2017

STATE OF NEBRASKA

STATUTES RELATING TO RADIATION CONTROL ACT

Department of Health and Human Services
Division of Public Health
Licensure Unit

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RADIATION CONTROL ACT

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71-3501. Public policy.
It is the policy of the State of Nebraska in furtherance of its responsibility to protect occupational and public health and safety and the environment:
(1) To institute and maintain a regulatory program for sources of radiation so as to provide for:
(a) Compatibility and equivalency with the standards and regulatory programs of the federal government;
(b) A single effective system of regulation within the state; and
(c) A system consonant insofar as possible with those of other states;
(2) 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;
(3) To provide for the availability of capacity either within or outside the state for the management of low-level radioactive waste generated within the state, except for waste generated as a result of defense or federal research and development activities, and to recognize that such radioactive waste can be most safely and efficiently managed on a regional basis; and
(4) To maximize the protection practicable for the citizens of Nebraska from radon or its decay products by establishing requirements for (a) appropriate qualifications for persons providing measurement and mitigation services of radon or its decay products and (b) radon mitigation system installations.
Source: Laws 1963, c. 406, § 1, p. 1296; Laws 1975, LB 157, § 1; Laws 1984, LB 716, § 1; Laws 1987, LB 390, § 2; Laws 1993, LB 536, § 82; Laws 1995, LB 406, § 40; Laws 2007, LB463, § 1207.

71-3502. Purpose of act; programs provided.
It is the purpose of the Radiation Control Act to effectuate the policies set forth in section 71-3501 by providing for:
(1) A program of effective regulation of sources of radiation for the protection of occupational and public health and safety and the environment;
(2) A program to promote an orderly regulatory pattern within the state, among the states, and between the federal government and the state and facilitate intergovernmental cooperation with respect to use and regulation of sources of radiation to the end that duplication of regulation may be minimized;
(3) A program to establish procedures for assumption and performance of certain regulatory responsibilities with respect to sources of radiation; and
(4) A program to permit maximum utilization of sources of radiation consistent with the health and safety of the public.
Source: Laws 1963, c. 406, § 2, p. 1296; Laws 1975, LB 157, § 2; Laws 1984, LB 716, § 2; Laws 1987, LB 390, § 3; Laws 1995, LB 406, § 41; Laws 2007, LB463, § 1208.

71-3502.01. Radon mitigation program; authorized.
The department may establish an alternative maximum contaminant level for radon in drinking water by establishing a multimedia radon mitigation program as provided under federal law which may include public education, testing, training, technical assistance, remediation grants, and loan or incentive programs. The purpose of the radon mitigation program shall be to achieve health risk reduction benefits equal to or greater than the health risk reduction benefits that would be achieved if each public water system in the state complied with the maximum contaminant level of three hundred picocuries per liter.
Source: Laws 2001, LB 668, § 1; Laws 2007, LB296, § 565.

71-3503. Terms, defined.

For purposes of the Radiation Control Act, unless the context otherwise requires:

(1) Radiation means ionizing radiation and nonionizing radiation as follows:

(a) Ionizing radiation means gamma rays, X-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other atomic or nuclear particles or rays but does not include sound or radio waves or visible, infrared, or ultraviolet light; and

(b) Nonionizing radiation means (i) any electromagnetic radiation which can be generated during the operations of electronic products to such energy density levels as to present a biological hazard to occupational and public health and safety and the environment, other than ionizing electromagnetic radiation, and (ii) any sonic, ultrasonic, or infrasonic waves which are emitted from an electronic product as a result of the operation of an electronic circuit in such product and to such energy density levels as to present a biological hazard to occupational and public health and safety and the environment;

(2) Radioactive material means any material, whether solid, liquid, or gas, which emits ionizing radiation spontaneously. Radioactive material includes, but is not limited to, accelerator-produced material, byproduct material, naturally occurring material, source material, and special nuclear material;

(3) Radiation-generating equipment means any manufactured product or device, component part of such a product or device, or machine or system which during operation can generate or emit radiation except devices which emit radiation only from radioactive material;

(4) Sources of radiation means any radioactive material, any radiation-generating equipment, or any device or equipment emitting or capable of emitting radiation or radioactive material;

(5) Undesirable radiation means radiation in such quantity and under such circumstances as determined from time to time by rules and regulations adopted and promulgated by the department;

(6) Person means any individual, corporation, partnership, limited liability company, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing;

(7) Registration means registration with the department pursuant to the Radiation Control Act;

(8) Department means the Department of Health and Human Services;

(9) Administrator means the administrator of radiation control designated pursuant to section 71-3504;

(10) Electronic product means any manufactured product, device, assembly, or assemblies of such products or devices which, during operation in an electronic circuit, can generate or emit a physical field of radiation;

(11) License means:

(a) A general license issued pursuant to rules and regulations adopted and promulgated by the department without the filing of an application with the department or the issuance of licensing documents to particular persons to transfer, acquire, own, possess, or use quantities of or devices or equipment utilizing radioactive materials;

(b) A specific license, issued to a named person upon application filed with the department pursuant to the Radiation Control Act and rules and regulations adopted and promulgated pursuant to the act, to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of or devices or equipment utilizing radioactive materials; or

(c) A license issued to a radon measurement specialist, radon mitigation specialist, radon measurement business, or radon mitigation business;

(12) Byproduct material means:

(a) Any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material;

