Radiation Control Program

Legislative Briefing

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Radiation Control Program

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Radiation Control Program History

The Radiation Control Program (RCP) is the branch of public health that is concerned with all aspects of the control of ionizing radiation. The program protects public health and safety and the environment by regulating sources of ionizing radiation and providing general information concerning ionizing radiation sources. The program licenses and inspects radioactive material users; registers and inspects X-ray machines statewide; issues certificates of authorization to operate mammography equipment and inspects mammography X-ray machines; educates the public on radon hazards in the home and workplace; licenses and provides oversight of the closed low-level waste disposal site near Beatty, Nevada[1]; coordinates with local counties and other agencies to provide radon training; and conducts statewide radiological emergency response activities. Statutory Authority: NRS 457 and NRS 459.

Mission Statement

The Radiation Control Program (RCP) is responsible for safeguarding public health and safety by preventing unnecessary radiation exposure to the public through effective licensing, registration, inspection, enforcement and incident response to protect the public, radiation workers, and the environment in the State of Nevada.

Program Staffing

The RCP consists of 22 FTE positions and is comprised of 1 Radiation Control Manager, 3 Radiation Physicist supervisors, 14 Radiation Control Specialists and 4 Administrative Assistants.

Statutory Authority

The following NRS provides the RCP authority to regulate ionizing radiation public health programs:

- NRS 457 – Operation of Radiation Machine for Mammography
- NRS 459 – State Control of Radiation
- NRS 585 – Food and Drug Commissioner shall regulate food, drugs and cosmetics

Services Provided

On a statewide basis, the RCP regulates ionizing radiation producing machines such as X-ray and fluoroscopic and radioactive materials in hospitals, clinics, medical private, veterinary, industrial

[1] Discussion concerning funding of the low-level waste disposal site is not included in this document because it is handled in a different budget account.

and academic facilities. The RCP also conducts contracted inspections of X-ray machines utilized for mammography for the FDA. All inspections are conducted based on a frequency of 1-5 years based on a national recommendation for X-ray, annual for mammography and 1-5 years in the radioactive materials program based on U.S. Nuclear Regulatory Commission regulations. The following table identifies the number of licensees by county in three areas:

County[2]	X-ray Machine Inspections	Radioactive Material Inspections	FDA Contracted Inspections/State inspections for Mammography
Mobile Used Statewide	144	47	0
Carson	243	9	3
Churchill	48	3	1
Clark	4048	159	53
Douglas	122	1	3
Elko	99	11	2
Eureka	4	2	0
Humboldt	35	8	2
Lander	10	0	0
Lincoln	6	1	0
Lyon	56	0	1
Mineral	7	0	0
Nye	70	6	2
Pershing	10	0	0
Storey	1	0	0
Washoe	1083	47	9
White Pine	0	2	1
Total	**5986**	**296**	**77**

Program Funding

The current funding mechanism for programs is as follows:

- NAC 459.161, Registration of Radiation Machines – Activities are 100% fee funded based on the average time and staffing required to complete registration, inspection and complaint investigation.
- NAC 459.203, Licensing of Radioactive Material (specific licenses) –Activities are 100% fee funded based on the average time and staffing required to complete licensing, inspection, complaint investigation and emergency response.

[2] If a county isn't represented on the chart, it's because there are no licensees in those counties.

- NAC 459.310 (NRS 439.150, 459.201), Fees of the Division – Except as otherwise provided in NAC 459.203 for licensing of radioactive materials, activities are 100% fee funded based on the average time and staffing required to complete licensing, inspection, complaint investigation, and emergency response.
- NRS 457.183, Requirements to obtain authorization for operation of a mammography machine (mammography operation qualifications) – This activity is 100% fee funded based on the average time and staffing required to complete an evaluation of applicant credentials to operate a mammography machine and issue a certificate of authorization.
- NRS 457.184 (NAC 457.295), Authorization for operation of a mammography machine – This activity is 100% fee funded based on the average time and staffing required to complete an application review and issue a Certificate of Authorization.
- NAC 457.285-457.335, Inspection of mammography machines and administrative records – This activity is 63% federally funded under contract to the U.S. Food and Drug Administration and 37% fee funded. This activity is based on the average time and staffing required to complete inspections and complaint investigations.

There have not been any proposed fee increases since 2007, and there are no increases proposed in the 2012-2013 budget requests.

Fee History

In October 2002, an independent contractor was hired by the Division to provide an objective assessment of program staffing time and effort for the Program. This comprehensive evaluation of staffing levels and workload, to ensure effective operations and compliance with state and federal requirements, was completed June 30, 2003.

The Health Division took this evaluation and compared it to the report "Criteria for an Adequate Radiation Control Program," which is the national criterion for staffing of radioactive material programs. Fees were developed based on the independent time and effort evaluation, the recommendations in the Criteria for an Adequate Radiation Control Program and to remove the Program from the State General Fund.

Performance measures

The RCP program recently completed an LCB audit which identified several program deficiencies. Policies and Procedures were updated and/or completed to address the deficiencies. With performance monitoring, several program milestones have been reached to include:

- 100% of mandated radioactive materials inspections for the 2010 calendar year were completed.

- 100% of mandated mammography inspections for the 2010 calendar year were completed.
- 100% of all complaints for the 2010 calendar year were completed.
- 100% of mandated regulatory revisions through the 2010 calendar year were completed. This also includes non-mandated regulations that were developed and passed for new technologies that provided facilities with additional options for X-ray devices.

Challenges

Upcoming challenges for the RCP program include:

- Addressing new federal requirements in the radioactive materials program with current staffing and funding.
- Maintaining qualified staff while competing with federal, medical, and academic facilities that have historically paid more for radiation professionals.
- Addressing inspection frequency in the X-ray program with current staffing and funding as X-ray use continues to escalate.
- Education of registrants in new technology, i.e. digital does not mean no ionization radiation is produced.
- Addressing new technology regulation and staff training.