

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 794

Final Reading

Introduced by Lambert, 2.

Read first time January 05, 2012

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Radiation Control Act; to amend section
2 71-3503, Reissue Revised Statutes of Nebraska; to
3 redefine a term; and to repeal the original section.
4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-3503, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-3503 For purposes of the Radiation Control Act, unless
4 the context otherwise requires:

5 (1) Radiation means ionizing radiation and nonionizing
6 radiation as follows:

7 (a) Ionizing radiation means gamma rays, X-rays, alpha
8 and beta particles, high-speed electrons, neutrons, protons, and
9 other atomic or nuclear particles or rays but does not include sound
10 or radio waves or visible, infrared, or ultraviolet light; and

11 (b) Nonionizing radiation means (i) any electromagnetic
12 radiation which can be generated during the operations of electronic
13 products to such energy density levels as to present a biological
14 hazard to occupational and public health and safety and the
15 environment, other than ionizing electromagnetic radiation, and (ii)
16 any sonic, ultrasonic, or infrasonic waves which are emitted from an
17 electronic product as a result of the operation of an electronic
18 circuit in such product and to such energy density levels as to
19 present a biological hazard to occupational and public health and
20 safety and the environment;

21 (2) Radioactive material means any material, whether
22 solid, liquid, or gas, which emits ionizing radiation spontaneously.
23 Radioactive material includes, but is not limited to, accelerator-
24 produced material, byproduct material, naturally occurring material,
25 source material, and special nuclear material;

1 (3) Radiation-generating equipment means any manufactured
2 product or device, component part of such a product or device, or
3 machine or system which during operation can generate or emit
4 radiation except devices which emit radiation only from radioactive
5 material;

6 (4) Sources of radiation means any radioactive material,
7 any radiation-generating equipment, or any device or equipment
8 emitting or capable of emitting radiation or radioactive material;

9 (5) Undesirable radiation means radiation in such
10 quantity and under such circumstances as determined from time to time
11 by rules and regulations adopted and promulgated by the department;

12 (6) Person means any individual, corporation,
13 partnership, limited liability company, firm, association, trust,
14 estate, public or private institution, group, agency, political
15 subdivision of this state, any other state or political subdivision
16 or agency thereof, and any legal successor, representative, agent, or
17 agency of the foregoing;

18 (7) Registration means registration with the department
19 pursuant to the Radiation Control Act;

20 (8) Department means the Department of Health and Human
21 Services;

22 (9) Administrator means the administrator of radiation
23 control designated pursuant to section 71-3504;

24 (10) Electronic product means any manufactured product,
25 device, assembly, or assemblies of such products or devices which,

1 during operation in an electronic circuit, can generate or emit a
2 physical field of radiation;

3 (11) License means:

4 (a) A general license issued pursuant to rules and
5 regulations adopted and promulgated by the department without the
6 filing of an application with the department or the issuance of
7 licensing documents to particular persons to transfer, acquire, own,
8 possess, or use quantities of or devices or equipment utilizing
9 radioactive materials;

10 (b) A specific license, issued to a named person upon
11 application filed with the department pursuant to the Radiation
12 Control Act and rules and regulations adopted and promulgated
13 pursuant to the act, to use, manufacture, produce, transfer, receive,
14 acquire, own, or possess quantities of or devices or equipment
15 utilizing radioactive materials; or

16 (c) A license issued to a radon measurement specialist,
17 radon mitigation specialist, radon measurement business, or radon
18 mitigation business;

19 (12) Byproduct material means:

20 (a) Any radioactive material, except special nuclear
21 material, yielded in or made radioactive by exposure to the radiation
22 incident to the process of producing or utilizing special nuclear
23 material; ~~and~~

24 (b) The tailings or wastes produced by the extraction or
25 concentration of uranium or thorium from any ore processed primarily

1 for its source material content, including discrete surface wastes
2 resulting from uranium or thorium solution extraction processes.
3 Underground ore bodies depleted by such solution extraction
4 operations do not constitute byproduct material;

5 (c)(i) Any discrete source of radium-226 that is
6 produced, extracted, or converted after extraction for use for a
7 commercial, medical, or research activity; or

8 (ii) Any material that (A) has been made radioactive by
9 use of a particle accelerator and (B) is produced, extracted, or
10 converted after extraction for use for a commercial, medical, or
11 research activity; and

12 (d) Any discrete source of naturally occurring
13 radioactive material, other than source material, that:

14 (i) The United States Nuclear Regulatory Commission, in
15 consultation with the Administrator of the United States
16 Environmental Protection Agency, the United States Secretary of
17 Energy, the United States Secretary of Homeland Security, and the
18 head of any other appropriate federal agency, determines would pose a
19 threat similar to the threat posed by a discrete source of radium-226
20 to the public health and safety or the common defense and security;
21 and

22 (ii) Is extracted or converted after extraction for use
23 in a commercial, medical, or research activity;

24 (13) Source material means:

25 (a) Uranium or thorium or any combination thereof in any

1 physical or chemical form; or

2 (b) Ores which contain by weight one-twentieth of one
3 percent or more of uranium, thorium, or any combination thereof.

