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PDR STPRG

**459.8025 "Disposal area" defined.** "Disposal area" means the land which is used for the disposal of waste, consisting of disposal units and a buffer zone.

(Added to NAC by Bd. of Health, eff. 4-27-84)

**459.803 "Disposal unit" defined.** "Disposal unit" means a discrete portion of a disposal area into which waste is placed for disposal. For disposal near the surface, the unit is usually a trench.

(Added to NAC by Bd. of Health, eff. 4-27-84)

**459.8035 "Explosive material" defined.** "Explosive material" means any chemical compound, mixture or device which produces a substantial instantaneous release of gas and heat spontaneously or by contact with sparks or flame.

(Added to NAC by Bd. of Health, eff. 4-27-84)

**459.804 "Hydrogeological unit" defined.** "Hydrogeological unit" means a unit or zone of soil or rock which by virtue of its porosity or permeability, or lack thereof, has a distinct influence on the storage or movement of ground water.

(Added to NAC by Bd. of Health, eff. 4-27-84)

**459.8045 "Inadvertent intruder" defined.** "Inadvertent intruder" means a person who occupies a disposal area after its closure and engages in normal activities, such as agriculture or the construction of a dwelling, in which he may unknowingly be exposed to radiation from the waste.

(Added to NAC by Bd. of Health, eff. 4-27-84)

**459.805 "Near the surface" defined.** "Near the surface" means within the upper 100 feet (approximately 30 meters) of the earth's surface.

(Added to NAC by Bd. of Health, eff. 4-27-84)

**459.8055 "Waste" defined.** "Waste" has the meaning ascribed to it in subsection G of Article 2 of the Rocky Mountain Low-level Radioactive Waste Compact in NRS 459.007.

(Added to NAC by Bd. of Health, eff. 4-27-84)

#### Licenses for Disposal in Soil of Radioactive Wastes

**459.806 Scope.** NAC 459.806 to 459.8225, inclusive:

1. Establish the procedures, criteria, terms and conditions upon which the division will issue licenses for the disposal in soil of radioactive wastes received from other persons.

2. Do not apply to the disposal of licensed material as provided in NAC 459.3355 and 459.359 to 459.3615, inclusive.

(Added to NAC by Bd. of Health, eff. 4-27-84; A 1-18-94)

**459.8065 General requirements for license.** A person who desires to apply for a license to locate, design, construct and operate in this state an area for the disposal in soil of wastes that are received from others and contain or are contaminated with radioactive material must:

1. Comply with the requirements for a specific license set forth in NAC 459.236; and

**HAZARDOUS MATERIALS**

459.007

B. It is the purpose of the party states, by entering into an interstate compact, to establish the means for cooperative effort in managing low-level radioactive waste; to ensure the availability and economic viability of sufficient facilities for the proper and efficient management of low-level radioactive waste generated within the region while preventing unnecessary and uneconomic proliferation of such facilities; to encourage reduction of the volume of low-level radioactive waste requiring disposal within the region; to restrict management within the region of low-level radioactive waste generated outside the region; to distribute the costs, benefits and obligations of low-level radioactive waste management equitably among the party states; and by these means to promote the health, safety and welfare of the residents within the region.

**ARTICLE 2****DEFINITIONS**

As used in this compact, unless the context clearly indicates otherwise:

