

Attachment B
RATS ID 2015-5

NAC 459.3062 Adoption by reference and revision of certain provisions of federal regulations regarding medical use of radioactive material. ([NRS 459.201](#))

1. The provisions of 10 C.F.R. Part 35 are hereby adopted by reference, subject to the following:

(a) 10 C.F.R. §§ 35.8, 35.10(a), 35.11(c), 35.13(a)(1), 35.13(a)(2), 35.13(b)(5), 35.14(a), 35.15(f), 35.57(b)(3), 35.4001 and 35.4002 are not adopted by reference.

(b) Except as otherwise provided in this chapter, the implementation date specified in 10 C.F.R. §§ 35.10(a) and 35.10(d) is November 13, 2006.

(c) Except as otherwise provided in this chapter, the October 24, 2002, date specified in 10 C.F.R. § 35.57(a)(1) shall be deemed to mean November 13, 2006.

(d) Except as otherwise provided in this chapter, the April 29, 2005, date specified in 10 C.F.R. § 35.57(a)(2) shall be deemed to mean April 29, 2008.

(e) Except as otherwise provided in this section, any reference in 10 C.F.R. Part 35 to:

(1) “10 CFR Part 19” or “10 CFR 19” shall be deemed to mean “[NAC 459.780](#) to [459.794](#), inclusive.”

(2) “10 CFR 19.12” or “§ 19.12” shall be deemed to mean “[NAC 459.784](#).”

(3) “10 CFR Part 20” or “10 CFR 20” shall be deemed to mean “[NAC 459.320](#) to [459.374](#), inclusive.”

(4) “10 CFR 20.1101” or “§ 20.1101” shall be deemed to mean “paragraph (a) of subsection 1 of [NAC 459.321](#).”

(5) “10 CFR 20.1301(a)(1)” or “§ 20.1301(a)(1)” shall be deemed to mean “paragraph (a) of subsection 1 of [NAC 459.335](#).”

(6) “10 CFR 20.1301(c)” or “§ 20.1301(c)” shall be deemed to mean “subsection 2 of [NAC 459.335](#).”

(7) “10 CFR 20.1501” or “§ 20.1501” shall be deemed to mean “[NAC 459.337](#).”

(8) “10 CFR Part 30” or “10 CFR 30” shall be deemed to mean “[NAC 459.180](#) to [459.3154](#), inclusive.”

(9) “10 CFR 30.34(b)” or “§ 30.34(b)” shall be deemed to mean “subsection 2 of [NAC 459.198](#).”

(10) “10 CFR 30.6” or “§ 30.6” shall be deemed to mean “[NAC 459.134](#).”

(11) “10 CFR 32.72(b)(4)” or “§ 32.72(b)(4)” shall be deemed to mean “paragraph (c) of subsection 2 of [NAC 459.300](#).”

(12) “10 CFR Part 33” or “10 CFR 33” shall be deemed to mean “[NAC 459.262](#) to [459.274](#), inclusive.”

(13) “10 CFR 33.13” or “§ 33.13” shall be deemed to mean “[NAC 459.268](#).”

(14) “10 CFR Part 170,” “10 CFR 170,” “10 CFR Part 171” or “10 CFR 171” shall be deemed to mean “[NAC 459.310](#).”

(15) “Byproduct material” shall be deemed a reference to “radioactive material.”

(16) “Commission” or “NRC” shall be deemed a reference to “Division.”

(17) “Commission’s regulations,” “federal regulations” or “NRC regulations” shall be deemed a reference to “[NAC 459.010](#) to [459.950](#), inclusive.”

(18) “NRC Form 313” shall be deemed a reference to the application form for a license for “Medical Use of Radioactive Materials” prescribed by the Division and made available on its website.

(19) “NRC license” shall be deemed a reference to “license issued by the Division pursuant to [NAC 459.010](#) to [459.950](#), inclusive.”

(20) “NRC Operations Center,” “NRC Regional Office listed in § 30.6” or “Director, Office of Nuclear Safety and Safeguards” shall be deemed a reference to “the provisions of [NAC 459.134](#) and the contact information described in the State of Nevada Radiological Emergency Response Plan.”

(21) “NRC or an Agreement State,” “Commission or an Agreement State” or “Commission or by an Agreement State” shall be deemed a reference to “Division, Nuclear Regulatory Commission or an agreement state.”

(f) The text of 10 C.F.R. § 35.491(b)(3) shall be deemed to read “Has obtained written attestation, signed by a preceptor authorized user who meets the requirements in § 35.57, § 35.490 or § 35.491 or equivalent requirements of an Agreement State, that the individual has satisfactorily completed the requirements in paragraph (b)(1) and (b)(2) of this section and has achieved a level of competency sufficient to function independently as an authorized user of strontium-90 for ophthalmic use.”

