

Joe Lombardo
Governor

Laura Rich
Director



DEPARTMENT OF HUMAN SERVICES



NEVADA DIVISION of PUBLIC
and BEHAVIORAL HEALTH



Andrea R. Rivers
*MS
Administrator*

Ihsan Azzam,
*Ph.D., M.D.,
Chief Medical
Officer*

SMALL BUSINESS IMPACT STATEMENT 2026

PROPOSED AMENDMENTS TO NAC CHAPTER 459 IN LCB File No. R073-25

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendments should not have an adverse effect upon a small business or negatively impact the formation, operation or expansion of a small business in Nevada.

A small business is defined in Nevada Revised Statutes NRS 233B as a "business conducted for profit which employs fewer than 150 full-time or part-time employees."

This small business impact statement is made pursuant to NRS 233B.0608 (3) and complies with the requirements of NRS 233B.0609. As required by NRS 233B.0608(3), this statement identifies the methods used by the agency in determining the impact of the proposed regulation on a small business in sections 1, 2, 3, and 4 below and provides the reasons for the conclusions of the agency in section 8 below followed by the certification by the person responsible for the agency.

Background

Proposed regulations relating to radiation; adopting by reference federal regulations governing radioactive materials; revising and repealing provisions governing the regulation of radioactive materials that are duplicative of federal regulations; revising the definition of "physician" for certain purposes relating to the use of X-rays in the healing arts; prescribing requirements governing the determination of the amount of radiation in certain materials; revising certain provisions to retain requirements for radiation machines, and providing other matters properly relating thereto.

The following federal regulations in Title 10 of the Code of Federal Regulations (10 CFR) are being adopted by reference: 10 CFR Part 19 regarding Notice, Instructions and Reports to Workers: Inspections and Investigations, Regulations, 10 CFR Part 20 regarding Standards for Protection Against Radiation, 10 CFR Part 30 regarding Rules of General Applicability to Licensing of Byproduct Material, Regulations, 10 CFR Part 31 regarding General Domestic Licenses for Byproduct Material, 10 CFR Part 32 regarding Specific Domestic Licenses to Manufacture or Transfer Certain Items Containing Byproduct Material, 10 CFR Part 33 regarding Specific Domestic License of Broad Scope for Byproduct Material, 10 CFR Part 34 regarding Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations, 10 CFR Part 35 regarding Medical Use of Byproduct Material, 10 CFR Part 36 regarding Licenses and Radiation Safety Requirements for Irradiators, 10 CFR Part 37 regarding Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material, 10 CFR Part 39 regarding Licenses and Radiation Safety Requirements for Well Logging, 10 CFR Part 40 regarding Licensing of Source Material, 10

CFR Part 61 regarding Licensing Requirements for Land Disposal of Radioactive Waste, 10 CFR Part 70 regarding Licensing of Special Nuclear Material, 10 CFR Part 71 regarding Packaging and Transportation of Radioactive Material, and 10 CFR Part 150 regarding Exemptions and Continued Regulatory Authority in Agreement States and in Offshore Waters Under Section 274.

1) A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Pursuant to NRS 233B.0608 (2)(a), the Division of Public and Behavioral Health has requested input from stakeholders, small businesses, registrants and licensees that are likely to be affected by the proposed regulations.

A small business impact questionnaire was sent to approximately 2,244 radioactive material licensees and radiation producing machine registrants of the DPBH along with a link to the proposed regulation changes, on July 22, 2026. The questions on the questionnaire were:

- 1) How many employees are currently employed by your business?
- 2) Will a specific regulation have an adverse economic effect upon your business?
- 3) Will the regulation(s) have any beneficial effect upon your business?
- 4) Do you anticipate any indirect adverse effects upon your business?
- 5) Do you anticipate any indirect beneficial effects upon your business?

Summary of Response

Summary Of Comments Received (9 responses were received out of 2,244 small business impact questionnaires distributed)			
Will a specific regulation have an adverse economic effect upon your business?	Will the regulation (s) have any beneficial effect upon your business?	Do you anticipate any indirect adverse effects upon your business?	Do you anticipate any indirect beneficial effects upon your business?
Yes- 0 No- 9 Unknown- 0	Yes- 1 No- 8 Unknown- 0	Yes- 0 No- 0 Unknown- 0	Yes- 1 No- 0 Unknown- 0

Number of Respondents out 2244	Adverse economic effect?	Beneficial effect?	Indirect adverse effects?	Indirect beneficial effects?
9	0	1	0	1

After approval, the small business impact statement will be posted on our web site to allow other interested persons to review the summary of the responses. The small business impact statement will be accessible at: <https://www.dpbh.nv.gov/regulatory/radiation-control-programs/radiation-producing-machines-program-rpm/radiation-control-program-regulations/>.

