

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 430**

FINAL READING

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 (1) Matters relative to radiation as they relate to  
4 occupational and public health and safety and the environment shall be a  
5 responsibility of the department. The department shall:

6 (a) ~~(1)~~ Develop comprehensive policies and programs for the  
7 evaluation and determination of undesirable radiation associated with the  
8 production, use, storage, or disposal of radiation sources and formulate,  
9 adopt, promulgate, and repeal rules and regulations which may provide (i)  
10 ~~(a)~~ for registration or licensure under section 71-3507 or 71-3509, (ii)  
11 ~~(b)~~ for registration or licensure of (A) ~~(i)~~ any other source of  
12 radiation, (B) ~~(ii)~~ persons providing services for collection, detection,  
13 measurement, or monitoring of sources of radiation, including, but not  
14 limited to, radon and its decay products, (C) ~~(iii)~~ persons providing  
15 services to reduce the effects of sources of radiation, and (D) ~~(iv)~~  
16 persons practicing industrial radiography, and (iii) ~~(e)~~ for  
17 fingerprinting and a federal criminal background check on persons with  
18 unescorted access to radionuclides of concern, as specified by rule,  
19 regulation, or order so as to reasonably protect occupational and public  
20 health and safety and the environment in a manner compatible with  
21 regulatory programs of the federal government. The department for  
22 identical purposes may also adopt and promulgate rules and regulations  
23 for the issuance of licenses, either general or specific, to persons for  
24 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 (b) ~~(2)~~ Have the authority to accept and administer loans, grants,  
16 or 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 (c) ~~(3)~~ Encourage, participate in, or conduct studies,  
20 investigations, training, research, and demonstrations relating to the  
21 control of sources of radiation;

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

24 (e) ~~(5)~~ Make its facilities available so that any person or any  
25 agency 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 (f) ~~(6)~~ Be empowered to inspect radiation sources and their  
30 shieldings and surroundings for the determination of any possible  
31 undesirable radiation or violations of rules and regulations adopted and

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

3 (g) (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 eighty-two fifty-three thousand dollars per annum. Commencing January 1,  
9 2018 July 1, 1997, the accounting division of the Department of  
10 Administrative Services shall recommend an inflationary adjustment  
11 equivalent which shall be based upon the Consumer Price Index for All  
12 Urban Consumers of the United States Department of Labor, Bureau of Labor  
13 Statistics, and shall not exceed five percent per annum. Such adjustment  
14 shall be applied to the annual fee for nuclear power plants. The fee  
15 collected shall be credited to the Health and Human Services Cash Fund.  
16 This fee shall be used solely for the purpose of defraying the ~~direct~~  
17 costs of the emergency response and environmental surveillance at Cooper  
18 Nuclear Station and Fort Calhoun Station conducted by the department. The  
19 department may charge additional fees when mutually agreed upon for  
20 services, training, or equipment that are a part of or in addition to  
21 matters in this section. This subdivision shall not apply to any nuclear  
22 power plant that (i) has initiated permanent plant decommissioning and  
23 has notified the department that it has implemented a permanent defueled  
24 emergency plan which no longer requires pre-planned assistance from state  
25 agencies pursuant to rules and regulations of the United States Nuclear  
26 Regulatory Commission and (ii) no longer requires protective actions  
27 beyond the site boundary to protect the public and the environment from  
28 exposure to radiation as a result of an event at such plant.

29 (2) If a nuclear power plant is no longer subject to the fee  
30 requirement pursuant to subdivision (1)(g) of this section, the fee for  
31 the remaining nuclear power plant shall not exceed the lesser of the

1 actual costs of the department's activities or one hundred ten thousand  
2 dollars per annum. Such fee shall be subject to all other provisions of  
3 subdivision (1)(g) of this section.

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