- A. "Board" means the Rocky Mountain low-level radioactive waste board;
- B. "Carrier" means a person who transports low-level waste;
- C. "Disposal" means the incineration of waste from the biosphere, with no intention of retrieval, such as by land burial;
- D. "Facility" means any property, equipment or structure used or to be used for the management of low-level waste;
- E. "Generator" means a person who produces low-level waste;
- F. "Host state" means a party state in which a regional facility is located or being developed;
- G. "Low-level waste" or "waste" means radioactive waste, other than:
  - (1) Waste generated as a result of defense activities of the Federal Government or federal research and development activities;
  - (2) High-level waste such as irradiated reactor fuel, liquid waste from reprocessing irradiated reactor fuel, or solids into which any such liquid waste has been converted;
  - (3) Waste material containing transuranic elements with contamination levels greater than 10 nanocuries per gram of waste material;
  - (4) By-product material as defined in section 11 e. (2) of the Atomic Energy Act of 1954, as amended on November 8, 1978; or
  - (5) Wastes from mining, milling, smelting, or similar processing of ores and mineral-bearing material primarily for minerals other than radium;
- H. "Management" means collection, consolidation, storage, treatment, incineration or disposal;
- I. "Operator" means a person who operates a regional facility;
- J. "Person" means an individual, corporation, partnership or other legal entity, whether public or private;
- K. "Region" means the combined geographical area within the boundaries of the party states; and
- L. "Regional facility" means a facility within any party state which either:
  - (1) Has been approved as a regional facility by the board; or
  - (2) Is the low-level waste facility in existence on January 1, 1982, at Beatty, Nevada.

of the division and furnish the complainant and the licensee or registrant a written notification of the decision and the reason therefore.

3. If the informal conference does not result in resolution of the problem, formal consideration by the state board of health may be requested by the complainant or the licensee or registrant pursuant to subsection 3 of NAC 459.136. The board shall affirm, modify or reverse the determination of the division and furnish the complainant and the licensee or registrant a written notification of its decision and the reason for it.

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]

## DISPOSAL OF RADIOACTIVE MATERIAL

### General Provisions

**459.800 Definitions.** As used in NAC 459.800 to 459.950, inclusive, unless the context otherwise requires, the words and terms defined in NAC 459.8005 to 459.8055, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Bd. of Health, eff. 4-27-84; A 4-24-86; 6-23-86; 2-18-88)

**459.8005 "Active maintenance" defined.** "Active maintenance" means any significant activity needed during the period of control after closure of the disposal area to ensure reasonable protection against inadvertent intruders and the migration of radionuclides, including activities such as the pumping and treatment of water from a disposal unit or replacement of the cover of a disposal unit. The term does not include continuing custodial activities such as the repair of fencing, repair or replacement of equipment for detecting radiation, revegetation, minor additions to the depth of soil covering a disposal unit and general upkeep such as mowing grass.

(Added to NAC by Bd. of Health, eff. 4-27-84)

**459.801 "Buffer zone" defined.** "Buffer zone" means a portion of the disposal area which is controlled by the licensee and lies under the disposal units or between the disposal units and the boundary of the disposal area.

(Added to NAC by Bd. of Health, eff. 4-27-84)

**459.8015 "Chelating agent" defined.** "Chelating agent" means amine polycarboxylic acids, hydroxycarboxylic acids and polycarboxylic acids.

(Added to NAC by Bd. of Health, eff. 4-27-84)

**459.802 "Disposal" defined.** "Disposal" means the isolation of radioactive wastes from the biospheres inhabited by man and the plants and animals on which he feeds, directly or indirectly, by emplacement in a disposal area on land.

(Added to NAC by Bd. of Health, eff. 4-27-84)

459.0097

**HAZARDOUS MATERIALS**

(b) Except as otherwise provided in NRS 284.143, shall devote their full time to the business of the agency and not engage in any other gainful employment or occupation.

(Added to NRS by 1985, 2305; A 1995, 2315)

**NRS 459.0097 Duties of administrator of division of technical programs.** The administrator of the division of technical programs shall:

1. Evaluate the:
  - (a) Potential effects of radioactive waste upon the physical environment;
  - (b) Potential health hazards from the disposal of radioactive waste; and
  - (c) Design of and engineering techniques involved in a facility for the disposal of radioactive waste.
2. Assure the quality of techniques and procedures used in research involving radioactive waste and of any information developed as a result of the research.
3. Analyze the geological and technical information which would affect the feasibility and safety of locating a facility for the disposal of radioactive waste in this state.
4. Perform any other duties assigned to him by the executive director.

