

EFFECTIVE DATE  
JULY 11, 2009

NEBRASKA DEPARTMENT OF  
HEALTH AND HUMAN SERVICES

180 NAC 18

TITLE 180 CONTROL OF RADIATION

CHAPTER 18 FEES FOR CERTIFICATES OF REGISTRATION, RADIOACTIVE  
MATERIAL(S) LICENSES, ENVIRONMENTAL SURVEILLANCE, EMERGENCY  
RESPONSE AND OTHER REGULATORY SERVICES.

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TITLE 180 CONTROL OF RADIATION

CHAPTER 18 FEES FOR CERTIFICATES OF REGISTRATION, RADIOACTIVE  
MATERIAL(S) LICENSES, ENVIRONMENTAL SURVEILLANCE,  
EMERGENCY RESPONSE AND OTHER REGULATORY SERVICES

18-001 SCOPE AND AUTHORITY:

18-001.01 This chapter establishes the fees for licensing, registration, environmental surveillance and implementation, emergency planning, emergency response and implementation, and other regulatory services and provide for their payment. The regulations are authorized by and implement the Nebraska Radiation Control Act, Neb. Stat. Rev. §§ 71-3501 to 71-3520.

18-001.02 Except as otherwise specifically provided, the rules and requirements in this chapter apply to any person who is

1. An applicant for, or holder of:
  - a. A radioactive material license issued pursuant to 180 NAC 3, 5, 7, 12, 14 or 19; or
  - b. A certificate of registration for radiation machines/facilities and/or services issued pursuant to 180 NAC 2 or 5.
  - c. A general license
2. The holder of a fixed nuclear facility construction permit or operating license issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR Part 50; or
3. The operator of any other fixed nuclear facility under a license issued by the U.S. Nuclear Regulatory Commission Pursuant to 10 CFR Parts 30, 31, 32, 33, 34, 35, 36, 39, 40 and/or 70.
4. The operator of any other nuclear facility.
5. The operator of any facility that during the course of operation results in the release of radioactive material to the environment.

18-002 DEFINITIONS: For the purposes of 180 NAC 18, the following definitions apply:

Carrier means a person who transports passengers or property in commerce by rail car, aircraft, motor vehicle or vessel.

Emergency Planning, Emergency Response and Implementation means the development and application of those capabilities necessary for the protection of the public and the environment from the effects of an accidental or uncontrolled exposure dose or release of radioactive materials, including the equipping, training and periodic retraining of emergency response personnel.

Environmental Surveillance and Implementation means the development and application of those capabilities necessary to assess the radiological impact of activities conducted by licensees and registrants on public health and safety and the environment.

Facility means any facility other than that defined in this subsection.

Fixed Nuclear Facility means:

Any nuclear reactor(s) at a single site;

Any facility designed or used for the assembly or disassembly of nuclear weapons;

Any other facility using or possessing source material, special nuclear material, byproduct material and/or any other radioactive material for which the Department conducts off-site environmental surveillance to protect the public health and safety or the environment.

### 18-003 EXEMPTIONS

18-003.01 No application or annual fee will be required for any carrier, transporting any of the materials described in the Radiation Control Act in the ordinary course of such carrier's business.

18-003.02 No fee will be required for the Department of Health and Human Services .

### 18-004 PAYMENT OF FEES

18-004.01 Application fees: Each application for a license or certificate of registration for which a fee is prescribed will be accompanied by a non-refundable fee.

1. An application for a certificate of registration must be accompanied by the total fee for all applicable categories.
2. Applications for new materials licenses, applications to reinstate expired, terminated or inactive licenses and applications for amendments to licenses that would place the license in a higher fee category or add a new fee category must be accompanied by the prescribed application fee for each category.
3. No application will be accepted for filing or processing prior to full fee payment, as specified, and the application will be returned to the applicant.
4. All application fees will be charged irrespective of the Department's disposition of the application or a withdrawal of the application.

