

NOTICE OF PUBLIC HEARING

Intent to Adopt Regulations
(LCB File No. R144-13RP4)

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider amendments to Chapter 457 & 459 of Nevada Administrative Code (NAC), Cancer and Hazardous Materials. This public hearing is to be held in conjunction with the State Board of Health meeting on March 11, 2016. The NAC 457 & 459 regulation changes will be heard in the order placed on the State Board of Health agenda.

The State Board of Health will be conducted via videoconference beginning at 9:00 a.m. on Friday, March 11, 2016 at the following locations:

Division of Public and Behavioral Health 4150 Technology Way Room #303 Carson City, NV 89706	Division of Public and Behavioral Health Rawson Neal Training Room 1650 Community College Drive Las Vegas, Nevada	Division of Aging and Disability Services Early Intervention Services 1020 Ruby Vista Drive, Suite 102 Elko, NV
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The proposed regulations to NAC 457 & 459 include the following: The proposed addition/change of regulations in LCB File No. R144-13RP4 include provisions for:

- Fees for duplicate mammography technologists’ certificates.
- Amends and modifies existing language to make regulations more clear, current and compatible with the intent and scope of the Program.
- Adoption by reference of certain NRC Regulations Title 10, Code of Federal Regulations.
- Regulation authorizing the Division to impose enforcement actions.
- Clarification of Radiation Safety Officer (RSO) requirements.
- Broaden regulation fee structure for certain specific licenses to provide for a reduction in fees.

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

- A. *Adverse effects:* May have a negative economic impact on Licensees, registrants and stakeholders which 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.
2. 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.
3. At this time, 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.
4. 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.
5. The proposed regulations do not overlap or duplicate any other Nevada state regulations. Proposed regulations. Title 10, Code of Federal Regulation, Part 37 is proposed to be adopted by reference, for regulations to stay compatible with the Nuclear Regulatory Commission.
6. 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.
7. Per NRS 233B.064(2), upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.
8. Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence in excess of two typed, 8-1/2" x 11" pages must submit the material to the Board's Secretary, Cody Phinney, to be received no later than March 1, 2016 at the following address:

Secretary, State Board of Health
Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89706

Written comments, testimony, or documentary evidence in excess of two typed pages will not be accepted at the time of the hearing. The purpose of this requirement is to allow Board members adequate time to review the documents.

A copy of the notice and proposed regulations are on file for inspection and/or may be copied at the following locations during normal business hours:

Division of Public and Behavioral Health
675 Fairview Drive, Suite 218
Carson City, NV 89701-5629

Division of Public and Behavioral Health
4220 S. Maryland Parkway, Bldg. D, Ste. 810
Las Vegas, NV 89119

Nevada State Library and Archives
100 Stewart Street
Carson City, NV 89701

Copies may be obtained in person, by mail, or by calling the Radiation Control Program at (775) 687-7550 in Carson City.

A copy of the regulations and this notice can also be found on-line by going to:

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/)
<https://www.leg.state.nv.us/Register/2013Register/R144-13RP4.pdf>
<https://www.leg.state.nv.us/App/Notice/A/>

Copies may also be obtained from any of the public libraries listed below:

Carson City Library
900 North Roop Street
Carson City, NV 89702

Churchill County Library
553 South Main Street
Fallon, NV 89406

Clark County District Library
1401 East Flamingo Road
Las Vegas, NV 89119

Douglas County Library
1625 Library Lane
Minden, NV 89423

Elko County Library
720 Court Street
Elko, NV 89801

Esmeralda County Library
Corner of Crook and 4th Street
Goldfield, NV 89013-0484

Eureka Branch Library
80 South Monroe Street

Henderson District Public Library
280 South Green Valley Parkway

Eureka, NV 89316-0283

Henderson, NV 89012

Humboldt County Library
85 East 5th Street

Lander County Library
625 South Broad Street

Winnemucca, NV 89445-3095

Battle Mountain, NV 89820-0141

Lincoln County Library
93 Maine Street

Lyon County Library
20 Nevin Way

Pioche, NV 89043-0330

Yerington, NV 89447-2399

Mineral County Library
110 1st Street

Pahrump Library District
701 East Street

Hawthorne, NV 89415-1390

Pahrump, NV 89041-0578

Pershing County Library
1125 Central Avenue

Storey County Library
95 South R Street

Lovelock, NV 89419-0781

Virginia City, NV 89440-0014

Tonopah Public Library
167 Central Street

Washoe County Library
301 South Center Street

Tonopah, NV 89049-0449

Reno, NV 89505-2151

White Pine County Library
950 Campton Street
Ely, NV 89301-1965