

NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES
NOTICE OF PUBLIC HEARING

December 10, 2019
10:00 a.m. Central Time
Nebraska State Office Building – Lower Level A
301 Centennial Mall South, Lincoln, Nebraska

The purpose of this hearing is to receive comments on proposed changes to Title 180, Chapter 10 of the Nebraska Administrative Code (NAC) – *Notices, Instructions and Reports to Workers: Inspections*. The chapter governs the responsibilities of licensee or registrant to inform individuals working with radioactive material or x-ray radiation sources of their exposure to radiation and outlines the mechanism workers can use to lodge a complaint about unsafe radiation working conditions. The proposed changes remove any duplicative statutory language and unnecessary language from the regulations and update formatting.

Authority for these regulations is found in Neb. Rev. Stat. § 81-3117(7).

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.

A copy of the proposed changes is available online at <http://www.sos.ne.gov>, or by contacting DHHS at the mailing address or email above, or by phone at (402) 471-8417. The fiscal impact statement for these proposed changes may be obtained at the office of the Secretary of State, Regulations Division, 1201 N Street, Suite 120, Lincoln, NE 68508, or by calling (402) 471-2385.

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.

FISCAL IMPACT STATEMENT

Please check one.

Draft **Final**

Has this statement been reviewed & approved by FAPA Unit (MLTC & CFS) or Budget Unit (PH)? **Yes** **No**

Agency: Department of Health and Human Services	
Title: 180	Prepared by: Julia Schmitt
Chapter: 10	Date prepared: 6/6/2019
Subject: Notices, Instructions and Reports to Workers: Inspections	Telephone: 402/471-0528

Type of Fiscal Impact:

Please check all that apply

Each of the 3 columns below need to have a checkmark

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	(<input checked="" type="checkbox"/>)	(<input checked="" type="checkbox"/>)	(<input checked="" type="checkbox"/>)
Increased Costs	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Decreased Costs	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Increased Revenue	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Decreased Revenue	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Indeterminable	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)

Provide an Estimated Cost & Description of Impact:

State Agency:

Political Subdivision:

Regulated Public:

If indeterminable, explain why:

PROPOSED REGULATION QUESTIONNAIRE

Title 180 NAC 10

1) Is the regulation essential to the health, safety, or welfare of Nebraskans?

Yes. The purpose of the regulations are to institute and maintain a program to permit development and utilization of sources of radiation for peaceful purposes consistent with the protection of occupational and public health and safety and the environment. The regulated entities are handling radioactive material and x-ray sources of radiation. As such, it is important they know their right to lodge a complaint about unsafe radiation working conditions and receive reports about the amount of radiation they were exposed to.

2) Do the costs of the regulation outweigh the benefits? Provide specific data and reasoning.

Yes. Misuse of ionizing radiation can have catastrophic health consequences. The regulations provide safeguards that allow the benefits while minimizing risks.

Radioactive materials provide benefits to the public in a number of medical and industrial settings. Misuse of radioactive materials and ionizing radiation can be life-threatening and have catastrophic environmental consequences. The regulations provide safeguards that allow the benefits while minimizing risks. Without regulation by the state, individuals would be required to meet the same standards under federal licensure at significantly great cost to the licensees. As an Agreement State, the Annual Fees levied by Nebraska for licensure and regulation are much less than those levied by the U.S. Nuclear Regulatory Commission (NRC).

Examples:

Material Type	NRC	Nebraska
Medical Use	\$11,100 – 18,500	\$3,900
Panoramic Irradiator	\$62,000	\$11,500
Irradiator, self-shielded	\$6,500	\$2,600
Broad Scope (Educational or Medical)	\$29,700	\$18,000
Industrial Radiography	\$10,600	\$6,500

3) Does a process exist to measure the effectiveness of the regulation? If so, explain.

Yes. Licensees and registrants are inspected for compliance with the radiation safety regulations. The performance of the Office of Radiological Health is evaluated by the Nuclear Regulatory Commission during the Integrated Materials Performance Evaluation Program (IMPEP). Performance is assessed in the following areas: technical staffing and training; status of materials inspection program; technical quality of inspections; technical quality of licensing actions; technical quality of incident and allegation activities, and; compatibility of regulations.

4) Has a less restrictive alternative been considered?

The least restrictive alternative has been chosen. Because the Agreement requires that Nebraska's regulatory program be compatible with that of the NRC, rather than always identical, there are some areas of the regulations that we are allowed more flexibility in crafting regulations that more directly meet the needs of our licensees while still being protective. Each regulation of the NRC is assigned a compatibility designation. Compatibility A regulations are basic radiation protection standard or related definitions, signs, labels or terms necessary for a common understanding of radiation protection principles. The State regulations must be essentially identical to those of the NRC. Compatibility B regulations have significant direct trans-boundary implications. The State regulations must be essentially identical to those of the NRC. For Compatibility C regulations, the essential objectives must be adopted by the State to avoid conflicts, duplications or gaps. The manner in which the essential objectives are addressed need not be the same as NRC, provided the essential objectives are met. For any Compatibility C regulations, the least restrictive regulatory alternative has been chosen.

5) Was the regulation solely promulgated due a state statutory requirement? If so, provide citations.

Yes, Neb. Rev. Stat. § 71-3505(1) and § 71-3507(1) requires regulations. However, even if the statute were to be changed to "may", regulations would still be needed to ensure public safety and safe radiation use by the regulated entities.

6) Was the regulation promulgated as the result of a federal mandate? If so, include copies of the applicable federal statutes and regulations.

