affixed to the source, device or permanent storage container for the source or device contains information on the radionuclide, quantity and date of assay, and a statement that the source or device is approved by the Division for distribution to persons licensed to use radioactive material identified in 10 C.F.R. §§ 35.65, 35.400, 35.500 and 35.600 or to persons who hold equivalent licenses of the Nuclear Regulatory Commission or an agreement state.

(4) The source or device has been registered in the Sealed Source and Device Registry.

22. <u>10 CFR 32.101:</u>

NAC 459.290: Specific licenses: Manufacture, assembly or repair of luminous safety devices for use in aircraft. (NRS 459.201) An application for a specific license to manufacture, assemble or repair luminous safety devices containing tritium or promethium 147 for use in aircraft, for distribution to persons generally licensed under NAC 459.220, will be approved subject to the following conditions:
- 1. The applicant satisfies the general requirements specified in NAC 459.238; and
- 2. The applicant satisfies the requirements of 10 C.F.R. §§ 32.53-32.56 & 32.101 or their equivalent.

32.101 has been removed.

23. 1<u>0 CFR32. 102</u>:

<u>NAC 459.292</u>: Specific licenses: Manufacture of calibration and reference sources. (NRS 459.201) An application for a specific license to manufacture calibration and reference sources containing americium 241, plutonium or radium 226 to persons generally licensed under NAC 459.224 will be approved subject to the following conditions:

1. The applicant satisfies the general requirement of NAC 459.238; and

2. The applicant satisfies the requirements of 10 C.F.R. §§ 32.57-32.59 & 32.102 and 10 C.F.R. § 70.39 or their equivalent.

NAC 459.2923 Specific licenses: Manufacture or initial transfer of calibration or reference sources: 4. If the Division determines, for any source which contains more than 0.005 microcurie (185 becquerels) of americium-241 or radium-226 that:

(a) The method of incorporation and binding of the americium-241 or radium-226 in the source is such that the americium-241 or radium-226 will not be released or removed from the source under normal conditions of use and handling of the source; and

— (b) The source has been subjected to, and has passed in a satisfactory manner, the prototype tests prescribed by 10 C.F.R. § 32.102, Schedule C, as it existed on November 30, 2007, or an equivalent regulation of an agreement state.

32.102 has been removed.

24. <u>10 CFR32. 103</u>:

NAC 459.298 Specific licenses: Manufacture and distribution of ice detection devices. (NRS 459.201) An application for a specific license to manufacture and distribute ice detection devices to persons generally licensed under NAC 459.232 will be approved subject to the following conditions:

- 1. The applicant satisfies the general requirements of NAC 459.238; and
- 2. The criteria of 10 C.F.R. §§ 32.61[,] & 32.62 & 32.103 are met.

32.103 has been removed.

25. 1<u>0 CFR 32.210(a):</u>

NAC 459.3075:Sealed source or device containing sealed source intended for use under specific license: Request for evaluation and registration; manufacture and distribution. (NRS 459.201)

1. A manufacturer or initial distributor of a sealed source or device containing a sealed source whose product is intended for use under a specific license may submit a request to the Nuclear Regulatory Commission or an agreement state for evaluation of the radiation safety information concerning its product and for registration of the product.

26. 10 CFR 32.210(b):

NAC 459.3075:Sealed source or device containing sealed source intended for use under specific license: Request for evaluation and registration; manufacture and distribution. (NRS 459.201)

1. A manufacturer or initial distributor of a sealed source or device containing a sealed source whose product is intended for use under a specific license may submit a request to the Nuclear Regulatory Commission or an agreement state for evaluation of the radiation safety information concerning its product and for registration of the product.

2. A request for review submitted pursuant to subsection 1 must be sent to the Office of Nuclear Material Safety and Safeguards Office of Federal and State Materials and Environmental Management Programs, ATTN: SSDR, of the United States Nuclear Regulatory Commission by a method listed in 10 C.F.R. § 30.6(a) or to the equivalent agency of an agreement state.

27. 10 CFR 32.210(d):

NAC 459.3075:Sealed source or device containing sealed source intended for use under specific license: Request for evaluation and registration; manufacture and distribution. (NRS 459.201)

NAC 459.3075 Sealed source or device containing sealed source intended for use under specific license: Request for evaluation and registration; manufacture and distribution. (<u>NRS 459.201</u>)

1. A manufacturer or initial distributor of a sealed source or device containing a sealed source whose product is intended for use under a specific license may submit a request to the Nuclear Regulatory Commission or an agreement state for evaluation of the radiation safety information concerning its product and for registration of the product.

2. A request for review submitted pursuant to subsection 1 must be sent to the Office of Nuclear Material Safety and Safeguards of the United States Nuclear Regulatory Commission by a method listed in 10 C.F.R. § 30.6(a) or to the equivalent agency of an agreement state.

