



TO: Licensees and Registrants

FROM: Becki Harisis, Manager
Office of Radiological Health

DATE: 10/3/2022

SUBJECT: Notice of Public Hearings

The purpose of these hearings is to receive comments on proposed Title 180 of Nebraska Administrative Code (NAC) Chapters 5, 7, 14, 19. Changes in Chapters were required to meet compatibility provisions under the Agreement State status with the U.S. Nuclear Regulatory Commission (NRC). Additional changes were made for clarification and formatting purposes. Authority for these regulations is found in Neb. Rev. Stat. § 81-3117(7).

For answers to technical questions about the proposed changes, contact the Office of Radiological Health at (402) 471-2168 or by email at DHHS.RadiationPrograms@nebraska.gov.

Public Hearings will be held on the following dates:

180 NAC 5	10:00 AM	October 31, 2022
180 NAC 7	1:00 PM	October 31, 2022
180 NAC 14	10:00 AM	November 2, 2022
180 NAC 19	1:00 PM	November 2, 2022

Copies of the proposed regulations, fiscal impact statements, and additional public hearing information may be viewed and downloaded at <https://www.nebraska.gov/nesos/rules-and-regs/regtrack/index.cgi>, or obtained from DHHS at the mailing address below.

Interested persons may attend the hearing and provide verbal or written comments or mail, fax or email written comments, no later than the day of the hearing to: DHHS Legal Services, PO Box 95026, Lincoln, NE 68509-5026, (402) 742-2382 or dhhs.regulations@nebraska.gov, respectively.

Auxiliary aids or reasonable accommodations needed to participate in a hearing can be requested by calling (402) 471-8417. Individuals with hearing impairments may call DHHS at (402) 471-9570 (voice and TDD) or the Nebraska Relay System at 711 or (800) 833-7352 TDD at least 2 weeks prior to the hearing.

A chapter listing with summary of proposed changes can be found on the following pages.

TITLE 180 – CONTROL OF RADIATION

180 NAC 5 Radiation Safety Requirements for Industrial Radiographic Operations

- The chapter name has been updated to Radiation Safety Requirements for Industrial Radiographic Operations. The words “Compatibility Chapter” was removed from the chapter name;
- Definitions have been updated;
- Typographical and punctuation errors have been corrected, and formatting was updated;
- Unnecessary/repetitive language has been removed throughout the chapter;
- The incorporation of 21 Code of Federal Regulations (CFR) in Section 001.02 was removed. The information in the chapter pertaining to 21 CFR has been moved to 180 NAC 8;
- Section 018 and 018.01 have been condensed into one section;
- Section 019.01 eliminates the requirement for personnel dosimeters that require processing. Removing the requirement to use personnel dosimeters that are processed and evaluated by an accredited NVLAP facility will allow the use of digital output personnel dosimeters (which do not require processing) and ensure all licensees are held to the same standards for personnel dosimetry. The Nuclear Regulatory Commission determined that mandating the use of a particular type of personnel dosimetry will not prevent or reduce the dose received or result in more accurate, precise, or reliable measurements;
- Section 020 and 020.01 through 020.04 have been condensed in to one section;
- Sections 024, 024.01, 024.02 have been condensed into one section;
- Sections 027, 027.01 and 027.02 have been condensed into one section;
- Sections 028, 028.01 and 028.02 have been condensed into one section;
- Sections 029, 029.01, and 029.02 have been condensed into one section;
- Sections 031 and 031.01 have been condensed into one section;
- Sections 033 and 033.01 have been condensed into one section;
- Sections 036 and 036.01 have been condensed into one section; and
- Sections 038 and 038.01 have been condensed into one section.

180 NAC 7 Medical Use of Radioactive Material

- Definitions have been updated;
- Typographical and punctuation errors have been corrected, and formatting was updated;
- Unnecessary/repetitive language has been removed throughout the chapter;
- Replaces all instances of Committee on Post-Graduate Training of the American Osteopathic Association with Council on Post Doctoral Training of the American Osteopathic Association;
- 180 NAC 7-003 removes the wording “The record may be the original, a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period. The record may also be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period,” and replaces it with, “Each record required by 180 NAC 7 must be an original, electronic, microform, or reproduced copy, authenticated

