January 24, 2011

Ms. Mary Sue Semerena
Administrator, Environmental Health
Nebraska Department of Health and Human Services
301 Centennial Mall South, 3rd Floor
Lincoln, NE 68509

Dear Ms. Semerena:

On January 4, 2011, the Management Review Board (MRB) met to consider the proposed final Integrated Materials Performance Evaluation Program (IMPEP) report on the Nebraska Agreement State Program. The MRB found the Nebraska Agreement State Program adequate to protect public health and safety and compatible with the U.S. Nuclear Regulatory Commission's (NRC) program.

Section 5.0, page 9, of the enclosed final report contains a summary of the IMPEP review team's findings. Based on the results of the current IMPEP review, the next full review of the Nebraska Agreement State Program will take place in approximately 4 years, with a periodic meeting tentatively scheduled for October 2012.

During the periodic meeting and at the next IMPEP review, NRC will evaluate the effectiveness of the overall implementation of your Agreement State Program.

I appreciate the courtesy and cooperation extended to the IMPEP team during the review. I also wish to acknowledge your continued support for the Agreement State Program. I look forward to our agencies continuing to work cooperatively in the future.

Sincerely,

**/RA/**

Michael F. Weber
Deputy Executive Director for Materials, Waste,
Research, State, Tribal, and Compliance Programs
Office of the Executive Director for Operations

Enclosure:
Nebraska Final IMPEP Report

cc: Ms. Julia Schmitt, Manager
Office of Radiological Health

Ms. Mary Sue Semerena
Administrator, Environmental Health
Nebraska Department of Health and Human Services
301 Centennial Mall South, 3rd Floor
Lincoln, NE 68509

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cc: Ms. Julia Schmitt, Manager
Office of Radiological Health

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Letter to Mary S. Semerena from Michael F. Weber dated January 24, 2011

SUBJECT: NEBRASKA 2010 FINAL IMPEP REPORT

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INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM

REVIEW OF THE NEBRASKA AGREEMENT STATE PROGRAM

OCTOBER 4-7, 2010

# FINAL REPORT

Enclosure

# EXECUTIVE SUMMARY

This report presents the results of the review of the Nebraska Agreement State Program. The review was conducted during the period of October 4-7, 2010, by a review team composed of technical staff members from the U.S. Nuclear Regulatory Commission (NRC) and the State of Minnesota.

During the previous Integrated Materials Performance Evaluation Program (IMPEP) review, which concluded on September 21, 2006, the review team made no recommendations regarding the Nebraska Agreement State Program's performance

Based on the results of this review, Nebraska's performance was found satisfactory for all six performance indicators reviewed. The review team made no recommendations regarding the performance of the Nebraska Agreement State Program. Accordingly, the review team recommended, and the Management Review Board (MRB) agreed, that the Nebraska Agreement State Program be found adequate to protect public health and safety and compatible with NRC's program.

The review team recommended, and the MRB agreed, that the next full IMPEP review take place in approximately 4 years.

## 1.0 INTRODUCTION

This report presents the results of the review of the Nebraska Agreement State Program. The review was conducted during the period of October 4-7, 2010, by a review team composed of technical staff members from the U.S. Nuclear Regulatory Commission (NRC) and the State of Minnesota. Team members are identified in Appendix A. The review was conducted in accordance with the "Implementation of the Integrated Materials Performance Evaluation Program and Rescission of Final General Statement of Policy," published in the *Federal Register* on October 16, 1997, and NRC Management Directive 5.6, "Integrated Materials Performance Evaluation Program (IMPEP)," dated February 26, 2004. Preliminary results of the review, which covered the period of September 22, 2006, to October 3, 2010, were discussed with Nebraska managers on the last day of the review.

A draft of this report was issued to Nebraska for factual comment on October 25, 2010. The State responded by email dated December 2, 2010, from Mary Sue Semerena, Administrator, Environmental Health, Department of Health and Human Services. A copy of the State's response is included as the Attachment to this report. The Management Review Board (MRB) met on January 4, 2011, to consider the proposed final report. The MRB found the Nebraska Agreement State Program adequate to protect public health and safety and compatible with NRC's program.

The Nebraska Agreement State Program is administered by the Radiation Control Program (the Program), which is located within the Department of Health and Human Services (the Department). The Program Director reports to the Administrator of Environmental Health. Organization charts for the Department and the Program are included as Appendix B.

At the time of the review, the Nebraska Agreement State Program regulated 148 specific licenses authorizing possession and use of radioactive materials. The Program also regulates a large general licensee population with approximately 160 at the time of this review. The review focused on the radioactive materials program as it is carried out under the Section 274b. (of the Atomic Energy Act of 1954, as amended) Agreement between NRC and the State of Nebraska.

In preparation for the review, a questionnaire addressing the common and applicable non-common performance indicators was sent to the Program on July 6, 2010. The Program provided its response to the questionnaire by email on September 16, 2010. A copy of the questionnaire response can be found in NRC's Agencywide Documents Access and Management System (ADAMS) using the Accession Number ML102930154.