(b) The tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from

uranium or thorium solution extraction processes. Underground ore bodies depleted by such solution extraction operations do not constitute byproduct material;
(c)(i) Any discrete source of radium-226 that is produced, extracted, or converted after extraction for use for a commercial, medical, or research activity; or
(ii) Any material that (A) has been made radioactive by use of a particle accelerator and (B) is produced, extracted, or converted after extraction for use for a commercial, medical, or research activity; and
(d) Any discrete source of naturally occurring radioactive material, other than source material, that:
(i) The United States Nuclear Regulatory Commission, in consultation with the Administrator of the United States Environmental Protection Agency, the United States Secretary of Energy, the United States Secretary of Homeland Security, and the head of any other appropriate federal agency, determines would pose a threat similar to the threat posed by a discrete source of radium-226 to the public health and safety or the common defense and security; and
(ii) Is extracted or converted after extraction for use in a commercial, medical, or research activity;
(13) Source material means:
(a) Uranium or thorium or any combination thereof in any physical or chemical form; or
(b) Ores which contain by weight one-twentieth of one percent or more of uranium, thorium, or any combination thereof. Source material does not include special nuclear material;
(14) Special nuclear material means:
(a) Plutonium, uranium 233, or uranium enriched in the isotope 233 or in the isotope 235 and any other material that the United States Nuclear Regulatory Commission pursuant to the provisions of section 51 of the federal Atomic Energy Act of 1954, as amended, determines to be special nuclear material but does not include source material; or
(b) Any material artificially enriched by any material listed in subdivision (14)(a) of this section but does not include source material;
(15) Users of sources of radiation means:
(a) Physicians using radioactive material or radiation-generating equipment for human use;
(b) Natural persons using radioactive material or radiation-generating equipment for education, research, or development purposes;
(c) Natural persons using radioactive material or radiation-generating equipment for manufacture or distribution purposes;
(d) Natural persons using radioactive material or radiation-generating equipment for industrial purposes; and
(e) Natural persons using radioactive material or radiation-generating equipment for any other similar purpose;
(16) Civil penalty means any monetary penalty levied on a licensee or registrant because of violations of statutes, rules, regulations, licenses, or registration certificates but does not include criminal penalties;
(17) Closure means all activities performed at a waste handling, processing, management, or disposal site, such as stabilization and contouring, to assure that the site is in a stable condition so that only minor custodial care, surveillance, and monitoring are necessary at the site following termination of licensed operation;
(18) Decommissioning means final operational activities at a facility to dismantle site structures, to decontaminate site surfaces and remaining structures, to stabilize and contain residual radioactive material, and to carry out any other activities to prepare the site for postoperational care;
(19) Disposal means the permanent isolation of low-level radioactive waste pursuant to the Radiation Control Act and rules and regulations adopted and promulgated pursuant to such act;
(20) Generate means to produce low-level radioactive waste when used in relation to low-level radioactive waste;
(21) High-level radioactive waste means:
(a) Irradiated reactor fuel;

(b) Liquid wastes resulting from the operation of the first cycle solvent extraction system or equivalent and the concentrated wastes from subsequent extraction cycles or the equivalent in a facility for reprocessing irradiated reactor fuel; and
(c) Solids into which such liquid wastes have been converted;
(22) Low-level radioactive waste means radioactive waste not defined as high-level radioactive waste, spent nuclear fuel, or byproduct material as defined in subdivision (12)(b) of this section;
(23) Management of low-level radioactive waste means the handling, processing, storage, reduction in volume, disposal, or isolation of such waste from the biosphere in any manner;
(24) Source material mill tailings or mill tailings means the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from underground solution extraction processes, but not including underground ore bodies depleted by such solution extraction processes;
(25) Source material milling means any processing of ore, including underground solution extraction of unmined ore, primarily for the purpose of extracting or concentrating uranium or thorium therefrom and which results in the production of source material and source material mill tailings;
(26) Spent nuclear fuel means irradiated nuclear fuel that has undergone at least one year of decay since being used as a source of energy in a power reactor. Spent nuclear fuel includes the special nuclear material, byproduct material, source material, and other radioactive material associated with fuel assemblies;
(27) Transuranic waste means radioactive waste material containing alpha-emitting radioactive elements, with radioactive half-lives greater than five years, having an atomic number greater than 92 in concentrations in excess of one hundred nanocuries per gram;
(28) Licensed practitioner means a person licensed to practice medicine, dentistry, podiatry, chiropractic, osteopathic medicine and surgery, or as an osteopathic physician;
(29) X-ray system means an assemblage of components for the controlled production of X-rays, including, but not limited to, an X-ray high-voltage generator, an X-ray control, a tube housing assembly, a beam-limiting device, and the necessary supporting structures. Additional components which function with the system are considered integral parts of the system;
(30) Licensed facility operator means any person or entity who has obtained a license under the Low-Level Radioactive Waste Disposal Act to operate a facility, including any person or entity to whom an assignment of a license is approved by the Department of Environmental Quality; and
(31) Deliberate misconduct means an intentional act or omission by a person that (a) would intentionally cause a licensee, registrant, or applicant for a license or registration to be in violation of any rule, regulation, or order of or any term, condition, or limitation of any license or registration issued by the department under the Radiation Control Act or (b) constitutes an intentional violation of a requirement, procedure, instruction, contract, purchase order, or policy under the Radiation Control Act by a licensee, a registrant, an applicant for a license or registration, or a contractor or subcontractor of a licensee, registrant, or applicant for a license or registration.
Source: Laws 1963, c. 406, § 3, p. 1297; Laws 1975, LB 157, § 3; Laws 1978, LB 814, § 3; Laws 1984, LB 716, § 3; Laws 1987, LB 390, § 4; Laws 1989, LB 342, § 32; Laws 1990, LB 1064, § 17; Laws 1993, LB 121, § 434; Laws 1993, LB 536, § 83; Laws 1995, LB 406, § 42; Laws 1996, LB 1044, § 651; Laws 1996, LB 1201, § 1; Laws 2002, LB 93, § 12; Laws 2002, LB 1021, § 71; Laws 2005, LB 301, § 42; Laws 2006, LB 994, § 103; Laws 2007, LB296 § 566; Laws 2007, LB463, § 1209; Laws 2008, LB928, § 23; Laws 2012, LB794, § 1.

71-3504. Radiation control activities; Department of Health and Human Services; powers and duties.

(1) The Department of Health and Human Services shall coordinate radiation control activities and may designate an administrator of radiation control. The administrator shall:

(a) Advise the Governor and agencies of the state on matters relating to radiation; and

(b) Coordinate regulatory activities of the state relating to radiation, including cooperation with other states and the federal government.

(2) The administrator shall:

(a) Review before and after the holding of any public hearing required under the Administrative Procedure Act, prior to promulgation, the proposed rules and regulations of all agencies of the state relating to use and control of radiation to assure that such rules and regulations are consistent with rules and regulations of other agencies of the state;

(b) When he or she determines that proposed rules or regulations or parts thereof are inconsistent with rules and regulations of other agencies of the state, make an effort to resolve such inconsistencies. Upon notification that such inconsistencies have not been resolved, the Governor may, after consultation with the department, find that the proposed rules and regulations or parts thereof are inconsistent with rules and regulations of other agencies of the state or the federal government and may issue an order to that effect, in which event the proposed rules and regulations or parts thereof shall not become effective. The Governor may, in the alternative, upon a similar determination, direct the appropriate agency or agencies to amend or repeal existing rules and regulations to achieve consistency with the proposed rules and regulations;

(c) Advise, consult, and cooperate with other agencies of the state, the federal government, other states, interstate agencies, political subdivisions, and other organizations concerned with control of sources of radiation; and

(d) Collect and disseminate information relating to the control of sources of radiation and maintain (i) a file of all registrants, license applications, issuances, denials, amendments, transfers, renewals, modifications, inspections, recommendations pertaining to radiation, suspensions, and revocations, (ii) a file of registrants possessing or using sources of radiation requiring registration under the Radiation Control Act and any administrative or judicial action pertaining to such registration, and (iii) a file of all rules and regulations relating to the regulation of sources of radiation, pending or promulgated, and proceedings on such rules and regulations thereon.

