



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064**

August 21, 2001

Mr. Robert Leopold, Division Administrator
Department of Health & Human Services
Regulation and Licensure
301 Centennial Mall South
P.O. Box 95007
Lincoln, NE 68509-5007

Dear Mr. Leopold:

A periodic meeting with Nebraska was held on July 24, 2001. The purpose of this meeting was to review and discuss the status of Nebraska's Agreement State Program. The NRC was represented by Kevin Hsueh, from NRC's Office of State and Tribal Programs and me from NRC's Region IV office.

I have completed and enclosed a general meeting summary, including any specific actions that will be taken as a result of the meeting.

If you feel that our conclusions do not accurately summarize the meeting discussion, or have any additional remarks about the meeting in general, please contact me at (817) 860-8116 or e-mail mlm1@nrc.gov to discuss your concerns.

Sincerely,

/RA/

Linda McLean
State Agreements Officer
Region IV

cc:
Paul Lohaus, Director,
Office of State and Tribal Programs

Julia Schmitt
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DOCUMENT NAME: S:\DNMS\SAO\Periodic Meetings\NE Periodic Summary

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OFFICE	RIV:SAO		D:DNMS			
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	<i>/RA/</i>		<i>/RA/</i> C. L. Cain for			
DATE	08/21/01		08/21/01			

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AGREEMENT STATE PERIODIC MEETING SUMMARY FOR NEBRASKA
DATE OF MEETING: July 24, 2001

ATTENDEES:

NRC

Linda McLean, Regional State Agreements Officer, Region IV
Kevin Hsueh, Agreement State Project Officer, OSTP

State of Nebraska

Robert Leopold, Division Administrator
Susan Semerena, Section Administrator
Julia Schmitt, Acting Program Manager

The following is a summary of the meeting held in Lincoln on July 24, 2001, between representatives of the NRC and the State of Nebraska. During the meeting, the topics suggested in a letter dated June 25, 2001, from Mrs. McLean to Mr. Leopold were discussed. The discussion pertaining to each topic is summarized below.

Action on Previous IMPEP Review Findings

1. State action on all open IMPEP review findings that have not been recommended for closure at a previous periodic meeting.

The previous Integrated Materials Performance Evaluation Program (IMPEP) review was conducted during the period September 21-25, 1998. The results were issued in a final report dated 1998. At that time the Management Review Board found that the Nebraska radiation control program was adequate to protect public health and safety and compatible with NRC's program.

One of the recommendations made in the final report was not recommended for closure at the previous periodic meeting. The recommendation and the current status of this recommendation is summarized below.

Recommendation: The review team recommended that Radioactive Materials Program management effect rulemaking activities to ensure that NRC rule changes are adopted within the specified 3 year time period.

Current Status: A summary of the State's status in adopting NRC amendments can be found in the Attachment to this report. Eight regulation amendments have been adopted by the State since the March 2000 periodic meeting. The State staff indicated that the only regulation amendment overdue is the deliberate misconduct rule. It was noted that a change of the State legislation would be needed prior to adopting the regulation amendment. The State will provide the proposed regulation for NRC review as soon as the legislation is passed.

NRC staff discussed a letter dated July 20, 2001 from NRC to the State regarding NRC review of a proposed State regulation on a regulation amendment entitled, "Radiological

Criteria for License Termination- Parts 20, 30, 40, 70.” The State staff indicated that the regulation has been adopted and published as a final regulation. The State was requested to submit a copy of the “as published” regulations to NRC for review.

It is recommended that this item be closed at the next IMPEP.

2. Strengths and/or weaknesses of the State program as identified by the State or NRC, including identification of actions that could diminish weaknesses.

Strengths: A strength identified by the State is the quality of the staff and their training and experience. Although the Program Manager left the Section in December 2000, the Section has successfully maintained all program activities.

Weaknesses: The vacant Program Manager position has been managed by a temporary program manager, this was identified as a possible program weakness. The Division Administrator would like to finalize the position soon.