The review team's general approach for conduct of this review consisted of: (1) examination of the Program's response to the questionnaire; (2) review of applicable Nebraska statutes and regulations; (3) analysis of quantitative information from the Program's database; (4) technical review of selected regulatory actions; (5) field accompaniments of three inspectors; and (6) interviews with staff and managers. The review team evaluated the information gathered against the established criteria for each common and the applicable non-common performance indicator and made a preliminary assessment of the Nebraska Agreement State Program's performance.

Section 2.0 of this report covers the State's actions in response to any recommendations made during previous reviews. Results of the current review of the common performance indicators

are presented in Section 3.0. Section 4.0 details the results of the review of the applicable non-common performance indicators, and Section 5.0 summarizes the review team's findings.

## 2.0 STATUS OF ITEMS IDENTIFIED IN PREVIOUS REVIEWS

During the previous IMPEP review, which concluded on September 21, 2006, the review team made no recommendations regarding the Nebraska Agreement State Program's performance.

## 3.0 COMMON PERFORMANCE INDICATORS

Five common performance indicators are used to review NRC Regional and Agreement State radioactive materials programs. These indicators are: (1) Technical Staffing and Training, (2) Status of Materials Inspection Program, (3) Technical Quality of Inspections, (4) Technical Quality of Licensing Actions, and (5) Technical Quality of Incident and Allegation Activities.

### 3.1 Technical Staffing and Training

Issues central to the evaluation of this indicator include the Program's staffing level and staff turnover, as well as the technical qualifications and training histories of the staff. To evaluate these issues, the review team examined the Program's questionnaire response relative to this indicator; interviewed managers and staff, reviewed job descriptions and training records, and considered any workload backlogs.

When fully staffed, the Nebraska Agreement State Program is composed of the Administrator of Environmental Health, the Radiation Control Program Manager, 3 Health Physicist technical staff who perform both licensing and inspection duties and respond to incidents and allegations, a Health Specialist who performs regulation development and general license tracking duties and a Staff Assistant for clerical support. The Program Manager and technical staff also perform emergency response duties. Based on information provided by the Program, the review team estimated that the Program routinely expends approximately 5.0 full-time equivalents (FTE) to administer the Agreement State program.

During the review period, the staffing level has remained stable, with no individuals leaving or being hired during this time. There are no open positions currently.

The review team noted that the Program experienced stable funding during the review period. The Program is totally funded through licensee fees which were increased in July, 2009.

Training and qualification requirements for the radioactive materials staff are established in a procedure dated February 2, 1999. The Program Manager is in the process of revising this procedure to encompass new NRC guidelines for inspector qualifications. The procedure sets forth essentially the same training and qualification recommendations developed by the NRC's Inspection Manual Chapter (IMC 1246). Inspector requirements include NRC, or equivalent, core training courses, when available. All of the technical staff members have a Bachelor's degree, coupled with at least fifteen years of experience in the Program. All technical staff members have taken the NRC courses deemed appropriate for their tasks. All staff members, including the Program Manager, have attended the NRC Security Systems and Principles Course and the recent H-401 training on Nuclear Pharmacies. The training records demonstrated that Program management is committed to training for the staff within budgetary constraints. The review team concluded that the Program has a well-balanced staff and a

sufficient number of trained personnel to carry out regulatory duties. The review team noted that Program management encourages and supports training opportunities based on program needs. The review team concluded that the Program's staffing and training is adequate to carry out its regulatory duties.

Based on the IMPEP evaluation criteria, the review team recommends, and the MRB agreed, that Nebraska's performance with respect to the indicator, Technical Staffing and Training, be found satisfactory.

3.2 Status of Materials Inspection Program

The review team focused on five factors while reviewing this indicator: inspection frequency, overdue inspections, initial inspections of new licenses, timely dispatch of inspection findings to licensees, and performance of reciprocity inspections. The review team's evaluation was based on the Program's questionnaire response relative to this indicator, data gathered from the Program's database, examination of completed inspection casework, and interviews with managers and staff members.

The review team verified that the Program's inspection frequencies for all types of radioactive materials licenses are at least the same frequency as those listed in NRC's IMC 2800, "Materials Inspection Program" with twenty-six license types having an inspection priority set at a greater frequency than that prescribed by IMC 2800, including Type A broadscope, medical limited/private practice, nuclear laundry, self-shielded irradiators, etc. The review team also verified that the Program conducts inspections of multiple locations of use for multi-site licenses. In all instances reviewed by the team, the Program met or exceeded the minimum criterion of 20 percent of sites for licenses with five or more locations of use listed on the license.

The Program conducted a total of 113 Priority 1, 2 and 3 (high priority) inspections during the review period. The Program indicated in its response to the questionnaire, and the review team verified, that one high priority inspection was conducted overdue by more than 25 percent of the inspection frequency prescribed by IMC 2800. The review team verified that no high priority inspections were overdue at the time of the review. Overall the review team determined that the Program performed less than 1 percent of all Priority 1, 2 and 3 inspections overdue during the review period.

