

TITLE 180 - CONTROL OF RADIATION

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

Effective Date: 6/14/2023

001. SCOPE AND AUTHORITY. 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, Nebraska Revised Statute (Neb. Rev. Stat.) §§ 71-3501 to 71-3520.

001.01 Unless specifically provided otherwise, the rules and requirements in this chapter apply to any person who is:

(A) An applicant for, or holder of:

- (i) A radioactive material license pursuant to 180 Nebraska Administrative Code (NAC);
- (ii) A certificate of registration for radiation machines, facilities, or services issued pursuant to 180 NAC 2; or
- (iii) A general license.

(B) The holder of a fixed nuclear facility construction permit or operating license issued by the U.S. Nuclear Regulatory Commission (NRC) pursuant to 10 CFR Part 50;

(C) The operator of any other fixed nuclear facility under a license issued by the NRC Pursuant to 10 CFR Parts 30, 31, 32, 33, 34, 35, 36, 39, 40, or 70;

(D) The operator of any other nuclear facility; or

(E) The operator of any facility that during the course of operation results in the release of radioactive material to the environment.

002. DEFINITIONS. As used in 180 NAC 18, the following definitions apply:

002.01 CARRIER. A person who transports passengers or property in commerce by rail car, aircraft, motor vehicle or vessel.

002.02 EMERGENCY PLANNING, EMERGENCY RESPONSE AND IMPLEMENTATION. The development and application of those capabilities necessary to protect 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.

002.03 ENVIRONMENTAL SURVEILLANCE AND IMPLEMENTATION. 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.

002.04 FACILITY. Any facility other than that defined in this subsection.

002.05 FIXED NUCLEAR FACILITY. A fixed nuclear facility includes:

(A) Any nuclear reactor at a single site;

(B) Any facility designed or used for the assembly or disassembly of nuclear weapons; and

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

003. EXEMPTIONS.

003.01 No fee will be required for the Department of Health and Human Services, Office of Radiological Health.

004. PAYMENT OF FEES.

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:

(A) An application for a certificate of registration must be accompanied by the total fee for all applicable categories;

(B) 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;

(C) 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; and

(D) All application fees will be charged regardless of the Department's disposition of the application or a withdrawal of the application.

004.02 ANNUAL FEES FOR LICENSES AND CERTIFICATES OF REGISTRATION. The following applies to annual fees for licenses

and certificates of registration:

- (A) 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 license or certificate of registration expiration anniversary month;
- (B) 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;
- (C) In the case of a registration for radiation generating equipment, an annual fee must be paid for each machine at a facility;
- (D) 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; and
- (E) 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.

- (i) 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;
- (ii) The Department will bill the licensee or registrant for the prorated portion of the applicable annual fee; and
- (iii) The replacement of part or parts for an existing radiation machine will not result in an additional fee.

004.03 RECIPROCITY FEES. The applicable annual fee must accompany each application for:

- (A) Reciprocal recognition of an out-of-state radioactive materials license under 180 NAC 3-028; and
- (B) Recognition of an out-of-state registration under 180 NAC 2-012, provided that no such fee has been submitted within 12 months of the date of commencement of the proposed activity.

004.04 ENVIRONMENTAL SURVEILLANCE FEES. This fee will recover the expenses arising from environmental surveillance and implementation activities:

- (A) 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 according to 180 NAC 18-009 for services received; and

(B) Payment must be made within 60 days following the invoice date.

004.05 EMERGENCY PLANNING, EMERGENCY RESPONSE AND IMPLEMENTATION FEES. This fee will recover expenses that arise from emergency planning, response, and implementation activities:

(A) 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, according to 180 NAC 18-010, for services received.

(B) Payment must be made within 90 days following the invoice date.