(Added to NRS by 1985, 2305)

**NRS 459.0098 Duties of administrator of division of planning.** The administrator of the division of planning shall:

1. Coordinate activities between the agency, political subdivisions of the state and affected state agencies.
2. Disseminate information to the state, interested political subdivisions of the state or any agency of either and members of the public regarding radioactive waste.
3. Study the effects of a facility for the disposal of radioactive waste upon transportation and social and economic conditions in this state.
4. Assess the means of mitigating the adverse effects of a facility for the disposal of radioactive waste.
5. Perform any other duties assigned to him by the executive director.

(Added to NRS by 1985, 2305)

**STATE CONTROL OF RADIATION****GENERAL PROVISIONS**

WEST PUBLISHING CO.  
Health and Environment 25.5(7).

WESTLAW Topic No. 199.  
C.J.S. Health and Environment §§ 91 et seq.,  
106 et seq., 129 et seq.

**NRS 459.010 Definitions.** As used in NRS 459.010 to 459.290, inclusive, unless the context requires otherwise:

1. "By-product material" means:
  - (a) 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; and
  - (b) The tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore which is processed primarily for the extraction of the uranium or thorium.

- (a) A written directive for the administration; or
  - (b) A daily entry of the administered dosage or dose in the appropriate record;
  - 2. A dosage greater than 30 microcuries of sodium iodide containing iodine-125 or iodine-131, if:
    - (a) The administered dosage differs from the prescribed dosage by more than 10 percent of the prescribed dosage; and
    - (b) The difference between the administered dosage and the prescribed dosage is more than 15 microcuries;
  - 3. A therapeutic dosage of a radiopharmaceutical other than sodium iodide containing iodine-131, if the administered dosage differs from the prescribed dosage by more than 10 percent of the prescribed dosage;
  - 4. A dose of radiation during teletherapy, if the calculated weekly administered dose exceeds the weekly prescribed dose by 15 percent or more of the weekly prescribed dose; or
  - 5. A dose of radiation during brachytherapy, if the calculated administered dose differs from the prescribed dose by more than 10 percent of the prescribed dose.
- (Added to NAC by Bd. of Health, eff. 7-7-94; A 11-1-95)

**459.079 "Reference man" defined.** "Reference man" means a hypothetical aggregation of human physical and physiological characteristics established by international standards approved by the board and used by researchers and public health workers to standardize the results of experiments and to relate biological effects to a common base.

(Added to NAC by Bd. of Health, eff. 1-18-94)

**459.080 "Registrant" defined.** "Registrant" means any person who is registered with the division and who is legally obligated to register with the division pursuant to NAC 459.010 to 459.950, inclusive, and chapter 459 of NRS.

[Bd. of Health, Radiation Control Reg. § 1.2.32, eff. 2-28-80]

**459.082 "Registration" defined.** "Registration" means registration with the division in accordance with the provisions of NAC 459.010 to 459.950, inclusive, and chapter 459 of NRS.

[Bd. of Health, Radiation Control Reg. § 1.2.33, eff. 2-28-80]

**459.084 "Regulations of the Department of Transportation" defined.** "Regulations of the Department of Transportation" means the regulations in 49 C.F.R. Parts 171 to 177, inclusive.

[Bd. of Health, Radiation Control Reg. § 1.2.34, eff. 2-28-80]—(NAC A 9-6-88)

**459.085 "Released for unrestricted use" defined.** "Released for unrestricted use" means:

1. When applied to restricted areas on land or in facilities such as buildings, that all radioactive materials have been removed until the only radiation remaining is background radiation, and that after the division has given its approval, the area is no longer restricted; or
2. When applied to equipment such as tools or vehicles in a restricted area, that all radioactive material has been removed from the equipment, so that the equipment may be released from the restricted area.

(Added to NAC by Bd. of Health, eff. 11-1-95)

**459.086 "Rem" defined.** "Rem" means the special unit of any of the quantities expressed as a dose equivalent that is equal to the absorbed dose in rads multiplied by the quality factor.

[Bd. of Health, Radiation Control Reg. § 1.2.35, eff. 2-28-80]—(NAC A 9-6-88; 1-18-94)

**459.088 "Research and development" defined.** "Research and development" means:

1. Theoretical analysis, exploration or experimentation; or