No. However, Section 274 of the Atomic Energy Act provides a statutory basis under which the U. S. Nuclear Regulatory Commission (NRC) relinquishes to the States portions of its regulatory authority to license and regulate byproduct materials (radioisotopes); source materials (uranium and thorium); and certain quantities of special nuclear materials to States that meet certain requirements. The mechanism for the transfer of NRC's authority to a State is an agreement signed by the Governor of the State and the Chairman of the Commission, in accordance with section 274b of the Act. The NRC relinquished their authority to the State of Nebraska in 1966 when Governor Morrison signed the Agreement with the NRC. The Agreement requires that Nebraska maintain a regulatory program that is adequate to protect public health and safety and the environment and that our regulations be compatible with those of the NRC. The NRC periodically reviews the program for adequacy and compatibility with that of the NRC. As an Agreement State, if the Nebraska Regulations for Control of Radiation are not found to be compatible, the NRC can terminate the Agreement and resume regulatory authority over radioactive materials within the State. Currently, there are 38 states that have agreements with the NRC with several more states in process.

PROPOSED REGULATION POLICY PRE-REVIEW CHECKLIST

Agency: DHHS – Division of Public Health

Title, Chapter of Regulation: Title 180 NAC 10

Subject: Notices, Instructions and Reports to Workers: Inspections

Prepared by: Julia Schmitt

Telephone: 402-471-0528

A. Policy Changes and Impacts

1. What does the regulation do and whom does it impact? Provide a brief description of the proposed rule or regulation and its impacts on state agencies, political subdivisions, and regulated persons or entities.

The regulations apply to persons using radioactive material or x-ray radiation sources and outlines the licensee and registrant's responsibilities to inform workers of their exposure to radiation and addresses the mechanism that workers can use to lodge a complaint about unsafe radiation working conditions. The revision removes any unnecessary language and any repeated statutory language from the regulations.

2. Describe changes being proposed to current policy and briefly provide rationale.

The revision removes any repeated statutory and redundant language from the regulations.

B. Why is the rule necessary? Explain and provide an identification of authorizing statute(s) or legislative bill(s).

1. Update of regulation (repeal of obsolete statutes, reflect current policy, editing or technical language changes, etc.)

The revision removes any repeated statutory and redundant language from the regulations.

2. Annual changes – cost of living, hunting season schedules, etc.

No.

3. Law was changed – federal ____ or state ____ [Cite authorizing statute(s) or legislative bill(s)]

N/A

4. Extension of established policy or program, new initiatives or changes in policy (within statutory authority) **No**
5. Constituent initiated **No**
6. Financial needs – increases/decreases in fees **No**
7. Litigation requires changes in rules **No**
8. Addresses legal or constitutional concerns of Attorney General's office **No**
9. Implements federal or court mandate **No**
10. Other (explain)

C. What happens if these rules are not adopted?

Unnecessary or redundant regulations would remain in place.

D. Policy Checklist

1. Is this an update or editorial change reflecting essentially no change in policy? **Yes**
2. Does the policy in the proposed regulation reflect legislative intent? **Yes.**
3. Is the policy proposed in the regulation a state mandate on local government? **Yes** Is it funded? **Yes**
4. Is the policy proposed in the regulation a federal mandate on local government? **No** Is it funded? **N/A**

E. Fiscal Impact. In addition to completing the required Fiscal Impact Statement (a copy must be attached to this document), the agency must address the following:

No fiscal impact.

1. Will the proposed regulation reduce, increase, or have no change in resources – funds, personnel or FTE? **No change.**
2. Have initial contacts been made with citizens or organizations that may be impacted by the proposed regulation? **No, because the changes are**

primarily formatting and editorial. We will solicit public comment before a public hearing.

3. Does the proposed regulation impact another agency? **No** Explain the impact.
4. Will the proposed regulation reduce, increase, or have no change on reporting requirements of businesses?

No change

5. What is the agency's best estimate of the additional or reduced spending? If there is none, please note. If receipt of federal funds is contingent upon approval of the proposed regulation, then indicate the amount and nature of the federal funds affected, and enclose laws or correspondence from federal officials substantiating the information.

No change in spending.

6. Include a description of the impact that the proposed regulation will have on the number of state employees and how the agency intends to address proposed increases or decreases in FTE.

No Impact.

F. Unique problems or issues and recommendations.

No known problems or issues.

G. Who is expected to be affected, or to oppose or support the proposed regulation? Explain what initial informal contacts have been made with organizations or citizens who may be affected by the regulation prior to the public hearing.

No known supporters or opponents.

DHHS will solicit public comment on the proposed regulations before the public hearing.

H. Are these proposed rules a likely candidate for negotiated rulemaking? Explain. Has the process been completed? If so, explain how the issues were addressed.

No.

EFFECTIVE DATE _____ NEBRASKA DEPARTMENT OF
NOVEMBER 28, 2016 _____ HEALTH AND HUMAN SERVICES _____ 180 NAC 10

2TITLE 180 _____ CONTROL OF RADIATION

CHAPTER 10 _____ NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS: INSPECTIONS

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FORM(S)

Form NRH-3 Notice to Employees ~~Removed table of contents~~

EFFECTIVE DATE _____ NEBRASKA DEPARTMENT OF
NOVEMBER 28, 2016 _____ HEALTH AND HUMAN SERVICES _____ 180 NAC 10

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TITLE 180 _____ CONTROL OF RADIATION

CHAPTER 10 _____ NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS: INSPECTIONS

10-001 SCOPE AND AUTHORITY

10-001.01 ~~180 NAC 10 establishes requirements for notices, instructions and reports by licensees or registrants to individuals engaged in activities under a license or registration and options available to such individuals in connection with Department inspections of licensees or registrants to ascertain compliance with the provisions of the Act and regulations, orders and licenses issued there under regarding radiological working conditions. The regulations are authorized by and implement the Nebraska Radiation Control Act, Neb. Stat. Rev. §§ 71-3501 to 71-3520.~~

