

TO: Licensees and Registrants

FROM: Julia Schmitt, Manager
Office of Radiological Health

DATE: August 14, 2009

SUBJECT: Newly Revised Nebraska Regulations for Control of Radiation

On July 11, 2009, changes to the Nebraska Regulations for Control of Radiation (Title 180) became effective. Changes were made to Chapters 1-10, 13-15, and 17-19 and Chapters 20 & 21 were added. Chapter 22 effective March 30, 2009 and Chapter 23 effective June 21, 2009 were added.

Some changes were required by the Nuclear Regulatory Commission (NRC) in order to maintain agreement state status and compatibility with Federal standards. The regulations also update Department and Division names as established in Laws 2007, LB 296, the Health and Human Services Act. Some chapters have been completely rewritten and reorganized due to extensive changes, and other chapters have had only editing, updating, and clarifying changes made.

A copy of the regulations is available for download at
<http://www.dhhs.ne.gov/puh/enh/rad/regs/regindex.htm>.

Licensees and Registrants will need to read the regulations, as there have been many changes. The list below is just a brief summary of changes.

- Added Chapter 21 that contains the requirements for most Dental Facilities. On the left side of the page is the regulatory text and on the right side of the page is a quick reference;
- Revised and added definitions;
- Updated Forms NRH-4 (Application for Registration of Radiation Generating Equipment) and NRH-9 (Application for Registration of Services for Radiation Sources);
- Amended regulations on financial assurance for certain radioactive material licensees, including all waste brokers, to bring the amount of financial assurance required more in line with current decommissioning costs;
- Added Appendix 3-F (Criteria Relating to Use of Financial Tests and Parent Company Guarantees for Providing Reasonable Assurance of Funds for Decommissioning);
- Added requirements for the National Source Tracking System for certain sealed sources of radioactive materials;
- Added sampling procedures under specific manufacturing licenses;
- Added a requirement that a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal whenever portable gauges are not under the control and constant surveillance of the licensee;
- Removed the section, Licensing the Distribution of Radioactive Material in Exempt Quantities;
- Revised and deleted certain forms;
- Revised skin dose limits and changed the method of calculating shallow-dose equivalents;
- Added requirements for licensees to report certain transactions involving sealed sources to the National Source Tracking System;
- Provided for a licensee to hold radioactive material with a physical half-life of less than 120 days for decay-in-storage before disposal without regard to its radioactivity if licensee meets certain requirements;

- Revised Chapter 6 to reflect updated U.S. Food and Drug Administration performance standards for x-ray systems;
- Added facility and equipment performance standards for bone densitometry;
- Moved requirements for therapeutic systems to new Chapter 20;
- Moved requirements for most dental systems to new Chapter 21;
- Revised provisions on the medical use of radioactive material, especially medical procedures that pose the highest risk to workers, patients, and the public;
- Revised requirements for recognition of specialty boards whose certifications may be used to demonstrate the adequacy of the training and experience of individuals who serve as radiation safety officers, authorized medical physicists, authorized nuclear pharmacists, or authorized users;
- Revised requirements for demonstrating the adequacy of training and experience for individuals who are not board certified;
- Revised provisions on particle accelerators to include only particle accelerators for non-human use. Particle accelerators for human use now are in new Chapter 20;
- Revised provisions on transportation of radioactive material to make the regulations compatible with the NRC, U.S. Department of Transportation (DOT), the International Atomic Energy Agency (IAEA), and other transportation safety amendments.;
- Phased out the use of older approved designs for certain transportation packages, eliminated double-seal requirements for plutonium shipments, and incorporated the single-seal requirement of the IAEA;
- Revised minimum qualifications for Radiological Medical Physicist, Radiological Health Physicist, and Qualified Experts;
- Moved training and experience requirements for Radiation Therapists to new Chapter 20;
- Removed minimum training requirements for operators of non-human X-rays or particle accelerators under 1 MeV;
- Provided for the right to a hearing when the Department denies an application for a license or an amendment to a license or revokes or suspends a license;
- Added "Disposition for an Impounded Source of Radiation" as provided in Law;
- Increased fees to reflect the Department's costs;
- Revised nuclear power plant annual fees from \$36,000 to \$53,000 to reflect current statutory language;
- Removed the schedule of fees for uranium recovery facility licenses and the fees for low-level radioactive waste management;
- Created new Chapter 20, Therapeutic Radiation Machines for Human Use, which establishes requirements for the use of linear accelerators and superficial and orthovoltage x-ray units in the administration of radiation therapy;
- Created new Chapter 21, Dental Radiographic Equipment, which combines into one chapter all regulations in Title 180 that are applicable to dentists using intraoral and cephalometric systems;
- Created new Chapter 22, Shipment of High Level Radioactive or Transuranic Waste; and
- Created new Chapter 23, Fluoroscopic Education and Training for Certified Registered Nurse Anesthetists.

180 NAC 10-002.01 and 10-002.02 requires licensees and registrants (21-007.05 for dental registrants) to post current copies of Chapters 4 and 10 of Title 180 (Chapter 21 for dental registrants) or post where they are located. Licensee and registrants can use the "The Green Card" form on our website <http://www.dhhs.ne.gov/puh/enh/rad/formdoc.htm> as a way to post where the regulations are located.

Information about the Office of Radiological health including, forms, regulatory guides, fees, etc., can be found at <http://www.dhhs.ne.gov/rad/>

If you have any questions, you can contact the Office of Radiological Health at (402)471-2168, by FAX at (402)471-0169 or by email at radiation.programs@dhhs.ne.gov.