18-004.02 Annual Fees for Licenses and Certificates of Registration

1. A non-refundable fee as specified in 180 NAC 18-005, or 18-008 must be paid in full each year on or before the last day of the expiration anniversary month of the license or certificate of registration.
2. In the case of a single license which authorizes more than one category of use, an annual fee must be paid for each category applicable to the license.
3. In the case of a registration for radiation generating equipment an annual fee must be paid for each machine at a facility.
4. In the case of services for radiation generating equipment which authorizes more than one category, annual fees must be paid for each category applicable to the registration.
5. An application for an amendment to a license or certificate of registration which results in a change to a category with a higher annual fee will result in a fee being charged equal to the prorated difference between the fee for the current category and the one to which the amended license or certificate will escalate.
  - a. The prorated costs will be based on monthly intervals and will be charged from the first day of the month the amendment is effective until the end of the current billing period.
  - b. The Department will bill the licensee or registrant for the prorated portion of the applicable annual fee.
  - c. The replacement of part(s) for an existing radiation machine will not result in an additional fee.

18-004.03 Reciprocity Fees

1. Each application for reciprocal recognition of an out-of-state radioactive materials license under 180 NAC 3-028 must be accompanied by the applicable annual fee.
2. Each application for recognition of an out-of-state registration under 180 NAC 2-012 must be accompanied by the applicable annual fee, provided that no such fee has been submitted within 12 months of the date of commencement of the proposed activity.

18-004.04 Environmental Surveillance Fees

1. Each holder of a fixed nuclear facility construction permit or operating license, or an operator of any other fixed nuclear facility, or any other facility as defined in 180 NAC 18-002 must submit the fee pursuant to 180 NAC 18-009 for services received.
2. This fee will recover for the, Department of Health and Human Services, the expenses arising from environmental surveillance and implementation activities.
3. Payment must be made within 60 days following the date of invoice.

18-004.05 Emergency Planning, Emergency Response and Implementation Fees

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1. Each holder of a fixed nuclear facility construction permit or operating license, or an operator of any other fixed nuclear facility, or any other facility as defined in 180 NAC 18-002 must submit the fee, pursuant to 180 NAC 18-010, for services received.
2. This fee will recover for the Department of Health and Human Services, the expenses arising from emergency planning, emergency response and implementation activities.
3. Payment must be made within 90 days following the date of invoice.

18-004.06 Method of Payment

1. Fee payments must be made payable to the "Nebraska Department of Health and Human Services."

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

18-005 SCHEDULE OF FEES FOR RADIOACTIVE MATERIAL LICENSES

18-005.01 Schedule of annual fees:

	TYPE OF LICENSE	ANNUAL FEE	NEW LICENSE APPLICATION FEE (ONE TIME FEE)
1.	Reserved		
2.	Reserved		
3.	Manufacturing/Processing of Radioactive Material	\$6,500	\$3,900
4.	Industrial Radiography	\$6,500	\$3,900
5.	Broad License (Educational and/or Medical)	\$18,000	\$3,900
6.	Irradiator, Unshielded During Irradiation	\$11,500	\$3,900
7.	Nuclear Pharmacy	\$7,200	\$3,900
8.	License for Distributor to distribute to persons generally licensed, and/or persons specifically licensed.	\$5,500	\$3,900
9.	Commercial collection and laundry of items contaminated with radioactive, source or special nuclear material.	\$18,500	\$3,900
10.	Manufacturer and distribution of encapsulated radioactive material, byproduct, source, or special nuclear material in	\$6,500	\$3,900