The review team also evaluated the Program's timeliness for conducting initial inspections. The review team noted that the Program issued 27 new licenses during the review period and conducted all initial inspections within 12 months after license issuance as prescribed by IMC 2800.

The review team evaluated the Program's timeliness of issuance of inspection reports. The Program has a policy of issuing the inspection findings to licensees within 30 days from the date of the inspection. All inspection reports are submitted for both a peer and supervisory review. Of the 23 inspection files reviewed, the review team identified two cases in which inspection findings were issued beyond the 30-day goal. One finding was issued 1-calendar day late and the other was issued 4 calendar-days late.

During the review period, the Program received requests for reciprocity from 84 Priority 1, 2 and 3 licensees and inspected an average of 24 percent of those licensees annually (IMC 1220, "Processing of NRC Form 241 and Inspection of Agreement State Licensees Operating Under

10 CFR 150.20," requires inspection of 20 percent of candidate licensees operating under reciprocity annually).

Based on the IMPEP evaluation criteria, the review team recommends, and the MRB agreed, that Nebraska's performance with respect to the indicator, Status of Materials Inspection Program, be found satisfactory.

3.3 Technical Quality of Inspections

The review team evaluated inspection reports, enforcement documentation, and inspection field notes and interviewed the responsible inspector for 23 radioactive materials inspections conducted during the review period. The casework examined included a cross-section of inspections conducted by three current inspectors and covered a wide variety of inspection types. These included diagnostic nuclear medicine, mobile nuclear medicine, veterinarian nuclear medicine, high dose-rate remote afterloader, industrial radiography, portable gauges, gamma knife, nuclear pharmacy, self-shielded irradiator, PET production facility and a pool irradiator. The casework included initial, routine, followup, reciprocity, and Increased Controls (IC) inspections. Appendix C lists the inspection casework files reviewed.

Based on the evaluation of casework, the review team determined that inspections covered all aspects of the licensees' radiation safety and security programs. The review team noted that the inspections covered the Increased Controls, Fingerprinting, and the National Source Tracking System when appropriate. The review team found that inspection reports were very thorough, complete, consistent, and of high quality with sufficient documentation to ensure that licensees' performances with respect to health, safety, and security were acceptable. Inspection report documentation supported violations, recommendations made to licensees, and unresolved safety issues.

While on site, the review team evaluated the Program's handling and storing of sensitive documents. The team noted that while files containing Increased Controls documents were appropriately protected, segregated from other files, and maintained in a manner to limit access; the actual licenses in those files were not marked as containing sensitive information. Additionally, during casework evaluations, the review team noted that some of the reciprocity files containing sensitive information had not been secured in the same manner as the Increased Controls files. This was discussed with the Program, who immediately identified and secured the files.

The review team noted that some outgoing correspondence containing sensitive information was not appropriately marked. The review team met with the Program to discuss the importance of these markings as an indication to licensees that they need to appropriately protect the documents once in their possession. The Program immediately revised their procedure to require that all staff must review outgoing documents and mark those as containing sensitive information, if applicable, according to the screening criteria specified in NRC Regulatory Issue Summary RIS-2005-31. In addition, the Program did a thorough review of all files and marked those documents containing sensitive information as such. Throughout the review, the team did not discover any evidence of an unintended release or unauthorized disclosure of sensitive information.

The Office has a policy to accompany all staff performing radioactive materials inspections on an annual basis. Annual inspector accompaniments were defined by the Program Manager as

performance based accompaniments. Because the three health physicists are all long term experienced inspectors; the Program manager accompanies the inspectors throughout the year on investigations and special inspections and then evaluates their performance on this work. Additionally, multiple peer accompaniments are performed each year. The staff also performs peer reviews on all inspection reports generated. They believe this model is a more effective way to comprehensively evaluate staff performance rather than only one supervisory accompaniment each year.

The review team verified that the Program maintains an adequate supply of appropriately calibrated survey instruments to support the inspection program, as well as to respond to radioactive materials incidents and emergency situations. The Program receives laboratory and sample analysis support from the State laboratory, the University of Nebraska and a contract laboratory depending on the type of analysis needed. For example, complex environmental samples are sent to a contract laboratory in Chicago, Illinois.

The review team accompanied three of the Program's inspectors during the period of June 28-30, 2010. The inspectors conducted inspections at a medical licensee, an industrial radiography licensee, and a pool irradiator licensee. The inspector accompaniments are listed in Appendix C. The inspectors demonstrated performance-based inspection techniques and knowledge of the regulations. The inspectors were well trained, prepared for the inspections, and thorough in their audits of the licensees' radiation safety and security programs. The inspectors conducted interviews with appropriate personnel, observed licensed operations, conducted confirmatory measurements, and utilized good health physics practices. The inspectors held entrance and exit meetings with the appropriate level of licensee management. The review team determined that the inspections were adequate to assess radiological health, safety, and security at the licensed facilities.

