

February 1, 2001

Ms. M. Sue Semerena, Administrator
Consumer Health Services
Nebraska Health and Human Services System
Department of Regulation and Licensure
301 Centennial Mall South, P.O. Box 95007
Lincoln, NE 68509-5007

Dear Ms. Semerena:

We have reviewed the final Nebraska regulations for Control of Radiation-Ionizing (Title 180, Nebraska Administrative Code, Chapter 1), which became effective on May 27, 2000. The regulations were sent to NRC on September 26, 2000. We have also received two follow-up e-mails dated October 6 and October 11, 2000 from Ms. Cheryl K. Rogers. The final regulations are in response to the eight amendments identified in the enclosed Regulation Assessment Tracking System (RATS) Data Sheet. The regulations were reviewed by comparison to the equivalent NRC regulations in 10 CFR Part 20, 30, 32, 34, 71 and 150. In addition, we reviewed our letter dated May 19, 1999 to Ms. Rogers and our letter dated December 7, 1999 to you that addressed the proposed regulations. We also discussed our review of the regulations with you on December 4, 2000.

As a result of the NRC review we have identified one comment, as enclosed. This comment must be addressed to meet the compatibility and health and safety categories established in Office of State and Tribal Programs (STP) Procedure SA-200.

We have also summarized on the RATS Data Sheet our knowledge of the status of other Nebraska regulations. Please let us know if you note any inaccuracies or have any comments on the information contained in the RATS Data Sheet.

If you have any questions regarding the comment, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact me or Kevin Hsueh of my staff at (301) 415-2598 or KPH@NRC.GOV.

Sincerely,

/RA By Kathleen N. Schneider Acting for/

Frederick C. Combs, Deputy Director
Office of State and Tribal Programs

Enclosures:
As stated

M. Sue Semerena

February 1, 2001

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STP-AG-16

COMMENTS ON FINAL NEBRASKA REGULATIONS
AGAINST COMPATIBILITY AND HEALTH AND SAFETY CATEGORIES

State Regulation	NRC Regulation	RATS ID	Category	Subject and Comments
004.16B3	20.1401	1997-6	C	<p>General provisions and scope.</p> <p>Paragraph 004.16B3, equivalent to 20.1401(b)(3), does not specify any limited period of time for a licensee to submit a sufficient License Termination Plan (LTP) or decommissioning plan to the State agency nor for the State agency to approve the licensee submittals. Also, it was noted that the word "within" is missing in the final regulation.</p> <p>A limited period of time, e.g., within 1 year for the licensee to submit information and within 2 years for the State agency to approve the submittals after the effective date of these regulations, should be specified to meet the compatibility category.</p>

REGULATION ASSESSMENT TRACKING SYSTEM
RATS DATA SHEET

State: Nebraska

[8 final amendments (12/15/98, 5/27/00) reviewed are identified by a ★ at the beginning of each equivalent NRC regulation.]

Tracking Ticket Number: 0-230

Date: February 1, 2001

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed/ Final-Comment (Y/N)¹	NRC Review Date	Final State Regulation² (Effective Date)
Standards for Protection Against Radiation-Part 20	56 FR 23360 56 FR 61352 57 FR 38588 57 FR 57877 58 FR 67657 59 FR 41641 60 FR 20183 (1/1/94)	1991-3	10/7/97		5/30/94
Safety Requirements for Radiographic Equipment-Part 34	55 FR 843 (1/10/94)	1991-1			5/30/94
ASNT Certification of Radiographers-Part 34	56 FR 11504 (none)	1991-2			Not required ³
Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980 (10/15/94)	1991-4			5/30/94
Quality Management Program and Misadministrations-Part 35	56 FR 34104 (1/27/95)	1992-1			
Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions-Parts 30,35	57 FR 45566 (none)	1992-2			Not required ³
Licensing and Radiation Safety Requirements for Irradiators-Part 36	58 FR 7715 (7/1/96)	1993-2			10/30/96
Definition of Land Disposal and Waste Site QA Program-Part 61	58 FR 33886 (7/22/96)	1993-3			QA portion 9/17/97
Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]-Parts 30, 40	58 FR 39628 (10/25/96)	1993-1	P-Y	5/29/97	9/17/97
Self-Guarantee as an Additional Financial Mechanism- Parts 30, 40, 70	58 FR 68726 59 FR 1618 (none)	1994-1			12/17/97
Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards-Part 40	59 FR 28220 (7/1/97)	1994-2			Not applicable to NE
Timeliness in Decommissioning Material Facilities-Parts 30, 40, 70	59 FR 36026 (8/15/97)	1994-3	P-N	5/29/97	12/17/97
Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use-Parts 30, 32, 35	59 FR 61767 59 FR 65243 60 FR 322 (1/1/98)	1995-1			12/17/97

