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 |

#### Type of Fiscal Impact:

<table>
<thead>
<tr>
<th>Type of Fiscal Impact</th>
<th>State Agency</th>
<th>Political Sub.</th>
<th>Regulated Public</th>
</tr>
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<tr>
<td>No Fiscal Impact</td>
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<td>✓</td>
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<tr>
<td>Increased Costs</td>
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<tr>
<td>Decreased Costs</td>
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<td>Decreased Revenue</td>
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<tr>
<td>Indeterminable</td>
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</tbody>
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Provide an Estimated Cost & Description of Impact:

- **State Agency:**
- **Political Subdivision:**
- **Regulated Public:**

If indeterminable, explain why:
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

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22-002 Definitions ............................................................................................................................. 1
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22-004 Fees ......................................................................................................................................... 1
22-005 Communications ..................................................................................................................... 2
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. Remain 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

22-004.01  The fees will be paid in advance of shipment by the shipper.

22-004.02  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. Remain in section 002.
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