3. Feedback on NRC’s program as identified by the State and including identification of any action that should be considered by NRC.

The State suggested that at least one additional training slot be made available for each NRC training course for last minute needs by the States (e.g., newly hired staff).

4. Status of State Program or policy changes under development or recently completed including:

- a. Changes in program staff: This item is discussed above.

- b. Program reorganization: No reorganizations are anticipated

- c. Legislative changes: No legislative changes are anticipated.

- d. Redistribution of responsibilities: The Program Manager position is being temporarily filled with the X-Ray Registration and Compliance Program Manager. It is planned to make this position permanent by Fall 2001.

- e. Changes in program budget/funding: Anticipated funding for the next fiscal year looks stable.

5. Status of NRC program changes (similar to those in 4) that could impact Agreement States.

The proposed 10 CFR Part 35 changes and the NUREG on potassium iodide may impact the Section.

6. Results of any internal program audits/self assessments conducted by the State.

The Section has a database tracking system that monitors the progress of the number of inspections due and completed. The database includes reciprocity inspections tracking, and also the number of license actions that have been completed or are due.

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The acting Program Manager reviews the program weekly by the database reports. In addition, the acting Program Manager reviews the program status during bi-weekly staff meetings.

7. Status of all allegations and concerns previously referred by NRC to the Agreement State Radiation Control Program for action, and methods used to resolve allegations that have been closed.

The NRC has not referred any allegations to the Department during this period.

8. Compatibility of Agreement State regulations.

See the "REGULATION UPDATE TABLE" attached to this report.

9. NMED reporting including event follow-up and closure information.

Four of the Section's staff attended the recent NMED training course, and the new version of NMED will be installed soon. The staff do not anticipate any problems with NMED. The NRC staff discussed three reportable events with the State and emphasized that all the event information that is needed to complete the NMED record, including the cause of the event and corrective actions, should be provided to the NRC's contractor (INEEL) when available. It was also emphasized that follow-up event information should be submitted on a monthly basis.

10. Schedule for the next IMPEP review.

Nebraska's IMPEP review is tentatively scheduled for September 2002. The State will be participating in an ingestion pathway exercise August 27 - 28, 2002, and requested that the review not conflict with that schedule.

The RSAO, the ASPO, and the State have agreed to continue participating in quarterly phone calls. These meetings have provided regular communication between the NRC and the State and were acknowledged to be useful for all participants. In addition, the RSAO plans to visit the State before the IMPEP Review (tentatively in April 2002).

Robert Leopold,

**Attachment
REGULATION UPDATE TABLE**

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed (P) Final (F)¹ Rule / ML #⁴	NRC Review / Y, N² / Date / ML #⁴	Final State Regulation¹ (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 5/20/97	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
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	012/15/98
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

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Performance Requirements for Radiography Equipment-Part 34	60 FR 28323; (6/30/98)	1995-4	F ML003763184	N 2/1/01 ML010330318	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 ML003763184	N 2/1/01 ML010330318	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 ML003763184	N 2/1/01 ML010330318	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 ML003763184	N 2/1/01 ML010330318	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 ML003763184	N 2/1/01 ML010330318	5/27/00
Radiological Criteria for License Termination-Parts 20, 30, 40, 70	62 FR 39058; (8/20/00)	1997-6	P ML011130396	N 7/20/01 ML012010439	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 ML003763184	N 2/1/01 ML010330318	5/27/00
Deliberate Misconduct by Unlicensed Persons-Parts 30, 40, 61, 70, 71, 150	63 FR 1890; 63 FR 13773 (2/12/01)	1998-1			

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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 ML003763184	N 2/1/01 ML010330318	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			
New Dosimetry Technology-Parts 34, 36, 39	65 FR 63749; (1/8/04)	2000-2			

1. Or other generic Legally Binding Requirements.
2. (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.
3. Not required means these regulations are not required for purposes of compatibility.
4. ADAMS ML Number