(g) The full text of any sentence that contains a reference to “10 CFR Part 21,” “10 CFR 21,” “10 CFR 30.7,” “§ 30.7,” “10 CFR 30.9,” “§ 30.9,” “10 CFR 30.10” or “§ 30.10” shall be deemed omitted.

2. A copy of the volume containing 10 C.F.R. Part 35 may be obtained by mail from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000, or by toll-free telephone at (866) 512-1800, at a cost of \$67, or free of charge at the Internet address <http://www.gpoaccess.gov/cfr/index.html>.

(Added to NAC by Bd. of Health by R085-06, eff. 11-13-2006; A by R149-07, 1-30-2008; R185-08, 5-7-2010; R144-13, 10-13-2016)

Notices; Instructions and Reports to Employees; Inspections

NAC 459.780 Purpose; applicability. ([NRS 459.201](#)) [NAC 459.780](#) to [459.794](#), inclusive:

1. Establish requirements for notices, instructions and reports by licensees or registrants to persons engaged in work under a license or registration and options

available to those persons in connection with the Division's inspections of licensees or registrants to ascertain compliance with the provisions of [chapter 459](#) of NRS and regulations, orders and licenses issued thereunder regarding radiological working conditions.

2. Apply to all persons who receive, possess, use or transfer sources of radiation licensed by or registered with the Division pursuant to [NAC 459.150](#) to [459.313](#), inclusive.

[Bd. of Health, Radiation Control Reg. § 10.1, eff. 2-28-80] — (NAC A by R149-07, 1-30-2008)

NAC 459.782 Notices to employees. ([NRS 459.201](#))

1. Each licensee or registrant shall post current copies of the following documents:

(a) The provisions of [NAC 459.320](#) to [459.374](#), inclusive, and [459.780](#) to [459.794](#), inclusive;

(b) The license, certificate of registration, conditions or documents incorporated into the license by reference and amendments thereto;

(c) The operating procedures applicable to work under the license or registration; and

(d) Any notice of a violation involving radiological working conditions, any proposed imposition of a civil penalty or an order issued pursuant to [NAC 459.010](#) to [459.142](#), inclusive, and any response from the licensee or registrant.

2. If posting of a document specified in paragraphs (a) to (c), inclusive, of subsection 1 is not practicable, the licensee or registrant shall post a notice which describes the document and states where it may be examined.

3. Form NRC-1, "Notice to Employees," must be posted by each licensee or registrant.

4. Any notices, forms or other documents posted must appear in a sufficient number of places to permit persons engaged in work under the license or registration to observe them on the way to or from any particular work location to which the document applies. The documents must be conspicuous and must be replaced if defaced or altered.

5. Documents to be posted pursuant to paragraph (d) of subsection 1 must be posted within 5 working days after receipt of the documents from the Division. The licensee's or registrant's response, if any, must be posted within 5 working days after dispatch from the licensee or registrant. These documents must remain posted for a minimum of 5 working days or until action correcting the violation has been completed, whichever is later.

[Bd. of Health, Radiation Control Reg. §§ 10.2-10.2.5, eff. 2-28-80] — (NAC A 1-18-94)

NAC 459.784 Instructions to employees. ([NRS 459.201](#))

1. All persons who in the course of employment are likely to receive in 1 year an occupational dose of more than 100 millirems must:

- (a) Be informed of the storage, transfer or use of radioactive material or of radiation;
- (b) Be instructed in the problems of health protection associated with exposure to such radioactive material or radiation;
- (c) Be instructed in precautions or procedures to minimize exposure and in the purposes and functions of the protective devices which are provided;
- (d) Be instructed in and required to comply with the provisions of [NAC 459.010](#) to [459.794](#), inclusive, and licenses which pertain to the protection of personnel from any exposures to radiation or radioactive materials;
- (e) Be informed of their responsibility to report promptly to the licensee or registrant any condition which may cause or lead to a violation of [NAC 459.010](#) to [459.794](#), inclusive, or licenses or any unnecessary exposure to radiation or radioactive material;
- (f) Be instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation or radioactive material; and
- (g) Be advised of the existence of exposure reports to radiation which workers may request pursuant to [NAC 459.786](#).

2. In determining which persons are subject to the requirements of this section, licensees shall consider:

- (a) The assigned activities of the person during normal and abnormal situations involving exposure to radiation or radioactive material that can reasonably be expected to occur during the life of the licensed facility; and
- (b) The potential problems relating to the protection against radiation and radioactive material present in the licensed facility.

