

NMSS News

Link

OFFICE OF NUCLEAR MATERIAL

SAFETY AND SAFEGUARDS

ANNUAL INVENTORY RECONCILIATION

PAGE 1

YUCCA MOUNTAIN SAFETY EVALUATION

PAGE 2

27TH REGULATORY INFORMATION CONFERENCE

PAGE 2

FROM THE DESK OF THE DIRECTOR

PAGE 3

FUEL CYCLE FACILITY OVERSIGHT

PAGE 4

PROTECTED WEB SERVER

PAGE 5

SIGNIFICANT ENFORCEMENT ACTIONS

PAGE 6

GENERIC COMMUNICATIONS ISSUED

PAGE 9

SELECTED FEDERAL REGISTER NOTICES

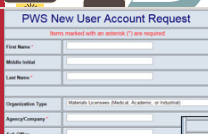
PAGE 9

ONGOING RULEMAKINGS

PAGE 13

TO OUR READERS

PAGE 15



ANNUAL INVENTORY RECONCILIATION

Since the implementation of the National Source Tracking System (NSTS) in January 2009, the U.S. Nuclear Regulatory Commission (NRC) and Agreement State licensees have been reconciling their inventories each year of nationally tracked sources against their inventories in the NSTS. According to paragraph (g) of 10 CFR 20.2207, "Reports of Transactions Involving Nationally Tracked Sources," or equivalent Agreement State regulations, licensees are required to complete this annual reconciliation in January each year. The purpose of the annual reconciliation is to improve the NSTS data integrity and ensure up-to-date accounting of all nationally tracked sources. As of January 31, 2015, 91 percent of NRC and Agreement State licensees possessing nationally tracked sources had completed the reconciliation. This completion rate was consistent with past years. The NRC and Agreement States contacted their licensees that have not completed the reconciliation.

Life-Cycle Approach to Source Security



The NSTS is a critical component of the National Materials Management Program and enhances the ability of the NRC and Agreement States to conduct inspections and investigations, communicate information to other government agencies, and verify legitimate ownership and use of nationally tracked sources. For more information on the NSTS, please visit <http://www.nrc.gov/security/byproduct/ismpl/nsts.html>.

(Contact: Irene Wu, NMSS, 301-415-1951 or Irene.Wu@nrc.gov)



YUCCA MOUNTAIN SAFETY EVALUATION

On January 29, 2015, NRC staff published volumes 2 and 5 of its safety evaluation report on the geologic high-level nuclear waste repository proposed for Yucca Mountain in Nevada.

The publication of these volumes completed the NRC's technical safety review of the U.S. Department of Energy's (DOE's) Yucca Mountain application. The safety evaluation report included the staff's recommendation that the Commission should not authorize construction of the repository. The report stated that the DOE had not met certain land and water rights requirements identified in volume 4, published in December 2014, and a supplement to DOE's environmental impact statement has not yet been completed.



Volume 2 covers safety at the repository before permanent closure. It contains the staff's conclusion that with reasonable assurance, subject to proposed conditions, DOE's application meets the NRC's regulatory requirements in that area. Volume 5 covers proposed conditions on the construction authorization, probable subjects of license specifications, and the staff's overall conclusions.

Completion of the safety evaluation report does not represent an agency decision on whether to authorize construction. Should funds be appropriated beyond those currently available, a final licensing decision could come only after completion of a supplement to DOE's environmental impact statement, hearings on contentions in the adjudication, and Commission review.

NUREG-1949, Safety Evaluation Report Related to Disposal of High-Level Radioactive Wastes in a Geologic Repository at Yucca Mountain, Nevada, is available on the NRC Web site.

(Contact: Christopher Markley, NMSS, 301-287-9054 or Christopher.Markley@nrc.gov)

27TH ANNUAL REGULATORY INFORMATION CONFERENCE



On March 10, 2015, the NRC held the 27th Annual Regulatory Information Conference (RIC) at the Bethesda North Marriott Hotel and Conference Center in Rockville, MD.

The Office of Nuclear Reactor Regulation and the Office of Nuclear Regulatory Research co-sponsored the RIC. The program was designed to encourage informal, open dialogue about significant NRC ongoing or emerging activities related to the regulation of nuclear power plants and nuclear materials and nuclear safety research. Participants interacted with their counterparts to gain and share valuable insights and perspectives on safety and security issues facing both the domestic and international nuclear community.

The RIC is the largest annual meeting hosted by NRC and brings together nearly 3,000 participants from over 30 countries. The conference began with an opening session featuring keynote remarks from the NRC Chairman Stephen C. Burns, followed by the NRC's Executive Director for Operations, Mark A. Satorius. Other program highlights included plenary sessions with each of the NRC Commissioners.