10-001.02 ~~The regulations in 180 NAC 10 apply to all persons who receive, possess, use, own or transfer sources of radiation licensed by or registered with the Department pursuant to 180 NAC 2, 3, 5, 6, 7, 8, 9, 11, 12, 14, 16, 19, 20 and 21.~~

10-002 POSTING OF NOTICES TO WORKERS

10-002.01 ~~Each licensee or registrant must post current copies of the following documents:~~

- ~~1. The regulations in 180 NAC 10 and 180 NAC 4;~~
- ~~2. The license, certificate of registration, conditions or documents incorporated into the license by reference and amendments thereto;~~
- ~~3. The operating procedures applicable to activities under the license or registration; and~~
- ~~4. Any notice of violation involving radiological working conditions, proposed imposition of civil penalty, or order issued pursuant to 180 NAC 17 and any response from the licensee or registrant.~~

10-002.02 ~~If posting of a document specified in 180 NAC 10-002.01, items 1., 2., or 3. is not practicable, the licensee or registrant may post a notice which describes the document and states where it may be examined.~~

10-002.03 ~~Department Form NRH-3, "Notice to Employees" must be posted by each licensee or registrant wherever individuals work in or frequent any portion of a restricted area.~~

10-002.04 ~~Department documents posted pursuant to 180 NAC 10-002.01, item 4., must be posted within two working days after receipt of the documents from the Department; the licensee's or registrant's response, if any, must be posted within two working days after dispatch from the licensee or registrant. The documents must remain posted for a minimum of five working days or until action correcting the violation has been completed, whichever is later.~~

~~10-002.05 Documents, notices or forms posted pursuant to 180 NAC 10-002 must appear in a sufficient number of places to permit individuals engaged in work under the license or registration to observe them on the way to or from any particular work location to which the document applies, must be conspicuous, and must be replaced if defaced or altered.~~

10-003 INSTRUCTIONS TO WORKERS

~~10-003.01 All individuals who in the course of employment are likely to receive in a year an occupational dose in excess of 100 mrem (1 mSv) must be:~~

- ~~1. Kept informed of the storage, transfer, or use of radiation and/or radioactive material;~~
- ~~2. Instructed in the health protection problems associated with exposure to radiation and/or radioactive material, precautions or procedures to minimize exposure, and in the purposes and functions of protective devices employed;~~
- ~~3. Instructed in, and required to observe, to the extent within the worker's control, the applicable provisions of Title 180 and licenses for the protection of personnel from exposures to radiation or radioactive material;~~
- ~~4. Instructed of their responsibility to report promptly to the licensee or registrant any condition which may lead to, constitute, or cause a violation of the Act, Title 180, and licenses or unnecessary exposure to radiation or radioactive material;~~
- ~~5. Instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation or radioactive material; and~~
- ~~6. Advised as to the radiation exposure reports which workers must be furnished pursuant to 180 NAC 10-004.~~

~~10-003.02 In determining those individuals subject to the requirements of 180 NAC 10-003.01, licensees or registrants must take into consideration assigned activities during normal and abnormal situations involving exposure to radiation and/or radioactive material which can reasonably be expected to occur during the life of a licensees or registrants facility. The extent of these instructions must be commensurate with potential radiological health protection problems present in the work place and must be performed annually.~~

~~10-003.03 Records of the instructions to workers required by 180 NAC 10-003 must be maintained by the licensee and/or registrant until reviewed by the Department.~~

10-004 NOTIFICATIONS AND REPORTS TO INDIVIDUALS

~~10-004.01 Radiation exposure data for an individual and the results of any measurements, analyses, and calculations of radioactive material deposited or retained in the body of an individual must be reported to the individual as specified in 180 NAC 10-004. The information reported must include data and results obtained pursuant to Title 180, orders, or license conditions, as shown in records maintained by the licensee or registrant pursuant to 180 NAC 4-052. Each notification and report must:~~

- ~~1. Be in writing;~~

- ~~2. Include appropriate identifying data such as the name of the licensee or registrant, the name of the individual, and the individual's identification number;~~
- ~~3. Include the individual's exposure information; and~~
- ~~4. Contain the following statement:~~

~~"This report is furnished to you under the provisions of 180 NAC 10. You should preserve this report for further reference."~~

~~10-004.02 Each licensee or registrant must furnish each worker annually a written report of the worker's dose as shown in records maintained by the licensee or registrant pursuant to 180 NAC 4-052.~~

~~10-004.03 Each licensee or registrant must make dose information available to workers as shown in records maintained by the licensee or registrant under 180 NAC 4-052. The licensee or registrant must provide an annual report to each individual monitored under 180 NAC 4-022 of the dose received in that monitoring year if:~~

- ~~(1) The individual's occupational dose exceed 1 mSv (100 mrem) TEDE or 1 mSv (100 mrem) to any individual organ or issue; or~~
- ~~(2) The individual requests his/her annual dose report.~~

~~The report must be furnished within 30 days from the date of request, or within 30 days after the dose of the individual has been determined by the licensee or registrant, whichever is later. The report must cover the period of time that the worker's activities involved exposure to sources of radiation and must include the dates and locations of work under the license or registration in which the worker participated during this period.~~

~~10-004.04 Each licensee or registrant must furnish to each worker a report of the worker's results of any measurements, analyses and calculations of radioactive material deposited or retained in the body. The report must be furnished to the worker within 30 days of such determination by the licensee or registrant.~~

