

DIVISION OF PUBLIC & BEHAVIORAL HEALTH
Bureau of Preparedness, Assurance, Inspections and Statistics
Radiation Control Program
LCB File No. R144-13RP4

Informational Statement per NRS 233B.066

1. The proposed regulations amend and modify existing language to make regulations more clear, current and compatible with the intent and scope of the Radiation Control Program (RCP). Introduction of new language which aids the RCP to carry out its regulatory role more effectively. Present regulations that need to be adopted, as soon as possible, in order to maintain compliance with the requirements of the U.S Nuclear Regulatory Commission (NRC). Repeals redundant and/or outdated regulations.
2. Per NRS 233B.0608 (3), A Small Business Impact Questionnaire was mailed to all Radiation Control Program licensees and registrants in October, 2015. Negative comments revealed there was a perceived increase in Radiation Producing Machine (RPM) registration fees. The proposed regulations do not increase RPM registration fees, as it was determined from analysis of the comments that respondents miss-read proposed regulations. Respondents were contacted to correct the perceived impact. Negative comments also revealed a perception of new regulation requiring a Radiation Safety Officer for RPM registrants. Comments revealed respondents miss-read proposed regulation which clarifies training and education of Radiation Safety Officers for specific licenses not RPM registrants. Respondents were contacted to correct the perceived impact. Copies may be obtained in person, by mail, or by calling the Radiation Control Program at (775) 687-7550 in Carson City or at:

http://dpbh.nv.gov/Reg/RPM/Radiation_Producing_Machines_-_Home/
[http://dpbh.nv.gov/Reg/RAM/Radioactive_Material_Program_\(RAM\)__-_Home/](http://dpbh.nv.gov/Reg/RAM/Radioactive_Material_Program_(RAM)__-_Home/)

3. A public workshop was conducted Tuesday, January 12, 2016, via videoconference, in Carson City at Division of Public and Behavioral Health, 4150 Technology Way, Room 303, Carson City, Nevada, 89706 and Division of Health Care Financing and Policy, 1210 S. Valley View, Suite 104, Las Vegas, Nevada, 89102. Approximately 40 members of the regulated public participated in the public workshop. Approximately 8 of the 40 gave testimony opposing the new language regarding Enforcement in section 11 part 3 of the proposed regulation. Summation of comments, from testimony and/or written statements were as follows taken from the public workshop minutes:
 1. Section 11 part 3 is potentially harmful to business because of the \$2000.00/day fine for violations.
 2. Adopting enforcement regulations from Mammography and applying to Nuclear Medicine may be vague and inconsistent in regards to the inspection and enforcement process.
 3. Suggested language to section 11 part 3, if the violation is corrected within 30 days or immediately if the violation is repeated no fine.

Other public comments at the public workshop had already been addressed in the current proposed regulations.

David Addington
(702) 328-7291
2870 S Maryland Pkwy # 150
(702) 735-5075
daddington@medsmartinc.com
MedSmart Inc.

Troy Curnutt
(702)750-1367
1090 EAST DESERT INN RD STE 102
(702)750-1367
nukemdude@gmail.com
Advanced Isotopes of Nevada

John Wega (testified, did not sign-in)
Kindred Hospital
Carl Collier (testified, did not sign-in)
Cardinal Health
Jeremy Cope (testified, did not sign-in)
Centennial Hospital

John Garcia, RSO
(702) 574-7460
1151 S. HWY 160
(775) 727-9003
ASISISLV@aol.com
Healthcare partners of Nevada

Stephen Sweet, Imaging Director
(775) 770-3171
235 W. 6th, Reno, NV
ssweet@primehealth.com
Saint Mary's Regional Healthcare

A public hearing was held, in conjunction with the Board of Health, March 11, 2016, via videoconference, in Carson City at Division of Public and Behavioral Health, 4150 Technology Way, Room 303, Carson City, Nevada, Division of Public and Behavior Health, Rawson Neal Training Room, 1650 Community College Drive, Las Vegas, Nevada and Division of Aging and Disability Services Early Intervention Services, Suite 102, Elko, Nevada. Approximately, 11 members of the regulated public were present at the public hearing. There was no public comment or testimony opposing the proposed regulations. The Board of Health had no comment and voted to pass the proposed regulation package.