FROM THE DESK OF THE DIRECTOR

As the Office of Nuclear Material Safety and Safeguards (NMSS) continues its transition following the merger with the Office of Federal and State Materials and Environmental Management Programs, we remain committed to seeking and maintaining strong partnerships with our stakeholders under a common goal of ensuring safety, security, and protection of the environment.

During March, I had the opportunity to attend several conferences, forums and meetings. I gave a presentation at the American Association of Physicists in Medicine (AAPM) Spring Clinical Meeting in St. Louis, updating attendees on our regulatory activities. The session focused on many potential changes that could affect medical physicists and their role in the use of radioactive materials. I provided an overview of NRC changes and trends; discussed rulemaking activities related to 10 CFR Parts 20, 35 and 37; touched on operating experiences, including two medical events; and addressed the revision of our Medical Policy Statement.

I hope you had an opportunity to attend the NRC Regulatory Information Conference (RIC). The RIC continued the tradition of being one of the premiere conferences of its kind worldwide. One thing that I enjoyed and appreciated about the conference was engaging with the stakeholders on our day-to-day operations. I believe this type of communication adds significant value to our work and supports the NRC's strategic objective to ensure openness.

If you missed a plenary or technical session that you'd like to review, several of the sessions are available on the NRC Web site.

I also had the privilege of participating in the annual Waste Management Symposium in Phoenix, AZ. Topics featured during this year's conference included Greater-than-Class-C waste management, continued storage of spent fuel, spent fuel management and the importance of the National Environmental Policy Act. In addition to supporting several NMSS managers and staff who presented technical papers and topics throughout the conference, this year's conference gave me the chance to engage several key stakeholders on many topics that are in the forefront of our day-to-day operations.

A handwritten signature in black ink that reads "Catherine Haney". The script is fluid and cursive.

Catherine Haney, Director

continued from page 2

The technical program consisted of experts from the NRC, as well as speakers from industry, academia, international regulatory bodies, and other stakeholder groups. Speakers addressed a broad range of topics including significant regulatory issues and important research findings. In addition to the technical speaker program, the RIC featured poster and tabletop exhibits on a variety of technical subjects. The NRC subject matter expert for each of the posters was available for questions and discussions.

Lastly, the NRC conducted tours of the agency's Operations Center, sponsored by the Office of Nuclear Safety and Incident Response. Attendees experienced the inner workings of the newly constructed NRC Operations Center, which serves as the focal point for coordination of events involving NRC licensed facilities or materials. The Operations Center's staff discussed the roles and responsibilities of various teams that make up the NRC response organization when it is staffed during an emergency. Also, the Operations Center's staff offered information on the resources that the NRC uses when communicating information to external stakeholders and receiving information from the licensees during an emergency.

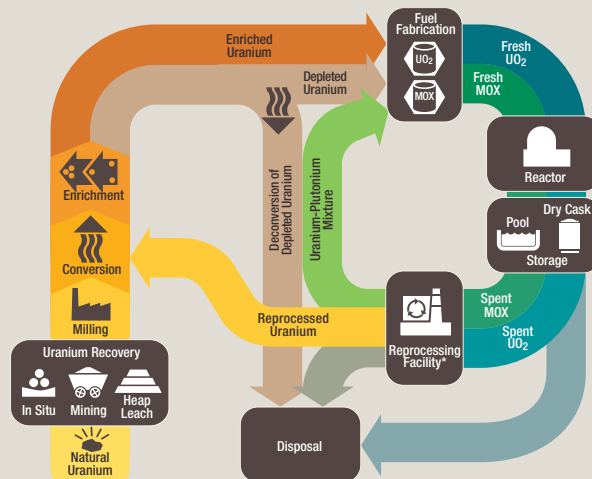
FUEL CYCLE FACILITY OVERSIGHT

The NRC Division of Fuel Cycle Safety, Safeguards and Environmental Review (FCSE) in the Office of Nuclear Material Safety and Safeguards (NMSS) is developing a revised fuel cycle oversight process (RFCOP) that will improve how inspection oversight actions are carried out at fuel cycle facilities. The goal of this activity is to ensure that inspection activities and actions taken on inspection findings are focused on their relative safety significance. The NRC has many years of experience managing reactor safety using this concept. In 2012, the Commission directed NRC staff to develop and put into place an RFCOP for fuel cycle facilities that considers the uniqueness of fuel cycle facility designs and processes. The intent of the RFCOP is to carry out an objective, transparent, consistent method that is risk informed and performance based.

The RFCOP collects inspection activities into cornerstones (areas of inspection) into which inspections findings will be characterized. More than minor inspection findings will be assessed for safety significance using the fuel cycle significance determination process (SDP). The SDP review will characterize the safety significance of inspection findings. This information is then used to standardize the NRC's future inspection actions by informing a determination to either maintain the current level of fuel facility inspection or to impose enhanced inspection activities.

