TITLE 180 CONTROL OF RADIATION

CHAPTER 1 GENERAL PROVISIONS

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ATTACHMENTS

Copies of the Code of Federal Regulations (CFR) cited in this Chapter are located at:
~~http://www.gpoaccess.gov/cfr/index.html~~
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TITLE 180 CONTROL OF RADIATION

CHAPTER 1 GENERAL PROVISIONS

1-001 SCOPE AND AUTHORITY:

1-001.01 Except as otherwise specifically provided, Title 180 applies to all persons who receive, possess, use, transfer, own, or acquire: (1) any radiation generating equipment; (2) any naturally occurring or accelerator produced radioactive material; including special nuclear material in quantities not sufficient to form a critical mass. The regulations are authorized by and implement the Radiation Control Act, Neb. Rev. Stat. §§ 71-3501 to 71-3520.

1-001.02 10 Code of Federal Regulations (CFR), as published on January 1, 2013; 40 CFR as published on July 1, 2013 and 49 CFR as published on October 1, 2013 and referred throughout this Chapter are herein incorporated by reference and available for viewing at the Nebraska Department of Health and Human Services, Radiological Health, 301 Centennial Mall South, 3rd Floor, Lincoln, Nebraska 68509 or from the U.S. Government Printing Office, Code of Federal Regulations website at http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR.

1-002 DEFINITIONS: As used in Title 180, these terms have the definitions set forth below. Additional definitions used only in certain Title 180 Chapters will be found in that Chapter.

A_1 means the maximum activity of special form radioactive material permitted in a Type A package. This value is either listed in Appendix A of 180 NAC 13, Table A-1, or may be derived in accordance with the procedure prescribed in Appendix A of 180 NAC 013.

A_2 means the maximum activity of radioactive material, other than special form, Low Specific Activity (LSA) and Surface Contaminated Object (SCO) material, permitted in a Type A package. These values are either listed in Appendix A of 180 NAC 13, Table A-1, or may be derived in accordance with the procedure prescribed in Appendix A of 180 NAC 013.

Absorbed Dose (D) means the energy imparted by ionizing radiation to matter. Absorbed dose is determined as the quotient of dE by dM, where dE is the mean energy imparted by ionizing radiation to matter of mass dM. The SI Unit of absorbed dose is joule per kilogram and the special name of the unit of absorbed dose is the gray (Gy). The previously used special unit of absorbed dose (rad) is being replaced by the gray (Gy).

Accelerator means any machine capable of accelerating electrons, protons, deuterons, or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 megaelectron volt. For purposes of this definition, Particle accelerator is an equivalent term.

Accelerator ~~p~~Produced ~~m~~Material means any material made radioactive by a particle accelerator.

Act means Radiation Control Act Neb. Rev. Stat. §§ 71-3501 to 71-3520.

Activity means the rate of disintegration or transformation or decay of radioactive material. The units of activity are the becquerel (Bq) and the curie (Ci).

Adult means an individual 18 or more years of age.

Agency means the Department of Health and Human Services.

Agreement State means any State with which the U.S. Nuclear Regulatory Commission or the U.S. Atomic Energy Commission has entered into an effective agreement under subsection 274b. of the Atomic Energy Act of 1954, as amended (73 Stat. 689). Non-agreement State means any other State.

Airborne ~~r~~Radioactive ~~m~~Material means any radioactive material dispersed in the air in the form of dusts, fumes, particulates, mists, vapors, or gases.

Airborne ~~r~~Radioactivity ~~a~~Area means a room, enclosure, or area in which airborne radioactive materials exist in concentrations

(1) In excess of the derived air concentrations (DACs) specified in Appendix B, Table I of 180 NAC 4, or

(2) To such a degree that an individual present in the area without respiratory protective equipment could exceed, during the hours an individual is present in a week, an intake of 0.6% of the annual limit on intake (ALI) or 12 DAC-hours.

As ~~l~~Low ~~a~~As is ~~r~~Reasonably ~~a~~Achievable (ALARA) means making every reasonable effort to maintain exposures to radiation as far below the dose limits in these regulations as is practical, consistent with the purpose for which the licensed or registered activity is undertaken, taking into account the state of technology, the economics of improvements in relation to state of technology, the economics of improvements in relation to benefits to the public health and safety, and other societal and socioeconomic considerations, and in relation to utilization of nuclear energy and licensed or registered sources of radiation in the public interest.

Background ~~r~~Radiation means radiation from cosmic sources; naturally occurring radioactive materials, including radon, except as a decay product of source or special nuclear material, and including global fallout as it exists in the environment from the testing of nuclear explosive devices or from past nuclear accidents such as Chernobyl that contribute to background radiation and are

not under the control of the licensee. Background radiation does not include sources of radiation from radioactive materials regulated by the Department.

Becquerel (Bq) means the SI unit of activity. One becquerel is equal to 1 disintegration or transformation per second (dps or tps).

Bioassay means the determination of kinds, quantities or concentrations, and, in some cases, the locations of radioactive material in the human body, whether by direct measurement, in vivo counting, or by analysis and evaluation of materials excreted or removed from the human body. For purposes of Title 180, radiobioassay is an equivalent term.

Brachytherapy means a method of radiation therapy in which sealed sources are utilized to deliver a radiation dose at a distance of up to a few centimeters, by surface, intracavitary, or interstitial application.

