



TO: Licensees and Registrants

FROM: Becki Harisis, Manager
Office of Radiological Health

DATE: 07/28/2022

SUBJECT: Notice of Public Hearings

The purpose of these hearings are to receive comments on proposed Title 180 of Nebraska Administrative Code (NAC) Chapters 13 and 24. 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 August 25, 2022 at 10:00 a.m. for [180 NAC 24](#) and 1:00 p.m. for [180 NAC 13](#). Copies of the proposed regulations and fiscal impact statements 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 below.

TITLE 180 – CONTROL OF RADIATION

180 NAC 13 Transportation of Radioactive Material

- Definitions have been updated;
- Typographical and punctuation errors have been corrected;
- Unnecessary/repetitive language has been removed throughout the chapter;
- All instances of “Division of Spent Fuel Management” were updated to “Division of Fuel Management.” as the division was renamed during the Nuclear Regulatory Commission reorganization of the Office of Nuclear Material Safety and Safeguards;
- Sections 015.11(B) and 015.13 have been combined into one section;
- 020.04(C)(i) was removed and reserved because the information on governors' designees is now out of date and paragraph 020.04(C)(ii) provides the reference to the correct and current contact information;
- 020.04(C)(iii) updates the Office of Nuclear Material Safety and Safeguards' division title from “Division of Material Safety, State, Tribal, and Rulemaking Programs” to “Division of Materials Safety, Security, State, and Tribal Programs;
- Sections 021 and 021.01 have been combined in to one section;
- Sections 022.01 and 022.01(A) have been combined in to one section; and
- Correction of a typographical error in Appendix 13-A Values for Radionuclides revises the specific activity (TBq/g) entry for Sm-147 to read “8.5 x 10⁻¹⁰.”

180 NAC 24 Physical Protection of Radioactive Material

- Definitions have been updated;
- Typographical and punctuation errors have been corrected;
- Unnecessary/repetitive language has been removed throughout the chapter;
- Section 003.01 was combined with Section 003;
- Section 004.03 through 004.06 were consolidated into one section;
- Section 005.01(A) and (B) was changed to a list (A)-(B);
- Section 005.02(B) adds direction on the certification recipient and corrects an incorrect reference;
- Section 005.05, and Sections 005.05(A) through 005.05(E), have been condensed into one Section 005.05. A list was added (A through E) to the section replacing each Section number 005.05(A) through 005.05(E);
- Section 005.08, and Sections 005.08(A) through 005.08(C), have been condensed into one Section 005.08. A list was added (A through E) to the section replacing each Section number 005.08(A) through 005.08(C);
- Section 006.01, and Sections 006.01(A) through 006.01(G), have been condensed into one Section 006.01. A list was added (A through G) to the section replacing each Section number 006.01(A) through 006.01(G);
- Section 007.02, and Sections 007.02(A) through 007.02(B), have been condensed into one Section 007.02. A list was added (A through B) to the section replacing each Section number 007.02(A) through 007.02(B);
- Sections 007.03(A) and 007.03(B) corrects a mail stop, two email addresses, a division title, and the title of a web page;

- Section 009.03, and Sections 009.03(A) through 009.03(B), have been condensed into one Section 009.03. A list was added (A through B) to the section replacing each Section number 009.03(A) through 009.03(B);
- Section 012.01(B) and 012.01(C) were condensed into one section;
- Section 012.02, and Sections 012.02(A) through 012.02(C), have been condensed into one Section 012.02. A list was added (A through C) to the section replacing each Section number 012.02(A) through 012.02(C);
- Sections 12.04(B) through (H) adds the phrase “the list of individuals that have been approved for unescorted access” to provide the full list of information required to be protected;
- Section 012.04, and Sections 012.04(A) through 012.02(H), have been condensed into one Section 012.04. A list was added (A through H) to the section replacing each Section number 012.04(A) through 012.04(H);
- Section 013.01, and Sections 013.01(A) and 013.01(B), have been condensed into one Section 013.01. A list was added (A through B) to the section replacing each Section number 013.01(A) and 013.01(B);
- Section 015.01, and Sections 015.01(A) and 015.01(C), have been condensed into one Section 015.01. A list was added (A through C) to the section replacing each Section number 015.01(A) and 015.01(C);
- Section 016.01 moves the first sentence of the paragraph to after Section 016 heading;
- Section 017, and Sections 017.01 and 017.02, have been condensed into one Section 017. A list was added (A through B) to the section replacing each Section number 017.01 and 017.02;
- Section 023.03, and Sections 023.03(A) and 023.03(B), have been condensed into one Section 023.03. A list was added (A through B) to the section replacing each Section number 023.03(A) and 023.03(B); and
- Appendix A have revised the mathematical formula to correct a sum of fractions formula. An ellipsis and a plus sign are added at the appropriate locations, and the summation sign (sigma) and brackets are deleted as unnecessary.