A key element of the RFCOP is that fuel cycle facilities have an adequate corrective action program (CAP). As part of the RFCOP project, the NRC issued Regulatory Guide 3.75, "Corrective Action

The Nuclear Fuel Cycle



* Reprocessing of spent nuclear fuel including mixed-oxide fuel (MOX) is not practiced in the United States.

Note: The NRC has no regulatory role in mining uranium.

Programs for Fuel Cycle Facilities," to guide licensees on the elements of an adequate CAP. As part of the RFCOP development activities, the NRC Enforcement Policy was modified to permit the disposition of Severity Level IV inspection findings as non-cited violations (NCV) for fuel cycle facilities that have an adequate CAP.

Currently, the RFCOP development project is in Phase 2 of its three-phase project plan. Phase 3 of the RFCOP project includes a pilot project to test the RFCOP methodologies at fuel cycle facilities. Full deployment of the RFCOP is scheduled for late 2019.

(Contacts: Margie Kotzalas, NMSS, 301-287-3870 or Margie.Kotzalas@nrc.gov and Kurt Cozens, NMSS, 301-287-9061 or Kurt.Cozens@nrc.gov)

PROTECTED WEB SERVER

The NRC maintains a database of licensee reported security incidents called the Protected Web Server (PWS). The PWS enables the NRC to fulfill its mission of communicating sensitive information to licensees and developing more formal, long-term relationships with Federal, State, and local organizations with shared responsibilities for protecting nuclear facilities and activities and responding to incidents. The PWS is also used as a vehicle to communicate threat-related information to NRC licensees and fulfills a valuable need in relation to the Nationwide Suspicious Activity Reporting Initiative, which began in 2008. The PWS is the NRC's contribution to this important national initiative to centralize suspicious activity reporting in the interest of assessing national trends across industries and critical infrastructure.

Figure 1.

Most of the reports contained in the PWS have been provided by nuclear power reactor licensees; however, licensees possessing category 1 and category 2 quantities of radioactive material (e.g., medical centers, universities, radiographers) have been recently reporting security incidents to the NRC, including suspicious activity, as required by 10 CFR Part 37, "Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material." Each report that NRC receives provides details about a specific security

incident that has occurred (e.g., suspicious person, suspicious activity, flyovers—see Annex C of NUREG 2155 for examples of suspicious activities) and the actions that the reporting organization is taking to address the incident. These reports are considered "law enforcement sensitive" and are handled accordingly.

Authorized PWS users, such as the U.S. Department of Homeland Security and law enforcement officials, emergency management personnel, NRC licensees, and Agreement State officials and licensees, may access the suspicious activity reports on the PWS to maintain situational awareness of security incidents. Authorized licensee personnel may request access to the PWS by visiting <https://pws.nrc.gov/> and clicking on the link to register for a new account (see Figure 1). The applicant will then be prompted to enter his or her name, e-mail address, and other applicable information (see Figure 2). After the request is submitted, it will be reviewed by the NRC. Applicants will be notified via e-mail, if their PWS account is approved.

(Contact: Irene Wu, NMSS, 301-415-1951 or Irene.Wu@nrc.gov)



SIGNIFICANT ENFORCEMENT ACTIONS

The NRC issued the following significant actions for failure to comply with a regulation.

Kim Engineering, Inc., Silver Spring, MD (EA-14-167)

On December 23, 2014, the NRC issued a Notice of Violation to Kim Engineering, Inc. (KEI), for a Severity Level III violation. The violation involved KEI's failure to file NRC Form 241, "Report of Proposed Activities in Non-Agreement States, Areas of Exclusive Federal Jurisdiction, or Offshore Waters," at least three days before engaging in licensed activities within NRC jurisdiction, as required by 10 CFR 150.20, "Recognition of Agreement State Licenses." Specifically, between November 9, 2010, and July 7, 2014, KEI, a licensee of the State of Maryland, used portable devices containing byproduct material within NRC jurisdiction in Washington D.C., and in areas of exclusive Federal jurisdiction in Maryland and Virginia on approximately 45 occasions without filing the required documentation with the NRC.

Dominion Engineering Associates, Inc., Fredericksburg, VA (EA-14-030)

On December 18, 2014, the NRC issued a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$3,500 to Dominion Engineering Associates, Inc. (DEA), for a Severity Level III violation. The violation involved DEA's willful failure to file NRC Form 241, "Report of Proposed Activities in Non-Agreement States," at least three days before engaging in licensed activities within NRC jurisdiction, as required by 10 CFR 150.20. Specifically, between November 19, 2010, and April 17, 2013, DEA, a licensee of the Commonwealth of Virginia, used portable devices containing byproduct material within NRC jurisdiction in Washington, DC and at the Marine Corps Base Quantico in the Commonwealth of Virginia, areas of exclusive Federal jurisdiction on approximately 42 occasions without filing the required documentation with the NRC.