Based on the IMPEP evaluation criteria, the review team recommends, and the MRB agreed, that Nebraska's performance with respect to the indicator, Technical Quality of Inspections, be found satisfactory.

### 3.4 Technical Quality of Licensing Actions

The review team examined completed casework and interviewed license reviewers for 18 licensing actions covering 17 specific licenses. Licensing actions were reviewed for completeness, consistency, proper radioisotopes and quantities, qualifications of authorized users, adequacy of facilities and equipment, adherence to good health physics practices, financial assurance, security requirements, operating and emergency procedures, appropriateness of license conditions, and overall technical quality. The casework was also reviewed for timeliness, use of appropriate correspondence, reference to appropriate regulations, supporting documentation, consideration of enforcement history, pre-licensing visits, peer and supervisory review, and proper signatures.

The licensing casework was selected to provide a representative sample of licensing actions completed during the review period. Licensing actions selected for evaluation included 3 new licenses, 3 renewals, 8 amendments, and 4 license terminations. Casework reviewed included a cross-section of license types, including: industrial radiography, broadscope - medical and academic, nuclear medicine - diagnostic and therapeutic, research and development - human use and non-human use, portable gauge, fixed gauge, mobile nuclear medicine, nuclear pharmacy, and irradiator – unshielded during irradiation. A listing of the licensing casework

reviewed can be found in Appendix D.

The review team found that the licensing actions were thorough, complete, consistent, and of high quality with health, safety, and security issues properly addressed. License tie-down conditions were stated clearly, backed by information contained in the file and enforceable. The review team found that actions terminating licenses were well documented, included the appropriate material survey records, and contained documentation of proper disposal or transfer of radioactive material, as appropriate.

The Program has three Health Physicists and the Program Manager that are qualified license reviewers. License reviewers have access to, and use both the Program's licensing guidance and NRC NUREG 1556 series. Licenses are created using a license building program based on Microsoft Access. Once completed, all licenses are peer reviewed by another qualified license reviewer, and then reviewed and signed by the Program Manager or Section Administrator.

The Program identified seven licensees requiring financial assurance; all licensees had financial assurance in place prior to the review period. Nebraska rules that went into effect in July 2009 increased the amount of financial assurance required. Based on the quantity of material, the State gave licensees one to two years (depending on isotope form-unsealed, sealed) to submit the new financial assurance amounts. The review team identified two licensees which required an increase in financial assurance within the one year period that had not been updated. The review team discussed this with Program management who immediately contacted these licensees about revising their financial assurance amounts.

The review team verified that the Program uses license conditions to require licensees to follow increased controls and fingerprinting requirements. Files containing increased control licenses are kept in a locked file cabinet. The review team found that these licenses and corresponding cover letters were not marked as containing sensitive information. As noted in Section 3.3 this was brought to the attention of Program management who immediately revised their procedures and marked the licenses while the review team was onsite.

The review team assessed the Program's implementation of the pre-licensing guidance. The Program has implemented the essential elements of NRC's pre-licensing guidance issued on September 22, 2008 and transmitted to the Agreement States via Office of Federal and State Materials and Environmental Management Programs (FSME) Letter RCPD-08-020, "Requesting Implementation of the Checklist to Provide a Basis for Confidence That Radioactive Material Will Be Used as Specified on a License and the Checklist for Risk-significant Radioactive Material." The licensing system used by the Program has a basic pre-licensing checklist built into it. The Program has a policy of hand-delivering all new licenses issued; this hand-delivery constitutes a pre-licensing visit. New licensees that fall under the increased controls also have a full security inspection performed during the license delivery.

Based on the IMPEP evaluation criteria, the review team recommends, and the MRB agreed, that Nebraska's performance with respect to the indicator, Technical Quality of Licensing Actions, be found satisfactory.

### 3.5 Technical Quality of Incident and Allegation Activities

In evaluating the effectiveness of the Program's actions in responding to incidents and allegations, the review team examined the response to the questionnaire relative to this

indicator, evaluated selected incidents reported for Nebraska in the Nuclear Material Events Database (NMED) against those contained in the Program's files, and evaluated the casework for 12 of the 36 reported radioactive materials incidents, as well as the initial reporting of two additional events for which the State had reviewed but had not yet conducted inspections. A listing of the casework examined can be found in Appendix E. The review team evaluated the Program's response to four allegations involving radioactive materials reported directly to the State during the review period.

When notified of an incident or an allegation, the inspection staff discusses the initial response and the need for an on-site investigation, based on the safety significance. The Program tracks all incidents and allegations through the minutes of bi-weekly staff meetings to ensure a timely and appropriate response. If the incident meets the reportability thresholds, as established in FSME Procedure SA-300, "Reporting Material Events," the Program notifies the NRC Headquarters Operations Center. If the investigation is complex and extends over a period of time, the Program updates the respective NMED record, using the NMED software. Of the 12 incidents evaluated by the review team which required reporting to NRC, all had been reported within the required time period. Of the 13 incidents which required reporting to NMED, all had been properly reported and completed in NMED.

