



TO: Licensees and Registrants

FROM: Julia Schmitt, Manager
Office of Radiological Health

DATE: September 16, 2019

SUBJECT: Notice of Public Hearings

The purpose of these hearings are to receive comments on proposed Title 180 of Nebraska Administrative Code (NAC) Chapters 1-10 and 12-24. 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).

Public Hearing information, copies of the proposed regulations and fiscal impact statements may be viewed and downloaded as hearing dates are scheduled at <https://www.nebraska.gov/nesos/rules-and-regs/regtrack/index.cgi>, by contacting DHHS at the mailing address or email below, or by phone at (402) 471-8417.

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 1 General Provisions
The proposed changes remove duplicative statutory language from the regulations and update formatting.
- 180 NAC 2 Registration of Radiation Generating Equipment Facilities and Services
The proposed changes remove duplicative statutory language from the regulations and update formatting.
- 180 NAC 3 Licensing of Radioactive Material
The proposed changes include:
- A reference to the Radiation Control Act regarding deliberate misconduct was added.
 - A record retention requirement regarding records of transfer of radioactive material was changed from “until the Department authorizes their disposition” to “until license termination”.
 - Licensees must report to the Department the results of any test that exceeds the permissible concentration listed for radionuclide contaminants in radioactive drugs at the time of radionuclide generator elution.
 - Editorial: removal of typographical errors, incorrect references, and update formatting
- 180 NAC 4 Standards for Protection from Radiation
The proposed changes remove typographical errors from the regulations and update formatting.
- 180 NAC 5 Radiation Safety Requirements for Industrial Radiographic Operations Compatibility
The proposed changes remove the requirement that vehicles used to transport radioactive material or radiation machines for use at temporary job sites prominently display on both sides of the vehicle the city or town where the main business office is located, duplicative statutory language from the regulations, and update formatting.
- 180 NAC 6 Diagnostic X-Rays in the Healing Arts
The proposed changes remove duplicative statutory language from the regulations and update formatting. Other proposed changes include:
- The requirements regarding the use of dental radiation generating equipment were placed in Chapter 6, since the chapter of the regulations specific to dental intraoral, cephalometric and panoramic equipment is to be deleted. Additionally, the requirements outlining the radiation safety attributes that hand-held dental intraoral equipment must have was added. Currently, only specific brands and models of hand-held equipment have been approved for use. By specifying the safety attributes that must be in place, users can choose any brand or model of hand-held equipment that has those safety attributes.
 - An addition of requirements specific to cone beam computed tomography equipment. Currently, users of that equipment must comply with the requirements that are applicable to all types of computed tomography equipment. The radiation output of cone beam computed tomography equipment is less than traditional

types of computed tomography equipment, so the requirements specific to those units are less stringent.

- A provision allowing radiation exposure for research purposes provided that the research is approved by an institutional review board and is conducted under federal regulations for the protection of human subject in research.

180 NAC 7 Medical Use of Radioactive Material

The proposed changes remove duplicative statutory language from the regulations and update formatting. Other proposed changes include:

- Separate misadministration definitions and reporting requirements for permanent implant brachytherapy were established.
- The definition of an ophthalmic physicist was added.
- The requirement to obtain a written attestation for an individual who is certified by a specialty board whose certification process has been recognized by the NRC or an Agreement State was removed.
- Certification boards recognized under chapter 7 prior to 2009 would again be recognized. Individuals practicing prior to 2009 as radiation safety officers, teletherapy or medical physicists, authorized medical physicists, authorized users, nuclear pharmacists, and authorized nuclear pharmacists could be added to a license for the modalities that they practiced, if they were certified by one of those previously recognized boards. Since 2009 these individuals have had to qualify by demonstrating their training and experience rather than being recognized for their board certification.
- The requirements for measuring molybdenum contamination were amended.
- A new requirement for the reporting of failed technetium and rubidium generators was added.
- Licensees will be allowed to appoint a qualified individual with expertise in certain uses of radioactive material to be named on a license to serve as an assistant radiation safety officer.

