

**PROPOSED REGULATION OF THE
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH OF THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
LCB FILE NO. R021-18I**

**The following document is the initial draft regulation proposed
by the agency submitted on 01/22/2018**

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

Sec. 7. 1. The provisions of 10 C.F.R. Part 37, are hereby adopted by reference, subject to the following:

(a) The exclusion of the following definitions from 10 C.F.R. § 37.5:

- (1) “Act”;
- (2) “Commission”;
- (3) “Government agency”; and
- (4) “License.”

(b) Any reference in 10 C.F.R. Part 37 to:

- (1) “Byproduct material” shall be deemed a reference to “radioactive material.”
- (2) “Commission” or “NRC” shall be deemed a reference to “Division~~[.]~~” *except:*
 - a. *37.5 Definitions: Agreement State, Byproduct material, Commission, Fingerprint orders, Person,*
 - b. *37.25(b),*
 - c. *37.27(a) and*
(c), d. 7.29(a),
 - e. *37.71 referring to NRC's license verification system.*
 - f. *37.71 "licensee of the Commission or an Agreement State" shall be deemed to be a reference to "licensee of the Nevada Radiation Control Program, NRC or an Agreement State." and*
 - g. *License required reports of events or notifications in 37.41, 37.45, 37.57, 37.77(a)-(d), 37.81, shall use Nevada Radiation Control Program contact information in NAC 459.134.*

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

(4) “Commission’s regulations,” “federal regulations” or “NRC regulations” shall be deemed a reference to “NAC 459.010 to 459.950, inclusive, and sections 4 to 28, inclusive, of this regulation.”

(5) “NRC license” shall be deemed a reference to “license issued by the Division pursuant to NAC 459.010 to 459.950, inclusive, and sections 4 to 28, inclusive, of this regulation.”

(6) “NRC Operations Center,” “NRC Regional Office listed in § 30.6(a)(2)” or “Director, Office of Nuclear Material 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.”

(c) The following sections of 10 C.F.R. Part 37 are not adopted by reference:

- (1) Section 37.1;
- (2) Section 37.3;
- (3) Section 37.7;
- (4) Section 37.9;
- (5) Section 37.11(b);
- (6) Section 37.13;

~~[(7) Section 37.77(f);]~~

~~[(8)](7) Section 37.107; and~~

~~[(9)](8) Section 37.109.~~

NAC 459.120.2 Exemptions. (NRS 459.201)

2. Common and contract carriers, freight forwarders and warehousemen and the United States Postal Service are exempt from NAC 459.010 to 459.950, inclusive, and sections 4 to 28, inclusive, of this regulation, *which correspond to exempt regulations of 10 CFR 30.13* to the extent that they transport or store sources of radiation in the regular course of their carriage for another or store the sources an incident to such transportation. ~~{Private carriers who are subject to the regulations of the United States Department of Transportation are exempt from NAC 459.010 to 459.950, inclusive, and sections 4 to 28, inclusive, of this regulation, to the extent that they transport sources of radiation. Private carriers who are not subject to the regulations of the United States Postal Service are subject to applicable sections of NAC 459.010 to 459.950, inclusive, and sections 4 to 28, inclusive, of this regulation.}~~

NAC 459.134 Communications with Division. (NRS 459.201)

All communications and reports concerning the provisions of NAC 459.010 to 459.950, inclusive, and sections 4 to 28, inclusive, of this regulation and copies of regulatory guides and applications filed under those provisions should be addressed to the [Radiological Health Section,] Radiation Control Program, Division of Public and Behavioral Health, at the current applicable mailing address provided on the website for the Radiation Control Program at ~~[http://health.nv.gov/hcgc_Radiological.htm.]~~
http://dphh.nv.gov/Reg/Radiation_Control_Programs/

NAC 459.160 Registration certificate: Renewal. (NRS 459.201)

1. An application for renewal of registration must be filed in accordance with NAC 459.154.
2. If a registrant files an application for renewal of his or her registration accompanied by the appropriate fee at least ~~[10]~~ 30 days before its expiration, his or her registration does not expire until the status of his or her registration has been determined by the Division. [Bd. of Health, Radiation Control Reg. §§ 2.6 & 2.6.1, eff. 2-28-80; § 2.6.2, eff. 2-28-80; A 10-15-81] — (NAC A 4-27-84)

NAC 459.161 Fees; failure to submit fee. (NRS 439.150, 459.201)

1. An application for the registration of a radiation machine submitted pursuant to NAC 459.154 must be accompanied by a nonrefundable fee for each X-ray tube or electron source which is installed in the radiation machine, as follows:
 - (a) Medical use, other than mammography, \$500.
 - (b) Veterinary use, \$150.
 - (c) Dental use, \$140.
 - (d) Industrial use, \$200.
 - (e) Academic use, \$150.