Byproduct ~~m~~Material means:

1. 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; and

2. The tailings or wastes produced by the extraction or concentration of uranium or thorium from 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 solution extraction operations do not constitute byproduct material.

3. Any

   A. Discrete source of radium-226 that is produced, extracted, or converted after extraction for use for a commercial, medical, or research activity; or
   B. Material that has been made radioactive by use of a particle accelerator; and is produced, extracted, or converted after extraction for use for a commercial, medical, or research activity; and

4. Any discrete source of naturally occurring radioactive material, other than source material, that;

   A. The U.~~nited~~ S.~~tate~~ Nuclear Regulatory Commission (NRC), in consultation with the Administrator of the U.~~nited~~ S.~~tates~~ Environmental Protection Agency (EPA), the U.~~nited~~ S.~~tates~~ Secretary of Energy, the 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
   B. Is extracted or converted after extraction for use in a commercial, medical, or research activity.

Calendar ~~q~~Quarter means not less than 12 consecutive weeks nor more than 14 consecutive weeks. The first calendar quarter of each year will begin in January and subsequent calendar quarters will be so arranged such that no day is included in more than one calendar quarter and no day in any one year is omitted from inclusion within a calendar quarter. No licensee or registrant shall change their method for determining calendar quarters except at the beginning of a year.

Calibration means the determination of (1) the response or reading of an instrument relative to a series of known radiation values over the range of the instrument, or (2) the strength of a source of radiation relative to a standard.

Carrier means a person engaged in the transportation of passengers or property by land or water as a common, contract, or private carrier, or by civil aircraft.

CFR means Code of Federal Regulations.

Chelating ~~a~~Agent means amine polycarboxylic acids, hydroxycarboxylic acids, gluconic acid, and polycarboxylic acids.

Civil ~~p~~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.

Collective ~~d~~Dose means the sum of the individual doses received in a given period of time by a specified population from exposure to a specified source of radiation.

Committed ~~d~~Dose ~~e~~Equivalent (CDE) ($H_{T,50}$) means the dose equivalent to organs or tissues of reference (T) that will be received from an intake of radioactive material by an individual during the 50-year period following the intake.

Committed ~~e~~Effective ~~d~~Dose ~~e~~Equivalent (CEDE) ($H_{E,\ 50}$) is the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to each of these organs or tissues ($H_{E,50} = \sum w_{T,}H_{T,50}$).

Constraint (dose constraint) means a value above which specified licensee actions are required.

Critical Group means the group of individuals reasonably expected to receive the greatest exposure to residual radioactivity for any applicable set of circumstances.

Curie means that amount of radioactive material which disintegrates at the rate of 37 billion atoms per second.

Custodial ~~c~~Care means the continued observation, monitoring, and care of a management facility for a minimum of one hundred years following transfer of ownership of the management facility from the operator to the Department.

Decommission means to remove a facility or site safely from service and reduce residual radioactivity to a level that permits release of the property for unrestricted use or release of the property under restricted conditions and termination of license.

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.

Deep ~~d~~Dose ~~e~~Equivalent (DDE) (H_d), which applies to external whole body exposure, means the dose equivalent at a tissue depth of 1 centimeter (1000 mg/cm^2).

Department means the Department of Health and Human Services.

Depleted ~~u~~Uranium means the source material uranium in which the isotope uranium-235 is less than 0.711 weight percent of the total uranium present. Depleted uranium does not include special nuclear material.

Director means Director of Public Health of the Division of Public Health or his/her designee.

Distinguishable from ~~b~~Background means that the detectable concentration of a radionuclide is statistically different from the background concentration of that radionuclide in the vicinity of the site or, in the case of structures, in similar materials using adequate measurement technology, survey, and statistical techniques.

Discrete ~~s~~Source means a radionuclide that has been processed so that its concentration within a material has been purposely increased for use for commercial, medical, or research activities.

Dose is a generic term that means absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, committed effective dose equivalent, total organ dose equivalent, or total effective dose equivalent. For purposes of 180 NAC, radiation dose is an equivalent term.

Dose ~~e~~Equivalent (H_t) means the product of the absorbed dose in tissue, quality factor, and all other necessary modifying factors at the location of interest. The units of dose equivalent are the sievert (Sv) and rem.

Dose ~~l~~Limits means the permissible upper bounds of radiation doses established in accordance with these regulations. For purposes of these regulations, limits is an equivalent term.

Effective ~~d~~Dose ~~e~~Equivalent (EDE) (H_E) means the sum of the products of the dose equivalent to each organ or tissue (H_T) and the weighting factor (w_T) applicable to each of the body organs or tissues that are irradiated ($H_E = \sum w_T H_T$).

Electronic ~~p~~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.

Embryo/~~f~~Fetus means the developing human organism from conception until the time of birth.

Entrance or ~~a~~Access ~~p~~Point means any opening through which an individual or extremity of an individual could gain access to radiation areas or to licensed or registered radioactive materials. This includes entry or exit portals of sufficient size to permit human entry, irrespective of their intended use.

Explosive ~~m~~Material means any chemical compound, mixture, or device which produces a substantial instantaneous release of gas and heat spontaneously or by contact with sparks or flame.

E (Exponent) indicates that the number 10 is to be raised to a given power. This power is indicated to the right of the symbol E. For example: 3E+4 symbolizes 3×10^{4} and 3E-4 symbolizes 3×10^{-4}.

Exposure means being exposed to ionizing radiation or to radioactive material.

