

August 10, 2010

Terrence Reis, Deputy Director
Division Materials Safety and State Agreements
Office of Federal and State Materials and
Environmental Management Programs
U.S. Nuclear Regulatory Commission
T8-E24
Washington, D.C. 20555-0001

Dear Mr. Reis:

NRC indicated in a letter dated August 31, 2006 that there were comments on RATS 2002-1. Comments #2 and 3 have been addressed in our current regulations. They were finalized on July 11, 2009 but that information was omitted from our letter to NRC, dated November 12, 2009. Please find the attached regulatory reference in a line-in/line-out format showing the changes made.

We believe that adoption of these revisions satisfy the compatibility and health and safety categories established in the Office of Federal and State Materials and Environmental Programs (FSME) Procedure SA-200.

If you have any questions, please feel free to contact me at 402-471-0528 or julia.schmitt@nebraska.gov.

Sincerely,



Julia Schmitt, Manager
Office of Radiological health

Xc: Kathleen Schneider, State Regulations Review Coordinator

**Changes made to 180 NAC 3-008.04, item 3.d which was revised and final on July 9, 2011.
Which was in response to a letter from NRC dated August 31, 2006 for RATS 2002-1.**

Comment #2 & 3

180 NAC 3-008.04, item 3.

d. Maintain records showing compliance with the requirements of 180 NAC 3-008.04, items 3.b. and 3.c. The records must show the results of the tests. The records also must show the dates of performance of, and the names of persons performing, testing, installation, servicing, and removal from installation concerning the radioactive material, its shielding or containment. The licensee must retain these records as follows:

(1) Each record ~~Records~~ of tests for leakage of radioactive material required by 180 NAC 3-008.04, item 3.b. must be maintained until the sealed source is transferred or disposed of.

(2) Each R ~~Records~~ of tests of the on/off mechanism and indicator required by 180 NAC 3-008.04, item 3.b. must be ~~maintained~~ retained for ~~4~~ three years after the next required test of the "on-off" mechanism and indicator is performed or until the sealed source is transferred or disposed of.

~~(4)~~(3) Each R ~~Records which are~~ is required by 180 NAC 3-008.04, item 3.c. must be retained ~~maintained~~ for a period of ~~two~~ (2) ~~three~~ years from the date of the recorded event or until the device is transferred or disposed of;