(3) The several agencies of the state and political subdivisions shall keep the administrator fully and currently informed as to their activities relating to development of new uses and regulation of sources of radiation.

Source: Laws 1963, c. 406, § 4, p. 1298; Laws 1975, LB 157, § 4; Laws 1987, LB 390, § 5; Laws 1996, LB 1044, § 652; Laws 2002, LB 93, § 13; Laws 2007, LB296, § 567.

71-3505. Department; powers and duties.

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

(a) Develop comprehensive policies and programs for the evaluation and determination of undesirable radiation associated with the production, use, storage, or disposal of radiation sources and formulate, adopt, promulgate, and repeal rules and regulations which may provide (i) for registration or licensure under section 71-3507 or 71-3509, (ii) for registration or licensure of (A) any other source of radiation, (B) persons providing services for collection, detection, measurement, or monitoring of sources of radiation, including, but not limited to, radon and its decay products, (C) persons providing services to reduce the effects of sources of radiation, and (D) persons practicing industrial radiography, and (iii) for fingerprinting and a federal criminal background check on persons with unescorted access to radionuclides of concern, as specified by rule, regulation, or order so as to reasonably protect occupational and public

health and safety and the environment in a manner compatible with regulatory programs of the federal government. The department for identical purposes may also adopt and promulgate rules and regulations for the issuance of licenses, either general or specific, to persons for the purpose of using, manufacturing, producing, transporting, transferring, receiving, acquiring, owning, or possessing any radioactive material. Such rules and regulations may prohibit the use of radiation for uses found by the department to be detrimental to occupational and public health or safety or the environment and shall carry out the purposes and policies set out in sections 71-3501 and 71-3502. Such rules and regulations shall not prohibit or limit the kind or amount of radiation purposely prescribed for or administered to a patient by doctors of medicine and surgery, dentistry, osteopathic medicine, chiropractic, podiatry, and veterinary medicine, while engaged in the lawful practice of such profession, or administered by other professional personnel, such as allied health personnel, medical radiographers, limited radiographers, nurses, and laboratory workers, acting under the supervision of a licensed practitioner. Violation of rules and regulations adopted and promulgated by the department pursuant to the Radiation Control Act shall be due cause for the suspension, revocation, or limitation of a license issued by the department. Any licensee may request a hearing before the department on the issue of such suspension, revocation, or limitation. Procedures for notice and opportunity for a hearing before the department shall be pursuant to the Administrative Procedure Act. The decision of the department may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act;

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

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

(d) Collect and disseminate health education information relating to radiation protection;

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

(f) Be empowered to inspect radiation sources and their shieldings and surroundings for the determination of any possible undesirable radiation or violations of rules and regulations adopted and promulgated by the department and provide the owner, user, or operator with a report of any known or suspected deficiencies; and

(g) Collect a fee for emergency response or environmental surveillance, or both, offsite from each nuclear power plant equal to the cost of completing the emergency response or environmental surveillance and any associated report. In no event shall the fee for any nuclear power plant exceed the lesser of the actual costs of such activities or eighty-two thousand dollars per annum. Commencing January 1, 2018, the accounting division of the Department of Administrative Services shall recommend an inflationary adjustment equivalent which shall be based upon the Consumer Price Index for All Urban Consumers of the United States Department of Labor, Bureau of Labor Statistics, and shall not exceed five percent per annum. Such adjustment shall be applied to the annual fee for nuclear power plants. The fee collected shall be credited to the Health and Human Services Cash Fund. This fee shall be used solely for the purpose of defraying the costs of the emergency response and environmental surveillance at Cooper Nuclear Station and Fort Calhoun Station conducted by the department. The department may charge additional fees when mutually agreed upon for services, training, or equipment that are a part of or in addition to matters in this section. This subdivision shall not apply to any nuclear power plant that (i) has initiated permanent plant decommissioning and has notified the department that it has implemented a permanent defueled emergency plan which no longer requires pre-planned assistance from state agencies pursuant to rules and regulations of the United States Nuclear Regulatory Commission and (ii) no longer requires protective actions beyond the site boundary to protect the public and the environment from exposure to radiation as a result of an event at such plant.

(2) If a nuclear power plant is no longer subject to the fee requirement pursuant to subdivision (1)(g) of this section, the fee for the remaining nuclear power plant shall not exceed the lesser of the actual costs of the department's activities or one hundred ten thousand dollars per annum. Such fee shall be subject to all other provisions of subdivision (1)(g) of this section.
Source: Laws 1963, c. 406, § 5, p. 1299; Laws 1969, c. 577, § 1, p. 2324; Laws 1975, LB 157, § 5; Laws 1978, LB 814, § 4; Laws 1987, LB 390, § 6; Laws 1988, LB 352, § 131; Laws 1989, LB 342, § 33; Laws 1990, LB 1064, § 18; Laws 1995, LB 406, § 43; Laws 1996, LB 1044, § 653; Laws 1997, LB 658, § 13; Laws 2000, LB 1115, § 72; Laws 2002, LB 93, § 14; Laws 2007, LB296, § 568; Laws 2007, LB463, § 1210; Laws 2008, LB928, § 24; Laws 2017, LB430, § 1.
Effective Date: August 24, 2017

71-3506. Repealed. Laws 2002, LB 93, § 27.

