

**PROPOSED REGULATION OF THE
STATE BOARD OF HEALTH**

LCB File No. R149-03

October 23, 2003

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-7, NRS 439.150, 459.030 and 459.201.

Section 1. Chapter 459 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *“Category 1 irradiator” means an irradiator in which the sealed sources for the irradiation of materials are not removed from the shield of the irradiator.*

Sec. 3. *“Electron source” means an assemblage of components for the controlled production of electrons without conversion into X-radiation.*

Sec. 4. NAC 459.010 is hereby amended to read as follows:

459.010 As used in NAC 459.010 to 459.950, inclusive, *and sections 2 and 3 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 459.012 to 459.1165, inclusive, *and sections 2 and 3 of this regulation*, have the meanings ascribed to them in those sections.

Sec. 5. NAC 459.154 is hereby amended to read as follows:

459.154 1. Except as otherwise provided in subsection 2, each person who controls an unregistered, operational radiation machine shall apply to the Division for registration of the machine within 30 days after installing the machine.

2. A person who brings a portable machine into this state for a temporary use of 180 days or less in any calendar year:

(a) Must apply to the Division for registration of the machine for a temporary use at least 3 working days before using it in this state;

(b) Shall comply with all other applicable provisions of NAC 459.010 to 459.950, inclusive ~~§~~, *and sections 2 and 3 of this regulation;*

(c) Shall furnish the Division with any other information it may reasonably request; and

(d) Shall not use the machine in this state more than 180 days per calendar year.

3. The application must be made on the Division's Form NRC-4, Application for Registration of Radiation Machine. A copy of the form may be obtained from the Division. A separate application and registration are required for each control console of a radiation machine.

4. Each application for registration of an X-ray machine must contain a list of the numbers of the X-ray tubes associated with a control panel.

5. Each person who controls a radiation machine must designate on the application form a person where the machine is located who is responsible for protection against radiation.

6. Each person who seeks to engage in the business of installing radiation machines, furnishing services or repairing radiation machines in this state must apply for registration with the Division and receive a certificate of registration before furnishing any services.

7. Each application for registration by a person to install, service or repair radiation machines must be accompanied by a nonrefundable annual fee of ~~[\$45]~~ \$70 or the application must not be acted upon by the Division.

Sec. 6. NAC 459.161 is hereby amended to read as follows:

459.161 1. An application for the registration of a radiation machine submitted pursuant to NAC ~~[459.156]~~ **459.154** must be accompanied by a nonrefundable fee for each ~~[machine]~~ **X-ray tube or electron source which is installed in the radiation machine**, as follows:

~~[(a) Location with one X-ray machine for medical use:~~

~~— (1) Single tube X-ray machine, \$50.~~

~~— (2) Multiple tube X-ray machine, \$80.~~

~~— (b) Location with more than one X-ray machine for medical use:~~

~~— (1) Single tube X-ray machine, \$90.~~

~~— (2) Multiple tube X-ray machine, \$140.~~

~~— (c) Podiatrist or veterinarian, \$35.~~

~~— (d) Dental facility:~~

~~— (1) Single tube X-ray machine, \$30.~~

~~— (2) Multiple tube X-ray machine, \$50.~~

~~— (e) Facility for nonhuman use (industrial, academic), \$35. (f) Accelerator, 105.]~~

(a) Medical use, other than mammography, \$250.

(b) Veterinary use, \$75.

(c) Dental use, \$70.

(d) Industrial use, \$100.

(e) Academic use, \$75.

(f) Accelerator, \$275.

2. Except as otherwise provided in subsection 3, if the Division issues a registration certificate pursuant to NAC 459.156, the registrant must, for each year the certificate is valid,

submit to the Division a nonrefundable renewal fee in an amount equal to the appropriate fee set forth in subsection 1.

3. The renewal fee must be received by the Division not later than the date on which the registration expires. If the fee is not received by that date, the registrant must:

(a) Stop operating the radiation machine which does not have a valid registration on or before the date the registration expires; or

(b) Submit to the Division within 5 days after the registration expires:

(1) An application for renewal of the registration;

(2) A fee in an amount that is equal to the appropriate fee set forth in subsection 1; and

(3) A fee for late payment of \$50. During the 12-month period following the renewal of registration, the registrant will be required to pay only one fee for late payment for the facility where the radiation machine is located, regardless of the number of *X-ray tubes or electron sources which are installed in the* radiation machines located at that facility whose registration is not renewed within the prescribed period.

4. Any application for registration or renewal of registration which is not accompanied by the appropriate fees will not be acted upon by the Division until such fees are paid.

