

The Honorable John R. McKernan, Jr.
Office of the Governor
State of Maine
Augusta, Maine 04333

FEB 19 1990

Dear Governor McKernan:

I am responding to the request contained within your Governor's Certification for the State of Maine submitted to meet the 1990 milestone of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (Act). Specifically, on page 19 of the Introduction and Overview section, you stated, "The State of Maine requests the approval of this 1990 Certification Plan by the Nuclear Regulatory Commission (NRC), the Department of Energy (DOE), and the States of South Carolina, Nevada and Washington, as required or allowed under federal law."

The role of the NRC for the 1990 milestone of the Act was limited. The LLRWPA directed NRC to serve as a central receiving point for the Governor's Certifications and to take subsequent actions to transmit any certifications received to the Congress and to make them available to the public through publication in the Federal Register. NRC did not "approve" the certifications. Rather, in order to satisfy guidance published by NRC and DOE, we conducted a limited review to determine facial compliance with the 1990 milestone requirements.

All certifications received were judged to meet facial compliance and promptly forwarded to DOE in view of DOE's statutory obligation to make surcharge rebate determinations within 30 days of the milestone. For your information, I am enclosing a copy of NRC's transmittal letter to DOE for the State of Maine Certification. All certifications will be forwarded to Congress and to the Federal Register for publication. These actions will fulfill NRC's obligations under the 1990 milestone of the Act. No additional reviews are planned.

We trust this information clarifies NRC's obligation under the 1990 milestone. If your staff has questions or seeks further guidance, they should contact Paul Lohaus, Chief, Operations Branch, Division of Low-Level Waste Management and Decommissioning at (301)492-0553.

Sincerely,
(Signed) Robert M. Bernero
Robert M. Bernero, Director
Office of Nuclear Material Safety
and Safeguards

Enclosures: As stated
Distribution: C. File # 409.22, RMSS r/f RBernero GARlotto RBangart JGreeves
MBelli JSurmeier RFonner FCombs PLOhaus JShaffner LCamper
PDR YES JJones r/f
PDR NO Category: Proprietary or CF Only
ACNW YES NO
SUBJECT ABSTRACT: GOVERNOR CERTIFICATION FOR THE STATE OF MAINE

DFC :LLOB* :LLOB* :LLOB* :OGC* :SLIYP* :LLWM* :LLWM* :RMBS :NMBS
NAME:LCamper/jj:JShaffner:PLohaus :RFonner :FCombs :JGreeves:RBangart:GARlotto:RBernero
DATE:01/22/90 :01/22/90 :01/22/90:01/22/90:01/23/90:01/23/90:01/26/90:2/1/ :2/2/

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*SEE PRIOR CONCURRENCE

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OFFICE : LLOB* : LLOB* : LLOB* : OGC* : SLTP* : LLWM* : LLW* : NMSS : NMSS

NAME: LCamper/jj: JShaffner: PLOhaus : RFonner : FCombs : JGreeves: RBangart: GARlotto: RBernero

DATE: / / : / / : / / : / / : / / : / / : 01/26/90 : / / : / /

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All certifications received were judged to meet facial compliance and promptly forwarded to DOE in view of DOE's statutory obligation to make surcharge rebate determinations within 30 days of the milestone. For your information, I am enclosing a copy of NRC's transmittal letter to DOE for the State of Maine Certification. All certifications will be forwarded to Congress and to the Federal Register for publication. These actions will fulfill NRC's obligations under the 1990 milestone of the LLRWPA. No additional reviews are planned. However, NRC would conduct a review of technical or implementation issues associated with the program described in the State of Maine's Certification, only if requested by you or Congress and if resources permit such effort.

Hopefully, this information clarifies NRC's obligation under the 1990 milestone. If you have any questions or require further guidance, please contact Paul Lohaus, Branch Chief, Operations Branch, Division of Low-Level Waste Management and Decommissioning at (301)492-0553.

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All certifications received were judged to meet facial compliance and promptly forwarded to DOE in view of DOE's statutory obligation to make surcharge rebate determinations within 30 days of the milestone. For your information, I am enclosing a copy of NRC's transmittal letter to DOE for the State of Maine Certification. On or before January 23, 1990, all certifications will be forwarded to Congress and to the Federal Register for publication. These actions will fulfill NRC's obligations under the 1990 milestone of the LLRWPA. Consequently, no additional reviews are planned. NRC would conduct a review of technical or implementation issues associated with the program described in a State's Certification, only if requested by the Governor or Congress and if resources permit such effort.

Hopefully, this information clarifies NRC's obligation under the 1990 milestone. If you have any questions or require further guidance, please contact Paul Lohaus, Branch Chief, Operations Branch, Division of Low-Level Waste Management and Decommissioning at (301)492-0553.

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