71-3507. Licenses or registration; rules and regulations; exemptions; reciprocity; department; right of entry; surveys and inspections.
(1) The department shall adopt and promulgate rules and regulations for the issuance, amendment, suspension, and revocation of general and specific licenses. Such licenses shall be for byproduct material, source material, special nuclear material, and radioactive material not under the authority of the federal Nuclear Regulatory Commission and for devices or equipment utilizing such materials. The rules and regulations shall provide:
(a) For written applications for a specific license which include the technical, financial, and other qualifications determined by the department to be reasonable and necessary to protect occupational and public health and safety and the environment;
(b) For additional written statements and inspections, as required by the department, at any time after filing an application for a specific license and before the expiration of the license to determine whether the license should be issued, amended, suspended, or revoked;
(c) That all applications and statements be signed by the applicant or licensee;
(d) The form, terms, and conditions of general and specific licenses;
(e) That no license or right to possess or utilize sources of radiation granted by a license shall be assigned or in any manner disposed of without the written consent of the department; and
(f) That the terms and conditions of all licenses are subject to amendment by rules, regulations, or orders issued by the department.
(2) The department may require registration or licensing of radioactive material not enumerated in subsection (1) of this section in order to maintain compatibility and equivalency with the standards and regulatory programs of the federal government or to protect the occupational and public health and safety and the environment.
(3)(a) The department shall require licensure of persons providing measurement and mitigation services of radon or its decay products in order to protect the occupational and public health and safety and the environment.
(b) The department shall adopt and promulgate rules and regulations establishing education, experience, training, examination, and continuing competency requirements for radon measurement specialists and radon mitigation specialists. Application for such licenses shall be made as provided in the Uniform Credentialing Act. Such persons shall be credentialed in the same manner as an individual under subsection (1) of section 38-121 and shall be subject to disciplinary action pursuant to section 71-3517. Continuing competency requirements may include, but not be limited to, one or more of the continuing competency activities listed in section 38-145. Any radon measurement technician license issued prior to December 1, 2008, shall remain valid as a radon measurement specialist license on and after such date until the date such radon measurement technician license would have expired. Such radon measurement specialist license shall be subject to rules and regulations adopted and promulgated by the department.

(c) The department shall adopt and promulgate rules and regulations establishing staffing, proficiency, quality control, reporting, worker health and safety, equipment, and record-keeping requirements for radon measurement businesses and radon mitigation businesses and mitigation system installation requirements for radon mitigation businesses.
(4) The department may exempt certain sources of radiation or kinds of uses or users from licensing or registration requirements established under the Radiation Control Act when the department finds that the exemption will not constitute a significant risk to occupational and public health and safety and the environment.
(5) The department may provide by rule and regulation for the recognition of other state or federal licenses compatible and equivalent with the standards established by the department for Nebraska licensees.
(6) The department may accept accreditation for an industrial radiographer by a recognized independent accreditation body, a public agency, or the federal Nuclear Regulatory Commission, which has standards that are at least as stringent as those of the State of Nebraska, as evidence that the industrial radiographer complies with the rules and regulations adopted and promulgated pursuant to the act. The department may adopt and promulgate rules and regulations which list accreditation bodies, public agencies, and federal programs that meet this standard.
(7) The department may enter at all reasonable times upon any private or public property for the purpose of determining whether or not there is compliance with the act and rules and regulations adopted and promulgated pursuant to the act, except that entry into areas under the jurisdiction of the federal government shall be effected only with the concurrence of the federal government or its duly designated representative.
(8) The department shall cause to be registered with the department such sources of radiation as the department determines to be reasonably necessary to protect occupational and public health and safety and the environment as follows:
(a) The department shall, by public notice, establish a date on or before which date such sources of radiation shall be registered with the department. An application for registration shall be either in writing or by electronic means and shall state such information as the department by rules or regulations may determine to be necessary and reasonable to protect occupational and public health and safety and the environment;
(b) Registration of sources of radiation shall be an initial registration with appropriate notification to the department in the case of alteration of equipment, acquisition of new sources of radiation, or the transfer, loss, or destruction of sources of radiation and shall include the registration of persons installing or servicing sources of radiation;
(c) Failure to register or reregister sources of radiation in accordance with rules and regulations adopted and promulgated by the department shall be subject to a fine of not less than fifty dollars nor more than two hundred dollars; and
(d) The department may provide by rule and regulation for reregistration of sources of radiation.
(9) The results of any surveys or inspections of sources of radiation conducted by the department shall be public records subject to sections 84-712 to 84-712.09. In addition, the following information shall be deemed confidential:
(a) The names of individuals in dosimetry reports;
(b) Emergency response procedures which would present a clear threat to security or disclose names of individuals; and
(c) Any other information that is likely to present a clear threat to the security of radioactive material.
The department shall make such reports of results of surveys or inspections available to the owner or operator of the source of radiation together with any recommendations of the department regarding deficiencies noted.

(10) The department shall have the right to survey or inspect again any source of radiation previously surveyed without limitation of the number of surveys or inspections conducted on a given source of radiation.
(11) The department may enter into contracts with persons or corporations to perform the inspection of X-ray radiation-generating equipment or devices which emit radiation from radioactive materials and to aid the department in the administration of the act.
Source: Laws 1963, c. 406, § 7, p. 1301; Laws 1975, LB 157, § 7; Laws 1978, LB 814, § 5; Laws 1987, LB 390, § 7; Laws 1990, LB 1064, § 19; Laws 1993, LB 536, § 84; Laws 1995, LB 406, § 44; Laws 1999, LB 800, § 11; Laws 2000, LB 1115, § 73; Laws 2002, LB 1021, § 72; Laws 2007, LB463, § 1211; Laws 2008, LB928, § 26.

71-3508. Radiation; possession or use; records; contents; user of sources of radiation; qualifications; exemptions.
(1) The department shall require each person who possesses or uses a source of radiation to maintain records relating to its receipt, storage, transfer, or disposal and such other records as the department may require subject to such exemptions as may be provided by rules or regulations. These records shall be made available for inspection by or copies shall be submitted to the department on request.
(2) The department shall require each person who possesses or uses a source of radiation to maintain appropriate records showing the radiation exposure of all individuals for whom personnel monitoring is required by rules and regulations of the department. Copies of these records and those required to be kept by subsection (1) of this section shall be submitted to the department on request. Any person possessing or using a source of radiation shall furnish to each employee for whom personnel monitoring is required a copy of each employee's personal exposure record at any time such employee has received exposure in excess of the amount specified in the rules and regulations of the department and upon termination of employment. A copy of the annual exposure record shall be furnished to the employee as required under rules and regulations adopted under the Radiation Control Act.
(3) The department may adopt and promulgate rules and regulations establishing qualifications pertaining to the education, knowledge of radiation safety procedures, training, experience, utilization, facilities, equipment, and radiation protection program that an individual user of sources of radiation shall possess prior to using any source of radiation or radiation-generating equipment. Individuals who are currently licensed in the State of Nebraska as podiatrists, chiropractors, dentists, physicians and surgeons, osteopathic physicians, physician assistants, and veterinarians shall be exempt from the rules and regulations of the department pertaining to the qualifications of persons for the use of X-ray radiation-generating equipment operated for diagnostic purposes.
Source: Laws 1963, c. 406, § 8, p. 1303; Laws 1975, LB 157, § 8; Laws 1978, LB 814, § 6; Laws 1980, LB 816, § 1; Laws 1987, LB 390, § 8; Laws 1989, LB 342, § 35; Laws 1995, LB 406, § 45; Laws 1996, LB 1108, § 21.