~~10-004.05 When a licensee or registrant is required pursuant to 180 NAC 4-058, 4-059, or 4-060 to report to the Department any exposure of an individual to sources of radiation, the licensee or the registrant must also provide the individual a written report on the exposure data included in the report to the Department. These reports must be transmitted at a time not later than the transmittal to the Department.~~

~~10-004.06 At the request of a worker who is terminating employment with the licensee or registrant in work involving exposure to radiation or radioactive material, during the current year, each licensee or registrant must provide at termination to each such worker, or to the worker's designee, a written report regarding the radiation dose received by that worker from operations of the licensee or registrant during the current year or fraction thereof. If the most recent individual monitoring results are not available at that time, a written estimate of the dose must be provided together with a clear indication that this is an estimate.~~

10-005 PRESENCE OF REPRESENTATIVES OF LICENSEES OR REGISTRANTS AND WORKERS DURING INSPECTION

~~10-005.01~~ Each licensee or registrant must afford to the Department at all reasonable times opportunity to inspect materials, machines, activities, facilities, premises, and records pursuant to Title 180.

~~10-005.02~~ During an inspection, Department inspectors may consult privately with workers as specified in 180 NAC 10-006. The licensee or registrant may accompany Department inspectors during other phases of an inspection.

~~10-005.03~~ If, at the time of inspection, an individual has been authorized by the workers to represent them during Department inspections, the licensee or registrant must notify the inspectors of the authorization and must give the workers' representative an opportunity to accompany the inspectors during the inspection of physical working conditions.

~~10-005.04~~ Each workers' representative must be routinely engaged in work under control of the licensee or registrant and must have received instructions as specified in 180 NAC 10-003.

~~10-005.05~~ Different representatives of licensees or registrants and workers may accompany the inspectors during different phases of an inspection if there is no resulting interference with the conduct of the inspection. However, only one workers' representative at a time may accompany the inspectors.

~~10-005.06~~ With the approval of the licensee or registrant and the workers' representative, an individual who is not routinely engaged in work under control of the licensee or registrant, for example, a consultant to the licensee or registrant or to the workers' representative, must be afforded the opportunity to accompany Department inspectors during the inspection of physical working conditions.

~~10-005.07~~ Notwithstanding the other provisions of 180 NAC 10-005, Department inspectors are authorized to refuse to permit accompaniment by any individual who deliberately interferes with a fair and orderly inspection. With regard to any area containing proprietary information, the workers' representative for that area must be an individual previously authorized by the licensee or registrant to enter that area.

10-006 CONSULTATION WITH WORKERS DURING INSPECTIONS

~~10-006.01~~ Department inspectors may consult privately with workers concerning matters of occupational radiation protection and other matters related to applicable provisions of Title 180 and licenses to the extent the inspectors deem necessary for the conduct of an effective and thorough inspection.

~~10-006.02~~ During the course of an inspection any worker may bring privately to the attention of the inspectors, either orally or in writing, any past or present condition which the worker has reason to believe may have contributed to or caused any violation of the Act, Title 180, or license condition, or any unnecessary exposure of an individual to

~~sources of radiation under the licensee's or registrant's control. Any such notice in writing must comply with the requirements of 180 NAC 10-007.01.~~

~~10-006.03 The provisions of 180 NAC 10-006.02 must not be interpreted as authorization to disregard instructions pursuant to 180 NAC 10-003.~~

10-007 REQUESTS BY WORKERS FOR INSPECTIONS

~~10-007.01 Any worker or representative of workers who believes that a violation of the Act, Title 180 or license conditions exists or has occurred in work under a license or registration to radiological working conditions in which the worker is engaged, may request an inspection by giving notice of the alleged violation to the Department. Any such notice must be in writing, must set forth the specific grounds for the notice, and must be signed by the worker or representative of the workers. A copy will be provided to the licensee or registrant by the Department no later than at the time of inspection except that, upon the request of the worker giving the notice, his/her name and the name of individuals referred to therein must not appear in the copy or on any record published, released, or made available by the Department, except for good cause shown.~~

~~10-007.02 If, upon receipt of the notice, the Department determines that the complaint meets the requirements set forth in 180 NAC 10-007.01, and that there are reasonable grounds to believe that the alleged violation exists or has occurred, s/he must cause an inspection to be made as soon as practicable, to determine if the alleged violation exists or has occurred. Inspections pursuant to 180 NAC 10-007 need not be limited to matters referred to in the complaint.~~

~~10-007.03 A licensee, registrant, or contractor or subcontractor of a licensee or registrant must not discharge or in any manner discriminate against any worker because such worker has filed any complaint or instituted or caused to be instituted any proceeding under Title 180 or has testified or is about to testify in any such proceeding or because of the exercise by such worker on behalf of himself/herself or others of any option afforded by 180 NAC 10.~~

10-008 INSPECTIONS NOT WARRANTED; INFORMAL REVIEW

10-008.01 Review of determination that no inspection is warranted.

1. If the Department determines, with respect to a complaint under 180 NAC 10-007, that an inspection is not warranted because there are no reasonable grounds to believe that a violation exists or has occurred, the Department will notify the complainant in writing of such determination. The complainant may obtain review of the determination by submitting a written statement of position to the Director of the Division of Public Health, who will provide the licensee or registrant with a copy of the statement by certified mail, excluding, at the request of the complainant, the name of the complainant. The licensee or registrant may submit an opposing written statement of position to the Director

of the Division of Public Health, will provide the complainant with a copy of the statement by certified mail.

2. Upon the request of the complainant, the Director of the Division of Public Health, may hold an informal conference in which the complainant and the licensee or registrant may orally present their views. An informal conference may also be held at the request of the licensee or registrant, but disclosure of the identity of the complainant will be made only following receipt of written authorization from the complainant. After considering all written and oral views presented, the Director of the Division of Public Health, will affirm, modify, or reverse the determination of the Department and furnish the complainant and the licensee or registrant a written notification of the decision and the reason therefor.