ATC Group Services, Inc., Indianapolis, IN (EA-13-251)

On November 19, 2014, the NRC issued a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$3,500 to ATC Group Services, Inc. (ATC), for a Severity Level III violation. The violation involved ATC's failure to control and maintain constant surveillance of licensed material that is in an unrestricted area and not in storage as required by 10 CFR 20.1802, "Control of Material Not in Storage." Specifically, on November 18, 2013, a licensee employee left a portable gauge secured in the back of an open-bed truck with the vehicle doors unlocked and keys in the ignition. Subsequently, the vehicle was stolen. Despite the licensee's efforts to recover the gauge, which included placing a publicly available advertisement offering a monetary reward, the gauge has not been recovered as of November 19, 2014.

Kruger Technologies, Inc., Lenexa, Kansas (EA-14-113)

On October 28, 2014, the NRC issued a Confirmatory Order to Kruger Technologies, Inc., confirming commitments reached as part of an alternative dispute resolution (ADR) mediation session. The session was associated with Kruger's failure to secure a portable gauge with a minimum of two independent physical controls when not under control or constant surveillance as required by paragraph (i) of 10 CFR 30.34, "Terms and Conditions of Licenses." Specifically, on May 21, 2014, an NRC inspector observed an unsecured portable gauge in the bed of a pickup truck parked in front of the licensee's building. There were no licensee personnel in the immediate vicinity to provide control or constant surveillance of the gauge. The licensee will take a number of actions, including but not limited to: (1) revising the companywide policy to describe implementation of NRC safety and security requirements for portable gauges, (2) ensuring all authorized gauge users are trained initially and annually on the revised companywide policy, (3) increasing management oversight by establishing a process

to periodically conduct field inspections, and (4) providing the radiation safety officer training to become an additional authorized gauge user. In consideration of the commitments outlined in the Confirmatory Order, the NRC agreed to refrain from issuing a Notice of Violation or proposing a civil penalty for the apparent violation.

Wittnauer Worldwide, LP, Bridgeton, MO (EA-13-240)

On October 24, 2014, the NRC issued a Notice of Violation to Wittnauer Worldwide, LP for a Severity Level III violation. The violation involved the Wittnauer's failure to complete decommissioning of the waste storage location within 24 months after the initiation of decommissioning as required by 10 CFR 30.36, "Expiration and Termination of Licenses and Decommissioning of Sites and Separate Buildings or Outdoor Areas." Specifically, Wittnauer's license, which authorized possession only of waste material at a storage location in San Juan, Puerto Rico, expired on February 28, 2010, but the licensee did not complete the decommission process of the site until August 13, 2014, a period greater than 24 months.

Idahoan Foods, LLC, Lewisville, Idaho (EA-14-89)

On October 16, 2014, the NRC issued a Notice of Violation to Idahoan Foods, LLC (Idahoan), for a Severity Level III problem for two related violations. The violations involved Idahoan's inappropriate transfer for disposal of two devices containing byproduct material to an entity not authorized to receive the devices, and failure to appoint an individual responsible for ensuring compliance with the appropriate regulations and requirements related to byproduct material. Specifically, on January 24, 2014, a generally licensed device containing byproduct material belonging to Idahoan was found in a load of scrap metal at a recycling facility in the State of California. The device was transferred to the manufacturer and a second device remains unaccounted for and was believed to be sold as scrap metal during 2012. Additionally, at the time of the purchase of these devices, the licensee did not appoint an individual to ensure their compliance with the applicable regulations and requirements related to the byproduct material.

Geisser Engineering Corporation (EA-13-105)

On March 20, 2014 (ML14079A503), the NRC issued a Notice of Violation Proposed Civil Penalty to Geisser Engineering Corp. (GEC), for a Severity Level II in the amount of \$11,200. The action was based on a violation involving GEC's failure to file for reciprocity, on 22 occasions between October 21, 2009, and June 23, 2011, before using portable gauges containing licensed material within NRC jurisdiction in the State of Connecticut, and at the Newport Naval Station, RI. GEC responded to the Notice in a letter dated April 15, 2014, and requested the NRC lessen the proposed civil penalty, because the penalty amount would pose a financial hardship compounded by the unexpected payment of a fine to the Commonwealth of Massachusetts (Commonwealth) for GEC's failure to file for reciprocity before using a nuclear density gauge in the Commonwealth's jurisdiction. After considering the GEC's response, as well as information regarding the civil penalty assessed against GEC by the Commonwealth, the NRC decided to reduce GEC's civil penalty by 25 percent. On July 31, 2014, the NRC issued an Order Imposing Civil Monetary Penalty to GEC in the amount of \$8,400.

