NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM

DEPARTMENT OF SERVICES • DEPARTMENT OF REGULATION AND LICENSURE
DEPARTMENT OF FINANCE AND SUPPORT

STATE OF NEBRASKA
MIKE JOHANNS, GOVERNOR

October 7, 1999

Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-001

RE: Comments on Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material (RIN3150-AG03)

Dear Secretary:

Thank you for the opportunity to comment on the proposed changes to the above rulemaking. Nebraska is submitting comments to the specific questions which NRC asked.

- Comment on: Whether the registration requirement should include a provision that would require the general licensee to complete registration by a certain time, whether or not the NRC requests registration.

Once the NRC or an Agreement State notifies a entity that they need to register the device a timeline should be set and penalties imposed if not met. But if a entity is unaware that a device should be registered because they have not been notified by a manufacturer, distributor, NRC or Agreement State it would be unfair to impose a penalty on them.

- Comment on: Whether it is appropriate for new devices obtained by registrants to be registered when the annual re-registration is carried out without the NRC having earlier contact after additional devices are received. Earlier contact could be made either by an acknowledgement by NRC to the user or by a required response from the general licensee to account for the additional devices(s).

We agree with the concept of an acknowledgement letter when the device is shipped to a facility. Billing can occur with annual re-registration.

- Comment on: Whether general licensees should be required to assign a backup responsible individual.

It is not necessary to add a backup responsible individual at this time. It will be very helpful to have a responsible individual named.

- Comment on how to best achieve and enforce the intent of full disclosure of information required to be provided to general licensee customers by distributors be made early enough to be considered a decision to purchase.

The information should be provided to the customer before the contract is signed to purchase the device. The buyer should sign a statement indicating that he is aware of the responsibilities of purchasing a generally licensed device and the fee associated with owning the device.

- Comment on advantages and disadvantages of a national database of general licensees and their devices.

A national database for GL's would be great but it may be too large and cumbersome to work efficiently. Who would have authority to make changes? How would changes and additions be made? Would all devices be included? Would we be able to see that a particular device was returned to the distributor or manufacturer?

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◆ Comment on: Whether the NRC and Agreement States should establish a single implementation date for this provision which would be earlier than usually allowed for revision of Agreement State Rules for compatibility.

Need to have three years to implement. It would be difficult for all of the Agreement States to have the regulations changed so that the NRC and all Agreement States could implement this on the same date.

Thank you for the opportunity to comment. If you have any questions please contact myself at (402)471-6430 E-mail crogers@hhs.state.ne.us or Trudy Hill at (402)471-0560 E-mail thill@hhs.state.ne.us .

Sincerely,

Cheryl K. Rogers

Cheryl K. Rogers
Radioactive Material Program Manager
Public Health Assurance