4 Source material does not include special nuclear material;

5 (14) Special nuclear material means:

6 (a) Plutonium, uranium 233, or uranium enriched in the
7 isotope 233 or in the isotope 235 and any other material that the
8 United States Nuclear Regulatory Commission pursuant to the
9 provisions of section 51 of the federal Atomic Energy Act of 1954, as
10 amended, determines to be special nuclear material but does not
11 include source material; or

12 (b) Any material artificially enriched by any material
13 listed in subdivision (14)(a) of this section but does not include
14 source material;

15 (15) Users of sources of radiation means:

16 (a) Physicians using radioactive material or radiation-
17 generating equipment for human use;

18 (b) Natural persons using radioactive material or
19 radiation-generating equipment for education, research, or
20 development purposes;

21 (c) Natural persons using radioactive material or
22 radiation-generating equipment for manufacture or distribution
23 purposes;

24 (d) Natural persons using radioactive material or
25 radiation-generating equipment for industrial purposes; and

1 (e) Natural persons using radioactive material or
2 radiation-generating equipment for any other similar purpose;

3 (16) Civil penalty means any monetary penalty levied on a
4 licensee or registrant because of violations of statutes, rules,
5 regulations, licenses, or registration certificates but does not
6 include criminal penalties;

7 (17) Closure means all activities performed at a waste
8 handling, processing, management, or disposal site, such as
9 stabilization and contouring, to assure that the site is in a stable
10 condition so that only minor custodial care, surveillance, and
11 monitoring are necessary at the site following termination of
12 licensed operation;

13 (18) Decommissioning means final operational activities
14 at a facility to dismantle site structures, to decontaminate site
15 surfaces and remaining structures, to stabilize and contain residual
16 radioactive material, and to carry out any other activities to
17 prepare the site for postoperational care;

18 (19) Disposal means the permanent isolation of low-level
19 radioactive waste pursuant to the Radiation Control Act and rules and
20 regulations adopted and promulgated pursuant to such act;

21 (20) Generate means to produce low-level radioactive
22 waste when used in relation to low-level radioactive waste;

23 (21) High-level radioactive waste means:

24 (a) Irradiated reactor fuel;

25 (b) Liquid wastes resulting from the operation of the

1 first cycle solvent extraction system or equivalent and the
2 concentrated wastes from subsequent extraction cycles or the
3 equivalent in a facility for reprocessing irradiated reactor fuel;
4 and

5 (c) Solids into which such liquid wastes have been
6 converted;

7 (22) Low-level radioactive waste means radioactive waste
8 not defined as high-level radioactive waste, spent nuclear fuel, or
9 byproduct material as defined in subdivision (12)(b) of this section;

10 (23) Management of low-level radioactive waste means the
11 handling, processing, storage, reduction in volume, disposal, or
12 isolation of such waste from the biosphere in any manner;

13 (24) Source material mill tailings or mill tailings means
14 the tailings or wastes produced by the extraction or concentration of
15 uranium or thorium from any ore processed primarily for its source
16 material content, including discrete surface wastes resulting from
17 underground solution extraction processes, but not including
18 underground ore bodies depleted by such solution extraction
19 processes;

20 (25) Source material milling means any processing of ore,
21 including underground solution extraction of unmined ore, primarily
22 for the purpose of extracting or concentrating uranium or thorium
23 therefrom and which results in the production of source material and
24 source material mill tailings;

25 (26) Spent nuclear fuel means irradiated nuclear fuel

1 that has undergone at least one year of decay since being used as a
2 source of energy in a power reactor. Spent nuclear fuel includes the
3 special nuclear material, byproduct material, source material, and
4 other radioactive material associated with fuel assemblies;

5 (27) Transuranic waste means radioactive waste material
6 containing alpha-emitting radioactive elements, with radioactive
7 half-lives greater than five years, having an atomic number greater
8 than 92 in concentrations in excess of one hundred nanocuries per
9 gram;

10 (28) Licensed practitioner means a person licensed to
11 practice medicine, dentistry, podiatry, chiropractic, osteopathic
12 medicine and surgery, or as an osteopathic physician;

13 (29) X-ray system means an assemblage of components for
14 the controlled production of X-rays, including, but not limited to,
15 an X-ray high-voltage generator, an X-ray control, a tube housing
16 assembly, a beam-limiting device, and the necessary supporting
17 structures. Additional components which function with the system are
18 considered integral parts of the system;

19 (30) Licensed facility operator means any person or
20 entity who has obtained a license under the Low-Level Radioactive
21 Waste Disposal Act to operate a facility, including any person or
22 entity to whom an assignment of a license is approved by the
23 Department of Environmental Quality; and

24 (31) Deliberate misconduct means an intentional act or
25 omission by a person that (a) would intentionally cause a licensee,

1 registrant, or applicant for a license or registration to be in
2 violation of any rule, regulation, or order of or any term,
3 condition, or limitation of any license or registration issued by the
4 department under the Radiation Control Act or (b) constitutes an
5 intentional violation of a requirement, procedure, instruction,
6 contract, purchase order, or policy under the Radiation Control Act
7 by a licensee, a registrant, an applicant for a license or
8 registration, or a contractor or subcontractor of a licensee,
9 registrant, or applicant for a license or registration.

10 Sec. 2. Original section 71-3503, Reissue Revised
11 Statutes of Nebraska, is repealed.