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed/ Final-Comment (Y/N)¹	NRC Review Date	Final State Regulation² (Effective Date)
Frequency of Medical Examinations for Use of Respiratory Protection Equipment-Part 20	60 FR 7900 (3/13/98)	1995-2	F-N	5/19/99	12/15/98
Low-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61	60 FR 15649 60 FR 25983 (3/1/98)	1995-3	F-N	5/19/99	12/15/98
★ Performance Requirements for Radiography Equipment- Part 34	60 FR 28323 (6/30/98)	1995-4	F-N	2/01/01	5/27/00
Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20	60 FR 36038 (8/14/98)	1995-5	F-N	5/19/99	12/15/98
Clarification of Decommissioning Funding Requirements-Parts 30, 40, 70	60 FR 38235 (11/24/98)	1995-6			9/17/97
Medical Administration of Radiation and Radioactive Materials-Parts 20, 35	60 FR 48623 (10/20/98)	1995-7			9/17/97
★ 10 CFR Part 71: Compatibility with the International Atomic Energy Agency-Part 71	60 FR 50248 61 FR 28723 (4/1/99)	1996-1	F-N	2/01/01	12/15/98
One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses-Parts 30, 40, 70	61 FR 1109 (none)	1996-2			Not required ³
Termination or Transfer of Licensed Activities: Recordkeeping Requirements-Parts 20, 30, 40, 61, 70	61 FR 24669 (6/17/99)	1996-3			9/17/97
★ Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act-Part 20	61 FR 65120 (1/9/00)	1997-1	F-N	2/01/01	5/27/00
Fissile Material Shipments and Exemptions-Part 71	62 FR 5907 (none)	1997-4			Not required ³
★ Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State-Part 150	62 FR 1662 (2/27/00)	1997-2	F-N	2/01/01	5/27/00
Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35	62 FR 4120 (5/29/00)	1997-3			9/17/97
★ Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations-Parts 30, 34, 71, 150	62 FR 28948 (6/27/00)	1997-5	F-N	2/01/01	5/27/00
★ Radiological Criteria for License Termination-Parts 20, 30, 40, 70	62 FR 39058 (8/20/00)	1997-6	F-Y	2/01/01	5/27/00
★ Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea-Part 30	62 FR 63634 (1/02/01)	1997-7	F-N	2/01/01	5/27/00

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed/ Final-Comment (Y/N)¹	NRC Review Date	Final State Regulation² (Effective Date)
Deliberate Misconduct by Unlicensed Persons- Parts 30, 40, 61, 70, 150	63 FR 1890 63 FR 13773 (2/12/01)	1998-1			
Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees- Parts 30, 40, 70	63 FR 29535 (none)	1998-2			Not required ³
License Term for Medical Use Licenses- Part 35	63 FR 31604 (none)	1998-3			Not required ³
★ Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations-Part 34	63 FR 37059 (7/9/01)	1998-4	F-N	2/01/01	5/27/00
Minor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20, 35, 36	63 FR 39477 63 FR 45393 (10/26/01)	1998-5			5/27/00
Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20	63 FR 50127 (11/20/01)	1998-6			12/15/98
Radiological Criteria for License Termination of Uranium Recovery Facilities-Part 40	64 FR 17506 (6/11/02)	1999-1			
Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information- Part 31	64 FR 42269 (none)	1999-2			Not required ³
Respiratory Protection and Controls to Restrict Internal Exposure - Part 20	64 FR 54543 64 FR 55525 (2/2/03)	1999-3			
Energy Compensation Sources for Well Logging and Other Regulatory Clarifications - Part 39	65 FR 20337 (5/17/03)	2000-1			

1. (Y/N) Y means "Yes," there are comments in the review letter that the State needs to address. N means "No," there are no comments in the review letter.
2. Or other generic Legally Binding Requirement.
3. Not required means these regulations are not required for purposes of compatibility.