MEDICAL

Truman Medical Center, Kansas City, Missouri (EA-14-115)

On October 8, 2014, the NRC issued a Notice of Violation to Truman Medical Center for a Severity Level III violation of paragraph (a) in 10 CFR 35.75, "Release of Individuals Containing Unsealed Byproduct Material or Implants Containing Byproduct Material." The regulation states that a licensee may authorize the release from its control of any individual who has been administered unsealed byproduct material or implants containing byproduct material if the total effective dose equivalent to any other individual from exposure to the released individual is not



likely to exceed 5 milliSievert (mSv) (0.5 rem). The violation involved Truman's failure to ensure that a member of the public would not receive an exposure likely to exceed 5 mSv (0.5 rem) from a released individual. Specifically, on June 27, 2011, and November 30, 2012, the licensee released individuals who had received iodine-131 sodium iodide administrations of 70 and 69.3 millicuries, respectively, that were in excess of the licensee's maximum outpatient release level of 54 millicuries. The release of individuals who do not meet the release criteria in 10 CFR 35.75(a) could have resulted in adverse effects to the health and safety of the general public.

University Nuclear and Diagnostics, LLC, Davie, Florida (EA-13-026)

On May 13, 2014, the NRC issued a Notice of Violation to University Nuclear and Diagnostics, LLC (UND), for a Severity Level III violation of paragraph (a) in 10 CFR 30.10, "Deliberate Misconduct." The violation involved UND's deliberate failure to 1) calibrate a survey instrument yet provided falsified survey instrument calibration records dated as required by 10 CFR 35.61, "Calibration of Survey Instruments," 2) instruct their employees to document radiation survey results when the survey instrument was not working or not on site as required by 10 CFR 30.9, "Completeness and Accuracy of Information," 3) failed to perform required contamination surveys as required by License Condition 15.A of Amendment 1 of License 21-32316-01, and 4) and failed to perform an annual audit and falsified annual records as required by 10 CFR 30.9. This violation for engaging in deliberate misconduct caused Bradley D. Bastow, D.O., the contractor that UND used to implement their nuclear medicine program, to be in violation of NRC requirements.

INDIVIDUAL ACTIONS

Joseph S. Shepherd (IA-14-028)

On September 15, 2014, the NRC issued a Notice of Violation to Joseph S. Shepherd, owner of Foss Therapy Services, for a Severity Level IV violation. The violation involved Shepherd's failure to adhere to a condition set forth in NRC Order IA-13-038. Specifically, on March 14, 2014, Shepherd conducted licensed activities in NRC jurisdiction at Pontifical Catholic University, Puerto Rico, without notifying them that the NRC had issued Order IA-13-038 and Order IA-08-014 to him, which is a condition of these Orders.

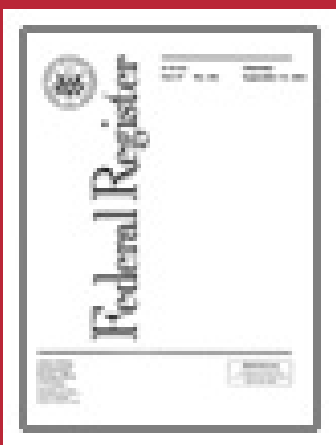
George Geisser, III (IA-13-033)

On July 17, 2014, the NRC issued a Notice of Violation and an Order prohibiting George Geisser, III, president of Geisser Engineering Corporation (GEC), from involvement in NRC-licensed activities for a period of 3 years, for a Severity Level II violation. The violation involved Geisser's failure to adhere to paragraph (a)(1) in 10 CFR 30.10 by deliberately conducting and directing employees of GEC to use portable gauges in NRC jurisdiction without filing for reciprocity with the NRC causing GEC to violate the requirements set forth in 10 CFR 150.20. In addition, for a period of 1 year after the 3-year prohibition has expired, the order requires Geisser to notify the NRC within 20 days after acceptance of his first employment offer involving NRC-licensed activities.

Information about the NRC's enforcement program can be accessed at <http://www.nrc.gov/about-nrc/regulatory/enforcement/current.html>. Documents related to cases can be accessed through Agencywide Documents Access and Management System (ADAMS) at <http://www.nrc.gov/reading-rm/adams.html>. Help in using ADAMS is available by contacting the NRC Public Document Room staff at 301-415-4737 or 1-800-397-4209 or by sending an e mail to PDR.Resource@nrc.gov.