(f) Accelerator, \$550.

(g) *For the issuance of a duplicate registration certificate, \$25.*

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 shall:

(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 \$56 per registration.

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.

(Added to NAC by Bd. of Health, eff. 9-1-89; A 1-24-92; 11-1-95; R149-03, 12-3-2003; R085-06, 11-13-2006; R149-07, 1-30-2008)

459.182.3 Exemptions for source materials. (NRS 459.201)

Any person is exempt from the requirements for a license set forth in NAC 459.180 to ~~459.313~~, *NAC 459.374 and NAC 459.780 to 459.794*, inclusive, and sections 7 to 27, inclusive, of this regulation, to the extent that he or she receives, possesses, uses or transfers any of the following:

459.182.3(e)(2) Exemptions for source materials. (NRS 459.201)

(2) Each counterweight is durably and legibly labeled or marked with the identification of the manufacturer and the statement: "UNAUTHORIZED ALTERATIONS PROHIBITED."

The exemption contained in this paragraph does not authorize the chemical, physical or metallurgical treatment or processing of any such counterweights other than repair or restoration of any plating or other covering. The requirements specified in subparagraphs (1) and (2) need not be met by counterweights manufactured before December 31, 1969, provided that such counterweights were manufactured under a specific license issued by the Atomic Energy Commission and were impressed with the legend required by the provisions of ~~subparagraph (2)~~ *10 CFR 40.13(c)(5)(ii)* in effect on June 30, 1969.

459.182.5(b) Exemptions for source materials. (NRS 459.201)

(b) Authorized to manufacture, process or produce those materials or products containing source material by an agreement state and persons who import finished products or parts for sale or distribution must be authorized by a license issued under 10 C.F.R. § 40.52 for distribution only and are exempt from the requirements of NAC 459. ~~320~~ *316* to 459.374,

inclusive, 459.780 to 459.794, inclusive, and paragraphs (a) and (b) of subsection 1 of NAC 459.238.

459.1997 1. The provisions of 10 C.F.R. §§ 71.0(c), 71.1(a), 71.3, 71.4, 71.14(a), 71.15, 71.17, 71.21, 71.22, 71.23, 71.47, 71.83 to 71.89, inclusive, 71.91(c)(d), 71.97, 71.101(a), 71.101(b), 71.101(c), 71.101(g), 71.103(a)(b), 71.105, 71.106, 71.127 to 71.137, inclusive, and Appendix A to Part 71 are hereby adopted by reference, subject to the following:

(a) The exclusion of the following definitions from 10 C.F.R. § 71.4:

- (1) "Close reflection by water";
- (2) "Licensed material";
- (3) "Optimum interspersed hydrogenous moderation";
- (4) "Spent nuclear fuel or spent fuel"; and
- (5) "State."

(b) The substitution of the following rule references:

- (1) "NAC 459.737" for "§ 34.31(b) of this chapter" as found in 10 C.F.R. § 71.101(g);
- (2) "Subsection 1 of NAC 459.339" for "10 C.F.R § 20.1502";
- (3) "NAC 459.3062" for "10 C.F.R. Part 35";
- (4) "Subsection 6 of NAC 459.3585" for "10 C.F.R. § 20.1906(e)";
- (5) "NAC 459.181" for "10 C.F.R. § 71.5";
- (6) "10 C.F.R. §§ 71.101(a), 71.101(b), 71.101(c)(1), 71.101(g), 71.105 and 71.127 to 71.137, inclusive," for "subpart H of this part" or "subpart H," except in 10 C.F.R. §§ 71.17(b), 71.21(b), 71.22(b) and 71.23(b);
- (7) "10 C.F.R. §§ 71.0(c), 71.1(a), 71.3, 71.4, 71.17(c)(2), 71.21(d)(2), 71.83 to 71.89, inclusive, 71.97, 71.101(a), 71.101(b), 71.101(c)(1), 71.101(g), 71.105 and 71.127 to 71.137, inclusive," for "subparts A, G and H of this part";
- (8) "10 C.F.R. § 71.47" for "subparts E and F of this part"; and
- (9) "10 C.F.R. §§ 71.101(a), 71.101(b), 71.101(c)(1), 71.101(g), 71.105 and 71.127 to 71.137, inclusive," for "§§ 71.101 through 71.137."