4. The Radiation Control Program did publish a proposed amendment to Section 11 of the proposed regulations addressing the concerns of the public workshop attendees. An informational bulletin was released January 29, 2016, through the RCP Listserv containing the proposed amendment to Section 11. Summations of public comment were provided at the March 11, 2016, public hearing, Board of Health meeting. An errata sheet is attached with this information statement explaining the amendment to the section. Copies may be obtained in person, by mail, or by calling the Radiation Control Program at (775) 687-7550 in Carson City or at:

http://dpbh.nv.gov/Reg/RPM/Radiation_Producing_Machines_-_Home/
[http://dpbh.nv.gov/Reg/RAM/Radioactive_Material_Program_\(RAM\)_-_Home/](http://dpbh.nv.gov/Reg/RAM/Radioactive_Material_Program_(RAM)_-_Home/)

5. Based upon the feedback from the workshop, the Radiation Control Program did publish a proposed amendment to Section 11 of the proposed regulations addressing the concerns of the public workshop attendees. An informational bulletin was released January 29, 2016, through the RCP Listserv containing the proposed amendment to Section 11. Comments received back from the regulated community were positive and supportive of the amendment. An errata sheet is attached explaining the amendment to the section.

6. Anticipated effects on the business which NAC 457 & 459 regulates:

- A. *Adverse effects*: May have a negative economic impact on Licensees, registrants and stakeholders that have deficient practices that lead to an administrative sanction.
- B. *Beneficial*: Clearly defines what is expected of the regulated community. Protects the public from unnecessary exposure to harmful ionizing radiation. Involves no new cost or fee. Amend and modify existing language to make regulations more clear, current and compatible with the intent and scope of the Radiation Control Program.
- C. *Immediate*: The stated adverse and beneficial effects would be immediate impacts as soon as the proposed regulations become effective.
- D. *Long-term*: The long term impacts would be the same as the immediate impacts as it would not be expected that the impacts would go away.

Anticipated effects on the public:

- A. *Adverse*: None anticipated.
- B. *Beneficial*: Increased public health and safety.
- C. *Immediate*: Increased public health and safety.
- D. *Long-term*: Increased public health and safety.

- 7. There is no estimated cost to the Division of Public and Behavioral Health for enforcement of the proposed regulations. Enforcement of the proposed regulations will be incorporated into current administrative, registration, licensing and inspection processes.
- 8. The proposed regulations do not overlap or duplicate any other State of Nevada regulations.
- 9. The proposed regulations are not more stringent than federal regulation. Adoption of the proposed regulations ensures compatibility with certain NRC Regulations Title 10, Code of Federal Regulations.
- 10. The amendments do not increase any existing fees. The amendments do expand the radioactive material license fee structure for certain specific licenses (Veterinary) to provide for a reduction in fees.

DIVISION OF PUBLIC & BEHAVIORAL HEALTH
Bureau of Preparedness, Assurance, Inspections and Statistics
Radiation Control Program
LCB File No. R144-13RP4

Attachment 1

1. Supplement to the Information Statement Item No. 2 [NRS233B.066 (1)(b)]
 - a. A Public Workshop was conducted Tuesday, January 12, 2016, via videoconference, in Carson City at Division of Public and Behavioral Health, 4150 Technology Way, Room 303, Carson City, Nevada, 89706 and Division of Health Care Financing and Policy, 1210 S. Valley View, Suite 104, Las Vegas, Nevada, 89102. At least 15 days prior to the Workshop, the general/unregulated public and regulated community (jointly referred to as the public) were notified via posting on the Legislative Council Bureau website, Nevada State Library & Archives, Public Libraries, Division of Public and Behavioral Health website, and the Radiation Control Program Listserv. The documents posted were the proposed regulations, a Small Business Impact Questionnaire, the Small Business Impact Statement, Notice of Public Workshop and suggested amendments to the proposed regulations. All comments received as a result of the public workshop were addressed and provided to the public via the methods list above. No subsequent negative comments were received.
2. Supplement to the Small Business Impact Statement [NRS233B.0608]
 - a. This verbiage is provided in the Informational Statement to address NRS 233B.066, and is provided here to augment the data in item 1) and clarify item 3) of the Small Business Impact Statement.
 - i. *Adverse effects*: May have a negative economic impact on licensees, registrants and stakeholders which have deficient practices that lead to an administrative sanction.
 - ii. *Beneficial effects*: Clearly defines what is expected of the regulated community. Involves no new cost or fee. Amend and modify existing language to make regulations more clear, current and compatible with the intent and scope of the Radiation Control Program.
 - iii. *Indirect adverse effects*: Proposed regulations, section 11, enforcement may indirectly effect a business through enforcement action.
 - iv. *Indirect beneficial effects*: Protects the public from unnecessary exposure to harmful ionizing radiation.
3. Supplement to the Information Statement Item No. 10 [NRS233B.066 (1)(k)] and Supplement to the Small Business Impact Statement Item No. 6 [NRS233B.0608(3)]
 - a. Section 80 of proposed regulations R144-13RP4 contains new language which expands and provides clarification for the regulated community on how to determine the fee for their specific type of practice. These were previously in a general category and now have been subcategorized. There are no new fees and this language was requested and accepted by the regulated community,