71-3508.01. Radioactive materials license; terms and conditions; termination of license; transfer of land; effect; department; powers and duties.
(1) Any radioactive materials license issued or renewed after August 30, 1987, for any activity which results in the production of byproduct material as defined in subdivision (12)(b) of section 71-3503 shall contain such terms and conditions as the department determines to be necessary to assure that prior to termination of such license:
(a) The licensee shall comply with decontamination, decommissioning, and reclamation standards prescribed by the department which shall be equivalent, to the extent practicable, or more stringent than those of the federal Nuclear Regulatory Commission for sites (i) at which ores are processed primarily for their source material content and (ii) at which such byproduct material or mill tailings are deposited; and

(b) Ownership of any disposal site and such byproduct material or mill tailings which resulted from the licensed activity will, subject to subsection (2) of this section, be transferred to (i) the United States or (ii) this state if the state exercises the option to acquire land used for the disposal of such byproduct material or mill tailings. Any license which is in effect on August 30, 1987, and which is subsequently terminated without renewal shall comply with subdivisions (1)(a) and (b) of this section upon termination.
(2)(a) The department shall require by rule, regulation, or order that prior to the termination of any license which is issued after August 30, 1987, title to the land, including any interests therein, other than land held in trust by the United States for any Indian tribe or owned by an Indian tribe subject to a restriction against alienation imposed by the United States or land already owned by the United States or by the state, which is used pursuant to such license for the disposal of byproduct material or source material mill tailings will be transferred to (i) the United States or (ii) this state, unless the federal Nuclear Regulatory Commission determines prior to such termination that transfer of title to such land and such byproduct material or mill tailings is not necessary or desirable to protect the occupational and public health and safety and the environment or to minimize danger to life or property.
(b) If transfer to the state of title to such byproduct material or mill tailings and land is required, the state may assume title, following the federal Nuclear Regulatory Commission's determination that the licensee has complied with applicable standards and requirements under the license, and the department shall maintain the byproduct material or mill tailings and land in such manner as will protect the occupational and public health and safety and the environment.
(c) The department may undertake such monitoring, maintenance, and emergency measures as are necessary to protect the occupational and public health and safety and the environment for those materials and property to which the state has assumed title pursuant to this section.
(d) The transfer of title to the United States or this state shall not relieve any licensee of liability for any fraudulent or negligent acts done prior to such transfer.
(e) Title transferred pursuant to this section shall be transferred without cost to the United States or this state other than the administrative and legal costs incurred in carrying out such transfer.
(3) In the licensing and regulation of byproduct material and source material mill tailings or of any activity which results in the production of byproduct material or mill tailings, the department shall require compliance with applicable standards adopted and promulgated by the department which are equivalent, to the extent practicable, or more stringent than standards adopted and enforced by the federal Nuclear Regulatory Commission for the same purpose, including requirements and standards promulgated by the federal Environmental Protection Agency.
Source: Laws 1987, LB 390, § 9; Laws 2002, LB 93, § 15.

71-3508.02. Acquisition of sites; use; management.
(1) Lands and appurtenances which are used for the management of low-level radioactive waste shall be acquired and held in fee simple absolute by the licensed facility operator so long as such ownership does not preclude licensure or operation of the facility under federal law and until title to the land and appurtenances is transferred to the state pursuant to subsection (1) of section 81-15,102. Such lands and appurtenances shall be used exclusively for the disposal of low-level radioactive waste until the department determines that such exclusive use is not required to protect the occupational and public health and safety or the environment. Before such site is leased for other use, the radioactive waste history of the site shall be recorded in the permanent land records of the site.
(2) The department may contract with third parties for management of a low-level radioactive waste site. A contractor shall be subject to the surety and long-term care funding provisions of section 71-3508.04 and to appropriate licensing by the federal Nuclear Regulatory Commission or by the department.
Source: Laws 1987, LB 390, § 10; Laws 1994, LB 72, § 1; Laws 1996, LB 1201, § 2.

71-3508.03. Fees; costs; use; exemptions; failure to pay; effect.
(1) The department shall establish by rule and regulation annual fees for the radioactive materials licenses, for inspections of radioactive materials, for the registration and inspection of radiation-generating equipment and other sources of radiation, and for radon measurement and mitigation business licenses and inspections of radon mitigation systems installations under the Radiation Control Act. The annual fee for registration and inspection of X-ray radiation generating equipment used to diagnose conditions in humans or animals shall not exceed four hundred dollars per X-ray machine. The department shall also establish by rule and regulation additional fees for environmental surveillance activities performed by the department to assess the radiological impact of activities conducted by licensees and registrants. Such activities shall not duplicate surveillance programs approved by the federal Nuclear Regulatory Commission and conducted by entities licensed by such commission. No fee shall exceed the actual cost to the department for administering the act. The fees collected shall be remitted to the State Treasurer for credit to the Health and Human Services Cash Fund and shall be used solely for the purpose of defraying the direct and indirect costs of administering the act. The department shall collect such fees.
(2) The department may, upon application by an interested person or on its own initiative, grant such exemptions from the requirements of this section as it determines are in the public interest. Applications for exemption under this subsection may include, but shall not be limited to, the use of licensed materials for educational or noncommercial displays or scientific collections.
(3) When a registrant or licensee fails to pay the applicable fee, the department may suspend or revoke the registration or license or may issue an appropriate order.
(4) The department shall establish and collect fees for licenses for individuals engaged in radon detection, measurement, and mitigation as provided in sections 38-151 to 38-157.
Source: Laws 1987, LB 390, § 11; Laws 1990, LB 1064, § 20; Laws 1993, LB 536, § 85; Laws 1996, LB 1044, § 654; Laws 2002, LB 1021, § 73; Laws 2003, LB 242, § 114; Laws 2007, LB296 § 569; Laws 2007, LB463, § 1212; Laws 2008, LB928, § 27.