~~10-008.02~~ If the Department determines that an inspection is not warranted because the requirements of 180 NAC 10-007.01 have not been met, the Director of the Division of Public Health will notify the complainant in writing of the determination. Such determination must be without prejudice to the filing of a new complaint meeting the requirements of 180 NAC 10-007.01.

Removed 10-008.



Nebraska Department of Health and Human Services
Division of Public Health—Radiological Health, P.O. Box 95026
301 Centennial Mall South
Lincoln, Nebraska 68509-5026

NOTICE TO EMPLOYEES

Standards for Protection Against Radiation; Notices,
Instructions and Reports to Workers; Inspections

In Title 180, Regulations for Control of Radiation, the Nebraska Department of Health and Human Services has established standards for your protection against radiation hazards and has established certain provisions for the options of workers engaged in work under an Department license or registration.

YOUR EMPLOYER'S RESPONSIBILITY:

Your Employer is Required to:

1. Apply these regulations to work involving sources of radiation.
2. Post or otherwise make available to you a copy of Title 180, Regulations for Control of Radiation, and the operating procedures which apply to work you are engaged in, and explain their provisions to you.
3. Post any Notice of Violation involving radiological working conditions, proposed imposition of civil penalties or orders.

YOUR RESPONSIBILITY AS A WORKER:

You should familiarize yourself with those provisions of Title 180, Regulations for Control of Radiation and operating procedures which apply to the work in which you are engaged. You should observe their provisions for your own protection and protection of your co-worker.

WHAT IS COVERED BY THESE REGULATIONS:

1. Limits on exposure to radiation and radioactive material in restricted and unrestricted areas;
2. Measures to be taken after accidental exposure;
3. Personnel monitoring, surveys and equipment;
4. Caution signs, labels, and safety interlock equipment;
5. Exposure records and reports; and
6. Options for workers regarding Department Inspections; and
7. Related matters.

REPORTS ON YOUR RADIATION EXPOSURE HISTORY:

1. The Title 180, Regulations for Control of Radiation require that your employer give you a written report if you receive an exposure in excess of any applicable limit as set forth in the regulations or in any license. The basic limits for exposure to employees are set forth in 180 NAC 4-005, 4-011 and 4-012. These sections specify limits on exposure to radiation and exposure to concentrations of radioactive material in air.
2. If you work where personnel monitoring is required:
 - (a) Upon your request, your employer must give you a written report of your radiation exposures upon termination of your employment; and
 - (b) Your employer must advise you annually of your exposure to radiation.

INSPECTIONS:

All licensed or registered activities are subject to inspection by representatives of the Department of Health and Human Services, Division of Public Health, Radiological Health. In addition, any worker or representative of workers who believes that there is a violation of the Nebraska Radiation Control Act, the regulations issued thereunder, or the terms of the employer's license or registration with regard to radiological working conditions in which the worker is engaged, may request an inspection by sending a notice of the alleged violation to the Department of Health and Human Services, Division of Public Health, Radiological Health, P.O. Box 95026, 301 Centennial Mall South, Lincoln, Nebraska 68509-5026. The request must set forth the specific grounds for the notice, and must be signed by the worker as representative of the workers. During inspections, Department inspectors may confer privately with workers, and any worker may bring to the attention of the inspectors any past or present condition which s/he believes contributed to or caused any violation as described above.

POSTING REQUIREMENTS

Copies of this notice must be posted in a sufficient number of places in every establishment where employees are employed in activities licensed or registered, pursuant to 180 NAC 2 and 180 NAC 3 by the Department of Health and Human Services, to permit employees working in or frequenting any portion of a restricted area to observe a copy on the way to or from their place of employment.

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NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

180 NAC 10

TITLE 180 CONTROL OF RADIATION

CHAPTER 10 NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS:
INSPECTIONS

001. SCOPE AND AUTHORITY. This chapter establishes requirements for notices, instructions and reports by licensees or registrants to individuals engaged in activities under a license or registration and options available to individuals in connection with Department inspections of licensees or registrants to determine compliance with the provisions of the Act and regulations, orders and licenses issued regarding radiological working conditions. These regulations are authorized and implemented by the Nebraska Radiation Control Act, Nebraska Revised Statute (Neb. Rev. Stat.) §§ 71-3501 to 71-3520. These regulations apply to all persons who receive, possess, use, own or transfer sources of radiation licensed or registered with the Department according to 180 Nebraska Administrative Code (NAC) 2, 3, 5, 6, 7, 8, 9, 11, 14, 19, and 20.

002. POSTING OF NOTICES TO WORKERS. This section addresses documents that must be posted.

002.01 REQUIRED POSTINGS. Each licensee or registrant must post current copies of the following documents:

- (A) The regulations in 180 NAC 4 and 10;
- (B) The license, certificate of registration, conditions or documents incorporated into the license by reference and amendments;
- (C) The operating procedures applicable to activities under the license or registration; and
- (D) Any notice of violation involving radiological working conditions, proposed imposition of civil penalty, or order issued and any response from the licensee or registrant.

002.02 ALTERNATIVE POSTINGS. If posting a document specified in subsection 002.01 (A), (B) or (C) is not practicable, the licensee or registrant may post a notice which describes the document and states where it may be examined.

002.03 NOTICE TO EMPLOYEES. Form NRH-3, "Notice to Employees" must be posted by each licensee or registrant wherever individuals work in or frequent any portion of a restricted area. Form NRH-3 is set out in Attachment 1 this chapter.