5. An application for a certificate of authorization for a radiation machine must be accompanied by a nonrefundable fee for each machine as required pursuant to NAC 457.295.

Sec. 7. NAC 459.310 is hereby amended to read as follows:

459.310 Except as otherwise provided in NAC 459.203, the Division will not issue a new specific license or a renewed specific license to a person until the appropriate nonrefundable fee has been paid to the Division, as prescribed in the following table:

Material and use

Fee

1. Special nuclear material:

(a) As sealed source~~[\$100]~~ \$2,000

(b) In unsealed form~~[\$300]~~ 2,000

2. Source materials for other than milling operations~~[\$100]~~ \$2,000

3. By-product material and radium:

~~— (a) Manufacturing items containing radioactive material for distribution \$250~~

~~— (b) Distribution of items containing radioactive material to general licensees 300~~

~~— (c) Radiopharmacy 600~~

~~— (d) Radiography, in plant, by a person who holds a license issued by this state 475~~

~~— (e) Radiography, field, by a person who holds a license issued by this state 475~~

~~— (f) Radiography by a person who holds a license issued by the Nuclear Regulatory Commission or an agreement state 475~~

~~— (g) Irradiator, self shielded 150~~

~~— (h) Irradiator, source exposed 300~~

~~— (i) Academic, limited scope, per user 50~~

~~— (j) Broad scope:~~

~~— (1) Academic 1,000~~

~~— (2) Industrial 250~~

—(k) Service:	
—(1) By a person who holds a license issued by this state.....	100
—(2) By a person who holds a license issued by the Nuclear Regulatory	
Commission or an agreement state	100
—(l) Dew point checker.....	75
—(m) Fixed gauge	100
—(n) Foil.....	80
—(o) In vitro	95
—(p) Laboratory	115
—(q) Laboratory, major radiochemical analysis	600
—(r) Eye applicator (nonhuman use).....	85
—(s) Ordnance testing	280
—(t) Portable gauge, use by a person who holds a license issued by this state.....	90
—(u) Portable gauge, use by a person who holds a license issued by the Nuclear	
Regulatory Commission or an agreement state	90
—(v) Radioimmunoassay (research and development, distribution).....	335
—(w) X-ray fluorescence analyzer	80
—(x) All other uses of by product material and radium except those in	
subsections 4 to 8, inclusive.....	100
—4. Waste disposal application and new license to operate a disposal area.....	
—5. Well logging:	
—(a) By a person who holds a license issued by this state.....	\$300
—(b) By a person who holds a license issued by the Nuclear Regulatory	300

Commission or an agreement state	
6. Human use of radioactive material:	
(a) Teletherapy	\$250
(b) Nuclear medicine	385
(c) Brachytherapy	130
(d) Eye applicator	115
(e) Bone mineral analyzer	115
(f) General license for in vitro use	115
(g) For any combination of human uses, the highest fee of the applicable categories in paragraphs (b) to (f), inclusive.	
7. Civil defense	\$90
8. Evaluation of safety of device, product, or sealed source	\$500]
(a) Manufacturing or distribution, or both	\$2,000
(b) Nuclear pharmacy	6,000
(c) Industrial radiography.....	5,000
(d) Category 1 irradiator	1,500
(e) Academic, broad scope	8,000
(f) Academic, other research and development.....	1,200
(g) Service or laboratory	1,600
(h) Fixed gauge	1,000
(i) Gas chromatograph.....	450
(j) In vitro.....	95
(k) Portable gauge or X-ray fluorescence analyzer	1,200

<i>(l) All other uses of source material, special nuclear material, by-product material and radium except those set forth in subsections 4 to 7, inclusive</i>	<i>1,000</i>
<i>4. Well logging.....</i>	<i>\$3,000</i>
<i>5. Medical use or veterinary use of radioactive material:</i>	
<i>(a) Medical use or veterinary use only</i>	<i>\$4,000</i>
<i>(b) With teletherapy.....</i>	<i>4,000</i>
<i>(c) With high dose remote afterloader.....</i>	<i>4,000</i>
<i>(d) With brachytherapy.....</i>	<i>3,000</i>
<i>(e) Teletherapy only</i>	<i>4,000</i>
<i>(f) High dose remote afterloader only</i>	<i>4,000</i>
<i>(g) Brachytherapy only</i>	<i>3,000</i>
<i>(h) General license for in vitro use.....</i>	<i>115</i>
<i>6. Civil defense</i>	<i>\$250</i>
<i>7. Any use of source material, special nuclear material, by-product material or radium by a person who holds a license issued by the Nuclear Regulatory Commission or any agreement state</i>	<i>See appropriate fee category above</i>