[Bd. of Health, Radiation Control Reg. §§ 10.3-10.3.8, eff. 2-28-80] — (NAC A by R084-98, 1-26-99)

NAC 459.786 Reporting of certain information. ([NRS 459.070](#), [459.201](#))

1. Data concerning a person's exposure to radiation and the results of any measurements, analyses and calculations of radioactive material deposited or retained in the body of a person must be reported to him or her, as specified in this section. The information reported must include data and results obtained pursuant to [NAC 459.010](#) to [459.794](#), inclusive, orders or conditions set forth in the license or registration, as shown in records maintained by the licensee or registrant pursuant to those sections. Each notification and report must:

- (a) Be in writing;
- (b) Include the name of the registrant or licensee, the name of the person and his or her social security number;
- (c) Include the information relating to the person's exposure; and
- (d) Contain the following statement:

This report is furnished to you pursuant to [NAC 459.780](#) to [459.794](#), inclusive, adopted by the State Board of Health. You should preserve this report for further reference.

2. Each licensee and registrant shall advise each of its workers annually of their exposure to radiation or radioactive material as shown in records maintained by the licensee or registrant pursuant to [NAC 459.3665](#). An annual report of the exposure in that monitoring year must be provided to each person monitored pursuant to [NAC 459.339](#) if:

(a) The person's occupational dose exceeds 1 mSv (100 mrem) total effective dose equivalent or 1 mSv (100 mrem) to any individual organ or tissue; or

(b) The person requests his or her annual dose report.

3. At the request of a worker formerly engaged in work controlled by the licensee or the registrant, the licensee or registrant shall furnish to the worker a report of his or her exposure to radiation or radioactive material. The report must be furnished within 30 days after the time the request is made or within 30 days after his or her exposure has been determined, whichever is later. The report must cover, within the period specified in the request, each calendar quarter in which the worker's activities involved exposure to radiation from radioactive material licensed by or radiation machines registered with the Division and must include the dates and locations of work under the license or registration in which the worker participated during this period.

4. When a licensee or registrant is required pursuant to [NAC 459.3695](#), [459.371](#) or [459.3715](#) to report to the Division any exposure of a person to radiation or radioactive material, the licensee or registrant shall also provide the person with a report on his or her exposure data. The report to the person must be transmitted to the person before transmittal of the report to the Division.

5. At the request of a worker who is terminating employment with a licensee or registrant in work involving exposure to radiation in a calendar quarter or of a worker who, while employed by another person, is terminating an assignment to work involving exposure to radiation in the licensee's or registrant's facility in a calendar quarter, the licensee or registrant shall provide the worker at the time of the termination a written report specifying the dose of radiation which he or she received from the operations of the licensee or registrant during the calendar quarter or fraction thereof or shall provide him or her a written estimate of that dose if the results of personnel monitoring have not been finally determined and are not available at that time. An estimated dose must be clearly indicated as such.

[Bd. of Health, Radiation Control Reg. §§ 10.4-10.4.5, eff. 2-28-80] — (NAC A 1-18-94; R185-08, 5-7-2010)

NAC 459.788 Inspections: Generally; presence of representatives of licensees, registrants and employees. ([NRS 459.201](#))

1. Each licensee or registrant shall permit the Division, at all reasonable times, an opportunity to inspect materials, machines, activities, facilities, premises and records pursuant to [NAC 459.010](#) to [459.794](#), inclusive.

2. During an inspection, inspectors of the Division may consult privately with workers, as specified in [NAC 459.790](#). The licensee or registrant may accompany the inspectors of the Division during other phases of an inspection.

3. The inspectors of the Division may require a licensee or registrant to energize any machine during the inspection. Except as otherwise provided in this subsection, the machine may be energized by an employee of the licensee or registrant or, if the licensee or registrant consents, by an inspector. An inspector of the Division shall not energize or operate a machine for medical use if a patient is present in the immediate vicinity or in the controlled area as specified in the license or registration.

4. If, at the time of an inspection, a person has been authorized by the workers to represent them during the inspection, the licensee or registrant must notify the inspectors of the authorization and give the workers' representative an opportunity to accompany the inspectors during the inspection of physical working conditions.

5. Each workers' representative must be routinely engaged in work under control of the licensee or registrant and must have received instructions as specified in [NAC 459.784](#).

6. Different representatives of licensees or registrants and workers may accompany the inspectors during different phases of an inspection if there is no resulting interference with the conduct of the inspection, but only one workers' representative at a time may accompany the inspectors.

7. With the approval of the licensee or registrant and the workers' representative, a person who is not routinely engaged in work under control of the licensee or registrant, for example, a consultant to the licensee or registrant or to the workers' representative, may be afforded the opportunity to accompany inspectors of the Division during the inspection of physical working conditions.