002.04 NOTICE OF VIOLATION. Department documents posted according to subsection 002.01 (D), must be posted within two working days after receipt of the documents from the Department; the licensee's or registrant's response, if any, must be posted within two working

EFFECTIVE

NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

180 NAC 10

TITLE 180 CONTROL OF RADIATION

CHAPTER 10 NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS:
INSPECTIONS

001. SCOPE AND AUTHORITY. This chapter establishes requirements for notices, instructions and reports by licensees or registrants to individuals engaged in activities under a license or registration and options available to individuals in connection with Department inspections of licensees or registrants to determine compliance with the provisions of the Act and regulations, orders and licenses issued regarding radiological working conditions. These regulations are authorized and implemented by the Nebraska Radiation Control Act, Nebraska Revised Statute (Neb. Rev. Stat.) §§ 71-3501 to 71-3520. These regulations apply to all persons who receive, possess, use, own or transfer sources of radiation licensed or registered with the Department according to 180 Nebraska Administrative Code (NAC) 2, 3, 5, 6, 7, 8, 9, 11, 14, 19, and 20.

002. POSTING OF NOTICES TO WORKERS. This section addresses documents that must be posted.

002.01 REQUIRED POSTINGS. Each licensee or registrant must post current copies of the following documents:

- (A) The regulations in 180 NAC 4 and 10;
- (B) The license, certificate of registration, conditions or documents incorporated into the license by reference and amendments;
- (C) The operating procedures applicable to activities under the license or registration; and
- (D) Any notice of violation involving radiological working conditions, proposed imposition of civil penalty, or order issued and any response from the licensee or registrant.

002.02 ALTERNATIVE POSTINGS. If posting a document specified in subsection 002.01 (A), (B) or (C) is not practicable, the licensee or registrant may post a notice which describes the document and states where it may be examined.

002.03 NOTICE TO EMPLOYEES. Form NRH-3, "Notice to Employees" must be posted by each licensee or registrant wherever individuals work in or frequent any portion of a restricted area. Form NRH-3 is set out in Attachment 1 this chapter.

002.04 NOTICE OF VIOLATION. Department documents posted according to subsection 002.01 (D), must be posted within two working days after receipt of the documents from the Department; the licensee's or registrant's response, if any, must be posted within two working

days after dispatch from the licensee or registrant. The documents must remain posted for a minimum of five working days or until action correcting the violation has been completed, whichever is later.

002.05 POSTING LOCATIONS. Documents, notices or forms posted according to 180 NAC 9-002 must appear in a sufficient number of places to permit individuals engaged in work under the license or registration to observe them on the way to or from any particular work location to which the document applies, must be conspicuous, and must be replaced if defaced or altered.

003. INSTRUCTIONS TO WORKERS. This section addresses instructions that must be provided to workers.

003.01 OCCUPATIONAL DOSE. All individuals who in the course of employment are likely to receive in a year an occupational dose in excess of 100 millirem (mrem) or 1 millisievert (mSv) must be:

- (A) Kept informed of the storage, transfer, or use of radiation or radioactive material;
- (B) Instructed in the health protection problems associated with exposure to radiation or radioactive material, precautions or procedures to minimize exposure, and in the purposes and functions of protective devices employed;
- (C) Instructed in, and required to observe, to the extent within the worker's control, the applicable provisions of these regulations and licenses for the protection of personnel from exposures to radiation or radioactive material;
- (D) Instructed of their responsibility to report promptly to the licensee or registrant any condition which may lead to, constitute, or cause a violation of the Act, these regulations, and licenses or unnecessary exposure to radiation or radioactive material;
- (E) Instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation or radioactive material; and
- (F) Advised as to the radiation exposure reports which workers must be furnished according to 180 NAC 10-004.

003.02 INSTRUCTIONS TO WORKERS. In determining individuals subject to the requirements of 180 NAC 10-003.01, licensees or registrants must consider assigned activities during normal and abnormal situations involving exposure to radiation or radioactive material which can reasonably be expected to occur during the life of a licensee or registrant facility. These instructions must be commensurate with potential radiological health protection problems present in the work place and performed annually.

003.03 RECORDS. Records of the instructions to workers required by 180 NAC 10- 003 must be maintained by the licensee and registrant until reviewed by the Department.

004. NOTIFICATIONS AND REPORTS TO INDIVIDUALS. This section addresses reports and notifications.

004.01 REPORT CONTENT. Radiation exposure data for an individual and the results of any measurements, analyses, and calculations of radioactive material deposited or retained in the

body of an individual must be reported to the individual as specified in this section. The information reported must include data and results obtained according to these regulations, orders, or license conditions, as shown in records maintained by the licensee or registrant according to 180 NAC 4-052. Each notification and report must:

- (A) Be in writing;
- (B) Include the name of the licensee or registrant, the name of the individual, and the individual's identification number;
- (C) Include the individual's exposure information; and
- (D) Contain the following statement:
"This report is furnished to you under the provisions of 180 NAC 10. You should preserve this report for further reference."

004.02 ANNUAL EXPOSURE REPORT. Each licensee or registrant must make dose information available to workers as shown in records maintained by the licensee or registrant under 180 NAC 4-052. The licensee or registrant must provide an annual report to each individual monitored under 180 NAC 4-022 of the dose received in that monitoring year if:

- (A) The individual's occupational dose exceeds 1 mSv (100 mrem) TEDE or 1 mSv (100 mrem) to any individual organ or issue; or
- (B) The individual requests their annual dose report.