Exposure[1] means the quotient of dQ by dm where "dQ" is the absolute value of the total charge of the ions of one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having mass "dm" are completely stopped in air. The SI unit of exposure is the coulomb per kilogram (C/kg). See 180 NAC 1-015.01 Units of Exposure and Dose for the special unit.

Exposure ~~r~~Rate means the exposure per unit of time, such as roentgen per minute (R/min) or milliroentgen per hour (mR/h).

External ~~d~~Dose means that portion of the dose equivalent received from any source of radiation outside the body.

Extremity means hand, elbow, arm below the elbow, foot, knee, and leg below the knee.

Former U.S. Atomic Energy Commission (AEC) or U.S. Nuclear Regulatory Commission (NRC) ~~l~~Licensed ~~f~~Facilities means nuclear reactors, nuclear fuel reprocessing plants, uranium enrichment plants, or critical mass experimental facilities where AEC or NRC licenses have been terminated.

Generally ~~a~~Applicable ~~e~~Environmental ~~r~~Radiation ~~s~~Standards means standards issued by the U.S. Environmental Protection Agency (EPA) under the authority of the Atomic Energy Act of 1954, as amended, that impose limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material.

[1]When not underlined as above [or indicated as "exposure" (X)] the term "exposure" has a more general meaning in Title 180.

Gray (Gy) means the SI unit of absorbed dose, kerma, and specific energy imparted equal to 1 joule per kilogram. The previous unit of absorbed dose (rad) is being replaced by the gray [1 Gy=100 rad].

Hazardous ~~w~~Waste means those wastes designated as hazardous in 40 CFR Chapter I, Part 261, Subpart A, §§ 261.2 - 261.4 and Subpart D.

Healing ~~a~~Arts means diagnostic and/or healing treatment of human and animal maladies including but not limited to the following which are duly licensed by the State of Nebraska for the lawful practice of: medicine and its associated specialties, dentistry, veterinary medicine, osteopathy, chiropractic, and podiatry.

High-~~l~~Level ~~r~~Radioactive ~~w~~Waste means:

1. Irradiated reactor fuel;

2. 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

3. Solids into which such liquid wastes have been converted.

4. Other highly radioactive waste material as defined by the U.S. Nuclear Regulatory Commission.

High radiation area means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving a dose equivalent in excess of 1 millisievert (mSv) (0.1 rem) in 1 hour at 30 centimeters from the radiation source or 30 centimeters from any surface that the radiation penetrates.

Human ~~u~~Use means the internal or external administration of radiation or radioactive material to human beings.

Indian ~~t~~Tribe means an Indian or Alaska native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.

Individual means any human being.

Individual ~~m~~Monitoring means the assessment of:

1. Dose equivalent (a) by the use of individual monitoring devices or (b) by the use of survey data; or

2. Committed effective dose equivalent (a) by bioassay or (b) by determination of the time-weighted air concentrations to which an individual has been exposed, that is, DAC-hours. [See the definition of DAC-hours in 180 NAC 4.]

Individual ~~m~~Monitoring ~~d~~Devices (individual monitoring equipment) means devices designed to be worn by a single individual for the assessment of dose equivalent such as film badges, termoluminescence dosimeters (TLD's), pocket ionization chambers, and personal ("lapel") air sampling devices. For the purposes of these regulations, personnel dosimeter and dosimeter are equivalent terms.

Inspection means an official examination or observation including, but not limited to, tests, surveys, and monitoring to determine compliance with rules, regulations, orders, requirements, and conditions of the Department. The licensee or registrant is notified of any items of noncompliance and/or recommendation of the Department.

Interlock means a device arranged or connected such that the occurrence of an event or condition is required before a second event or condition can occur or continue to occur.

Internal ~~d~~Dose means that portion of the dose equivalent received from radioactive material taken into the body.

Lens ~~d~~Dose ~~e~~Equivalent (LDE) applies to the external exposure of the lens of the eye and is taken as the dose equivalent at a tissue depth of 0.3 centimeter (300 mg/cm^2).

License means a license issued by the Department in accordance with the regulations adopted by the Department.

Licensed ~~m~~Material means radioactive material received, possessed, used, transferred or disposed of under a general or specific license issued by the Department.

Licensed ~~p~~Practitioner means a person licensed to practice medicine, dentistry, podiatry, chiropractic, osteopathic medicine and surgery, or as an osteopathic physician.

Licensee means any person who is licensed by the Department in accordance with these regulations and the Act.

Limits [See Dose limits]

Lost or ~~m~~Missing ~~s~~Source of ~~r~~Radiation means source of radiation whose location is unknown. This definition includes licensed material that has been shipped but has not reached its planned destination and whose location cannot be readily traced in the transportation system.

Low-~~l~~Level ~~r~~Radioactive ~~w~~Waste means radioactive waste not defined as high-level radioactive waste, spent nuclear fuel, or byproduct material as defined in 180 NAC 1-002 byproduct material item 2**.**

Major ~~p~~Processor means a user processing, handling, or manufacturing radioactive material exceeding Type A quantities as unsealed sources or material, or exceeding 4 times Type B quantities as sealed sources, but does not include nuclear medicine programs, universities, industrial radiographers, or small industrial programs. Type A and B quantities are defined in 180 NAC 13-002**,** and in 10 CFR Chapter I, Part 71, Subpart A, § 71.4.

Management ~~f~~Facility means the land, buildings, and equipment which is intended to be used for the management of radioactive wastes.