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	TYPE OF LICENSE	ANNUAL FEE	NEW LICENSE APPLICATION FEE (ONE TIME FEE)
	a device that uses decay heat as a source of power.		
11.	Well Logging	\$2,500	\$3,000
12	Irradiator, Self-Shielded	\$2,600	\$3,000
13	Mobile Scanning	\$3,900	\$3,000
14.	Nuclear Medicine/Brachytherapy (Note only one fee for any license type 14)	\$3,900	\$3,000
	a. 7-041 Use of Unsealed Radioactive Material for Uptake, Dilution, and Excretion Studies for Which a Written Directive is Not Required		
	b. 180 NAC 7-044 Use of Unsealed Radioactive Material for Imaging and Localization Studies for Which a Written Directive is Not Required		
	c. 180 NAC 7-048 Use of Unsealed Radioactive Material for Which a Written Directive is Required		
	d. 180 NAC 7-055 Use of Sources for Manual Brachytherapy		
	e. 180 NAC 7-065 Use of Sealed Sources for Diagnosis		
	f. 180 NAC 7-085 Other Medical Uses of Radioactive Material or Radiation from Radioactive Material		
	g. Remote Afterloader Units (HDR's)		
15.	180 NAC 7-067 Use of a Sealed Source in Teletherapy Units, and Gamma Stereotactic Radiosurgery Units	\$6,000	\$3,000
16.	Research and development (Human Use).	\$6,200	\$3,000
17.	Processing or manufacture and distribution of radiopharmaceuticals by other than a nuclear pharmacy	\$4,200	\$3,000
18.	Possession and use of radioactive materials (Ra-226) in luminous paint or products containing such paint	\$2,000	\$3,000
19.	Reserved		
20.	Research and Development (Non-Human Use)	\$3,800	\$1,600
21.	Educational (Instructional Only)	\$1,500	\$1,600
22.	Industrial Gauge	\$1,500	\$1,600
23.	Emergency Management (Civil Defense)	\$1,100	\$1,600

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	TYPE OF LICENSE	ANNUAL FEE	NEW LICENSE APPLICATION FEE (ONE TIME FEE)
24.	Services(e.g. Leak Testing, Instrument Calibration, Gauge Installations or Maintenance)	\$4,300	\$1,600
25.	Gas Chromatograph Detector	\$1,500	\$1,600
26.	Other Specific License	\$1,200	\$1,600
	a. If license involves use of radioactive material at temporary job sites, an additional fee:		\$200
	b. If license involves use of radioactive material in other than sealed source form, an additional fee		\$150
27.	Additional permanent sites or mobile coaches where radioactive material is stored or used under same license 50% of applicable fee for each additional site or mobile coach.		NA
28.	General License	\$140	NA
29.	Reciprocity		
	a. Industrial Radiography	\$2,900	NA
	b. Well Logging	\$1,200	NA
	c. Mobile Scanning	\$1,700	NA
	d. Industrial Gauge	\$750	NA
	e. Services	\$750	NA
	f. Gas Chromatograph Detector	\$750	NA
	g. Waste Disposal (waste receipt/packaging) – Broker	\$1,200	NA
30.	Review of a device, product, or sealed source containing radioactive, byproduct, source or special nuclear material for which no prior review has been performed. Each device, product or sealed source will be considered an individual review. <sup>1</sup>		Full Cost
31.	Reserved		
32.	Department- Approved Training Courses <sup>2</sup>		\$650
33.	Receipt of prepackaged waste	\$4,000	\$3,500
34.	Packaging waste	\$5,000	\$3,500

<sup>1</sup> This fee shall be considered a one-time fee which is to be submitted upon the initial review request. Each and any modifications to the device product or sealed source would require a new review and the full cost of review fee must be paid.

<sup>2</sup> The fees for course approvals applies to all training courses regardless of who is offering such courses. There is a one-time fee for course review which is valid as long as the original course remains unchanged. Courses qualifying for deemed status will not be subject to a fee.