2) Describe the manner in which the analysis was conducted.

A small business impact questionnaire was distributed to all radioactive material licensees and radiation producing machine registrants of the DPBH. The responses received were reviewed and a spreadsheet was developed to quantify the total responses and comments. The information was then analyzed along with a review of the proposed regulations to determine the impact on small businesses. No direct or indirect adverse economic effects were identified in the responses from the small business impact questionnaire.

There are no new fees or changes to existing fees in the proposed regulations, and our licensees and registrants are already complying with the proposed regulations. The proposed regulations adopt by reference certain federal regulations in 10 CFR, which are already requirements in NAC 459, and revise certain provisions to remove language that will be replaced by the new incorporation by reference to 10 CFR.

3) The estimated economic effect of the proposed regulation on the small business which it is to regulate including, without limitation both adverse and beneficial effects and both direct and indirect effects.

There is no estimated economic effect of the proposed regulations on small businesses because licensees and registrants already comply with the proposed regulations and there are no new fees or changes to existing fees. There were no direct adverse effects or indirect adverse effects identified in the responses from the small business impact questionnaire. The responses identified one beneficial effect and one indirect beneficial effect on small businesses.

4) Provide a description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

The DPBH issued a small business impact questionnaire to 2,244 radioactive material licensees and radiation producing machine registrants of the DPBH to solicit input and comments on the impact of the proposed regulations, including the economic impact on small businesses. No adverse impacts have been identified, so further modifications to the proposed regulations are not warranted as a result of this input. A public workshop will be held at a future date to allow further input by the public regarding the proposed regulations and how they will impact small businesses. Comments from the public workshop will be taken into consideration for possible further revisions to the regulations to reduce any economic impact on small businesses, if any are identified.

The Division of Public and Behavioral Health is required to maintain a regulatory program governing the regulation of radioactive materials that is compatible with the U.S. Nuclear Regulatory Commission (NRC). Our current regulations already contain the requirements that are being adopted by reference. However, our current regulations have not been updated to incorporate changes made to 10 CFR since 2018. Adopting the 10 CFR by reference will update our current regulations and reduce the burden of continually updating our regulations to keep pace with the NRC. The proposed regulations do not include new fees or changes to existing fees.

5) The estimated cost to the agency for enforcement of the proposed regulation.

There is minimal cost to the agency for enforcement of the proposed regulations because we are already enforcing the regulations.

6) If the proposed regulation provides a new fee or increases an existing fee, the total annual amount DPBH expects to collect and the manner in which the money will be used.

There are no new fees and no increases to existing fees in the proposed regulations.

7) An explanation of why any duplicative or more stringent provisions than federal, state or local standards regulating the same activity are necessary.

There are no duplicative or more stringent provisions than federal, state or local standards. By adopting the 10 CFR by reference DPBH will be regulating the use of radioactive materials using the same requirements as the NRC. All NAC 459 requirements that are duplicative of the 10 CFR are being removed.

8) Provide a summary of the reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.

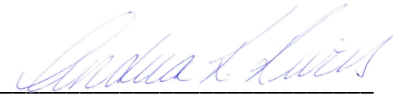
The DPBH is required to maintain a regulatory program governing the regulation of radioactive material that is compatible with the U.S. Nuclear Regulatory Commission (NRC). Our current regulations already contain the requirements that are being adopted by reference. However, our current regulations have not been updated to incorporate changes made to 10 CFR since 2018. Adopting the 10 CFR by reference will update our current regulations and reduce the burden of continually updating our regulations to keep pace with the NRC. The proposed regulations do not include new fees or changes to existing fees. For these reasons, the agency concludes the proposed regulations will produce a negligible impact on small businesses. Overall, small businesses in the State of Nevada appear not to be impacted by the proposed regulations. This summary is supported by the fact that there were no direct or indirect adverse economic effects identified in the responses from the small business impact questionnaire.

Any other persons interested in obtaining a copy of the summary may e-mail, call, or mail in a request to John Follette at the Division of Public and Behavioral Health at:

Division of Public and Behavioral Health
Bureau of Health Protection and Preparedness
Radiation Control Program
675 Fairview Drive, Suite 218
Carson City, NV 89701-5629
Attn: John Follette, Radiation Control Manager
Phone: (702)486-5280
Email: jfollette@health.nv.gov

Certification by Person Responsible for the Agency

I, Andrea R. Rivers, Administrator of the Division of Public and Behavioral Health, certify to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and the information contained in this statement was prepared properly and is accurate.

Signature 

Date: 09/28/2026