- by authorized personnel, and capable of producing legible, accurate, and complete records, throughout the retention period specified by Title 180”;
- 7-008 moves license renewal information from 7-008.03 to 7-008.02;
 - Moved current 7-023.03 to 7-023.02 (B) and makes 7-023.04 become 7-023.03;
 - Moved current 7-024.03 to 7-024.02 (B);
 - 7-026 changes all instances of the date July 11, 2009 to October 24, 2005;
 - 7-029 and 7-029.01 through 7-029.04 have been condensed into one section;
 - The contents of 7-031 and 7-031.01 have been condensed into one section;
 - 7-031 was revised to align with 10 Code of Federal Regulations (CFR) 35.63;
 - Moved current 7-035.03 to 7-0035.02 (B);
 - The contents of 7-036 and 7-036.01 through 7-036.08 have been condensed into one section;
 - 7-039.07 through 7-039.09 have been condensed into one section;
 - Re-inserts paragraph 7-063, Training for use of Manual Brachytherapy Sources;
 - 7-089 (C) and 7-090 (C) makes the social security number the identification of last resort when keeping records of misadministration and a dose to an embryo or fetus or a nursing child as a method of social security fraud prevention;
 - The contents of 7-103 have been condensed into one section;
 - The contents of 7-104 and 7-104.01 have been condensed into one section;
 - The contents of 7-105 have been condensed into one section;
 - The contents of 7-107 have been condensed into one section;
 - The contents of 7-108 have been condensed into one section;
 - The contents of 7-109 have been condensed into one section;
 - The contents of 7-110 have been condensed into one section;
 - The contents of 7-111 have been condensed into one section;
 - The contents of 7-112 have been condensed into one section;
 - The contents of 7-113 have been condensed into one section;
 - The contents of 7-114 have been condensed into one section;
 - 7-115.01 was adjusted to be more consistent with 10 CFR 35.3045;
 - The contents of 7-120 have been condensed into one section; and
 - Attachment 1 - Form NRH-7 was removed from the regulations

180 NAC 14 Radiation Safety Requirements for Well Logging and Subsurface Tracers Studies

- Updated definitions;
- Corrected typographical and punctuation errors;
- Removed unnecessary and repetitive language, and updated formatting throughout the chapter;
- The contents of 003 and 003.01 have been condensed into one section;
- The contents of 006 through 006.04 have been condensed into one section;
- The contents of 007 and 007.01 have been condensed into one section;
- The contents of 009 through 009.02 have been condensed into one section;
- The contents of 012 through 012.02 have been condensed into one section;
- The contents of 012 through 012.02 have been condensed into one section;
- The contents of 014 through 014.02 have been condensed into one section;
- The contents of 015 through 015.02 have been condensed into one section;
- The contents of 016 through 016.02 have been condensed into one section;
- 019.01 eliminates the requirement for personnel dosimeters that require processing. The revision authorizes the use of modern personnel dosimeters and aligns

personnel dosimetry requirements in these areas with the requirements for all other U.S. Nuclear Regulatory Commission (NRC) licensees;

- The contents of 020, 020.01, and 020.06 have been condensed into one section;
- The contents of 027 through 027.04 have been condensed into one section;

180 NAC 19 Licenses and Radiation Safety Requirements for Irradiators

- Definitions have been updated;
- Typographical and punctuation errors have been corrected;
- Unnecessary/repetitive language has been removed throughout the chapter;
- The Definition of “Construction” was moved from within 180 NAC 19-005 to 002.02 of the Definitions Section;
- Section headings have been updated throughout the chapter;
- Unnecessary/repetitive language has been removed throughout the chapter;
- Section 004 and 004.01 have been condensed into one Section;
- In Section 008.07, the regulations now point to the corresponding requirements in 180 NAC 4-034 instead of spelling out the requirement;
- In Section 019.01, the exponent in the calculation was corrected;
- Sections 018.01, 018.02 and 018.03 have been condensed into one Section 018.01; Section 018.02 and 018.03 have been moved to the list in Section 018.01;
- Section 023 and 023.02 have been condensed into one Section;
- Sections 028 through 028.13 have been condensed into one Section 028. A list was added (A through M) to the section replacing each Section number (028.01 through 028.13); and
- Section 19-020.01 eliminates the requirement for personnel dosimeters that require processing. The revision authorizes the use of modern personnel dosimeters and aligns personnel dosimetry requirements in these areas with the requirements for all other U.S. Nuclear Regulatory Commission (NRC) licensees.