The review team also evaluated the single radioactive materials incident in the Program's files that was not reported to NMED to determine if the event should have been reported in accordance with the criteria in FSME Procedure SA-300. The review team determined that the event was not required to be reported under the criteria.

The incidents selected for review included lost or stolen radioactive material, damaged equipment, overexposure, and equipment failures. No medical events were reported to the State during the review period. The review team determined that the Program's responses to incidents were thorough, complete, and comprehensive. Initial responses were prompt and well coordinated, and the level of effort was commensurate with the health and safety significance of the event. The review team noted that at the conclusion of investigations, inspectors generated narrative reports that thoroughly documented their findings.

In evaluating the effectiveness of the Program's response to allegations, the review team evaluated the completed casework for four allegations, which included all allegations received by the State during the review period. The review team concluded that the Program consistently took prompt and appropriate action in response to concerns raised. The review team noted that the Program thoroughly documented the investigations and retained all necessary documentation to appropriately close the allegations. The Program notified the allegers of the conclusion of all investigations within 30 days. The review team determined that the Program adequately protected the identity of allegers.

Based on the IMPEP evaluation criteria, the review team recommends, and the MRB agreed, that Nebraska's performance with respect to the indicator, Technical Quality of Incident and Allegation Activities, be found satisfactory.

## 4.0 NON-COMMON PERFORMANCE INDICATORS

### 4.1 Compatibility Requirements

#### 4.1.1 Legislation

Nebraska became an Agreement State on October 1, 1966. The currently effective statutory authority for the Department is contained in Nebraska Radiation Control Act 71-3501 to 71-3520. The Department is designated as the State's radiation control agency. Several pieces of legislation were passed during the review period that in various ways affected the Radiation Control Program, but only one was noted that specifically affected the materials program, i.e. the statutory authorization for fingerprinting.

#### 4.1.2 Program Elements Required for Compatibility

Nebraska's regulations for the control of radiation are located in Title 180 of the Nebraska Administrative Code and apply to ionizing and non-ionizing radiation, whether emitted from radionuclides or devices. Nebraska requires a license for possession and use of all radioactive materials.

The review team examined the State's rulemaking process and found that it takes an average of 12 months from the beginning of the process to when the rules become effective. Regulations are developed in accordance with Nebraska's Administrative Procedures Act where the public and other interested parties have an opportunity to comment on proposed regulation changes. The Program is prohibited from adopting another agency's regulations solely by reference; however, the Program does have the ability to adopt another agency's requirements by attaching the specific regulation with the effective date noted, to the State's proposed regulations. The Program has the authority to issue legally binding requirements in lieu of regulations, and also has emergency rule capability if public health and safety are at risk. The Program's regulations are not subject to sunset laws.

The review team evaluated the Program's response to the questionnaire relative to this indicator, reviewed the status of regulations required to be adopted, and verified the final adoption of regulations with data obtained from the State Regulation Status Data Sheet. Since the previous IMPEP review, the Department has completed and adopted eight amendments and is currently in the process of resolving NRC comments on seven additional amendments as noted below.

Current NRC policy requires that Agreement States adopt certain equivalent regulations or legally binding requirements no later than 3 years after the effective date of NRC's regulations. At the time of this review, Nebraska had no overdue amendments due for adoption.

The review team noted that the following five regulation amendments will be due for adoption in the future. At the time of this review, those amendments have been reviewed in draft for compatibility by NRC and the Program is currently working to resolve NRC's comments. At the time of the MRB meeting, the Program reported that the proposed final regulations incorporating NRC's comments are under review by their legal services department. They expect them to be finalized in 2011. Those amendments are:

- "Medical Use of Byproduct Material – Minor Corrections and Clarifications," 10 CFR Parts 32 and 35 amendment (72 FR 45147, 54207), that is due for Agreement State adoption by October 29, 2010.
- "Requirements for Expanded Definition of Byproduct Material,"10 CFR Parts 20, 30, 31, 32, 33, 35, 61, 150 amendment (72 FR 55864), that is due for Agreement State adoption by November 30, 2010.
- "Exemptions from Licensing, General Licenses, and Distribution of Byproduct Material; Licensing and Reporting Requirements," 10 CFR Parts 30, 31, 32, 150 amendment (72 FR 58473), that is due for Agreement State adoption by December 17, 2010.
- "Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent," 10 CFR Parts 19, 20 amendment (72 FR 68043), that is due for Agreement State adoption by February 15, 2011.
- "Medical Use of Byproduct Material – Authorized User Clarification," 10 CFR Part 35 amendment (74 FR 33901), that is due for Agreement State adoption by September 28, 2012.

Based on IMPEP evaluation criteria, the review team recommends, and the MRB agreed, that Nebraska's performance with respect to the indicator, Compatibility Requirements, be found satisfactory.