Management of ~~l~~Low-~~l~~Level ~~r~~Radioactive waste means the handling, processing, storage, reduction in volume, disposal, or isolation of such waste from the biosphere in any manner.

Member of the ~~p~~Public means any individual except when that individual is receiving an occupational dose.

Minor means an individual less than 18 years of age.

Mixed ~~w~~Waste means low-level radioactive waste that also contains hazardous waste that is identified in Title 128, Nebraska Administrative Code.

Monitoring means the measurement of radiation, radioactive material concentrations, surface area activities or quantities of radioactive material and the use of the results of these measurements to evaluate potential exposures and doses. For the purposes of Title 180 radiation monitoring and radiation protection monitoring are equivalent terms.

NARM means any naturally occurring or accelerator-produced radioactive material. It does not include byproduct, source, or special nuclear material.

Nationally ~~t~~Tracked ~~s~~Source means a sealed source containing a quantity equal to or greater than Category 1 or Category 2 levels of any radioactive material listed in Appendix H of 180 NAC 4. In this context a sealed source is defined as radioactive material that is sealed in a capsule or closely bonded, in a solid form and which is not exempt from regulatory control. It does not mean material encapsulated solely for disposal, or nuclear material contained in any fuel assembly, subassembly, fuel rod, or fuel pellet. Category 1 nationally tracked sources are those containing radioactive material at a quantity equal to or greater than the Category 1. Category 2 nationally tracked sources are those containing radioactive material at a quantity equal to or greater than the Category 2 threshold but less than the Category 1 threshold.

Natural ~~r~~Radioactivity means radioactivity of naturally occurring nuclides.

Nuclear Regulatory Commission (NRC) means the U.S. Nuclear Regulatory Commission or its duly authorized representatives.

Occupational ~~d~~Dose means the dose received by an individual in the course of employment in which the individual's assigned duties involve exposure to sources of radiation from licensed/registered or unlicensed/unregistered sources of radiation, whether in the possession of the licensee, registrant, or other person. Occupational dose does not include doses received from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released in accordance with 180 NAC 7-037, from voluntary participation in medical research programs, or as a member of the public.

Package means the packaging together with its radioactive contents as presented for transport.

Particle ~~a~~Accelerator [See "Accelerator"]

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.

Personnel ~~d~~Dosimeter: [See Individual monitoring devices].

Personnel ~~m~~Monitoring ~~e~~Equipment [See Individual monitoring devices].

Pharmacist means any person who is licensed by the State of Nebraska to practice pharmacy.

Physician means any person authorized to practice medicine in this state as provided in Neb. Rev. Stat. §§38-2024 to 38-2045.

Positron Emission Tomography (PET) ~~r~~Radionuclide ~~p~~Production ~~f~~Facility is defined as a facility operating a cyclotron or accelerator for the purpose of producing Positron Emission Tomography (PET) radionuclides.

Public ~~d~~Dose means the dose received by a member of the public from exposure to sources of radiation released by a licensee or registrant, or to any other source of radiation under the control of a licensee or registrant. Public dose does not include occupational dose or doses received from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released in accordance with 180 NAC 7-037, or from voluntary participation in medical research programs.

Pyrophoric ~~l~~Liquid means any liquid that ignites spontaneously in dry or moist air at or below 130°F (54.4 °C). A pyrophoric solid is any solid material, other than one classed as an explosive, which under normal conditions is liable to cause fires through friction, retained heat from manufacturing or processing, or which can be ignited readily and, when ignited, burns so vigorously and persistently as to create a serious transportation, handling, or disposal hazard. Included are spontaneously combustible and water-reactive materials.

Quality ~~f~~Factor (Q) means the modifying factor, listed in Tables I and II of 180 NAC 1-015, that is used to derive dose equivalent from absorbed dose.

Rad means the special unit of absorbed dose. One rad is equal to an absorbed dose of 100 erg per gram or 0.01 joule per kilogram (0.01 gray).

Radiation means ionizing 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 radiowaves 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.

Radiation ~~a~~Area means an area, accessible to individuals, in which radiation levels could result in an individual receiving a dose equivalent in excess of 0.05 millisievert (mSv) (0.005 rem) in 1 hour at 30 centimeters from the source of radiation or from any surface that the radiation penetrates.

Radiation Dose [See "Dose]

Radiation ~~g~~Generating ~~e~~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.

Radiation ~~s~~Safety ~~o~~Officer means an individual who has the knowledge and responsibility to apply appropriate radiation protection regulations.

Radioactive ~~m~~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.

Radioactivity means the transformation of unstable atomic nuclei by the emission of radiation.

Radiobioassay. [See Bioassay]

Registrant means any person who is registered with the Department and is legally obligated to register with the Department pursuant to Title 180 and the Act.

Registration means registration with the Department pursuant to the Act and in accordance with the regulations adopted by the Department.

Regulations of the U.S. Department of Transportation means the regulations in 49 CFR Parts 100-189.

Rem means the special unit of any of the quantities expressed as dose equivalent. The dose equivalent in rem is equal to the absorbed dose in rad multiplied by the quality factor (1 rem = 0.01 Sv).

Research and ~~d~~Development means (1) theoretical analysis, exploration, or experimentation; or (2) the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes. Research and development does not include the internal or external administration of radiation or radioactive material to human beings.