004.06 METHOD OF PAYMENT. 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
or online at www.dhhs.ne.gov/rad

005. FEE SCHEDULE FOR RADIOACTIVE MATERIAL LICENSES.

005.01 FEE SCHEDULE.

	LICENSE TYPE	ANNUAL FEE	NEW LICENSE APPLICATION - ONE TIME FEE
1.	Reserved		
2.	Reserved		
3.	Manufacturing or Processing of Radioactive Material	\$6,500	\$3,900
4.	Industrial Radiography	\$6,500	\$3,900
5.	Broad License - Educational, Medical, or Both	\$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, 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 a device that uses decay heat as a source of power.	\$6,500	\$3,900
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. There is 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. High Dose Rate Remote After Loader (HDR)		
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
			NEW LICENSE

	LICENSE TYPE	ANNUAL FEE	APPLICATION - ONE TIME FEE
22.	Industrial Gauge	\$1,500	\$1,600
23.	Emergency Management - Civil Defense	\$1,100	\$1,600
24.	Services - Leak Testing, Instrument Calibration, Gauge Installations or Maintenance	\$4,300	\$1,600
25.	Gas Chromatograph Detector	\$1,500	\$1,600
26.	Other Specific License – Not Requiring A Decommissioning Funding Plan or Financial Assurance For Decommissioning	\$1,200	\$1,600
	a. If license involves use of radioactive material at temporary job sites, additional fee:		\$200
	b. If license involves use of radioactive material in other than sealed source form, 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 Including Waste Receipt and 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.		Full Cost
31.	Reserved		
32.	Department-Approved Training Courses		\$650
33.	Receipt of Prepackaged Waste	\$4,000	\$3,500
34.	Packaging Waste	\$5,000	\$3,500
35.	Special Projects or Complex Licenses Not Identified Above	Full Cost	Full Cost

005.02 DEVICE, PRODUCT, OR SEALED SOURCE CONTAINING RADIOACTIVE, BYPRODUCT, SOURCE OR SPECIAL NUCLEAR MATERIAL REVIEW. The review of a device, product, or sealed source containing radioactive, byproduct, source or special nuclear material for which no prior review has been performed is a one-time fee which must 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.

005.03 TRAINING COURSE REVIEW. 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.

006. RESERVED.

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008. SCHEDULE OF ANNUAL FEES FOR CERTIFICATES OF REGISTRATION FOR RADIATION GENERATING EQUIPMENT AND SERVICES FOR RADIATION GENERATING EQUIPMENT.

008.01 RADIATION GENERATING EQUIPMENT.

	MACHINE CATEGORY	FEE PER UNIT
1.	Healing Arts Diagnostic - General	\$70
2.	Healing Arts Diagnostic - Dental	\$55
3.	Healing Arts Therapy	
	a. Superficial	\$400
	b. X-ray Deep Therapy	\$400
	c. Accelerator - Therapy	\$400
	d. Veterinary Therapy	\$400
	e. Other - Therapy	\$400
4.	Non-Healing Arts - Radiation Machines	
	a. Accelerators	\$400
	b. Radiographic Cabinet X-ray	\$100
	c. Analytical X-ray	\$100
	d. Airport Baggage X-ray	\$100
	e. Spectroscopy/Spectrography X-ray	\$100
	f. Particle Size Analyzer X-ray	\$100
	g. Package X-ray	\$100
	h. Industrial Gauge X-ray	\$150
	i. Fluoroscopy X-ray Industrial	\$250
	j. X-ray Fluorescence	\$100
	k. X-ray Diffraction	\$100
	l. Electron Beam Welding	\$250
	m. Industrial Radiography, In-Plant Only	\$500
	n. Industrial Radiography Temporary Job Site	\$500
	o. Ion Implantation Device	\$100
	p. Other Non-Healing Arts	\$200

	q.	Irradiator	\$500
		Other	
	a.	Other	\$450
5.	b.	Registration of Out-of-State radiation equipment brought into Nebraska for temporary use	Annual Fee of Applicable Category

008.02 RADIATION GENERATING EQUIPMENT SERVICES.

	SERVICE CATEGORY	ANNUAL FEE
(A)	Installation/Service	\$100
(B)	Calibration	\$100
(C)	Reviews/Consultations	\$100
(D)	Demonstration	\$100
(E)	Sales	\$100
(F)	Other	\$100

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

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.

011. NUCLEAR POWER PLANT FEES. The fees for nuclear power plants are as provided in Nebraska Radiation Control Act, Neb. Stat. Rev. §§ 71-3505 (1) (g) – 71-3505 (2).