(c) The substitution of the following terms:

(1) "Division" for:

- (I) "Commission" in 10 C.F.R. §§ 71.0(c), 71.17(a), 71.21(a), 71.22(a), 71.23(a) and 71.101(c)(1);
- (II) "Director, Division of Nuclear Security, Office of Nuclear Security and Incident Response" in 10 C.F.R. §§ 71.97(c)(1) and 71.97(f)(1); --88-- Fifth Revised Proposed Regulation R144-13
- (III) "Director, Division of Intergovernmental Liaison and Rulemaking, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001" in 10 C.F.R. § 71.97(c)(3)(iii); and
- (IV) "NRC" in 10 C.F.R. § 71.101(f);

(2) "The Nuclear Regulatory Commission or an agreement state" for "Commission" in 10 C.F.R. § 71.3;

(3) "The Governor of Nevada" for:

- (I) "The governor of a State" in 10 C.F.R. § 71.97(a);
 - (II) "Each appropriate governor" in 10 C.F.R. § 71.97(c)(1);
 - (III) "The governor" in 10 C.F.R. § 71.97(c)(3);
 - (IV) "The governor of the State" in 10 C.F.R. § 71.97(e);
 - (V) "The governor of each State" in 10 C.F.R. § 71.97(f)(1); and
 - (VI) "A governor" in 10 C.F.R. § 71.97(e);
- (4) "State of Nevada" for "State" in 10 C.F.R. §§ 71.97(a), 71.97(b)(2) and 71.97(d)(4);
- (5) "The Governor of Nevada's" for:
- (I) "The governor's" in 10 C.F.R. §§ 71.97(a), 71.97(c)(3), 71.97(e) and 71.97(f)(1);
 - (II) "Governor's" in 10 C.F.R. §§ 71.97(c)(1) and 71.97(e); and
 - (III) "Governors" in 10 C.F.R. § 71.97(c)(3)(iii);
- (6) "Specific or general" for "NRC" in 10 C.F.R. § 71.0(c); --89-- Fifth Revised Proposed Regulation R144-13
- (7) "The Division" for "ATTN: Document Control Desk, Director, Division of Spent Fuel Storage and Transportation, Office of Nuclear Material Safety and Safeguards" in 10 C.F.R. § 71.101(c)(1);
- (8) "Each" for "Using an appropriate method listed in § 71.1(a), each" in 10 C.F.R. § 71.101(c)(1);
- (9) "The material must be contained in a Type A package meeting the requirements of 49 C.F.R. § 173.417(a)" for "The fissile material need not be contained in a package which meets the standards of subparts E and F of this part; however, the material must be contained in a Type A package. The Type A package must also meet the DOT requirements of 49 C.F.R. 173.417(a)" as found in 10 C.F.R. §§ 71.22(a) and 71.23(a);
- (10) "Licensee" for "licensee, certificate holder, and applicant for a CoC"; and
- (11) "Licensee is" for "licensee, certificate holder, and applicant for a CoC are."

2. A copy of the publication that contains 10 C.F.R. Part 71 may be obtained by mail from the Superintendent of Documents, United States Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000, or by toll-free telephone at (866) 512-1800, at the price of \$64, or free of charge at the Internet address <http://www.gpoaccess.gov/cfr/index.html>.