004.03 FORMER WORKERS. Licensees and registrants must provide a written report of a former worker's exposure to sources of radiation:

- (A) At the request of a worker formerly engaged in activities controlled by the licensee or registrant. The report must include the dose record for each year the worker was required to be monitored according to 180 NAC 4-022; and
- (B) Within 30 days from the request date, or within 30 days after the dose of the individual has been determined by the licensee or registrant, whichever is later. The report must cover the period of time the worker's activities involved exposure to sources of radiation and must include the dates and locations of work under the license or registration in which the worker participated during this period.

004.04 INTERNAL DEPOSITION. Each licensee or registrant must furnish to each worker a report of the worker's results of any measurements, analyses and calculations of radioactive material deposited or retained in the body. The report must be furnished to the worker within 30 days of the determination by the licensee or registrant.

004.05 INCIDENT REPORTS. When a licensee or registrant is required according to 180 NAC 4-058, 4-059, or 4-060 to report to the Department any exposure of an individual to sources of radiation, the licensee or the registrant must provide the individual a written report on the exposure data included in the report to the Department. These reports must be transmitted at a time not later than the transmittal to the Department.

004.06 TERMINATING EMPLOYMENT. At the request of a worker who is terminating employment with the licensee or registrant in work involving exposure to radiation or radioactive material, during the current year, each licensee or registrant must provide at termination to each worker, or to the worker's designee, a written report regarding the radiation dose received by that worker from operations of the licensee or registrant during the current

days after dispatch from the licensee or registrant. The documents must remain posted for a minimum of five working days or until action correcting the violation has been completed, whichever is later.

002.05 POSTING LOCATIONS. Documents, notices or forms posted according to 180 NAC 9-002 must appear in a sufficient number of places to permit individuals engaged in work under the license or registration to observe them on the way to or from any particular work location to which the document applies, must be conspicuous, and must be replaced if defaced or altered.

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- (A) Kept informed of the storage, transfer, or use of radiation or radioactive material;
- (B) Instructed in the health protection problems associated with exposure to radiation or radioactive material, precautions or procedures to minimize exposure, and in the purposes and functions of protective devices employed;
- (C) Instructed in, and required to observe, to the extent within the worker's control, the applicable provisions of these regulations and licenses for the protection of personnel from exposures to radiation or radioactive material;
- (D) Instructed of their responsibility to report promptly to the licensee or registrant any condition which may lead to, constitute, or cause a violation of the Act, these regulations, and licenses or unnecessary exposure to radiation or radioactive material;
- (E) Instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation or radioactive material; and
- (F) Advised as to the radiation exposure reports which workers must be furnished according to 180 NAC 10-004.

003.02 INSTRUCTIONS TO WORKERS. In determining individuals subject to the requirements of 180 NAC 10-003.01, licensees or registrants must consider assigned activities during normal and abnormal situations involving exposure to radiation or radioactive material which can reasonably be expected to occur during the life of a licensee or registrant facility. These instructions must be commensurate with potential radiological health protection problems present in the work place and performed annually.

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- (A) Be in writing;
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- (D) Contain the following statement:
"This report is furnished to you under the provisions of 180 NAC 10. You should preserve this report for further reference."

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- (A) The individual's occupational dose exceeds 1 mSv (100 mrem) TEDE or 1 mSv (100 mrem) to any individual organ or issue; or
- (B) The individual requests their annual dose report.

004.03 FORMER WORKERS. Licensees and registrants must provide a written report of a former worker's exposure to sources of radiation:

- (A) At the request of a worker formerly engaged in activities controlled by the licensee or registrant. The report must include the dose record for each year the worker was required to be monitored according to 180 NAC 4-022; and
- (B) Within 30 days from the request date, or within 30 days after the dose of the individual has been determined by the licensee or registrant, whichever is later. The report must cover the period of time the worker's activities involved exposure to sources of radiation and must include the dates and locations of work under the license or registration in which the worker participated during this period.

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004.06 TERMINATING EMPLOYMENT. At the request of a worker who is terminating employment with the licensee or registrant in work involving exposure to radiation or radioactive material, during the current year, each licensee or registrant must provide at termination to each worker, or to the worker's designee, a written report regarding the radiation dose received by that worker from operations of the licensee or registrant during the current

year. If the most recent individual monitoring results are not available at that time, a written estimate of the dose must be provided together with a clear indication that this is an estimate.

005. PRESENCE OF REPRESENTATIVES OF LICENSEES OR REGISTRANTS AND WORKERS DURING INSPECTION. This section addresses staff presence during an inspection.

005.01 INSPECTIONS. Each licensee or registrant must afford to the Department at all reasonable times opportunity to inspect materials, machines, activities, facilities, premises, and records according to these regulations.

005.02 CONSULTATION. During an inspection, Department inspectors may consult privately with workers as specified in 180 NAC 10-006. The licensee or registrant may accompany Department inspectors during other phases of an inspection.

005.03 WORKER'S REPRESENTATIVE. If an individual has been authorized by the workers to represent them during Department inspections, the licensee or registrant must notify the inspectors of the authorization and must give the workers' representative an opportunity to accompany the inspectors during the inspection of physical working conditions.

005.04 WORKER'S REPRESENTATIVE INSTRUCTIONS. Each workers' representative must be routinely engaged in work under control of the licensee or registrant and must have received instructions as specified in section 003.

005.05 ACCOMPANIMENT. Different representatives of licensees or registrants and workers may accompany the inspectors during different phases of an inspection if there is no resulting interference with the conduct of the inspection. However, only one workers' representative at a time may accompany the inspectors.

005.06 CONSULTANT. With the approval of the licensee or registrant and the workers' representative, an individual who is not routinely engaged in work under control of the licensee or registrant serving as a consultant to the licensee or registrant or to the workers' representative must be afforded the opportunity to accompany Department inspectors during the inspection of physical working conditions.