## 4.2 Sealed Source and Device (SS&D) Evaluation Program

During the review period, no SS&D certificates were issued by the Program and there are currently no manufacturers of sealed sources or devices in the State. The State plans to contract with another Agreement State that has an SS&D evaluation program, if needed. The review team did not evaluate this indicator further.

## 4.3 Low-Level Radioactive Waste (LLRW) Disposal Program

Nebraska was originally the designated host State in the Central Interstate Low-Level Radioactive Waste Compact (the Compact) for the LLRW disposal facility. In January 1999, Nebraska withdrew from the Compact. After the State's withdrawal from the Compact, technical staff in the Department and the Department of Environmental Quality LLRW programs was reassigned to other positions. During the previous review period, the State transferred all funds from all LLRW-related special funds to the State General Fund. Consequently, the review team did not review this indicator.

# 5.0 SUMMARY

As noted in Sections 3.0 and 4.0 above, Nebraska's performance was found satisfactory for all six performance indicators reviewed. The review team made no recommendations regarding the performance of the Nebraska Agreement State Program. Accordingly, the review team recommends, and the MRB agreed, that the Nebraska Agreement State Program be found adequate to protect public health and safety and compatible with NRC's program.

Based on the results of the current IMPEP review, the review team recommends, and the MRB agreed, that the next full IMPEP review take place in approximately 4 years.

LIST OF APPENDIXES

APPENDIX A

IMPEP REVIEW TEAM MEMBERS

| **Name** | **Area of Responsibility** |
|---|---|
| Michelle Beardsley, FSME | Team Leader<br>Technical Staffing and Training<br>Status of Materials Inspection Program |
| Randy Erickson, Region IV | Technical Quality of Inspections<br>Compatibility Requirements<br>Inspector Accompaniments |
| Brandon Juran, Minnesota | Technical Quality of Licensing Actions |
| Geoffrey Warren, Region III | Technical Quality of Incident and Allegation Activities |

APPENDIX B

NEBRASKA ORGANIZATION CHARTS

ADAMS ACCESSION NO.:  ML102930141

APPENDIX C

INSPECTION CASEWORK REVIEWS

NOTE: CASEWORK LISTED WITHOUT COMMENT IS INCLUDED FOR COMPLETENESS ONLY. LICENSEE NAMES ARE OMITTED AT THE REQUEST OF THE PROGRAM, BASED ON STATE SECURITY POLICY

File No.: 1
Licensee: Redacted License No.: 08-09-01
Inspection Type: Routine, Unannounced Priority: 3
Inspection Date: 6/28/10 Inspector: JD

File No.: 2
Licensee: Redacted License No.: 04-01-01
Inspection Type: Routine, Unannounced Priority: 2
Inspection Date: 6/29/10 Inspector: BM

File No.: 3
Licensee: Redacted License No.: 02-46-01
Inspection Type: Routine/Special, Unannounced Priority: 1
Inspection Date: 6/30-7/7/10 Inspector: HS

File No.: 4
Licensee: Redacted License No.: 99-64-01
Inspection Type: Routine/Special, Announced Priority: 1
Inspection Date: 10/22/08 Inspector: BM

File No.: 5
Licensee: Redacted License No.: 01-81-01
Inspection Type: Routine/Special, Unannounced Priority: 5
Inspection Date: 7/13-19/07 Inspector: JD

File No.: 6
Licensee: Redacted License No.: 59-08-01
Inspection Type: Initial/Special, Announced Priority: 2
Inspection Dates: 5/10/2010 Inspectors: HS

File No.: 7
Licensee: Redacted License No.: 01-07-08
Inspection Type: Routine/Special, Unannounced Priority: 2
Inspection Date: 6/9-24/10 Inspector: HS

File No.: 8

Inspection Casework Reviews

Licensee: Redacted License No.: 16-01-01
Inspection Type: Routine/Special, Announced Priority: 1
Inspection Date: 12/8/08 Inspector: BM

File No.: 9
Licensee: Redacted License No.: 02-06-04
Inspection Type: Routine/Special, Unannounced Priority: 2
Inspection Date: 9/3-5/08 Inspector: BM

File No.: 10
Licensee: Redacted. License No.: REC0286
Inspection Type: Reciprocity, Unannounced Priority: 2
Inspection Date: 3/1/10 Inspector: BM

File No.: 11
Licensee: Redacted. License No.: REC0136
Inspection Type: Reciprocity, Unannounced Priority: 1
Inspection Dates: 10/27/09 Inspector: HS

File No.: 12
Licensee: Redacted. License No.: REC0213
Inspection Type: Reciprocity, Unannounced Priority: 1
Inspection Date: 8/7/08 Inspector: BM

File No.: 13
Licensee: Redacted. License No.: 01-65-01
Inspection Type: Routine, Unannounced Priority: 2
Inspection Date: 10/4-11/20/06 Inspector: JD