NAC 459.212(b)(1) General licenses: Source material. (NRS 459.201)

(b) Shall not abandon such source material. Source material may be disposed of as follows:

(1) A cumulative total of 0.5 kilogram (1.1 pounds) of source material in a solid, nondispersible form may be transferred each calendar year, by a person authorized to receive, possess, use and transfer source material under the general license to persons receiving the material for permanent disposal. The recipient of source material transferred under the provisions of this subparagraph is exempt from the requirements to obtain a license under this section to the extent the source material is permanently disposed. This subparagraph does not apply to any person who is in possession of source material under a specific license issued pursuant to NAC 459.180 to 459.313, inclusive, ~~and sections 7 to 27, inclusive,~~ of this regulation; or

NAC 459.212.4 General licenses: Source material. (NRS 459.201)

4. A person who receives, possesses, uses or transfers source material pursuant to the general license issued under this section is exempt from the provisions of NAC 459.~~320~~316 to 459.374, inclusive, and 459.780 to 459.794, inclusive, to the extent that the activities are within the terms of the general license except that such person shall comply with the provisions of NAC 459.359 *and 459.3178* to the extent necessary to meet the provisions of paragraph (b) of subsection 2 and subsection 3. This exemption does not apply to any person who also possesses a specific license issued pursuant to NAC 459.180 to 459.313, inclusive, ~~and sections 7 to 27, inclusive,~~ of this regulation.

NAC 459.212.5 General licenses: Source material. (NRS 459.201)

5. ~~Except as otherwise provided in this subsection,~~ No person may initially transfer or distribute source material to persons generally licensed under paragraph (a) of subsection 1, or equivalent regulations of the Nuclear Regulatory Commission or an agreement state, unless authorized by a specific license issued in accordance with ~~[NAC 459.180 to 459.313, inclusive, and sections 7 to 27, inclusive, of this regulation,]~~ *NAC 459.212.6*, or equivalent provisions of the Nuclear Regulatory Commission or an agreement state. This prohibition does not apply to analytical laboratories returning processed samples to the client who initially provided the sample. Initial distribution of source material to persons generally licensed by paragraph (a) of subsection 1 before August 27, 2013, without specific authorization may continue through August 27, 2014. Distribution may also be continued until the Division takes final action on a pending application for a license or license amendment to specifically authorize distribution submitted on or before August 27, 2014.

Comment 8, Move to own section regarding specific licenses. Question sent to KKB 01/27/17 to be sent to LCB. This will change the section referred to in comment 7 if moved to a separate section.

NAC 459.212.6-7 Specific licenses: Source material. (NRS 459.201)

1. An application for a specific license to initially transfer source material for use pursuant to subsections 1 to 5, inclusive, or equivalent regulations of the Nuclear Regulatory Commission or an agreement state, will be approved if:

- (a) The applicant satisfies the general requirements specified in NAC 459.238; and*
- (b) The applicant submits adequate information on, and the Division approves the methods to be used for quality control, labeling and providing safety instructions to recipients.*

2. Each person issued a license pursuant to subsection 6 shall:

- (a) Label the immediate container of each quantity of source material with the type of source material and quantity of material and the words, "radioactive material."*

(b) Ensure that the quantities and concentrations of source material are as labeled and indicated in any transfer records.

(c) Provide the information specified in this paragraph to each person to whom source material is transferred for use pursuant to subsections 1 to 5, inclusive, or equivalent regulations of the Nuclear Regulatory Commission or an agreement state. This information must be provided before the source material is transferred for the first time in each calendar year to the particular recipient. The required information includes:

(1) A copy of this section and NAC 459.312, or equivalent regulations of the Nuclear Regulatory Commission or an agreement state.

(2) Appropriate radiation safety precautions and instructions relating to the handling, use, storage and disposal of the material.

(d) Report transfers as follows:

(1) File a report with the Division which must include the following information:

(I) the name, address and license number of the person who transferred the source material;

(II) For each general license issued pursuant to this section or equivalent regulations of the Nuclear Regulatory Commission or an agreement state to whom greater than 50 grams (0.11 pounds) of source material has been transferred in a single calendar quarter, the name and address of the general licensee to whom source material is distributed, a responsible agent, by name or position and telephone number, of the general licensee to whom the material was distributed, and the type, physical form and quantity of source material transferred; and

(III) The total quantity of each type and physical form of source material transferred in the reporting period to all recipients identified pursuant to sub-subparagraph (II).

(2) File a report with the Nuclear Regulatory Commission or each responsible agency of the agreement state that identifies all persons, operating under provisions equivalent to this section, to whom greater than 50 grams (0.11 pounds) of source material has been transferred within a single calendar quarter. The report must include the following information specific to those transfers made to the Nuclear Regulatory Commission or agreement state with which the report is filed:

(I) the name, address and license number of the person who transferred the source material.

(II) The name and address of the general licensee to whom source material was distributed, a responsible agent, by name or position and telephone number, of the general licensee to whom the material was sent, and the type, physical form and quantity of source material transferred.