(Contact: Michele Burgess, NMSS, 301-415-5868 or Michele.Burgess@nrc.gov)





GENERIC COMMUNICATIONS ISSUED

The following summarize NRC generic communications issued by NMSS. If any of these documents appear relevant to your needs and you have not received a copy, please call one of the technical contacts listed below. The Web address for the NRC library of generic communications is <http://www.nrc.gov/reading-rm/doc-collections/gen-comm>.

REGULATORY ISSUE SUMMARIES

The NRC offers regulatory issue summaries (RIS) as an informational document used to communicate with the nuclear industry on a broad spectrum of matters.

On February 18, 2015, the NRC issued RIS-15-02, "Reporting of H-3, C-14, Tc-99, and I-129 on the Uniform Waste Manifest." The RIS was issued to inform addressees of the option to use indirect methods to determine the activity of tritium (H-3), carbon-14 (C-14), technetium-99 (Tc-99), and iodine-129 (I-129) reported on the uniform waste manifest when the radionuclide is present at a concentration less than the lower limit of detection. The reason for noting this option is because accurately reporting the activities of these radionuclides is important for better decision making regarding the disposal of low-level radioactive waste. Overestimation of disposal site inventory could lead to premature loss of disposal system capacity, whereas underestimation of inventory could lead to public health and safety concerns.

SELECTED FEDERAL REGISTER NOTICES

January 5, 2015

80 FR 143, Domestic Licensing of Special Nuclear Material Written Reports and Clarifying Amendments (Direct Final Rule; Confirmation of Effective Date)

Summary: The NRC confirmed the effective date of January 26, 2015, for the direct final rule that was published in the *Federal Register* on September 26, 2014. This direct final rule amended regulations related to reportable safety events involving special nuclear material. This rule increased the time licensees are allowed to submit a written follow-up report from within 30 days to within 60 days after the initial report of an event, updated the reporting framework for certain situations, and removed redundant reporting requirements.

(Contact: Keith McDaniel, NMSS, 301-415-5252 or Keith.McDaniel@nrc.gov)

January 26, 2015

80 FR 3865, Safeguards Information-Modified Handling Categorization; Change for Materials Facilities (Direct Final Rule; Confirmation of Effective Date, NUREG Issuance, and Correction)

Summary: The NRC confirmed the effective date of January 28, 2015, for the direct final rule that was published in the *Federal Register* on September 30, 2014. This direct final rule amended the NRC's regulations by removing the Safeguards Information-Modified Handling (SGI-M) designation for certain security related information. The NRC announced the availability of the implementation guidance for the direct final rule, and corrected the "Compatibility Table for Direct Final Rule" appearing in Section V, "Compatibility of Agreement State Regulations," of the direct final rule.

(Contacts: Vanessa Cox, NMSS, 301-415-8342 or Vanessa.Cox@nrc.gov and Michelle Killian, NMSS, 301-415-6711 or Michelle.Killian@nrc.gov)

February 5, 2015

80 FR 6553, Tribal Policy Statement (Proposed Policy Statement; Extension of Comment Period)

Summary: On December 1, 2014, the NRC requested public comment on the proposed "NRC Tribal Policy Statement." The public comment period was originally scheduled to close on March 31, 2015. The NRC decided to extend the public comment period to May 31, 2015, to allow more time for members of the public to develop and submit their comments.

(Contacts: Michelle Ryan, NMSS, 630-829-9724 or Michelle.Ryan@nrc.gov and Haimanot Yilma, NMSS, 301-415-8029 or Haimanot.Yilma@nrc.gov)

February 25, 2015

80 FR 10165, Concentration Averaging and Encapsulation Branch Technical Position (Branch Technical Position; Issuance)

Summary: The NRC issued Revision 1 of the Branch Technical Position on Concentration Averaging and Encapsulation. This guidance provided acceptable methods that can be used to perform concentration averaging of low-level radioactive waste (LLW) for the purpose of determining its waste class for disposal.

(Contact: Maurice Heath, NMSS, 301-415-3137 or Maurice.Heath@nrc.gov)

March 4, 2015

80 FR 11693, Scope Expansion of the Post-Investigation Alternative Dispute Resolution Program (Policy Revision; Issuance)

Summary: The NRC issued a revision to its Enforcement Policy (Enforcement Policy or Policy) to incorporate Commission direction to add escalated non-willful (traditional) enforcement cases with the potential for civil penalties within the scope of the Commission's Alternative Dispute Resolution Program and made other conforming edits. This revision to the Enforcement Policy was effective on March 4, 2015.

