

STATE OF NEBRASKA

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

December 13, 1996



E. Benjamin Nelson
Governor

Richard L. Bangart
Director
Office of State Programs
United States Nuclear
Regulatory Commission
Washington, D.C. 20555-0001

RE: October 16, 1996 IMPEP report

Dear Mr. Bangart:

This is the response to issue 4.1.2 in the October 16, 1996, IMPEP that you requested.

Under Nebraska law all regulations properly adopted and filed with the Nebraska Secretary of State have the effect of statutory law. 180 NAC 1-012.22 was properly adopted and filed, as such it has the effect of law and therefore is a standard and not a goal or design objective. The Department at the time this regulation was adopted did not intend it to apply to storage and treatment facilities that did not also do disposal. It only intended this regulation to apply to those disposal facilities which must be able to demonstrate that concentrations released to the general environment would not exceed the standard.

The state does not currently have any brokers, treatment facilities, or storage facilities to which this regulation has been applied. According to your letter this is a Division 1 compatibility requirement which can only be applied to land disposal facilities. The Department intends to amend the regulation and anticipates this can be done by June 30, 1997. The process has been started and will be expedited as much as possible. A copy of the proposed amendment is enclosed for your comment.

Sincerely,

Teresa M. Hampton
Assistant Agency Counsel

Cheryl Rogers
Program Manager
Low-Level Radioactive Waste Program

9612300070 961213
PDR STPRG ESGNE
PDR

Enclosure
Steve Moeller

OSP
96 DEC 19 PM 54

300035

301 Centennial Mall South • P.O. Box 95007 • Lincoln, Nebraska 68509-5007

FAX (402) 471-0383 • TTY 471-6421

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PERFORMANCE OBJECTIVES

012.21 General Requirement. Management facilities shall be sited, designed, operated, closed, and controlled after closure so that reasonable assurance exists that exposures to individuals are within the requirements established in the performance objectives in 012.22 through 012.25. Subsection 012.22 applies only to a near-surface disposal facility.

012.22 Protection of the General Population from Releases of Radioactivity. Concentrations of radioactive material which may be released to the general environment in ground water, surface water, air, soil, plants, or animals shall not result in an annual dose exceeding an equivalent of 0.25 Msv (25 millirems) to the whole body, 0.75 Msv (75 millirems) to the thyroid, and 0.25 Msv (25 millirems) to any other organ of any member of the public. Reasonable effort should be made to maintain releases of radioactivity in effluents to the general environment as low as is reasonably achievable.

012.23 Protection of Individuals from Inadvertent Intrusion. Design, operation, and closure of the management facility shall ensure protection of any individual inadvertently intruding into the management site and occupying the site or contacting the waste at any time after active institutional controls over the management site are removed.

012.24 Protection of Individuals During Operations. Operations at the management facility shall be conducted in compliance with the standards for radiation protection set out in Section 004 of these regulations, except for releases of radioactivity in effluents from the management facility, which shall be governed by 012.22. Every reasonable effort should be made to maintain radiation exposures as low as is reasonably achievable.

012.25 Stability of the Management Site After Closure. The management facility shall be sited, designed, used, operated, and closed to achieve long-term stability of the management site and to eliminate, to the extent practicable, the need for ongoing active maintenance of the management site following closure so that only surveillance, monitoring, or minor custodial care are required.

TECHNICAL REQUIREMENTS FOR MANAGEMENT FACILITIES

012.26 Management Site Suitability Requirements.

012.26A Management Site Suitability for Disposal. The primary emphasis in management site suitability is given to isolation of wastes and to management site features that ensure that the long-term performance objectives are met.

012.26A1 The management site shall be capable of being characterized, modeled, analyzed and monitored.

012.26A2 Within the region where the facility is to be located, a management site should be selected so that projected population growth and future developments are not likely to affect the ability of the management facility to meet the performance objectives of this section.

012.26A3 Areas shall be avoided having known natural resources which, if exploited, would result in failure to meet the performance objectives of this section.