NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM

DEPARTMENT OF SERVICES • DEPARTMENT OF REGULATION AND LICENSURE
DEPARTMENT OF FINANCE AND SUPPORT

STATE OF NEBRASKA
DAVE HEINEMAN, GOVERNOR

August 31, 2007

Janet Schlueter, Director
Division of Materials Safety & State Agreements
U. S. Nuclear Regulatory Commission
11545 Rockville Pike, T8E24
Rockville, MD 20852-2738

Dear Ms. Schlueter:

This letter is in response to your request for information regarding any Nebraska laws that might affect our ability to implement the fingerprinting requirements of Section 652 of the Energy Policy Act of 2005. There are no known Nebraska statutes which would prohibit the fingerprinting of radioactive material users. I

In your letter you indicated that Agreement States are authorized to implement the requirements of Section 149 of the Atomic Energy Act without additional authorization in State statute because States use the authority of the Atomic Energy Act to regulate radioactive material users under Section 274b agreements and that their programs must be compatible with the NRC's. However, what Section 274 authorizes is the discontinuance of commission authority to regulate in states that have availed themselves of the authority to regulate under state law. Our Agency Counsel would like to discuss this issue further with a representative from NRC's Office of General Counsel. Please provide contact information to me so that our respective Counsels can resolve the delegation of authority issue.

Please contact me at 402/471-0528 if you have any questions.

Sincerely,

Julia A. Schmitt, Manager
Radiological Health

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