Residual ~~r~~Radioactivity means radioactivity in structures, materials, soils, groundwater, and other media at a site resulting from activities under the licensee's control. This includes radioactivity from all licensed and unlicensed sources used by the licensee, but excludes background radiation. It also includes radioactive materials remaining at the site as a result of routine or accidental releases of radioactive material at the site and previous burials at the site, even if those burials were made in accordance with the provisions of 180 NAC 4.

Restricted ~~a~~Area means an area, access to which is limited by the licensee or registrant for the purpose of protecting individuals against undue risks from exposure to sources of radiation. Restricted area does not include areas used as residential quarters, but separate rooms in a residential building may be set apart as a restricted area.

Roentgen means the special unit of exposure. One roentgen (R) equals 2.58E-4 coulombs per kilogram of air (see "Exposure" and 180 NAC 1-015).

Sealed ~~s~~Source means radioactive material that is permanently bonded or fixed in a capsule or matrix designed to prevent release and dispersal of the radioactive material .

Shallow ~~d~~Dose ~~e~~Equivalent (SDE) (H_s), which applies to the external exposure of the skin of the whole body or the skin of an extremity, is taken as a dose equivalent at a tissue depth of 0.007 centimeter (7mg/cm^2).

SI means the abbreviation for the International System of Units.

Sievert means the SI unit of any of the quantities expressed as dose equivalent. The dose equivalent in sievert is equal to the absorbed dose in gray multiplied by the quality factor (1 Sv = 100 rem).

Source ~~m~~Material means:

(1) Uranium or thorium, or any combination thereof, in any physical or chemical form; or

(2) Ores which contain by weight one-twentieth of 1% (0.05%) or more of uranium, thorium or any combination of uranium and thorium. Source material does not include special nuclear material.

Source ~~m~~Material ~~m~~Milling means any processing of ore, including underground solution extraction of unmined ore, primarily for the purpose of extracting or concentrating uranium or thorium there from and which results in the production of source material mill tailings.

Sources of ~~r~~Radiation means any radioactive material, any radiation-generating equipment or any device or equipment emitting or capable of emitting radiation or radioactive material.

Special ~~f~~Form ~~r~~Radioactive ~~m~~Material means radioactive material that satisfies the following conditions:

(1) It is either a single solid piece or is contained in a sealed capsule that can be opened only by destroying the capsule;

(2) The piece or capsule has at least one dimension not less than 5 mm (0.2 in); and

~~(3) It satisfies the test requirements specified by the U.S. Nuclear Regulatory Commission. A special form encapsulation designed in accordance with the U.S. Nuclear Regulatory Commission requirements in effect on June 30, 1983, and constructed prior to July 1, 1985, may continue to be used. A special form encapsulation either designed in accordance with the Nuclear Regulatory Commission requirements in effect on March 31, 1996, and constructed prior to April 1, 1998, may continue to be used. A special form encapsulation either designed or constructed after April 1, 1998, must meet requirements of this definition applicable at the time of its design or construction.~~

(3) It satisfies the requirements of 10 CFR 71.75. A special form encapsulation designed in accordance with the requirements of 10 CFR 71.4 in effect on June 30, 1983 (see 10 CFR part 71, revised as of January 1, 1983), and constructed before July 1, 1985; a special form encapsulation designed in accordance with the requirements of 10 CFR 71.4 in effect on March 31, 1996 (see 10 CFR part 71, revised as of January 1, 1996), and constructed before April 1, 1998; and special form material that was successfully tested before September 10, 2015 in accordance with the requirements of 10 CFR 71.75(d) in effect before September 10, 2015 may continue to be used. Any other special form encapsulation must meet the specifications of this definition.

Special ~~n~~Nuclear ~~m~~Material means:

(1) Plutonium, uranium-233, uranium enriched in the isotope 233 or in the isotope 235, and any other material that the U.S. Nuclear Regulatory Commission, pursuant to the provisions of section 51 of the Atomic Energy Act of 1954, as amended, determines to be special nuclear material, but does not include source material; or

(2) Any material artificially enriched by any material listed in part (1) of this definition, but does not include source material.

Special ~~n~~Nuclear ~~m~~Material in ~~q~~Quantities ~~n~~Not ~~s~~Sufficient to ~~f~~Form a ~~c~~Critical ~~m~~Mass means uranium enriched in the isotope U-235 in quantities not exceeding 350 grams of contained U-235; uranium-233 in quantities not exceeding 200 grams; plutonium in quantities not exceeding 200 grams; or any combination of them in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all of the kinds of special nuclear material in combination must not exceed 1. For example, the following quantities in combination would not exceed the limitation and are within the formula:

$$\frac{175(grams\ contained\ U\text{-}235)}{350} + \frac{50(grams\ U\text{-}233)}{200} + \frac{50(grams\ Pu)}{200} = 1$$

Spent ~~n~~Nuclear ~~f~~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.

Survey means an evaluation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, or presence of sources of radiation. When appropriate, such evaluation includes, but is not limited to, tests, physical examinations, and measurements of levels of radiation or concentrations of radioactive material present.

Test means the process of verifying compliance with an applicable regulation.

These ~~r~~Regulations mean all Chapters of Title 180 “Control of Radiation”.

Total ~~e~~Effective ~~d~~Dose ~~e~~Equivalent (TEDE) means the sum of the effective dose equivalent (for external exposures) and the committed effective dose equivalent (for internal exposures).

Total ~~o~~Organ ~~d~~Dose ~~e~~Equivalent (TODE) means the sum of the deep dose equivalent and the committed dose equivalent to the organ receiving the highest dose as described in 180 NAC 4-052.01, item 1.