(III) The total quantity of each type and physical form of source material transferred in the reporting period to all such generally licensed recipients under the jurisdiction of the Nuclear Regulatory Commission or within the agreement state or, as appropriate.

(3) Submit the reports required by this paragraph by January 31 of each year covering all transfers for the previous calendar year. If no transfers were made to persons generally licensed under this section or equivalent regulations of the Nuclear Regulatory Commission or an agreement state during the current period, a report must be submitted to the Division so indicating. If no transfers have been made to general licensees under the jurisdiction of the Nuclear Regulatory Commission or in a particular agreement state during the reporting period, the required information must be reported to the Nuclear Regulatory Commission or the responsible agency of the agreement state upon the request of the agency.
(e) Maintain all information that supports the reports required by this section concerning each transfer to a general licensee for a period of 1 year after the event is included in a report to the Division, the Nuclear Regulatory Commission or the responsible agency of the agreement state.

NAC 439.346 Appeal of proposed disciplinary action: Exhaustion of informal procedures required; filing request for appeal; contents of request. (NRS 439.200)

1. A person who wishes to file an appeal with a hearing officer contesting proposed disciplinary action by the Division must first exhaust all internal informal procedures for appeals.
2. A request for an appeal must be addressed to the Administrator of the Division and must be received by the Administrator not later than ~~10~~ 20 business days after the date on which the appellant received notice of the proposed disciplinary action pursuant to NAC 439.345. The request must specify:
 - (a) The disciplinary action to be contested;
 - (b) The name of the officer or employee of the Division who proposed the disciplinary action; and
 - (c) The reasons that the appellant believes the disciplinary action is incorrect.(Added to NAC by Bd. of Health by R037-97, eff. 10-30-97)

NAC 459.570 (5) Fluoroscopic X-ray systems: Exposure rate limits. (NRS 459.030, 459.201)

5. Periodic measurements of the exposure rate must be made annually *or at intervals not to exceed 12 months from the date of prior measurement* or after any maintenance of the system which might affect the exposure rate. If the equipment is provided with optional high level control, measurements of the exposure rates must be made both with and without the high level control activated.

NAC 459.8231 Requirements for shipping manifest; exceptions. (NRS 459.030, 459.201)

1. A waste generator, waste collector or waste processor who transports or offers for transportation low-level radioactive waste intended for ultimate disposal at a licensed land disposal facility for low-level radioactive waste must, except as otherwise provided in subsection 2, prepare a manifest that includes the information requested on NRC Forms 540, 540A, 541 and 542, as applicable. NRC Forms 540 and 540A must be completed by the waste generator, waste collector or waste processor and must accompany the shipment. Upon

agreement between the waste generator, waste collector or waste processor and the consignee, NRC Forms 541, 541A, 542 and 542A may be completed, transmitted and stored in electronic media with the capability of producing legible, accurate and complete records of the forms in the format of a uniform manifest.

2. A licensee is not required to comply with subsection 1 if the licensee ships:

- (a) Low-level waste for processing and expects return of the waste before it is disposed of at a licensed land disposal facility;
- (b) Low-level waste that is being returned to the licensee who is the generator; or
- (c) Material that is contaminated with radioactivity to a waste processor and the waste becomes the residual waste of the waste processor.

3. A licensee who ships the radioactive waste shall provide the following information on the uniform manifest for each disposal container in the shipment:

- (a) The name, address and telephone number of the licensee shipping the waste;
- (b) A declaration of whether the licensee is acting as a waste generator, waste collector, waste processor or any combination thereof for the shipment;
- (c) The name, address, telephone number and Environmental Protection Agency identification number of the carrier transporting the waste;
- (d) The date of the shipment;
- (e) The total number of packages and containers;
- (f) The total volume and weight of the shipment;
- (g) The total radionuclide activity in the shipment;
- (h) The identity and activity of each of the radionuclides contained in the shipment, including, without limitation, the activity of any H-3, C-14, Tc-99 and I-129 contained in the shipment;
- (i) The total masses of U-233, U-235 and plutonium in the material shipped, including in any special nuclear material;
- (j) The total mass of uranium and thorium in the material shipped, including in any source material;
- (k) The alphabetic or numeric identification that uniquely identifies each disposal container in the shipment;
- (l) A physical description of the disposal container, including, without limitation, the name of the manufacturer and model of any high integrity container;
- (m) The volume displaced by the disposal container;
- (n) The gross weight of the disposal container and the waste contained therein;
- (o) For waste consigned to a disposal facility, the maximum radiation level at the surface of each disposal container;
- (p) A physical and chemical description of the waste;
- (q) The total percentage by weight of the chelating agent for any waste containing more than 0.1 percent by weight of a chelating agent and the name of the principal chelating agent;
- (r) The approximate volume of waste within the container;
- (s) The sorbing media or solidification media, if any, and the identity of the vendor and name of the brand of any solidification media;
- (t) For discrete waste types, including, without limitation, activated materials, contaminated equipment, mechanical filters, sealed sources and devices and wastes in solidification media or