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18-006 RESERVED

18-007 RESERVED

18-008 SCHEDULE OF ANNUAL FEES FOR CERTIFICATES OF REGISTRATION FOR RADIATION GENERATING EQUIPMENT AND SERVICES FOR RADIATION GENERATING EQUIPMENT:

18-008.01 Annual Fees for Radiation Generating Equipment

1. Registration per unit:

	<u>Category of Machine (Radiation Generating Equipment)</u>	<u>Fee Per Unit</u>
a.	Healing Arts Diagnostic - General .....	\$70
b.	Healing Arts Diagnostic - Dental .....	\$70
c.	Healing Arts Therapy	
	(1) Superficial .....	\$500
	(2) X-ray Deep Therapy .....	\$500
	(3) Accelerator – Therapy .....	\$500
	(4) Veterinary Therapy .....	\$500
	(5) Other – Therapy.....	\$500
d.	Non-Healing Arts – Radiation Machines	
	(1) Accelerators.....	\$500
	(2) Radiographic Cabinet X-ray.....	\$150
	(3) Analytical X-ray.....	\$100
	(4) Electron Microscope .....	\$100
	(5) Airport Baggage X-ray .....	\$150
	(6) Spectroscopy/Spectrography X-ray .....	\$100
	(7) Particle Size Analyzer X-ray .....	\$100
	(8) Package X-ray .....	\$150
	(9) Industrial Gauge X-ray.....	\$150
	(10) Fluoroscopy X-ray Industrial .....	\$250
	(11) X-ray Fluorescence.....	\$100
	(12) X-ray Diffraction .....	\$100
	(13) Electron Beam Welding .....	\$250
	(14) Industrial Radiography In-Plant Only .....	\$500
	(15) Industrial Radiography Temporary Job Site .....	\$500
	(16) Ion Implantation Device .....	\$100
	(17) Other Non-Healing Arts .....	\$200
	(18) Irradiator .....	\$500
e.	Other	
	(1) Other.....	\$450

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(2) Registration of Out-of-State radiation equipment brought into Nebraska for temporary use. .... Annual Fee of Applicable Category

18-008.02 Annual Fees for Radiation Generating Equipment Services

<u>Category of Service</u>	<u>Annual Fee Except As Stated Otherwise</u>
A. Installation/Service .....	\$200
B. Calibration.....	\$200
C. Consultations .....	\$200
D. Reviews .....	\$200
E. Demonstration which includes energizing the radiation generating Equipment .....	\$200
F. Sales .....	\$200
G. Other.....	\$200

18-009 ENVIRONMENTAL SURVEILLANCE FEES: Whenever the Department conducts environmental surveillance the full cost of the service will be charged:

18-010 EMERGENCY RESPONSE FEES: Whenever the Department provides emergency response capability a fee will be charged equal to the cost, to include personnel, equipment and supplies.

18-011 NUCLEAR POWER PLANT FEES: The Department will 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 will the fee for any nuclear power plant exceed the lesser of the actual costs of such activities or \$53,000 per annum. Commencing July 1, 1997, the accounting division of the Department of Administrative Services will recommend an inflationary adjustment equivalent which will be based upon the Consumer Price Index for All Urban Consumers of the United States Department of Labor, Bureau of Labor Statistics, and will not exceed 5% per annum. The adjustment will be applied to the annual fee for nuclear power plants. The fee collected will be credited to the Department of Health and Human Services Cash Fund. This fee will be used solely for the purpose of defraying the direct 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 180 NAC 18-011.

18-012 FAILURE TO PAY PRESCRIBED FEES

18-012.01 In any case where the Department finds that an applicant for a license or certificate of registration has failed to pay the fee, the Department will not process that application until the fee is paid.

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18-012.02 In any case where the Department finds that a licensee or registrant has failed to pay a fee by the due date, the Department may implement the appropriate compliance procedures.

18-012.03 In any case where the Department finds that a fixed nuclear facility has failed to pay fees for environmental surveillance and/or emergency planning, emergency response and implementation pursuant to contract within 90 days following date of invoice, the Department may issue an order to show cause why the services should not be terminated for breach of contract.

18-012.04 In the event the Department has performed services for or expended funds on behalf of a person who has not reimbursed the Department after demand, then the Department may take appropriate legal action to recover amounts.