Transuranic ~~w~~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 100 nanocuries per gram.

Tribal ~~o~~Official means the highest ranking individual that represents Tribal leadership, such as the Chief, President, or Tribal Council leadership.

U.S. Department of Energy means the Department of Energy established by Public Law 95-91, August 4, 1977, 91 Stat. 565, 42 U.S.C. 7101 *et seq*., to the extent that the Department exercises functions formerly vested in the U.S. Atomic Energy Commission, its Chairman, members, officers and components and transferred to the U.S. Energy Research and Development Administration and to the Administrator thereof pursuant to §§ 104(b), (c) and (d) of the Energy Reorganization Act of 1974 (Public Law 93-438, October 11, 1974, 88 Stat. 1233 at 1237, 42 U.S.C. 5814, effective January 19, 1975) and retransferred to the Secretary of Energy pursuant to § 301(a) of the Department of Energy Organization Act (Public Law 95-91, August 4, 1977, 91 Stat. 565 at 577-578, 42 U.S.C. 7151, effective October 1, 1977.)

Unrefined and ~~u~~Unprocessed ~~o~~Ore means ore in its natural form prior to any processing, such as grinding, roasting, beneficiating, or refining.

Unrestricted ~~a~~Area means an area, access to which is neither limited nor controlled by the licensee or registrant. For purposes of these regulations, uncontrolled area is an equivalent term.

Violation means an infringement of any rule, license or registration condition, order of the Department, or any provision of the Act.

Waste means those low-level radioactive wastes containing source, special nuclear, or byproduct material that are acceptable for disposal in a land disposal facility. For the purposes of this definition, low-level radioactive waste means radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, mill tailings, discrete sources of Radium 226, and discrete sources of naturally occurring radioactive material.

Waste ~~h~~Handling ~~l~~Licensees mean persons licensed to receive and store radioactive wastes prior to disposal and/or persons licensed to dispose of radioactive waste.

Week means 7 consecutive days starting on Sunday.

Whole ~~b~~Body means, for purposes of external exposure, head, trunk including male gonads, arms above the elbow, or legs above the knee.

Worker means an individual engaged in work under a license or registration issued by the Department and controlled by a licensee or registrant, but does not include the licensee or registrant.

Working ~~l~~Level (WL) means any combination of short-lived radon daughters in 1 liter of air that will result in the ultimate emission of 1.3E+5 MeV of potential alpha particle energy. The short-lived radon daughters are -- for radon-222: polonium-218, lead-214, bismuth-214, and polonium-214; and for radon-220: polonium-216, lead-212, bismuth-212, and polonium-212.

Working ~~l~~Level ~~m~~Month (WLM) means an exposure to 1 working level for 170 hours -- 2,000 working hours per year divided by 12 months per year is approximately equal to 170 hours per month.

X-ray ~~s~~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.

Year means the period of time beginning in January used to determine compliance with the provisions of Title 180. The licensee or registrant may change the starting date of the year used to determine compliance by the licensee or registrant provided that the change is made at the beginning of the year and that no day is omitted or duplicated in consecutive years.

1-003 EXEMPTIONS

1-003.01 General Provision: The Department may, upon application or upon its own initiative, grant such exemptions or exceptions from the requirements of Title 180 as it determines are authorized by law and will not result in undue hazard to public health and safety or property.

1-003.02 U.S. Department of Energy Contractors and U.S. Nuclear Regulatory Commission Contractors: Any U.S. Department of Energy contractor or subcontractor and

any U.S. Nuclear Regulatory Commission contractor or subcontractor of the following categories operating within this State is exempt from these regulations to the extent that such contractor or subcontractor under his contract receives, possesses, uses, transfers, or acquires sources of radiation:

1. Prime contractors performing work for the U.S. Department of Energy at U.S. Government-owned or -controlled sites, including the transportation of sources of radiation to or from such sites and the performance of contract services during temporary interruptions of such transportation;

2. Prime contractors of the U.S. Department of Energy performing research in, or development, manufacture, storage, testing, or transportation of, atomic weapons or components thereof;

3. Prime contractors of the U.S. Department of Energy using or operating nuclear reactors or other nuclear devices in a U.~~nited~~ S.~~tates~~ Government-owned vehicle or vessel; and

4. Any other prime contractor or subcontractor of the U.S. Department of Energy or of the U.S. Nuclear Regulatory Commission when the State and the U.S. Nuclear Regulatory Commission jointly determine:

   a. That the exemption of the prime contractor or subcontractor is authorized by law; and

   b. That, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety.

1-004 RECORDS: Each licensee and registrant must maintain records showing the receipt, transfer, and disposal of all sources of radiation. Additional record requirements are specified elsewhere in Title 180.

1-005 INSPECTIONS

1-005.01 Each licensee and registrant must afford the Department at all reasonable times opportunity to inspect sources of radiation and the premises and facilities wherein such sources of radiation are used or stored.

1-005.02 Each licensee and registrant must make available to the Department for inspection, upon reasonable notice, records maintained pursuant to Title 180.

1-006 TESTS: Each licensee and registrant must perform upon instructions from the Department, or must permit the Department to perform, such reasonable tests as the Department deems appropriate or necessary including, but not limited to, tests of:

1. Sources of radiation;
2. Facilities wherein sources of radiation are used or stored;
3. Radiation detection and monitoring instruments; and
4 Other equipment and devices used in connection with utilization or storage of licensed or registered sources of radiation.

