

September 22, 2005

Ms. Karen Beckley, Supervisor  
Radiological Health Section  
Bureau of Health Protection Services  
Nevada State Health Division  
1179 Fairview Drive, Suite 102  
Carson City, NV 87901-5405

Dear Ms. Beckley:

This correspondence addresses the Nuclear Regulatory Commission's (NRC's) review of the final revisions to the Nevada Administrative Code Chapter 459 (Radiological Health Rules) officially adopted on May 30, 2003. As noted in the All Agreement State letter, dated February 18, 2005 ([STP-05-015](#)), NRC staff is conducting a re-review of all final and proposed regulations for the "Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material (RATS ID 2001-1). Based on our re-review of your May 20, 2003 submission and our December 23, 2003 letter to you, we have discovered two errors in the States Regulation Status (SRS) Data Sheet attached to the December 23, 2003 letter. The May 19, 2005 letter to you corrected the SRS Data Sheet error associated with RATS 2001-1.

We have revised the SRS Data Sheet to indicate that NRC has not reviewed "New Dosimetry Technology (RATS 2000-2) amendment. The revised SRS Data Sheet is posted on the STP website: [http://www.hsrdo.nrc.gov/nrc/special/regs/NV\\_SRSchart.pdf](http://www.hsrdo.nrc.gov/nrc/special/regs/NV_SRSchart.pdf)

If you have any questions regarding the comments, the compatibility and health categories, or the NRC regulation used in this review, please contact me or Jenny Tobin at (301)415-2328 or [jct1@nrc.gov](mailto:jct1@nrc.gov).

Sincerely,

***IRA By K.N.Schneider For***

Dennis Rathbun, Deputy Director  
Office of State and Tribal Programs

Enclosures:  
As Stated

September 22, 2005

Ms. Karen Beckley, Supervisor  
Radiological Health Section  
Bureau of Health Protection Services  
Nevada State Health Division  
1179 Fairview Drive, Suite 102  
Carson City, NV 87901-5405

Dear Ms. Beckley:

This correspondence addresses the Nuclear Regulatory Commission's (NRC's) review of the final revisions to the Nevada Administrative Code Chapter 459 (Radiological Health Rules) officially adopted on May 30, 2003. As noted in the All Agreement State letter, dated February 18, 2005 (STP-05-015), NRC staff is conducting a re-review of all final and proposed regulations for the "Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material (RATS ID 2001-1). Based on our re-review of your May 20, 2003 submission and our December 23, 2003 letter to you, we have discovered two errors in the States Regulation Status (SRS) Data Sheet attached to the December 23, 2003 letter. The May 19, 2005 letter to you corrected the SRS Data Sheet error associated with RATS 2001-1.

We have revised the SRS Data Sheet to indicate that NRC has not reviewed "New Dosimetry Technology (RATS 2000-2) amendment. The revised SRS Data Sheet is posted on the STP website: [http://www.hsrdoernl.gov/nrc/special/regs/NV\\_SRSchart.pdf](http://www.hsrdoernl.gov/nrc/special/regs/NV_SRSchart.pdf)

If you have any questions regarding the comments, the compatibility and health categories, or the NRC regulation used in this review, please contact me or Jenny Tobin at (301)415-2328 or [jct1@nrc.gov](mailto:jct1@nrc.gov).

Sincerely,

***IRA By K.N.Schneider For***

Dennis Rathbun, Deputy Director  
Office of State and Tribal Programs

Enclosures: As Stated

Distribution: DCD (SP08)  
Nevada File  
JZabko, ASPO  
LMcLean, RSAO

**SISP Review Complete**

- Publicly Available       Non-Publicly Available
- Non-Sensitive           Sensitive

**DOCUMENT NAME: C:\NRC\Regs\NVGLrule.wpd**

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	STP		STP:DD	
NAME	JTobin		DKRathbun	
DATE	09/22/05*		09/22/05*	

