

NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES
NOTICE OF PUBLIC HEARING

December 17, 2019
1:00 p.m. Central Time
Nebraska State Office Building – Lower Level B
301 Centennial Mall South, Lincoln, Nebraska

The purpose of this hearing is to receive comments on proposed changes to Title 180, Chapter 22 of the Nebraska Administrative Code (NAC) – *Shipment of High Level Radioactive or Transuranic Waste*. The chapter establishes fees for shipment of high-level radioactive waste and transuranic waste. The proposed changes remove duplicative statutory language and unnecessary language from the regulations and update formatting.

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

Interested persons may attend the hearing and provide verbal or written comments or mail, fax or email written comments, no later than the day of the hearing to: DHHS Legal Services, PO Box 95026, Lincoln, NE 68509-5026, (402) 742-2382 or dhhs.regulations@nebraska.gov, respectively.

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

Auxiliary aids or reasonable accommodations needed to participate in a hearing can be requested by calling (402) 471-8417. Individuals with hearing impairments may call DHHS at (402) 471-9570 (voice and TDD) or the Nebraska Relay System at 711 or (800) 833-7352 TDD at least 2 weeks prior to the hearing.

FISCAL IMPACT STATEMENT

Agency: Department of Health and Human Services	
Title: 180	Prepared by: Julia Schmitt
Chapter: 22	Date prepared: 05/20/2019
Subject: Shipping of High Level Radioactive Waste of Transuranic Waste	Telephone: 402-471-0528

Type of Fiscal Impact:

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

Provide an Estimated Cost & Description of Impact:

State Agency:

Political Subdivision:

Regulated Public:

If indeterminable, explain why:

DRAFT
07-17-2019

NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

180 NAC 22

TITLE 180 CONTROL OF RADIATION

CHAPTER 22 SHIPPING OF HIGH LEVEL RADIOACTIVE OR TRANSURANIC WASTE

001. SCOPE AND AUTHORITY. These regulations establish fees for shipment of high-level waste and transuranic waste. The regulations are authorized by Nebraska Revised Statute (Neb. Rev. Stat.) §§ 71-3523 to 71-3528.

002. FEE PER CASK. The fee for each cask of high-level radioactive waste or transuranic waste is \$3,100.

EFFECTIVE DATE _____ NEBRASKA DEPARTMENT OF
MARCH 30, 2009 _____ HEALTH AND HUMAN SERVICES _____ 180 NAC 22

TITLE 180 _____ CONTROL OF RADIATION

CHAPTER 22 _____ SHIPMENT OF HIGH LEVEL RADIOACTIVE OR TRANSURANIC
WASTE

22-001 Scope and Authority	1
22-002 Definitions	1
22-003 Exemptions	1
22-004 Fees	1
22-005 Communications	2

~~EFFECTIVE DATE _____ NEBRASKA DEPARTMENT OF
MARCH 30, 2009 _____ HEALTH AND HUMAN SERVICES _____ 180 NAC 22~~

~~**THIS PAGE WAS INTENTIONALLY LEFT BLANK**~~

EFFECTIVE DATE _____ NEBRASKA DEPARTMENT OF
MARCH 30, 2009 _____ HEALTH AND HUMAN SERVICES _____ 180 NAC 22

TITLE 180 _____ CONTROL OF RADIATION

CHAPTER 22 _____ SHIPPING OF HIGH LEVEL RADIOACTIVE OR TRANSURANIC
WASTE

22-001 SCOPE AND AUTHORITY:

22-001.01 These regulations establish fees for shipment of high-level waste and transuranic waste and responsibility for payment. The regulations are authorized by Neb. Rev. Stat. §§ 71-3523 to 71-3528. **Remains in section 001**

22-002 DEFINITIONS: As used in this Chapter, these terms have the definitions set forth below.

Department means the Department of Health and Human Services.

High Level Radioactive 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 equivalent in a facility for reprocessing irradiated reactor fuel, (3) solids into which such liquid wastes have been converted, and (4) other highly radioactive waste material as defined by the United States Nuclear Regulatory Commission.

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.

22-003 EXEMPTIONS

Title 180 NAC 22 does not apply to high-level radioactive waste or transuranic waste shipped by or for the United States Government for military, national security, or national defense purposes. It does not require disclosure of defense information or restricted data as defined in the federal Atomic Energy Act of 1954.

22-004 FEES

22-003.01 The fees will be paid in advance of shipment by the shipper.

22-003.02 A fee of \$3,100 will be assessed on each cask of high-level radioactive waste or transuranic waste shipped by any means in or through the state. **Remains in section 002**

EFFECTIVE DATE _____ NEBRASKA DEPARTMENT OF
MARCH 30, 2009 _____ HEALTH AND HUMAN SERVICES _____ 180 NAC 22

~~22-003.03 Payment of Fees:~~ Each shipment request will be accompanied by the fee payable to the Nebraska Department of Health and Human Services 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.

~~22-005 COMMUNICATIONS:~~ All communications and reports concerning Title 180 NAC 22, should be addressed to the Department at its office located at:

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