

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 430

Introduced by Smith, 14.

Read first time January 13, 2017

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to the Radiation Control Act; to amend section
- 2 71-3505, Reissue Revised Statutes of Nebraska; to change powers and
- 3 duties of the Department of Health and Human Services relative to
- 4 radiation as prescribed; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-3505, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 71-3505 Except as provided in subdivision (8) of this section,
4 matters ~~Matters~~ relative to radiation as they relate to occupational and
5 public health and safety and the environment shall be a responsibility of
6 the department. The department shall:

7 (1) Develop comprehensive policies and programs for the evaluation
8 and determination of undesirable radiation associated with the
9 production, use, storage, or disposal of radiation sources and formulate,
10 adopt, promulgate, and repeal rules and regulations which may provide (a)
11 for registration or licensure under section 71-3507 or 71-3509, (b) for
12 registration or licensure of (i) any other source of radiation, (ii)
13 persons providing services for collection, detection, measurement, or
14 monitoring of sources of radiation, including, but not limited to, radon
15 and its decay products, (iii) persons providing services to reduce the
16 effects of sources of radiation, and (iv) persons practicing industrial
17 radiography, and (c) for fingerprinting and a federal criminal background
18 check on persons with unescorted access to radionuclides of concern, as
19 specified by rule, regulation, or order so as to reasonably protect
20 occupational and public health and safety and the environment in a manner
21 compatible with regulatory programs of the federal government. The
22 department for identical purposes may also adopt and promulgate rules and
23 regulations for the issuance of licenses, either general or specific, to
24 persons for the purpose of using, manufacturing, producing, transporting,
25 transferring, receiving, acquiring, owning, or possessing any radioactive
26 material. Such rules and regulations may prohibit the use of radiation
27 for uses found by the department to be detrimental to occupational and
28 public health or safety or the environment and shall carry out the
29 purposes and policies set out in sections 71-3501 and 71-3502. Such rules
30 and regulations shall not prohibit or limit the kind or amount of
31 radiation purposely prescribed for or administered to a patient by

1 doctors of medicine and surgery, dentistry, osteopathic medicine,
2 chiropractic, podiatry, and veterinary medicine, while engaged in the
3 lawful practice of such profession, or administered by other professional
4 personnel, such as allied health personnel, medical radiographers,
5 limited radiographers, nurses, and laboratory workers, acting under the
6 supervision of a licensed practitioner. Violation of rules and
7 regulations adopted and promulgated by the department pursuant to the
8 Radiation Control Act shall be due cause for the suspension, revocation,
9 or limitation of a license issued by the department. Any licensee may
10 request a hearing before the department on the issue of such suspension,
11 revocation, or limitation. Procedures for notice and opportunity for a
12 hearing before the department shall be pursuant to the Administrative
13 Procedure Act. The decision of the department may be appealed, and the
14 appeal shall be in accordance with the Administrative Procedure Act;

15 (2) Have the authority to accept and administer loans, grants, or
16 other funds or gifts, conditional or otherwise, in furtherance of its
17 functions, from the federal government and from other sources, public or
18 private;

19 (3) Encourage, participate in, or conduct studies, investigations,
20 training, research, and demonstrations relating to the control of sources
21 of radiation;

22 (4) Collect and disseminate health education information relating to
23 radiation protection;

24 (5) Make its facilities available so that any person or any agency
25 may request the department to review and comment on plans and
26 specifications of installations submitted by the person or agency with
27 respect to matters of protection and safety for the control of
28 undesirable radiation;

29 (6) Be empowered to inspect radiation sources and their shieldings
30 and surroundings for the determination of any possible undesirable
31 radiation or violations of rules and regulations adopted and promulgated

1 by the department and provide the owner, user, or operator with a report
2 of any known or suspected deficiencies; and

3 (7) Collect a fee for emergency response or environmental
4 surveillance, or both, offsite from each nuclear power plant equal to the
5 cost of completing the emergency response or environmental surveillance
6 and any associated report. In no event shall the fee for any nuclear
7 power plant exceed the lesser of the actual costs of such activities or
8 fifty-three thousand dollars per annum. Commencing July 1, 1997, the
9 accounting division of the Department of Administrative Services shall
10 recommend an inflationary adjustment equivalent which shall be based upon
11 the Consumer Price Index for All Urban Consumers of the United States
12 Department of Labor, Bureau of Labor Statistics, and shall not exceed
13 five percent per annum. Such adjustment shall be applied to the annual
14 fee for nuclear power plants. The fee collected shall be credited to the
15 Health and Human Services Cash Fund. This fee shall be used solely for
16 the purpose of defraying the direct costs of the emergency response and
17 environmental surveillance at Cooper Nuclear Station and Fort Calhoun
18 Station conducted by the department. The department may charge additional
19 fees when mutually agreed upon for services, training, or equipment that
20 are a part of or in addition to matters in this section.

21 (8) This section shall not apply to any nuclear power plant that has
22 initiated permanent plant decommissioning and has notified the department
23 that it has implemented a permanent defueled emergency plan pursuant to
24 rules and regulations of the United States Nuclear Regulatory Commission.

25 Sec. 2. Original section 71-3505, Reissue Revised Statutes of
26 Nebraska, is repealed.