71-3508.04. Licensee; surety; long-term site surveillance and care; funds; disposition; powers and duties.
(1) For licensed activities involving source material milling, source material mill tailings, and management of low-level radioactive waste, the department shall, and for other classes of licensed activities the department may, adopt and promulgate rules and regulations which establish standards and procedures to ensure that the licensee will provide an adequate surety or other financial arrangement to permit the completion of all requirements established by the department for the licensure, regulation, decontamination, closure, decommissioning, and reclamation of sites, structures, and equipment used in conjunction with such licensed activity in case the licensee should default for any reason in performing such requirements. All sureties required which are forfeited shall be paid to the department and remitted to the State Treasurer for credit to the Health and Human Services Cash Fund. Money in such fund remitted pursuant to this subsection shall be expended by the department as necessary to complete the closure and reclamation requirements and shall not be used for normal operating expenses of the department.
(2) For licensed activities involving the disposal of source material mill tailings and management of low-level radioactive waste, the department shall, and for other classes of licensed activities when radioactive material which will require surveillance or care is likely to remain at the site after the licensed activities cease the department may, adopt and promulgate rules and regulations which establish standards and procedures to ensure that the licensee, before termination of the license, will make available such funding arrangements as may be necessary to provide for long-term site surveillance and care. All such funds collected from licensees shall be paid to the department and remitted to the State Treasurer for credit to the fund. All funds accrued as interest on money credited to the fund pursuant to this subsection may be expended by the department for the continuing long-term surveillance, maintenance, and other care of

facilities from which such funds are collected as necessary for protection of the occupational and public health and safety and the environment. If title to and custody of any radioactive material and its disposal site are transferred to the United States upon termination of any license for which funds have been collected for such long-term care, the collected funds and interest accrued thereon shall be transferred to the United States.

(3) The sureties or other financial arrangements and funds required by this section shall be established in amounts sufficient to ensure compliance with standards, if any, established by the department pertaining to licensure, regulation, closure, decommissioning, reclamation, and long-term site surveillance and care of such facilities and sites.

(4) To provide for the proper care and surveillance of sites subject to subsection (2) of this section which are not subject to section 71-3508.01 or 71-3508.02, the state may acquire by gift or transfer from another governmental agency or private person any land and appurtenances necessary to fulfill the purposes of this section. Any such gift or transfer shall be subject to approval and acceptance by the Legislature.

(5) The department may by contract, agreement, lease, or license with any person, including another state agency, provide for the decontamination, closure, decommissioning, reclamation, surveillance, or other care of a site subject to this section as needed to carry out the purposes of this section.

(6) If a person licensed by any governmental agency other than the department desires to transfer a site to the state for the purpose of administering or providing long-term care, a lump-sum deposit shall be made to the department and remitted to the State Treasurer for credit to the Health and Human Services Cash Fund. The amount of such deposit shall be determined by the department taking into account the factors stated in subsections (1) and (2) of this section.

Source: Laws 1987, LB 390, § 12; Laws 1991, LB 703, § 37; Laws 1996, LB 1044, § 655; Laws 2007, LB296, § 570.

71-3509. Sources of radiation; agreements with federal agency; Governor; license; expiration.

(1) The Governor, on behalf of this state, may enter into agreements with the federal Nuclear Regulatory Commission pursuant to the federal Atomic Energy Act of 1954, section 274b, as amended, providing for discontinuance of certain of such commission's licensing and related regulatory authority with respect to byproduct material, source material, and special nuclear material and the assumption of regulatory authority for such materials by this state.

(2) The department may, upon discontinuance of certain of such commission's licensing and related regulatory authority with respect to byproduct material, source material, and special nuclear material and the assumption of regulatory authority for such materials by the state, cause to be licensed by the department such materials over which the state has assumed licensing and related regulatory authority under the terms of the agreement authorized in subsection (1) of this section.

(3) Any person who, on the effective date of an agreement under subsection (1) of this section, possesses a license issued by the federal Nuclear Regulatory Commission for radioactive material subject to the agreement shall be deemed to possess a license like those issued under the Radiation Control Act. Such license shall expire either ninety days after receipt from the department of a notice of expiration of such license, or on the date of expiration specified in the federal Nuclear Regulatory Commission license, whichever is the earlier.

Source: Laws 1963, c. 406, § 9, p. 1303; Laws 1975, LB 157, § 9; Laws 1987, LB 390, § 13.

71-3510. Federal government; other states; agreements; control of sources of radiation; department; powers.

(1) The department may enter into an agreement or agreements with the federal Nuclear Regulatory Commission pursuant to the federal Atomic Energy Act of 1954, section 274i, as amended, other federal governmental agencies as authorized by law, other states, or interstate agencies whereby this state will perform on a cooperative basis with the federal Nuclear Regulatory Commission, other federal

governmental agencies, other states, or interstate agencies inspections or other functions relating to control of sources of radiation.
(2) The department may institute training programs for the purpose of qualifying personnel to carry out the Radiation Control Act and may make such personnel available for participation in any program or programs of the federal government, other states, or interstate agencies in furtherance of the purposes of such act.
Source: Laws 1963, c. 406, § 10, p. 1304; Laws 1975, LB 157, § 10; Laws 1987, LB 390, § 14.

71-3511. Radiation; ordinance, resolution, or regulation; superseded; when.
Any ordinance, resolution, or regulation, now or hereafter in effect, of the governing body of a municipality, county, or state agency relating to sources of radiation that is inconsistent with the Radiation Control Act, amendments thereto, or rules and regulations adopted and promulgated pursuant to the act is superseded by the act.
Source: Laws 1963, c. 406, § 11, p. 1304; Laws 1975, LB 157, § 11; Laws 1984, LB 716, § 4; Laws 1987, LB 390, § 15.

71-3512. Transferred to section 38-1914.