1-007 ADDITIONAL REQUIREMENTS: The Department may, by rule, regulation, or order, impose upon any licensee or registrant such requirements in addition to those established in these regulations as it deems appropriate or necessary to minimize danger to public health and safety or property.

1-008 VIOLATIONS: An injunction or other court order may be obtained prohibiting any violation of any provision of the Act. Any person who violates any provision of the Act may be guilty of a Class IV misdemeanor and, upon conviction, may be punished as determined by the court. (See 180 NAC 17.)

1-009 IMPOUNDING: Sources of radiation are subject to impounding pursuant to § 71-3516 of the Act.

1-010 PROHIBITED USES

1. A hand-held fluoroscopic screen must not be used with x-ray equipment unless it has been listed in the Registry of Sealed Source and Devices or accepted for certification by the U.S. Food and Drug Administration, Center for Devices and Radiological Health.

2. A shoe-fitting fluoroscopic device must not be used.

TESTING FOR LEAKAGE OR CONTAMINATION OF SEALED SOURCES

1-011 TESTS FOR LEAKAGE AND/OR CONTAMINATION OF SEALED SOURCES

1-011.01 The licensee or registrant in possession of any sealed source must assure that:

1. Each sealed source, except as specified in 180 NAC 1-011.02, is tested for leakage or contamination and the test results are received before the sealed source is put into use unless the licensee or registrant has a certificate from the transferor indicating that the sealed source was tested within six months before transfer to the licensee or registrant.

2. Each sealed source that is not designed to emit alpha particles is tested for leakage or contamination at intervals not to exceed six months or at alternative intervals approved by the Department, after evaluation of information specified by 180 NAC 3-014.12, item 4 and 5 of these regulations, or by an Agreement State, or the U.S. Nuclear Regulatory Commission.

3. Each sealed source that is designed to emit alpha particles is tested for leakage or contamination at intervals not to exceed three months or at alternative

intervals approved by the Department, after evaluation of information specified by 180 NAC 3-014.12, item 4 and 5, or by an Agreement State or the U.S. Nuclear Regulatory Commission.

4. For each sealed source that is required to be tested for leakage or contamination, at any other time there is reason to suspect that the sealed source might have been damaged or might be leaking, the licensee or registrant must assure that the sealed source is tested for leakage or contamination before further use.

5. Tests for leakage for all sealed sources, except brachytherapy sources manufactured to contain radium, must be capable of detecting the presence of 185 becquerel (Bq) (0.005 microcurie (μCi)) of radioactive material on a test sample. Test samples must be taken from the sealed source or from the surfaces of the container in which one might expect contamination to accumulate. For a sealed source contained in a device, test samples are obtained when the source is in the "off" position.

6. The test for leakage for brachytherapy sources manufactured to contain radium must be capable of detecting an absolute leakage rate of 37 becquerel (Bq) (0.001 microcurie (μCi)) of radon-222 in a 24 hour period when the collection efficiency for radon-222 and its daughters has been determined with respect to collection method, volume and time.

7. Tests for contamination from radium daughters must be taken on the interior surface of brachytherapy source storage containers and must be capable of detecting the presence of 185 becquerel (Bq) (0.005 microcurie (μCi)) of a radium daughter which has a half-life greater than four days.

1-011.02 A licensee or registrant need not perform test for leakage or contamination on the following sealed sources:

1. Sealed sources containing only radioactive material with a half-life of less than 30 days;
2. Sealed sources containing only radioactive material as a gas;
3. Sealed sources containing 3.7 megabecquerel (MBq) (100 microcurie (μCi)) or less of beta or photon-emitting material or 370 kilobecquerel (kBq) (10 microcurie (μCi)) or less of alpha-emitting material;
4. Sealed sources containing only hydrogen-3;
5. Seeds of iridium-192 encased in nylon ribbon; and
6. Sealed sources, except teletherapy and brachytherapy sources, which are stored, not being used and identified as in storage. The licensee or registrant must, however, test each such sealed source for leakage or contamination and receive the test results before any use or transfer unless it has been tested for leakage or contamination within six months before the date of use or transfer.

1-011.03 Tests for leakage or contamination from sealed sources must be performed by persons specifically authorized by the Department, an Agreement State, or the U.S. Nuclear Regulatory Commission to perform such services.

1-011.04 Test results must be kept in units of Becquerel or microcurie and maintained for inspection by the Department.

1-011.05 The following must be considered evidence that the sealed source is leaking:

1. The presence of 185 becquerel (Bq) (0.005 microcurie (μCi)) or more of removable contamination on any test sample.
2. Leakage of 37 becquerel (Bq) (0.001 microcurie (μCi)) of radon-22 per 24 hours for brachytherapy sources manufactured to contain radium.
3. The presence of removable contamination resulting from the decay of 185 becquerel (Bq) (0.005 microcurie (μCi)) or more of radium.

1-011.06 The licensee or registrant must immediately withdraw a leaking sealed source from use and must take action to prevent the spread of contamination. The leaking sealed source must be repaired or disposed of in accordance with180 NAC 1.

1-01 1.07 Reports of test results for leaking or contaminated sealed sources must be made pursuant to 180 NAC 4-064.

1-011.08 No sealed source shall be stored for a period of more than three years without being tested for leakage or contamination.