180 NAC 8 Radiation Safety Requirements for Non-Healing Arts Radiation Generating Devices

The proposed changes remove typographical errors from the regulations and update formatting. Other proposed changes include:

- The name of the chapter was changed from “Radiation Safety Requirements for Analytical X-Ray equipment” to “Radiation Safety Requirements for Non-Healing Arts Radiation Generating Devices” to more accurately reflect what types of equipment and uses are covered by this chapter.
- Regulations governing the use of cabinet x-ray systems were moved from 180 NAC 5 (Industrial Radiography) to this chapter as the majority of the requirements in chapter 5 were not applicable to these devices.
- Interlock testing frequency for cabinet x-ray systems was reduced from 6 months to 12 months.
- All requirements for devices that use radioactive material as the source of radiation were removed from this chapter.
- Open-beam hand-held radiation generating device safety requirements were added to this chapter. Previously, these types of devices were only allowed after getting Department approval.
- General safety requirements governing the use of fluoroscopes used in shielded rooms, bomb detection devices, x-ray gauges, irradiators and electron beam

welders were added to this chapter. Previously there were not specific regulations regarding the safe use of these types of devices and registrants were confused about what regulations applied.

- 180 NAC 9 Radiation Safety Requirements for Non-Human Use Particle Accelerators
The proposed changes remove duplicative statutory language from the regulations and update formatting.
- 180 NAC 10 Notices, Instructions and Reports to Workers: Inspections
The proposed changes remove duplicative statutory language from the regulations and update formatting.
- 180 NAC 12 Licensing Requirements for Management of Radioactive Waste
The regulations are proposed for REPEAL in their entirety as the regulations are unnecessary due to there being no current or planned low level radioactive waste facilities in Nebraska.
- 180 NAC 13 Transportation of Radioactive Material
The proposed changes remove duplicative statutory language from the regulations, correct typographical errors and incorrect references, and update formatting. 180 NAC 13-007.03(B) was changed to specify what U.S. Nuclear Regulatory Commission requirements need to be met for certain shipments, such as those containing fissile material.
- 180 NAC 14 Radiation Safety Requirements for Well Logging and Subsurface Tractor Studies
The proposed changes remove duplicative statutory language from the regulations and update formatting.
- 180 NAC 15 Training and Experience Requirements for Use of Radiation Sources
The proposed changes remove duplicative statutory language from the regulations and update formatting. Training requirements for persons installing or repairing radiation generating equipment have been modified to make it easier for those individuals to demonstrate that they meet the requirements
- 180 NAC 16 Licensure of Persons Performing Medical Radiography
Deletion of Chapter 16 is proposed as the practice of medical radiography is now regulated under the Uniform Credentialing Act and regulations are being developed under Title 172.
- 180 NAC 17 Enforcement of Radiation Control Act and Rights to Hearing Procedures for Licensees and Registrants: Penalties
The regulations are proposed for REPEAL in their entirety as these regulations are duplicative of statutory language contained in the Radiation Control Act and the Administrative Procedures Act and are unnecessary.
- 180 NAC 18 Fees for Certificates of Registration, Radioactive Material Licenses, Environmental Surveillance, Emergency Response and Other Regulatory Services
Additional updates will be coming in the future on this site.

- 180 NAC 19 Licenses and Radiation Safety Requirements for Irradiators
The proposed changes remove duplicative statutory language and unnecessary language from the regulations and update formatting.
- 180 NAC 20 Therapeutic Radiation Machines for Human Use
The proposed changes remove unnecessary language from the regulations and update formatting. In addition, the proposed regulations remove unnecessary requirements:
- Several unnecessary definitions were removed.
 - The requirement that the Department review and approve of an external beam radiation therapy user's training prior to being allowed to work was removed from 180 NAC 20-003.03(2)(d) and (e). The qualifications of the user will be reviewed on inspection.
 - The requirements for a visiting authorized user were removed from 180 NAC 20-003.11, as they must meet the same requirements as a permanent user.
 - The requirement to report to the Department the results of external beam radiation therapy surveys and measurements within 30 days of their completion was removed from 180 NAC 20-004.04. The results of the surveys and measurements will be reviewed on inspection.
 - The requirement that users of therapeutic radiation machines of less than 500 kV possess a survey instrument has been removed from 180 NAC 20-006.018G as it is unnecessary.
 - The requirement that registrants notify the equipment manufacturer if a patient has a medical emergency, suffers injury or dies has been removed from 180 NAC 20-011.08I. This is covered by U.S. Food and Drug Administration regulations.
- 180 NAC 21 Dental Radiographic Equipment
The regulations are proposed for REPEAL in their entirety as the regulations are unnecessary as they repeat requirements from other chapters.
- 180 NAC 22 Shipping of High Level Radioactive or Transuranic Waste
The proposed changes remove duplicative statutory language and unnecessary language from the regulations and update formatting.
- 180 NAC 23 Fluoroscopic Education and Training for Certified Registered Nurse Anesthetists
The proposed changes remove duplicative statutory language and unnecessary language from the regulations and update formatting.
- 180 NAC 24 Physical Protection of Radioactive Material
The proposed changes correct any typographical errors and update formatting.