71-3513. Rules and regulations; licensure; department; powers; duties; appeal.
(1) In any proceeding for the issuance or modification of rules or regulations relating to control of sources of radiation, the department shall provide an opportunity for public participation through written comments and a public hearing.
(2) In any proceeding for the denial of an application for a license or for the amendment, suspension, or revocation of a license, the department shall provide the applicant or licensee an opportunity for a hearing on the record.
(3) In any proceeding for licensing ores processed primarily for their source material content and management of byproduct material and source material mill tailings, or for licensing management of low-level radioactive waste, the department shall provide:
(a) An opportunity, after public notice, for written comments and a public hearing with a transcript;
(b) An opportunity for cross-examination; and
(c) A written determination of the action to be taken which is based upon findings included in the determination and upon evidence presented during the public comment period.
(4) In any proceeding for licensing ores processed primarily for their source material content and disposal of byproduct material and source material mill tailings, or for licensing management of low-level radioactive waste, the department shall prepare, for each licensed activity which has a significant impact on the occupational or public health and safety or the environment, a written analysis of the impact of such licensed activity. The analysis shall be available to the public before the commencement of the hearing and shall include:
(a) An assessment of the radiological and nonradiological impacts to the public health;
(b) An assessment of any impact on any waterway and ground water;
(c) Consideration of alternatives, including alternative sites and engineering methods, to the activities to be conducted; and
(d) Consideration of the long-term impacts, including decommissioning, decontamination, and reclamation of facilities and sites associated with the licensed activities and management of any radioactive materials which will remain on the site after such decommissioning, decontamination, and reclamation.
(5) The department shall prohibit any major construction with respect to any activity for which an environmental impact analysis is required by this section prior to completion of such analysis.

(6) Whenever the department finds that an emergency exists with respect to radiation requiring immediate action to protect occupational or public health and safety or the environment, the department may, without notice, hearing, or submission to the administrator, issue a regulation or order reciting the existence of such emergency and requiring that such action be taken as is necessary to meet the emergency. Notwithstanding any provisions of the Radiation Control Act, such regulation or order shall be effective immediately. Any person to whom such regulation or order is directed shall comply immediately, but on application to the department shall be afforded a hearing not less than fifteen days and not more than thirty days after filing of the application. On the basis of such hearing, the emergency regulation or order shall be continued, modified, or revoked within thirty days after such hearing, and the department shall mail the applicant a copy of its findings of fact and determination.
(7) Any final department action or order entered pursuant to subsection (1), (2), (3), or (6) of this section may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act.
Source: Laws 1963, c. 406, § 13, p. 1305; Laws 1975, LB 157, § 12; Laws 1987, LB 390, § 16; Laws 1988, LB 352, § 132; Laws 2007, LB296, § 571.

71-3513.01. Repealed. Laws 2014, LB 659, § 1.

71-3514. Violation of act; remedies.
Whenever, in the judgment of the department, any person has engaged in or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of the Radiation Control Act or any rule, regulation, or order issued pursuant to the act, the Attorney General or any county attorney may make application to the district court for an order enjoining such acts or practices or for an order directing compliance, and upon a showing by the department that such person has engaged or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted.
Source: Laws 1963, c. 406, § 14, p. 1305; Laws 1987, LB 390, § 17.

71-3514.01. Deliberate misconduct; intentional misinformation; prohibited.
(1) Any licensee, registrant, applicant for a license or registration, employee of a licensee or registrant, contractor or subcontractor of a licensee, registrant, or applicant for a license or registration, or employee of any contractor or subcontractor of a licensee, registrant, or applicant for a license or registration, who knowingly provides to any licensee, registrant, applicant, contractor, or subcontractor any components, equipment, materials, or other goods or services that relate to a licensee's, registrant's, or applicant's activities covered by the Radiation Control Act, shall not (a) engage in deliberate misconduct that causes or would have caused, if not detected, a licensee, registrant, or applicant to be in violation of any rule, regulation, or order or any term, condition, or limitation of any license or registration issued by the department or (b) intentionally submit to the department, a licensee, a registrant, an applicant, or a licensee's, registrant's, or applicant's contractor or subcontractor, information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the department.
(2) Any person who violates this section is subject to section 71-3517.
Source: Laws 2002, LB 1021, § 74.

71-3515. Radiation; acts; registration or license required.
It shall be unlawful for any person to use, manufacture, produce, distribute, sell, transport, transfer, install, repair, receive, acquire, own, or possess any source of radiation unless registered with or licensed by the department as required by the Medical Radiography Practice Act or section 71-3505, 71-3507, or 71-3509.
Source: Laws 1963, c. 406, § 15, p. 1306; Laws 1975, LB 157, § 13; Laws 1978, LB 814, § 7; Laws 1984, LB 716, § 5; Laws 1987, LB 390, § 18; Laws 2007, LB463, § 1213.

71-3515.01. Transferred to section 38-1915.

71-3515.02. Transferred to section 38-1918.

71-3516. Emergency; impounding sources of radiation; department; powers.
(1) The department shall have the authority in the event of an emergency affecting occupational or public health and safety or the environment to impound or order the impounding of sources of radiation in the possession of any person who is not equipped to observe or fails to observe the provisions of the Radiation Control Act or any rules or regulations issued pursuant to such act.
(2) Any source of radiation impounded by the department is declared to be a common nuisance and cannot be subject to a replevin action.
(3) Possession of an impounded source of radiation shall be determined by section 71-3516.01.
Source Laws 1963, c. 406, § 16, p. 1306; Laws 1975, LB 157, § 14; Laws 1987, LB 390, § 19; Laws 2006, LB 994, § 106.

71-3516.01. Impounded source of radiation; disposition; procedure; expenses.
(1) The department shall keep any source of radiation impounded under section 71-3516 for as long as it is needed as evidence for any hearing.
(2) Prior to the issuance of an order of disposition for an impounded source of radiation, the department shall notify in writing any person, known by the department to claim an interest in the source of radiation, that the department intends to dispose of the source of radiation. Notice shall be served by personal service, by certified or registered mail to the last-known address of the person, or by publication. Notice by publication shall only be made if personal service or service by mail cannot be effectuated.
(3) Within fifteen days after service of the notice under subsection (2) of this section, any person claiming an interest in the impounded source of radiation may request, in writing, a hearing before the department to determine possession of the source of radiation. The hearing shall be held in accordance with rules and regulations adopted and promulgated by the department. If the department determines that the person claiming an interest in the source of radiation has proven by a preponderance of the evidence that such person (a) had not used or intended to use the source of radiation in violation of the Radiation Control Act, (b) has an interest in the source of radiation acquired in good faith as an owner, a lien holder, or otherwise, and (c) has the authority under the act to possess such source of radiation, the department shall order that possession of the source of radiation be given to such person. If possession of the impounded source of radiation is not given to the person requesting the hearing, such person may appeal the decision of the department, and the appeal shall be in accordance with the Administrative Procedure Act. If possession of the impounded source of radiation is not given to the person so appealing, the department shall order such person to pay for the costs of the hearing, storage fees, and any other reasonable and necessary expenses related to the impounded source of radiation.
(4) If possession of the impounded source of radiation is not given to the person requesting the hearing under subsection (3) of this section, the department shall issue an order of disposition for the source of radiation and shall dispose of the source of radiation as directed in the order. Disposition methods are at the discretion of the department and may include, but are not limited to, (a) sale of the source of radiation to a person authorized to possess the source of radiation under the act, (b) transfer to the manufacturer of the source of radiation, or (c) destruction of the source of radiation. The order of disposition shall be considered a transfer of title of the source of radiation.
(5) If expenses related to the impounded source of radiation are not paid under subsection (3) of this section, the department shall pay such expenses from:
(a) Proceeds from the sale of the source of radiation, if sold; or
(b) Available funds in the Health and Human Services Cash Fund.
Source: Laws 2006, LB 994, § 107; Laws 2007, LB296, § 572.

