

STATE OF NEBRASKA

DEPARTMENT OF HEALTH
Mark B. Horton, M.D., M.S.P.H.
Director

PML
White Book



96 SEP 20 AM 10:46
Benjamin Nelson
Governor

September 10, 1996

U.S. Nuclear Regulatory Commission
Office of State Programs
Mail Stop 3D23
Washington, DC 20555

Attn: Patricia M. Larkins, Health Physicist
IMPEP Team Leader

Dear Ms. Larkins:

This letter is in regards to the IMPEP review conducted by your team the week of July 15-19, 1996. A preliminary finding identified for Performance Indicator I., Status of Materials Inspection Program, was the lack of a formal inspection plan. An inspection schedule, copy enclosed, was created for 1996 which will allow all overdue inspections and those that are coming due to be completed by the end of the year. Two of the inspections identified as overdue in the questionnaire have already been performed, Thiele Geotech, Inc., and Nucletron-Oldelft Corporation and are not included in the inspection schedule. The methodology used in the scheduling process will be formalized and included in the Program's inspection manual to ensure that all inspections will be completed in a timely manner.

A preliminary finding identified for Performance Indicator III., Technical Quality of Inspections, was the lack of a management review of the inspection report prior to the Notice of Violation being issued. The delegation of authority to sign documents in the Radioactive Materials Program has been modified to require that the Program Manager sign all inspection reports, or field notes reports, if appropriate, prior to the inspector issuing the inspection letter. A copy of the revised delegation of authority is enclosed.

On August 19, 1996, a public hearing on the proposed regulations regarding the licensing of irradiators was held and no comments were made. The final proposed draft was brought before our Radiation Advisory Council on September 6, 1996, and it was approved to go to the Board of Health. The Board meets on September 16, 1996, a copy of the agenda for that meeting is enclosed. After approval by the Board, the draft regulations will be provided to the Attorney General, and with his approval offered for the Governor's signature. A preliminary review performed by the Assistant Attorney General found no obvious problems with statutory authority or constitutionality, a copy of the letter is enclosed.

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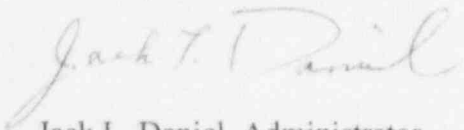
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Patricia M. Larkins
September 10, 1996
Page 2

It is our intention to quickly address the other preliminary findings identified in your exit interview, and we welcome the ongoing review process. It is our hope that Nebraska's commitment to maintaining a radiation control program that ensures the public health and safety will be evident.

If you have any other questions prior to issuing the draft findings, please feel free to contact Brian Hearty or Cheryl Rogers at (402) 471-2168.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jack L. Daniel".

Jack L. Daniel, Administrator
Environmental Health Protection Section

JLD/bph

1996 RADIOACTIVE MATERIALS PROGRAM INSPECTION SCHEDULE

INSPECTION DATE(S)	LICENSE No.	LEAD INSPECTOR	INSPECTION TEAM
9/12/96	01-69-01	Brian Hearty	
9/25/96	02-26-01	Jim DeFrain	Brian Hearty
10/2-4/96	02-06-03	Brian Hearty	Jim DeFrain, Bryan Miller
10/3-4/96	01-04-01	Cheryl Rogers	John Fassell
10/10/96	01-63-01	Brian Hearty	Bryan Miller
10/11/96	02-43-01	Bryan Miller	Brian Hearty
10/16/96	11-02-01	Jim DeFrain	Brian Hearty
10/18/96	01-58-01	Jim DeFrain	Brian Hearty
10/21-22/96	01-07-02	Howard Shuman	John Fassell
10/28-11/1/96	01-50-01	Brian Hearty	Jim DeFrain, Bryan Miller, Joyce Davidson
11/5/96	02-10-03	Bryan Miller	Brian Hearty
11/7/96	02-16-01	Joyce Davidson	Bryan Miller
11/13-15/96	01-09-02	Brian Hearty	Jim DeFrain, Bryan Miller
11/21/96	02-26-02	Bryan Miller	Brian Hearty
11/25-26/96	01-12-04	Brian Hearty	Jim DeFrain
12/9-13/96	02-01-03	Jim DeFrain	Brian Hearty, Bryan Miller, Joyce Davidson
12/17/96	01-38-01	Bryan Miller	Brian Hearty

STATE OF NEBRASKA

DEPARTMENT OF HEALTH
Mark B. Horton, M.D., M.S.P.H.
Director



E. Benjamin Nelson
Governor

MEMORANDUM

Date: August 19, 1996

From: Mark B. Horton, M.D., MSPH *MBH*

To: Burke E. Casari, Director
Environmental Health Division

RE: Delegation of authority to sign documents in the Radioactive Materials Program.