stabilization media, the identities and activities of individual radionuclides associated with or contained in the waste types;

(u) The total radioactivity within each container;

(v) For waste that is consigned to a disposal facility, the classification of the waste as set forth in NAC 459.8265; and

(w) The name of any waste that does not meet the structural stability requirements as set forth in NAC 459.8305.

4. A licensee who ships radioactive waste that is delivered without a disposal container must provide the following information on the manifest:

(a) The approximate volume and weight of the waste;

(b) A physical and chemical description of the waste;

(c) The total percentage by weight of the chelating agent for any waste containing more than 0.1 percent by weight of a chelating agent and the name of the principal chelating agent;

(d) For waste that is consigned to a disposal facility:

(1) The classification of the waste as set forth in NAC 459.8265; and

(2) The maximum radiation levels at the surface of the waste;

(e) The name of any waste that does not meet the structural stability requirements as set forth in NAC 459.8305; and

(f) The identities and activities of individual radionuclides contained in the waste, the masses of U-233, U-235 and plutonium in the special nuclear material and the masses of uranium and thorium in the source material.

5. A licensee who ships disposal containers of mixtures of waste originating from different waste generators or mixtures of waste shipped without a container for which portions of the mixture within the shipment originate from different waste generators shall provide the following information on the manifest:

(a) For homogeneous mixtures of waste, including, without limitation, ash from an incinerator, the waste description applicable to the mixture and the volume of the waste attributed to each waste generator.

(b) For heterogeneous mixtures of waste, including, without limitation, the combined products from a large compactor, the identification of each waste generator contributing waste to the disposal container.

(c) For discrete waste types, including, without limitation, activated materials, contaminated equipment, mechanical filters, sealed sources and devices, and wastes in solidification media or stabilization media, the identities and activities of individual radionuclides contained in the waste types.

(d) For each waste generator:

(1) The volume of waste within the disposal container;

(2) A physical and chemical description of the waste, including, without limitation, the solidification media, if any;

(3) The total percentage by weight of the chelating agent for any disposal container containing more than 0.1 percent by weight of a chelating agent and the name of the principal chelating agent;

(4) The sorbing media or solidification media, if any, and the identity of the vendor and name of the brand of any solidification media if the media is claimed to meet stability requirements as set forth in NAC 459.8305; and

(5) The identities and activities of any radionuclides contained in the waste, the masses of U-233, U-235 and plutonium in special nuclear material and the masses of uranium and thorium in source material in the waste.

6. A licensee who ships radioactive waste shall ensure that an authorized representative certifies, by signing and dating the shipment manifest, that the materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the United States Department of Transportation and the Division. By signing the certification, a waste collector certifies that the collected waste has not been tampered with in any manner that would invalidate the certification of the authorized representative of the licensee.

7. A licensee who ships radioactive waste shall provide on the required Environmental Protection Agency forms any information regarding hazardous, medical or other waste that is required to comply with Environmental Protection Agency regulations, as codified in 40 C.F.R. Parts 260, 261 and 263, as those provisions existed on January 26, 1999. The required Environmental Protection Agency forms must accompany the uniform manifest required by this section.

8. Copies of the manifests required by this section may be legible carbon copies, photocopies or computer printouts that reproduce the data in the format of the uniform manifest. NRC Forms 540, 540A, 541, 541A, 542 and 542A and their instructions may be obtained at no charge from the Information and Records Management Branch, Office of *the Chief Information Officer* [~~Information Resources Management~~], U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 415-7232.