71-3517. Violations; civil and criminal penalties; appeal.

(1) Any person who violates any of the provisions of the Radiation Control Act shall be guilty of a Class IV misdemeanor.

(2) In addition to the penalty provided in subsection (1) of this section, any person who violates any provision of the Radiation Control Act or any rule, regulation, or order issued pursuant to such act or any term, condition, or limitation of any license or registration certificate issued pursuant to such act shall be subject to:

(a) License revocation, suspension, modification, condition, or limitation;

(b) The imposition of a civil penalty; or

(c) The terms of any appropriate order issued by the department.

(3) Whenever the department proposes to subject a person to the provisions of subsection (2) of this section, the department shall notify the person in writing (a) setting forth the date, facts, and nature of each act or omission with which the person is charged, (b) specifically identifying the particular provision or provisions of the section, rule, regulation, order, license, or registration certificate involved in the violation, and (c) of the sanction or order to be imposed. If a civil penalty is imposed, the notice shall include a statement that it can be collected by civil action. The notice shall be delivered to each alleged violator by personal service, by certified or registered mail to his or her last-known address, or by publication. Notice by publication shall only be made if personal service or service by mail cannot be effectuated. The sanction or order in the notice shall become final thirty days after the mailing of the notice unless the applicant, registrant, or licensee, within the thirty-day period, requests, in writing, a hearing before the department. If the notice is served by personal service or publication, the sanction or order shall become final thirty days after completion of such service unless the applicant, registrant, or licensee, within the thirty-day period, requests, in writing, a hearing before the department.

(4) Hearings held pursuant to subsection (3) of this section shall be held in accordance with rules and regulations adopted and promulgated by the department and shall provide for the alleged violator to present such evidence as may be proper. Witnesses may be subpoenaed by either party and shall be allowed fees at a rate prescribed by the rules and regulations of the department. A full and complete record shall be kept of the proceedings.

(5) Following the hearing, the department shall determine whether the charges are true or not, and if true, the department may (a) issue a declaratory order finding the charges to be true, (b) revoke, suspend, modify, condition, or limit the license, (c) impose a civil penalty in an amount not to exceed ten thousand dollars for each violation, or (d) enter an appropriate order. If any violation is a continuing one, each day of such violation shall constitute a separate violation for the purpose of computing the applicable civil penalty and the amount of the penalty shall be based on the severity of the violation. A copy of such decision setting forth the finding of facts and the particular reasons upon which it is based shall be sent by either certified or registered mail to the alleged violator. The decision may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act.

(6) Any civil penalty assessed and unpaid under subsection (5) of this section shall constitute a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in any proper form of action in the name of the State of Nebraska in the district court of the county in which the violator resides or owns property. The department shall, within thirty days from receipt, remit any collected civil penalty to the State Treasurer for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska.

(7) In addition to the provisions of this section, radon measurement specialists and radon mitigation specialists shall be subject to the reporting, investigatory, and disciplinary provisions of sections 38-176 to 38-185, 38-1,106, 38-1,109 to 38-1,126, and 38-1,137 to 38-1,139. In addition to the grounds for disciplinary action found in the Uniform Credentialing Act, a license issued to a specialist may be disciplined for any violation of the Radiation Control Act or the rules and regulations adopted and promulgated under the act.

Source: Laws 1963, c. 406, § 17, p. 1306; Laws 1977, LB 39, § 172; Laws 1987, LB 390, § 20; Laws 1988, LB 352, § 133; Laws 2002, LB 1021, § 77; Laws 2007, LB296, § 573; Laws 2007, LB463, § 1214; Laws 2008, LB928, § 28.

71-3518. License or registration; common carrier exempt.
Nothing in the Radiation Control Act shall be deemed to require the licensing or registration by any common carrier, contract carrier, private carrier, railway freight carrier, or railway express carrier transporting, storing, or handling any of the materials described in such act in the ordinary course of such carrier's business.
Source: Laws 1963, c. 406, § 18, p. 1306; Laws 1987, LB 390, § 21.

71-3518.01. Existing rules, regulations, licenses, forms of approval, suits, other proceedings; how treated.
(1) All rules and regulations adopted prior to December 1, 2008, under the Radiation Control Act shall continue to be effective to the extent not in conflict with the changes made by Laws 2007, LB 463.
(2) All licenses or other forms of approval issued prior to December 1, 2008, in accordance with the Radiation Control Act shall remain valid as issued for purposes of the changes made by Laws 2007, LB 463, unless revoked or otherwise terminated by law.
(3) Any suit, action, or other proceeding, judicial or administrative, which was lawfully commenced prior to December 1, 2008, under the Radiation Control Act shall be subject to the provisions of the act as they existed prior to December 1, 2008.
Source: Laws 2007, LB463, § 1215.

71-3519. Act, how cited.
Sections 71-3501 to 71-3520 shall be known and may be cited as the Radiation Control Act.
Source: Laws 1963, c. 406, § 20, p. 1306; Laws 1987, LB 390, § 22; Laws 2001, LB 668, § 2; Laws 2002, LB 1021, § 78; Laws 2005, LB 453, § 1; Laws 2006, LB 994, § 108; Laws 2007, LB463, § 1216; Laws 2008, LB928, § 29.

71-3520. Act, how construed.
Nothing in the Radiation Control Act shall be construed to allow the department to duplicate regulation by the federal government.
Source: Laws 1987, LB 390, § 25.