I have attached a table dated August 19, 1996, showing the delegation of authority to sign licensing, inspection and other documents generated by the Radioactive Material Program.

XC: Jack Daniel, Administrator
Environmental Health Protection Section

Brian P. Hearty, Manager
Radioactive Materials Program

Nebraska Department of Health
Environmental Health Division
Environmental Health Protection Section
Radioactive Materials Program
August 19, 1995

Document	Signature Block	Person whom may sign for the named individual
New License *	Program Manager	none
License Renewal *	Program Manager	none
License Termination *	Program Manager	none
License Amendment *	Program Manager	Program Health Physicist (Author Only)
Renewal Request	Individual reviewing the license to determine long or short form renewal. (Program Manager or Health Physicist)	none required
Timely Filed Letter	Individual reviewing the application to assure it is valid. (Program Manager or Health Physicist)	none required
Inspection Report *	Program Health Physicist (All Inspectors, Lead First) and Program Manager	none
Inspection Letter * If IONC or REC	Program Health Physicist (Lead Inspector) Inspection Report must be signed by Program Manager prior to issuance.	Program Manager
Enforcement Letter	Program Manager to Department Director	none
Inspection Reply Letter * If participatory insp.	Program Health Physicist (Lead Inspector)	Program Manager
Deficiency Letter	Individual reviewing licensing request or inspection reply. (Author or Lead Inspector)	none required
Policy Statement	Program Manager to Department Director	none
Procedures	Program Manager	none
Event Database Update	Individual providing the information. (Program Manager, Program Health Physicist)	none required
Reciprocity Request	Individual providing the information.	none required
Reciprocity Review	Individual reviewing information for completeness.	none required
Information Request	Individual providing the information. (Program Manager, Program Health Physicist or Support Staff)	none required

* Peer review required for this document

Joyce

Board of Health
Education and Health Promotion Committee
September 16, 1996 - 9:00 a.m.
Conference Room 3A

Agenda

Review Regulations

174 NAC 8, Report of Induced Termination of Pregnancy and Fetal Death Certificate - **Jane Elliott, contact person**

173 NAC 1, Rules and Regulations Concerning the Reporting and Control of Communicable Diseases and Poisonings - **Adi Pour, contact person**

178 NAC 10, Regulations Governing Licensure of Water Well and Pump Installation Contractors and Certification of Water Well Drilling, Pump Installation, and Water Well Monitoring Supervisors - **Rod Tremblay, contact person**

178 NAC 12, Regulations Governing Water Well Construction, Pump Installation and Water Well Decommissioning Standards - **Rod Tremblay, contact person**

178 NAC 13, Procedural Rules for Operation of Board - **Rod Tremblay, contact person**

180 NAC 1, Nebraska Regulations for Control of Radiation-Ionizing - **Joyce Davidson, contact person**

Tobacco Resolution

1996 Board of Health Retreat Report



STATE OF NEBRASKA

Office of the Attorney General

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SEP 09 1996

DON STENBERG
ATTORNEY GENERAL

STEVE GRASZ
LAURIE SMITH CAMP
DEPUTY ATTORNEYS GENERAL

September 6, 1996

Ms. Joyce Davidson, Health Physicist
Radioactive Materials Program
Nebraska Department of Health
301 Centennial Mall South
Lincoln, NE 68509-5007

Dear Ms. Davidson:

At your request, I have conducted a brief, preliminary review of the draft regulations for Title 180 NAC 1 and have found no obvious problems with statutory authority or constitutionality. The materials which you sent for our review include the draft amendments to 180 NAC 1-004.21 and 180 NAC 1-015.26 and the new Section 019. As we discussed, the time constraints imposed by your request for a preliminary review of these regulations preclude a comprehensive review of these complex regulations. You should also be aware that, while I have reviewed the draft regulations, the Attorney General has not yet reviewed the regulations as he would review final regulations adopted by the Department.

Please feel free to call if you have any questions concerning this matter.

Sincerely,

DON STENBERG
Attorney General

Lynn A. Melson
Assistant Attorney General

9-681-6.24

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L. Jay Bartel
J. Kirk Brown
David T. Bydalek
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