005.07 LIMITATIONS. Notwithstanding the other provisions of 180 NAC 10-005, Department inspectors are authorized to refuse to permit accompaniment by any individual who deliberately interferes with a fair and orderly inspection. With regard to any area containing proprietary information, the workers' representative for that area must be an individual previously authorized by the licensee or registrant to enter that area.

006. CONSULTATION WITH WORKERS DURING INSPECTIONS. The Department may consult privately with workers during inspections.

006.01 PRIVATE CONSULTATION. Department inspectors may consult privately with workers concerning occupational radiation protection and other matters related to applicable provisions of these regulations and licenses that the inspectors deem necessary for the conduct of an effective and thorough inspection.

006.02 WORKER CONCERNS. During an inspection, any worker may bring privately to the attention of the inspectors, either orally or in writing, any past or present condition which the worker believes contributed to or caused any violation of the Act, these regulations, license condition, or any unnecessary exposure of an individual to sources of radiation under the licensee's or registrant's control. Any notice in writing must comply with the requirements of subsection 007.01.

006.03 INSTRUCTIONS. 180 NAC 10-006.02 must not be interpreted as authorization to disregard instructions according to 180 NAC 10-003.

007. REQUESTS BY WORKERS FOR INSPECTIONS. This section addresses requests for inspection by workers.

007.01 WRITTEN REQUEST FOR INSPECTION. Any worker or representative of workers who believes that a violation of the Act, these regulations or license conditions exists or has occurred in work under a license or registration to radiological working conditions in which the worker is engaged, may request an inspection by giving notice of the alleged violation to the Department. Any notice must be in writing, must set the specific grounds for the notice, and must be signed by the worker or representative of the workers. Upon the request of the worker giving the notice, the individual's name and the name of individuals referred to in the notice will not appear in the copy or on any record published, released, or made available by the Department, except for good cause shown.

007.02 INSPECTION CONTENT. An inspection resulting from a request made under 180 NAC 10-007.01 is not limited to matters referred to in the request.

007.03 WORKER PROTECTION. A licensee, registrant, contractor or subcontractor of a licensee or registrant must not discharge or in any manner discriminate against any worker because the worker has filed a complaint, instituted or caused to be instituted any proceeding under these regulations or has testified or is about to testify in any proceeding or because of the exercise by a worker on behalf of themselves or others of any option afforded by 180 NAC 10.

Nebraska Department of Health and Human Services
Division of Public Health - Radiological Health, P.O. Box 95026
301 Centennial Mall South
Lincoln, Nebraska 68509-5026

NOTICE TO EMPLOYEES

Standards for Protection Against Radiation; Notices,
Instructions and Reports to Workers; Inspections

In Title 180, Regulations for Control of Radiation, the Nebraska Department of Health and Human Services has established standards for your protection against radiation hazards and has established certain provisions for the options of workers engaged in work under an Department license or registration.

YOUR EMPLOYER'S RESPONSIBILITY:

Your Employer is Required to:

1. Apply these regulations to work involving sources of radiation.
2. Post or otherwise make available to you a copy of Title 180, Regulations for Control of Radiation, and the operating procedures which apply to work you are engaged in, and explain their provisions to you.
3. Post any Notice of Violation involving radiological working conditions, proposed imposition of civil penalties or orders.

YOUR RESPONSIBILITY AS A WORKER:

You should familiarize yourself with those provisions of Title 180, Regulations for Control of Radiation and operating procedures which apply to the work in which you are engaged. You should observe their provisions for your own protection and protection of your co-workers.

WHAT IS COVERED BY THESE REGULATIONS:

1. Limits on exposure to radiation and radioactive material in restricted and unrestricted areas;
2. Measures to be taken after accidental exposure;
3. Personnel monitoring, surveys and equipment;
4. Caution signs, labels, and safety interlock equipment;
5. Exposure records and reports; and
6. Options for workers regarding Department inspections; and
7. Related matters.

REPORTS ON YOUR RADIATION EXPOSURE HISTORY:

1. The Title 180, Regulations for Control of Radiation require that your employer give you a written report if you receive an exposure in excess of any applicable limit as set forth in the regulations or in any license. The basic limits for exposure to employees are set forth in 180 NAC 4-005, 4-011 and 4-012. These sections specify limits on exposure to radiation and exposure to concentrations of radioactive material in air.
2. If you work where personnel monitoring is required:
 - (a) Upon your request, your employer must give you a written report of your radiation exposures upon termination of your employment; and
 - (b) Your employer must advise you annually of your exposure to radiation if you are required to be monitored.

INSPECTIONS:

All licensed or registered activities are subject to inspection by representatives of the Department of Health and Human Services, Division of Public Health, Radiological Health. In addition, any worker or representative of workers who believes that there is a violation of the Nebraska Radiation Control Act, the regulations issued, or the terms of the employer's license or registration with regard to radiological working conditions in which the worker is engaged, may request an inspection by sending a notice of the alleged violation to the Department of Health and Human Services, Division of Public Health, Radiological Health, P.O. Box 95026, 301 Centennial Mall South, Lincoln, Nebraska 68509-5026. The request must set forth the specific grounds for the notice, and must be signed by the worker as representative of the workers. During inspections, Department inspectors may confer privately with workers, and any worker may bring to the attention of the inspectors any past or present condition which the worker believes contributed to or caused any violation as described above.

POSTING REQUIREMENTS

Copies of this notice must be posted in a sufficient number of places in every establishment where employees are employed in activities licensed or registered, according to 180 NAC 2 and 180 NAC 3 by the Department of Health and Human Services, to permit employees working in or frequenting any portion of a restricted area to observe a copy on the way to or from their place of employment.