(Contacts: Daniel Lenehan, OE, 301-415-3501 or Daniel.Lenehan@nrc.gov and Shahram Ghasemian, OE, 301-415-3591 or Shahram.Ghasemian@nrc.gov)

March 12, 2015

80 FR 13036, SHINE Medical Technologies, Inc.; Notice of Hearing, Opportunity To Intervene, Order Imposing Procedures (Construction Permit Application; Hearing, Opportunity to Petition for Leave to Intervene; Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information (SUNSI))

Summary: The NRC received a construction permit application from SHINE Medical Technologies, Inc. (SHINE), for approval of a proposed medical radioisotope production facility for the production of molybdenum-99 (Mo-99) at a site located in Janesville, Wisconsin. The NRC is currently conducting a detailed technical review of the construction permit application. If the construction permit application is approved, the applicant would be authorized to construct its proposed medical radioisotope production facility in accordance with the provisions of the construction permit.

(Contact: Steven Lynch, NRR, 301-415-1524 or Steven.Lynch@nrc.gov)

March 13, 2015

80 FR 13451, Low-Level Radioactive Waste Regulatory Program (Draft Programmatic Assessment Results; Request for Comment)

Summary: The NRC requested comment on a draft list of prioritized low-level radioactive waste (LLW) tasks based upon the assessment updates to the strategic

assessment (now called a programmatic assessment) performed in 2007. The objective of this updated assessment remained the same as the 2007 assessment; that is, to identify and prioritize tasks that the NRC staff could undertake to ensure a stable, reliable, and adaptable regulatory framework for effective LLW management, while also considering future needs and changes that may occur in the nation's commercial LLW management system. In 2014, through public meetings, webinars, and *Federal Register* notices, the NRC staff solicited public comment on what changes, if any, should be made to the current LLW program's regulatory framework, as well as specific actions that the staff might undertake to facilitate such changes. The NRC staff considered the comments received, performed an assessment of the comments, and developed a draft list of prioritized LLW tasks.

(Contacts: Stephen Dembek, NMSS, 301-415-2342 or Stephen.Dembek@nrc.gov and Melanie C. Wong, NMSS, 301-415-2432 or Melanie.Wong@nrc.gov)

March 18, 2015

80 FR 14033, Radiation Protection (Advance Notice of Proposed Rulemaking; Extension of Comment Period)

Summary: On July 25, 2014, the NRC published for comment an advance notice of proposed rulemaking (ANPR) to obtain input from members of the public on the development of a draft regulatory basis. The draft regulatory basis would identify potential changes to the NRC's current radiation protection regulations. The potential changes, if implemented, would achieve a closer alignment between the NRC's radiation protection regulations and the recommendations of the International Commission on Radiological Protection (ICRP) contained in ICRP Publication 103 (2007). The NRC extended the comment period for the ANPR to June 22, 2015, to provide additional time for members of the public to develop and submit their comments.

(Contact: Cardelia Maupin, NMSS, 301-415-2312 or Cardelia.Maupin@nrc.gov)

March 23, 2015

80 FR 15476, Revision of Fee Schedules; Fee Recovery for Fiscal Year 2015 (Proposed Rule)

Summary: The NRC proposed to amend the licensing, inspection, and annual fees charged to its applicants and licensees. The proposed amendments were necessary to implement the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), as amended, which required the NRC to recover through fees approximately 90 percent of its budget authority in Fiscal Year 2015, not including amounts appropriated for Waste Incidental to Reprocessing, the Nuclear Waste Fund (NWF), generic homeland security activities, and Inspector General services for the Defense Nuclear Facilities Safety Board. These fees represented the cost of the NRC's services provided to applicants and licensees.

(Contact: Arlette Howard, OCFO, 301-415-1481 or Arlette.Howard@nrc.gov)

March 26, 2015

80 FR 16082, Low-Level Radioactive Waste Disposal (Proposed Rule)

Summary: The NRC proposed to amend its regulations that govern low-level radioactive waste (LLRW) disposal facilities to require new and revised site-specific technical analyses, to permit the development of site-specific criteria for LLRW acceptance based on the results of these analyses, to facilitate implementation, and to better align the requirements with current health and safety standards. This proposed rule would affect LLRW disposal licensees or license applicants that are regulated by the NRC or the Agreement States.

(Contacts: Gary Comfort, NMSS, 301-415-8106 or Gary.Comfort@nrc.gov and Andrew Carrera, NMSS, 301-415-1078 or Andrew.Carrera@nrc.gov)

March 26, 2015

80 FR 15930, *Guidance for Conducting Technical Analyses for Low-Level Radioactive Waste Disposal (Draft NUREG; Request for Comment)*

Summary: The NRC issued for public comment a draft NUREG, NUREG–2175, “Guidance for Conducting Technical Analyses for 10 CFR part 61.” The NRC proposed to amend its regulations that govern low-level radioactive waste (LLRW) disposal facilities to require new and revised site-specific technical analyses, to permit the development of site-specific criteria for LLRW acceptance based on the results of these analyses, and to facilitate implementation and better align the requirements with current health and safety standards. The NRC prepared draft guidance to address the implementation of the proposed regulations. This notice announced the availability of the draft guidance for public comment.