8. Notwithstanding the other provisions of this section, inspectors of the Division may refuse to permit accompaniment by any person who deliberately interferes with a fair and orderly inspection. With regard to any area containing proprietary information, the workers' representative for that area must be a person previously authorized by the licensee or registrant to enter that area.

[Bd. of Health, Radiation Control Reg. §§ 10.5-10.5.7, eff. 2-28-80] — (NAC A by R144-13, 10-13-2016)

NAC 459.790 Inspections: Consultation with employees. ([NRS 459.201](#))

1. The inspectors of the Division may consult privately with workers on matters related to their protection from occupational radiation and matters related to applicable provisions of [NAC 459.010](#) to [459.794](#), inclusive, to the extent that the inspectors deem necessary for the conduct of an effective and thorough inspection.

2. During the course of an inspection, any worker may bring privately to the attention of the inspectors, either orally or in writing, any past or present condition which the worker has reason to believe may have contributed to or caused any violation of [chapter 459](#) of NRS, [NAC 459.010](#) to [459.794](#), inclusive, or license condition, or any unnecessary exposure of a person to radiation from licensed radioactive material or a registered radiation machine under the licensee's or registrant's control. Any such notice in writing must comply with the requirements of subsection 1 of [NAC 459.792](#).

3. Subsection 2 is not an authorization to disregard instructions in [NAC 459.784](#).
[Bd. of Health, Radiation Control Reg. §§ 10.6-10.6.3, eff. 2-28-80]

NAC 459.792 Inspections: Requests by employees. ([NRS 459.201](#))

1. Any worker or representative of workers who believes that a violation of [chapter 459](#) of NRS, [NAC 459.010](#) to [459.794](#), inclusive, or license conditions exists or has occurred in work under a license or a registration with regard to radiological working conditions in which the worker is engaged, may request an inspection by giving notice of the alleged violation to the Division. Any such notice must be in writing, set forth the specific grounds for the notice, and must be signed by the worker or representative of the workers. A copy must be given to the licensee or registrant by the Division no later than at the time of inspection except that, upon the request of the worker giving the notice, his or her name and the name of the persons referred to therein must not be disclosed in any copy or on any record published, released or made available by the Division, except for good cause shown.

2. If, upon receipt of the notice, the Division determines that the complaint meets the requirements in subsection 1, and that there is a reasonable ground to believe that the alleged violation exists or has occurred, the Division shall cause an inspection to be made as soon as practicable, to determine whether the alleged violation exists or has occurred. Inspections pursuant to this section need not be limited to matters referred to in the complaint.

3. No licensee or registrant may discharge or in any manner discriminate against any worker because the worker has filed any complaint, instituted or caused to be instituted any proceeding under [NAC 459.010](#) to [459.794](#), inclusive, or has testified or is about to testify in any such proceeding or because the worker, on behalf of himself or herself or others, has exercised any option afforded by [NAC 459.780](#) to [459.794](#), inclusive.

[Bd. of Health, Radiation Control Reg. §§ 10.7-10.7.3, eff. 2-28-80]

NAC 459.794 Inspections: Informal review. ([NRS 459.201](#))

1. If the Division determines, with respect to the complaint under [NAC 459.792](#), that an inspection is not warranted because there are no reasonable grounds to believe that a violation exists or has occurred, the Division must notify the complainant in writing of that determination.

2. The complainant may obtain a review of the determination by submitting a written statement of his or her position with the Chief Medical Officer, who shall provide the licensee or registrant with a copy of the statement by certified mail, excluding, at the request of the complainant, the name of the complainant. The licensee or registrant may submit an opposing written statement of position with the Chief Medical Officer, who shall provide the complainant with a copy of the statement by certified mail. Upon request of the complainant, the Chief Medical Officer may hold an informal conference, pursuant to subsection 2 of [NAC 459.136](#), in which the complainant and licensee or registrant, may orally present their views. An informal conference may also be held at the request of the licensee or registrant, but disclosure of the identity of the complainant may be made only following receipt of his or her written authorization. After considering all written or oral views presented, the Chief Medical Officer shall affirm, modify or reverse the determination of the Division and furnish the complainant and the licensee or registrant a written notification of the decision and the reason therefore.

3. The informal conference cannot be appealed and is the final remedy available to the complainant or the licensee or registrant pursuant to subsection 3 of [NAC 459.136](#).

4. If the Division determines that an inspection is not warranted because the requirements of subsection 1 of [NAC 459.792](#) have not been met, the Division shall notify the complainant in writing of that determination. Such a determination is without prejudice to the filing of a new complaint meeting the requirements of that subsection.

[Bd. of Health, Radiation Control Reg. §§ 10.8-10.8.4, eff. 2-28-80] — (NAC A 10-30-97)