ML052650370

OFFICIAL RECORD COPY

**STATE REGULATION STATUS**

State: Nevada

Date: September 22, 2005

NRC Chronology Identification	FR Notice (Date Due For State Implementation)	RATS ID	Proposed (P) / Final (F) <sup>1</sup> Rule / ML # <sup>5</sup>	NRC Review / Y, N <sup>2</sup> / Date / ML # <sup>5</sup>	Final State Regulation <sup>1</sup> (Effective Date)
Safety Requirements for Radiographic Equipment-Part 34	55 FR 843; (1/10/94)	1991-1	F	N 9/21/94	12/8/93
ASNT Certification of Radiographers-Part 34	56 FR 11504; (none)	1991-2			Not required <sup>3</sup>
Standards for Protection Against Radiation-Part 20	56 FR 23360; 56 FR 61352; 57 FR 38588; 57 FR 57877; 58 FR 67657; 59 FR 41641; 60 FR 20183; (1/1/94)	1991-3	F	N 12/15/97	12/8/93
Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980; (10/15/94)	1991-4	F	N 9/21/94	12/8/93
Quality Management Program and Misadministrations-Part 35	56 FR 34104; (1/27/95)	1992-1			
Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions-Parts 30,35	57 FR 45566; (none)	1992-2			Not required <sup>3</sup>
Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]-Parts 30, 40	58 FR 39628; (10/25/96)	1993-1	F ML050960361	Y 5/19/05 ML051390275	
Licensing and Radiation Safety Requirements for Irradiators-Part 36	58 FR 7715; (7/1/96)	1993-2			Not applicable SECY-95-112 <sup>4</sup>
Definition of Land Disposal and Waste Site QA Program-Part 61	58 FR 33886; (7/22/96)	1993-3			Not applicable SECY-95-112 <sup>4</sup>
Self-Guarantee as an Additional Financial Mechanism-Parts 30, 40, 70	58 FR 68726; 59 FR 1618 (none)	1994-1			Not required <sup>3</sup>
Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards-Part 40	59 FR 28220; (7/1/97)	1994-2			Not applicable SECY-95-112 <sup>4</sup>
Timeliness in Decommissioning Material Facilities-Parts 30, 40, 70	59 FR 36026; (8/15/97)	1994-3	F ML050960361	N 5/19/05 ML051390275	
Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use-Parts 30, 32, 35	59 FR 61767; 59 FR 65243 60 FR 322; (1/1/98)	1995-1	P	Y 3/10/99	1/99

NRC Chronology Identification	FR Notice (Date Due For State Implementation)	RATS ID	Proposed (P) / Final (F) <sup>1</sup> Rule / ML # <sup>5</sup>	NRC Review / Y, N <sup>2</sup> / Date / ML # <sup>5</sup>	Final State Regulation <sup>1</sup> (Effective Date)
Frequency of Medical Examinations for Use of Respiratory Protection Equipment-Part 20	60 FR 7900; (3/13/98)	1995-2	P	N 3/10/99	1/99
Low-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61	60 FR 15649; 60 FR 25983 (3/1/98)	1995-3	P	Y 3/10/99	1/99
Performance Requirements for Radiography Equipment-Part 34	60 FR 28323; (6/30/98)	1995-4	P	N 3/10/99	1/99
Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20	60 FR 36038; (8/14/98)	1995-5	P	N 3/10/99	1/99
Clarification of Decommissioning Funding Requirements-Parts 30, 40, 70	60 FR 38235; (11/24/98)	1995-6	P	N 3/10/99	1/99
Medical Administration of Radiation and Radioactive Materials-Parts 20, 35	60 FR 48623; (10/20/98)	1995-7	P	Y 3/10/99	1/99
10 CFR Part 71: Compatibility with the International Atomic Energy Agency-Part 71	60 FR 50248; 61 FR 28723 (4/1/99)	1996-1	P	Y 3/10/99	1/99
One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses-Parts 30, 40, 70	61 FR 1109; (none)	1996-2			Not required <sup>3</sup>
Termination or Transfer of Licensed Activities: Recordkeeping Requirements-Parts 20, 30, 40, 61, 70	61 FR 24669; (6/17/99)	1996-3	F ML033210100	N 12/23/03 ML033580078	
Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act-Part 20	61 FR 65120; (1/9/00)	1997-1	F ML050960361	N 5/19/05 ML051390275	
Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State-Part 150	62 FR 1662; (2/27/00)	1997-2	F ML033210100	N 12/23/03 ML033580078	
Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35	62 FR 4120; (5/29/00)	1997-3	F ML033210100	N 12/23/03 ML033580078	
Fissile Material Shipments and Exemptions-Part 71	62 FR 5907; (none)	1997-4			Not required <sup>3</sup>
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations-Parts 30, 34, 71, 150	62 FR 28948; (6/27/00)	1997-5	F ML033210100	N 12/23/03 ML033580078	