9. As used in this section:

(a) "EPA identification number" means the number received pursuant to 40 C.F.R. Part 263, as those provisions existed on January 26, 1999.

(b) "High integrity container" means a container used to meet the structural stability requirements of NAC 459.830 and the United States Department of Transportation requirements for shipping a package that contains a type A quantity of radioactive waste.

(c) "Waste description" means the physical, chemical and radiological description of the waste that is required on NRC Form 541.

(Added to NAC by Bd. of Health by R084-98, eff. 1-26-99; A by Dep't of Human Resources by R137-01, 5-30-2003)

NAC 459.910 Duties of licensee. (NRS 459.201) A licensee:

1. Shall carry out his or her own written program for ensuring the quality of the packaging of the radioactive waste and radioactive material.

2. Shall package the radioactive waste and radioactive material in accordance with:

(a) The regulations of the Secretary of Transportation concerning the transportation of hazardous materials in 49 C.F.R. Parts 171 to 177, inclusive. The *State Board of Health* hereby incorporates those regulations by reference. Those regulations are contained in one volume of the Code of Federal Regulations and 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 price of \$75, or free of charge at the Internet address <http://www.gpoaccess.gov/cfr/index.html>.

(b) The regulations of the Nuclear Regulatory Commission concerning the packaging and transport of radioactive material in 10 C.F.R. Part 71. The State Board of Health hereby incorporates those regulations by reference *as adopted in NAC 459.1997*. Those regulations 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 price of \$64, or free of charge at the Internet address <http://www.gpoaccess.gov/cfr/index.html>.

3. May ship only solid radioactive waste to the state-owned disposal area. Any liquid radioactive waste must, before shipment, be solidified by a method, other than by using urea formaldehyde, which will ensure that there will not be any liquid in the shipping containers upon their arrival at the disposal area.
4. Shall not ship solid waste contaminated with radium 226 to the state-owned disposal area.

New Section to NAC 459 – Non-MQSA Mammography Machine registration and certification:

Program of instruction in operation of Non-MQSA mammography machine: General Requirements.

Program of instruction in operation of Non-MQSA mammography machine: General Requirements.

Only qualified individuals are authorized to operate a Non-MQSA Mammography Machine. A Non-MQSA Mammography Machine Operator must meet one of the following training requirements to be a qualified individual. Provide a copy of documentation showing:

1. *A current AART (M) credential, OR*
2. *A current Nevada State Certified Mammographer certificate, OR*
3. *Have documentation showing five (5) hands-on training procedures supervised by an individual listed above, OR an individual previously qualified through the process above, OR provide an attestation of training if received prior to March 8th, 2017. The attestation of training must be acceptable by the Division and include (5) Hands-on training procedures. Hands-on training procedures must include the proper use and operation of the compression device.*

Performance of the equipment: General requirements.

The operator of a facility shall:

1. *Establish and maintain a program to ensure the performance of the equipment is monitored for each Non-MQSA Mammography machine at the facility. The program established pursuant to this paragraph must provide for the performance of tests in accordance with the manufacturers requirements.*

2. *Ensure that:*

The results of the program are analyzed to determine if there are any problems requiring correction.

The necessary corrective action is taken whenever the results of a test indicate that such action is required; and the action is taken before any examinations using the Non-MQSA Mammography machine is performed on the patient.

3. *Ensure that:*

An Annual Physicist Survey and Medical Equipment Evaluation are performed as per manufacturer's recommendations. Survey must include testing of the compression device and list results.

Use of a Non-MQSA Mammography Machine to perform Mammography.

The use of a Non-MQSA Mammography machine to perform Diagnostic or Screening Mammography Examinations is prohibited when registered under NAC Chapter 459.

Verification of operating condition of machine; record of findings.

1. *Before any machine is placed into service and at least annually thereafter, the machine must be examined to verify that it is operating as per manufacturers specifications.*

2. *The examination required by subsection 1 must be made by a medical physicist.*

3. *The person making the examination shall make a written record of his or her findings and submit the record to the operator of the facility within 30 days after the examination.*

4. *If the operator of the facility does not receive the written record within the period prescribed in subsection 3, the operator shall remove the machine from service until he or she receives the record.*

Verification of safe operating condition of machine.

For all exams performed, a copy of the techniques chart must be posted by the operators control console and a Physician is assigned to directly supervise the operation of the Non-MQSA Mammography machine.