1-012 COMMUNICATIONS: All communications and reports concerning Title 180, and applications filed thereunder, should be addressed to the Department at its office located at

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

1-013 CITIZENSHIP ATTESTATION: All applicants and renewals for registration or licensure must: Attest that the applicant is a citizen of the United States or a qualified alien under the Federal Immigration and Nationality Act, for the purpose of complying with Neb. Rev. Stat. §§Stat. 4-108 through 4-114. The applicant must provide his/her immigration status and alien number, and agree to provide a copy of his/her United States Citizenship and Immigration Services (USCIS) documentation upon request. If an applicant is not an individual, this section does not apply.

1-014 DISCRIMINATION PROHIBITED: The Department must not exclude any person on the ground of sex from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity licensed by this Department. This provision will be enforced through provisions established, with respect to racial and other discrimination, under the Nebraska Fair Employment Act. This remedy is not exclusive, however, and will not prejudice or cut off any other legal remedies available to a discriminatee.

1-015 UNITS OF EXPOSURE AND DOSE

1-015.01 As used in Title 180, the unit of exposure is the coulomb per kilogram (C/kg) of air. One roentgen is equal to 2.58E-4 coulomb per kilogram of air.

1-015.02 As used in 180 NAC, the units of dose are:

1. Gray (Gy) is the SI unit of absorbed dose. One gray is equal to an absorbed dose of 1 joule per kilogram (100 rad).
2. Rad is the special unit of absorbed dose. One rad is equal to an absorbed dose of 100 erg per gram or 0.01 joule per kilogram (0.01 gray (Gy)).
3. Rem is the special unit of any of the quantities expressed as dose equivalent. The dose equivalent in rem is equal to the absorbed dose in rad multiplied by the quality factor (1 rem = 0.01 sievert (Sv)).
4. Sievert is the SI unit of any of the quantities expressed as dose equivalent. The dose equivalent in sievert is equal to the absorbed dose in gray multiplied by the quality factor (1 sievert (Sv) = 100 rem).

1-015.03 As used in Title 180, the quality factors for converting absorbed dose to dose equivalent are shown in Table I.

TABLE I
QUALITY FACTORS AND ABSORBED DOSE EQUIVALENCIES

Radiation Type	Quality Factor (Q)	Absorbed Dose Equal to a Unit Dose Equivalent[a]
X, gamma, or beta radiation and high-energy electrons	1	1
Alpha particles, multiple-charged particles, fission fragments and heavy particles of unknown charge	20	0.05
Neutrons of unknown energy	10	0.1
High-energy protons	10	0.1

[a]Absorbed dose in gray equal to 1 sievert (Sv)or the absorbed dose in rad equal to 1 rem.

1-015.04 If it is more convenient to measure the neutron fluence rate than to determine the neutron dose equivalent rate in rems per hour or sieverts per hour, as provided in 001.15C, 0.01 sievert (Sv) (1 rem) of neutron radiation of unknown energies may, for purposes of these regulations, be assumed to result from a total fluence of 25 million neutrons per square centimeter incident upon the body. If sufficient information exists to estimate the approximate energy distribution of the neutrons, the licensee or registrant may use the fluence rate per unit dose equivalent or the appropriate Q value from Table II to convert a measured tissue dose in gray or rad to dose equivalent in sievert or rem.

TABLE II

MEAN QUALITY FACT0RS, Q, AND FLUENCE PER UNIT DOSE EQUIVALENT FOR MONOENERGETIC NEUTRONS

	Neutron Energy (MeV)	Quality Factor[a] (Q)	Fluence per Unit Dose Equivalent[b] (neutrons cm^{-2} rem^{-1})	Fluence per Unit Dose Equivalent[b] (neutrons cm^{-2} $sievert^{-1}$)
(thermal)	2.5E-8	2	980E+6	980E+8
	1E-7	2	980E+6	980E+8
	1E-6	2	810E+6	810E+8
	1E-5	2	810E+6	810E+8
	1E-4	2	840E+6	840E+8
	1E-3	2	980E+6	980E+8
	1E-2	2.5	1010E+6	1010E+8
	1E-1	7.5	170E+6	170E+8
	5E-1	11	39E+6	39E+8
	1	11	27E+6	27E+8
	2.5	9	29E+6	29E+8
	5	8	23E+6	23E+8
	7	7	24E+6	24E+8
	10	6.5	24E+6	24E+8
	14	7.5	17E+6	17E+8
	20	8	16E+6	16Ex8
	40	7	14E+6	14E+8
	60	5.5	16E+6	16E+8
	1E+2	4	20E+6	20E+8
	2E+2	3.5	19E+6	19E+8
	3E+2	3.5	16E+6	16E+8
	4E+2	3.5	14E+6	14E+8

[a]Value of quality factor (Q) at the point where the dose equivalent is maximum in a 30-centimeter diameter cylinder tissue-equivalent phantom.

[b]Monoenergetic neutrons incident normally on a 30-centimeter diameter cylinder tissue-equivalent phantom.

1-016 UNITS OF ACTIVITY: For the purposes of these regulations, activity is expressed in the SI unit of becquerel (Bq) or in the special unit of curie (Ci), or their multiples, or disintegrations or transformations per unit of time.

1. One becquerel (Bq) = 1 disintegration or transformation per second (dps or tps).

2. One curie = 3.7E+10 disintegrations or transformations per second (dps or tps) = 3.7E+10 becquerel (Bq) = 2.22E+12 disintegrations or transformations per minute (dpm or tpm).