<b>NRC Chronology Identification</b>	<b>FR Notice (Date Due For State Implementation)</b>	<b>RATS ID</b>	<b>Proposed (P) / Final (F)<sup>1</sup> Rule / ML #<sup>5</sup></b>	<b>NRC Review / Y, N<sup>2</sup> / Date / ML #<sup>5</sup></b>	<b>Final State Regulation<sup>1</sup> (Effective Date)</b>
Radiological Criteria for License Termination-Parts 20, 30, 40, 70	62 FR 39058; (8/20/00)	1997-6	F ML033210100	N 12/23/03 ML033580078	
Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea-Part 30	62 FR 63634; (1/02/01)	1997-7	F ML033210100	N 12/23/03 ML033580078	
Deliberate Misconduct by Unlicensed Persons-Parts 30, 40, 61, 70, 71, 150	63 FR 1890; 63 FR 13773 (2/12/01)	1998-1	F ML033210100	N 12/23/03 ML033580078	
Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees- Parts 30, 40, 70	63 FR 29535; (none)	1998-2			Not required <sup>9</sup>
License Term for Medical Use Licenses-Part 35	63 FR 31604; (none)	1998-3			Not required <sup>9</sup>
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations-Part 34	63 FR 37059; (7/9/01)	1998-4	F ML033210100	N 12/23/03 ML033580078	
Minor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20, 35, 36	63 FR 39477; 63 FR 45393 (10/26/01)	1998-5	F ML033210100	N 12/23/03 ML033580078	
Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20	63 FR 50127; (11/20/01)	1998-6	F ML031970217	N 07/30/03 ML032120269	License Condition
Radiological Criteria for License Termination of Uranium Recovery Facilities-Part 40	64 FR 17506; (6/11/02)	1999-1			
Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information-Part 31	64 FR 42269; (none)	1999-2			Not required <sup>9</sup>
Respiratory Protection and Controls to Restrict Internal Exposure-Part 20	64 FR 54543; 64 FR 55525 (2/2/03)	1999-3	F ML031970217	N 07/30/03 ML032120269	License Condition
Energy Compensation Sources for Well Logging and Other Regulatory Clarifications-Part 39	65 FR 20337; (5/17/03)	2000-1	F ML031970217	N 07/30/03 ML032120269	License Condition
New Dosimetry Technology-Parts 34, 36, 39	65 FR 63749; (1/8/04)	2000-2	P ML033210100	Y 12/23/03 ML033580078	
Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material - Parts 30, 31, 32	65 FR 79162; (2/16/04)	2001-1			

NRC Chronology Identification	FR Notice (Date Due For State Implementation)	RATS ID	Proposed (P) / Final (F) <sup>1</sup> Rule / ML # <sup>5</sup>	NRC Review / Y, N <sup>2</sup> / Date / ML # <sup>5</sup>	Final State Regulation <sup>1</sup> (Effective Date)
Revision of the Skin Dose Limit -Part 20	67 FR 16298; (4/5/05)	2002-1			
Medical Use of Byproduct Material-Parts 20, 32, and 35	67 FR 20249; (4/24/05)	2002-2			
Financial Assurance for Materials Licensees – Parts 30, 40, 70	68 FR 57327; (12/3/06)	2003-1			
Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments – Part 71.	69 FR 3697; (10/01/07)	2004-1			
Security Requirements for Portable Gauges Containing Byproduct Material - Part 30	70 FR 2001; (7/11/08)	2005-1			
Medical Use of Byproduct Material - Recognition of Specialty Boards - Part 35	70 FR 16336; (4/29/08)	2005-2			

1. Or other generic Legally Binding Requirements.
2. (Y/N) Y means “Yes,” there are comments in the review letter that the State needs to address. N means “No,” there are no comments in the review letter.
3. Not required means these regulations are not required for purposes of compatibility.
4. A State need not adopt a specific regulation if the State has no licensees that would be subject to that regulation. See: “Final Policy Statement on Adequacy and Compatibility of Agreement State Programs,” III.1. Time Frame for Adoption of Compatible State Regulations, p. 6, SECY-95-112, May 3, 1995.
5. ADAMS ML Number