3. A request for review of a sealed source submitted pursuant to subsection 1 must include, without limitation, sufficient information concerning the:

- (a) Design of the sealed source;

- (b) Manufacture of the sealed source;

(c) Prototype testing of the sealed source;

- (d) Quality control program proposed for the sealed source;

- (e) Labeling of the sealed source;

- (f) Proposed uses of the sealed source; and

(g) Leak testing of the source,

4. 3. A request for review of a device containing a sealed source submitted pursuant to subsection 1 must include, without limitation, sufficient information concerning the:

(a) Design of the device;

(b) Manufacture of the device;

(c) Prototype testing of the device;

- (d) Quality control program proposed for the device;
- (e) Labeling of the device;
- (f) Proposed uses of the device;
- (g) Leak testing of the device;
- (h) Installation of the device;
- (i) Service and maintenance of the device;
- (j) Operating and safety instructions concerning the device; and
- (k) Potential hazards associated with the device,

Ito provide reasonable assurance that the radiation safety properties of the device are adequate to protect health and minimize the danger to life and property.

4. The NRC normally evaluates a sealed source or a device using radiation safety criteria in accepted industry standards. If these standards and criteria do not readily apply to a particular case, the NRC formulates reasonable standards and criteria with the help of the manufacturer or distributor. The NRC shall use criteria and standards sufficient to ensure that the radiation safety properties of the device or sealed source are adequate to protect health and minimize danger to life and property. Subpart A of 10 CFR Part 32 includes specific criteria applicable to certain generally licensed devices. Subpart C of 10 CFR Part 32 includes specific provisions that apply to certain specifically licensed items.

28. 10 CFR 32.210(e):

NAC 459.3075.5:Sealed source or device containing sealed source intended for use under specific license: Request for evaluation and registration; manufacture and distribution. (NRS 459.201):

5. If the Nuclear Regulatory Commission or agreement state completes an evaluation pursuant to a request made pursuant to subsection 1 and issues a certificate of registration to the manufacturer or initial distributor of a sealed source or device containing a sealed source who made the request pursuant to subsection 1, the certificate of registration acknowledges the availability of the submitted information for inclusion in an application for a specific license proposing use of the product, or concerning use under an exemption from licensing or general license as applicable for the category of certificate, and the manufacturer or initial distributor shall manufacture and distribute the product in accordance with:

(a) The statements and representations, including, without limitation, the quality control program, contained in the request submitted pursuant to subsection 1; and

(b) The provisions of the certificate of registration.

29. 10 CFR 32.210(g):

NAC 459.3075.6:

6. Authority to manufacture or initially distribute a sealed source or device to specific licensees may be provided in the license without the issuance of a certificate of registration in the following cases:

(a) Calibration and reference sources containing no more than:

(i) 37 MBq (1 mCi), for beta and/or gamma emitting radionuclides; or

(ii) 0.37 MBq (10 μ Ci), for alpha emitting radionuclides; or

(b) The intended recipients are qualified by training and experience and have sufficient facilities and equipment to safely use and handle the requested quantity of radioactive material in any form in the case of unregistered sources or, for registered sealed sources contained in unregistered devices, are qualified by training and

experience and have sufficient facilities and equipment to safely use and handle the requested quantity of radioactive material in unshielded form, as specified in their licenses; and

(i) The intended recipients are licensed under part 33 of this chapter or comparable provisions of an Agreement State; or

(ii) The recipients are authorized for research and development; or

(iii) The sources and devices are to be built to the unique specifications of the particular recipient and contain no more than 740 GBq (20 Ci) of tritium or 7.4 GBq (200 mCi) of any other radionuclide.

30. 10 CFR 32.210(h):

NAC 459.3075.7:

7. After the certificate is issued, the Commission may conduct an additional review as it determines is necessary to ensure compliance with current regulatory standards. In conducting its review, the Commission will complete its evaluation in accordance with criteria specified in this section. The Commission may request such additional information as it considers necessary to conduct its review and the certificate holder shall provide the information as requested.

31. <u>10 CFR 32.211</u>:

NAC 459.3075.8:

NAC 459.3075.8:Sealed source or device containing sealed source intended for use under specific license: Request for evaluation and registration; manufacture and distribution. (NRS 459.201

8. (a).A certificate holder who no longer manufactures or initially transfers any of the sealed source(s) or device(s) covered by a particular certificate issued by the Commission shall request inactivation of the registration certificate. Such a request must be made to the NRC's Office of Federal and State Materials and Environmental Management Programs, ATTN: SSDR by an appropriate method listed in § 30.6(a) of this chapter and must normally be made no later than two years after initial distribution of all of the source(s) or device(s) covered by the certificate has ceased. However, if the certificate holder determines that an initial transfer was in fact the last initial transfer more than two years after that transfer, the certificate holder shall request inactivation of the certificate within 90 days of this determinated in accordance with § 30.36 of this chapter, the licensee shall request inactivation of its registration certificates associated with that distribution license before the Commission will terminate the license. Such a request for inactivation of certificate(s) must indicate that the license is being terminated and include the associated specific license number.

(c) A specific license to manufacture or initially transfer a source or device covered only by an inactivated certificate no longer authorizes the licensee to initially transfer such sources or devices for use. Servicing of devices must be in accordance with any conditions in the certificate, including in the case of an inactive certificate.