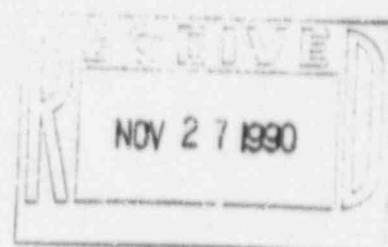




STATE OF NEBRASKA

KAY A. ORR, GOVERNOR

November 19, 1990



U.S. Nuclear Regulatory Commission  
State Agreements Program  
Region IV  
611 Ryan Plaza Drive, Suite 1000  
Arlington, TX 76011

Attention: Robert J. Doda

Dear Mr. Doda:

On June 29, 1990, I sent you a letter containing responses to the issues raised as a result of the agreement state review.

Following is an update of agency actions taken to address NRC concerns:

I. Radiation Control Program Other Than the Commercial Disposal of LLRW

1. Status and Compatibility of Regulations (Category I Indicator)

The NDOH Rules and Regulations have been approved by the Nebraska Attorney General's office. My office will review them by mid November.

2. Staffing Level (Category II Indicator)

Unfortunately, the State has been unable to make progress toward increasing the Radiation Control program staffing level. Recruitment of an additional Health Physicist is being actively pursued.

During the interim period, NDOH has taken preliminary steps which will allow an internal promotion to a Health Physicist position in Radioactive Materials. This individual is currently training for the Health Physicist position in Radioactive Materials. The training includes attendance at both the Medical Uses and Inspections Courses; and participation in 15 inspections, six of which have been completed since the NRC review in June.

3. Status of Inspection Program (Category I Indicator)

To date, NDOH has not been able to reduce the backlog of inspections. Recruitment of the position and the staff promotion identified above will provide the long term solution to this problem.

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#### 4. Enforcement Procedures (Category I Indicator)

The 1988 UNL inspection follow-up has been completed by a Health Physics consultant and a letter of noncompliance was sent to the licensee.

Additionally, the chemical explosion investigation was completed by a Health Physics consultant and a letter of noncompliance results was sent to the licensee. A current inspection was also completed and a letter of noncompliance was sent to the licensee.

Future plans include contracting with a Health Physics Consultant to assist with the license renewal review as well as a follow-up inspection. This inspection will be conducted within two months of receipt of responses to noncompliance items.

## II. Radiation Control Program for the Commercial Disposal of Low-Level Radioactive Waste (LLRW)

### 1. Legal Authority (Category I Indicator)

Since June 29, 1990 the NDEC and NDOH have been working under the revised Memorandum of Understanding (MOU). To date no problems have been identified by either agency.

### 2. Organization (Category II Indicator)

Cheryl Rogers was named acting Health Physics Section Chief at the beginning of July to act as "program manager" in the low-level radioactive waste section of the NDOH. Ms. Rogers is housed in the LLRW program office to facilitate agency activities. NDOH has fulltime involvement in the planning and decision making concerning the regulatory application review of the proposed low-level radioactive waste.

Regular joint meetings are being held by the agency directors and staffs to coordinate efforts. Each agency also meets regularly to keep management apprised of progress, upcoming issues or requirements for policy direction.

### 3. Budget (Category II Indicator)

NDOH has prepared a LLRW program budget. This budget includes funding the acting Health Physics Section Chief position and two additional Health Physicists for the LLRW program as well as necessary travel and operating expenses. Health physics consultants are being retained to aid the NDOH in its technical review of LLRW license application.

4. Technical and Administrative Procedures (Category II Indicator)

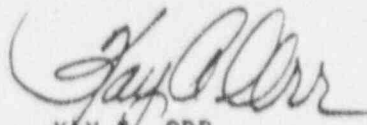
As projected in our June 29, 1990 letter, the licensing program plan and procedures for review of the license application were in place by July 16, 1990. The procedures address activities to be conducted in reviewing the Safety Analysis Report and Environmental Report, communicating and resolving deficiencies with the applicant, and developing and documenting the State's conclusions concerning the adequacy of the application in a draft safety evaluation report and a draft environmental impact analysis. Additional procedures are planned concerning public and contested case hearings and the final decision on license issuance.

5. Management (Category II Indicator)

As was discussed in Item 2, many steps have been taken to increase management involvement in this project. Actions have been taken to fulfill the NRC's recommendation to add a person for the earth science review. NDOH's Acting Health Physics Section Chief is a health physicist with an earth science background. To further supplement the State's overview capabilities, NDEC has assigned a .75 FTE ground-water geologist/hydrologist to assist with the license application review.

The State looks forward to the NRC follow-up review the week of November 26. Further detailed information concerning the nine areas discussed above will be provided at that time.

Sincerely,

  
KAY A. ORR  
Governor

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