File No.: 14
Licensee: Redacted. License No.: 02-59-01
Inspection Type: Initial, Announced Priority: 5
Inspection Date: 1/19/10 Inspector: HS

File No.: 15
Licensee: Redacted. License No.: 01-65-02
Inspection Type: Routine, Unannounced Priority: 2
Inspection Dates: 5/15/08 Inspector: BM

File No.: 16
Licensee: Redacted License No.: 01-09-02
Inspection Type: Routine, Unannounced Priority: 1
Inspection Date: 6/1/10 Inspector: JD

File No.: 17
Licensee: Redacted License No.: 99-60-01
Inspection Type: Routine, Unannounced Priority: 5

Inspection Date: 8/14/08 Inspector: JD

File No.: 18
Licensee: Redacted License No.: 02-04-01
Inspection Type: Routine, Unannounced Priority: 5
Inspection Date: 7/14-24/09 Inspector: BM

File No.: 19
Licensee: Redacted License No.: 99-57-01
Inspection Type: Routine, Announced Priority: 5
Inspection Dates: 2/27/08 Inspector: JD

File No.: 20
Licensee: Redacted License No.: 01-112-01
Inspection Type: Routine, Unannounced Priority: 5
Inspection Dates: 4/15/09 Inspector: HS

File No.: 21
Licensee: Redacted License No.: 02-60-01
Inspection Type: Initial, Announced Priority: 5
Inspection Date: 11/30/09 Inspector: HS

File No.: 22
Licensee: Redacted License No.: 01-119-01
Inspection Type: Initial, Announced Priority: 5
Inspection Date: 1/17/07 Inspector: HS

File No.: 23
Licensee: Redacted License No.: 1-122-01
Inspection Type: Initial, Announced Priority: 3
Inspection Date: 7/24/07 Inspector: HS

## INSPECTOR ACCOMPANIMENTS

The following inspector accompaniments were performed prior to the on-site IMPEP review:

Accompaniment No.: 1
Licensee: Redacted License No.: 08-09-01
Inspection Type: Routine, Unannounced Priority: 3
Inspection Date: 6/28/10 Inspector: JD

Accompaniment No.: 2
Licensee: Redacted License No.: 04-01-01
Inspection Type: Routine, Unannounced Priority: 2
Inspection Date: 6/29/10 Inspector: BM

Accompaniment No.: 3
Licensee: Redacted
License No.: 02-46-01
Inspection Type: Special, Unannounced
Priority: 1
Inspection Date: 6/30/10
Inspector: HS

APPENDIX D

LICENSE CASEWORK REVIEWS

NOTE: CASEWORK LISTED WITHOUT COMMENT IS INCLUDED FOR COMPLETENESS. . LICENSEE NAMES ARE OMITTED AT THE REQUEST OF THE PROGRAM, BASED ON STATE SECURITY POLICY

File No.: 1
Licensee: Redacted — License No.: 09-09-01
Type of Action: Termination — Amendment No.: 2
Date Issued: 10/23/09 — License Reviewer: HS

File No.: 2
Licensee: Redacted — License No.: 03-03-01
Type of Action: Termination — Amendment No.: 1
Dates Issued: 8/31/09 — License Reviewer: BM

File No.: 3
Licensee: Redacted — License No.: 11-04-01
Type of Action: New — Amendment No.: 0
Dates Issued: 6/25/08 — License Reviewer: BM

File No.: 4
Licensee: Redacted — License No.: 59-08-01
Type of Action: New — Amendment No.: 0
Date Issued: 2/24/10 — License Reviewer: HS

File No.: 5
Licensee: Redacted — License No.: 02-10-02
Type of Action: Termination — Amendment No.: 27
Date Issued: 6/13/08 — License Reviewer: HS

File No.: 6
Licensee: Redacted — License No.: 01-07-02
Type of Action: Amendment — Amendment No.: 96
Date Issued: 7/31/08 — License Reviewer: BM

File No.: 7
Licensee: Redacted — License No.: 01-82-01
Type of Action: Renewal — Amendment No.: 35
Date Issued: 4/5/10 — License Reviewer: JD

File No.: 8
Licensee: Redacted — License No.: 29-01-01
Type of Action: Amendment — Amendment No.: 8
Date Issued: 12/17/07 — License Reviewer: JD

File No.: 9
Licensee: Redacted
Type of Action: Termination
Date Issued: 12/17/09
License No.: 02-58-01
Amendment No.: 7
License Reviewer: BM

File No.: 10
Licensee: Redacted
Type of Action: New
Date Issued: 1/11/07
License No.: 01-120-01
Amendment No.: 0
License Reviewer: JD

File No.: 11
Licensee: Redacted
Types of Action: Amendment
Dates Issued: 9/17/10
License No.: 02-61-01
Amendment No.: 1
License Reviewer: HS

File No.: 12
Licensee: Redacted
Types of Action: Renewal
Dates Issued: 7/24/09
License No.: 02-01-03
Amendment No.: 50
License Reviewer: HS

File No.: 13
Licensee: Redacted
Type of Action: Amendment
Date Issued: 8/5/10
License No.: 10-07-01
Amendment No.: 6
License Reviewer: BM

File No.: 14
Licensee: Redacted
Type of Action: Amendment
Date Issued: 8/5/10
License No.: 21-01-03
Amendment No.: 60
License Reviewer: JD

File No.: 15
Licensee: Redacted
Type of Action: Amendment
Date Issued: 2/5/10
License No.: 99-57-01
Amendment No.: 20
License Reviewer: HS

File No.: 16
Licensee: Redacted
Type of Action: Amendment
Date Issued: 8/18/10
License No.: 04-01-01
Amendment No.: 45
License Reviewer: BM

File No.: 17
Licensee: Redacted
Type of Action: Renewal
Date Issued: 4/3/07
License No.: 01-65-01
Amendment No.: 69
License Reviewer: JD

File No.: 18
Licensee: Redacted
Type of Action: Amendment
Date Issued: 6/24/09
License No.: 02-01-03
Amendment No.: 49
License Reviewer: HS

APPENDIX E

INCIDENT CASEWORK REVIEWS

NOTE: CASEWORK LISTED WITHOUT COMMENT IS INCLUDED FOR COMPLETENESS. LICENSEE NAMES ARE OMITTED AT THE REQUEST OF THE PROGRAM, BASED ON STATE SECURITY POLICY.

File No.: 1
Licensee: Redacted
Date of Incident: 3/5/08
Investigation Date: 3/14/10
License No.: REC0103
NMED No.: 080158
Type of Incident: Overexposure
Type of Investigation: On-Site

File No.: 2
Licensee: Redacted
Date of Incident: 8/17/08
Investigation Date: 9/17/08
License No.: 07-02-01
NMED No.: 080589
Type of Incident: Equipment Failure
Type of Investigation: On-Site

File No.: 3
Licensee: Redacted
Date of Incident: 5/27/09
Investigation Date: 6/4/10
License No.: 01-45-01
NMED No.: 090514
Type of Incident: Equipment Damage
Type of Investigation: Telephone

File No.: 4
Licensee: Redacted
Date of Incident: 2/26/10
Investigation Date: 2/28/10
License No.: REC0213
NMED No.: 100086
Type of Incident: Potential Overexposure
Type of Investigation: On-Site

File No.: 5
Licensee: Redacted
Date of Incident: 3/25/10
Investigation Date: 6/17/10
License No.: 01-39-04
NMED No.: 100149
Type of Incident: Equipment Failure
Type of Investigation: On-Site

File No.: 6
Licensee: Redacted
Date of Incident: 3/27/10
Investigation Date: 6/17/10
License No.: 01-39-04
NMED No.: 100152
Type of Incident: Equipment Failure
Type of Investigation: On-Site

File No.: 7
Licensee: Redacted
Date of Incident: 5/6/10
Investigation Date: 6/17/10
License No.: 01-39-04
NMED No.: 100240
Type of Incident: Equipment Failure
Type of Investigation: On-Site

File No.: 8
Licensee: Redacted
Date of Incident: 6/30/10
Investigation Date: 6/17/10
License No.: 01-39-04
NMED No.: 100337
Type of Incident: Equipment Failure
Type of Investigation: On-Site

File No.: 9
Licensee: Redacted
Date of Incident: 3/30/10
Investigation Date: TBD
License No.: 07-05-01
NMED No.: 100151
Type of Incident: Lost Material
Type of Investigation: TBD

File No.: 10
Licensee: Redacted
Date of Incident: 3/22/09
Investigation Date: 6/29/10
License No.: 04-01-01
NMED No.: 090403
Type of Incident: Equipment Failure
Type of Investigation: On-Site

File No.: 11
Licensee: Redacted
Date of Incident: 11/7/09
Investigation Date: 6/29/10
License No.: 04-01-01
NMED No.: 090831
Type of Incident: Equipment Failure
Type of Investigation: On-Site

File No.: 12
Licensee: Redacted
Date of Incident: 11/23/09
Investigation Date: 6/29/10
License No.: 04-01-01
NMED No.: 090846
Type of Incident: Equipment Failure
Type of Investigation: On-Site

File No.: 13
Licensee: Redacted
Date of Incident: 12/14/09
Investigation Date: 6/29/10
License No.: 04-01-01
NMED No.: 090879
Type of Incident: Equipment Failure
Type of Investigation: On-Site

File No.: 14
Licensee: Redacted
Date of Incident: 3/3/09
Investigation Date: TBD
License No.: GL0577
NMED No.: N/A
Type of Incident: Lost Material
Type of Investigation: TBD

ATTACHMENT

November 29, 2010 Letter from Mary Sue Semerena
Nebraska's Response to the Draft Report
ADAMS Accession No.: ML103360274

and

NRC's Comment Resolution Document
ADAMS Accession No.: ML103540231