(Contacts: Priya Yadav, NMSS, 301–415–6667 or Priya.Yadav@nrc.gov or Stephen Dembek, NMSS, 301–415–2342 or Stephen.Dembek@nrc.gov)

April 7, 2015

80 FR 18654, *Advisory Committee on the Medical Uses of Isotopes; Call for Nominations (Call for Nominations)*

Summary: The NRC advertised for nominations for the position of Nuclear Pharmacist on the Advisory Committee on the Medical Uses of Isotopes (ACMUI). Nominees should be a currently practicing nuclear pharmacist.

(Contact: Ms. Sophie Holiday, NMSS, 404–997–4691 or Sophie.Holiday@nrc.gov)

April 7, 2015

80 FR 18655, *Advisory Committee on the Medical Uses of Isotopes: Meeting Notice (Notice of Meeting)*

Summary: The NRC will convene a teleconference meeting of the Advisory Committee on the Medical Uses of Isotopes (ACMUI) on June 16, 2015, to discuss the ACMUI Radioactive Seed Localization subcommittee report and to hear a presentation from Spectrum Pharmaceuticals regarding the training and experience requirements for alpha and beta emitters. Meeting information, including a copy of the agenda and handouts, will be available at <http://www.nrc.gov/reading-rm/doccollections/acmui/meetings/2015.html>. The agenda and handouts may also be obtained by contacting Ms. Sophie Holiday using the information below.

(Contact: Ms. Sophie Holiday, NMSS, 404–997–4691 or Sophie.Holiday@nrc.gov)

April 21, 2015

80 FR 22227, *Northwest Medical Isotopes, LLC (Construction Permit Application; Receipt)*

Summary: The NRC staff received and made available the first part of the application for a construction permit, submitted by Northwest Medical Isotopes, LLC (NWMI). NWMI proposed to build a medical radioisotope production facility located in Columbia, MO.

(Contact: Michael Balazik, NRR, 301–415–2856 or Michael.Balazik@nrc.gov)

April 22, 2015

80 FR 22434, *Enhanced Security of Special Nuclear Material (Regulatory Basis)*

Summary: The NRC made available a regulatory basis document to support a rulemaking potentially amending its regulations concerning the security of special nuclear material. The NRC did not seek public comments on this document.

(Contact: Timothy Harris, NSIR, 301–287–3594 or Tim.Harris@nrc.gov)



ONGOING RULEMAKINGS

| RULEMAKING | DESCRIPTION | STATUS |
|----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PROPOSED RULES | | |
| 10 CFR Part 61, "Low-Level Radioactive Waste (LLRW) Disposal" | The proposed rule would revise 10 CFR Part 61 to require LLRW disposal licensees and license applicants to conduct updated and new site specific analyses and to permit the development of criteria for future LLRW acceptance based on the results of these analyses. | The NRC published the proposed rule and notice of availability of the draft guidance in the <i>Federal Register</i> (80 FR 16082 and 80 FR 15930) on March 26, 2015. The comment period for both documents closes on July 24, 2015. |
| 10 CFR Part 35, "Medical Use of Byproduct Material—Medical Event Definitions, Training and Experience and Clarifying Amendments" | The proposed rule would amend the reporting and notification requirements for a medical event, would amend training and experience requirements, and would make changes to address a request filed in a petition for rulemaking. | The NRC published the proposed rule and draft guidance in the <i>Federal Register</i> (79 FR 42224) for public comments. The comment period closed on November 18, 2014. The NRC received 44 comment letters. On October 8, 2014, the NRC met publicly to promote better understanding of the proposed amendments. The comments received are under NRC review. A final rule package is due to the Commission in December 2015. |
| 10 CFR Part 73, "Enhanced Security of Special Nuclear Material" | The proposed rule would update security regulations, including portions of 10 CFR Part 73, relating to physical protection of special nuclear material at NRC licensed facilities and in transit | On February 3, 2015, the Office of Nuclear Security and Incident Response (NSIR) submitted a user need request (MLI 4317A037) to NMSS to initiate a rulemaking to update the security regulations within 10 CFR Part 73. NSIR and NMSS completed the regulatory basis (MLI 4321A007) on February 25, 2015. On April 22, 2015, the NRC published the regulatory basis in the <i>Federal Register</i> (80 FR 22434). |

FINAL RULE

10 CFR Part 71, "Compatibility with Transportation Standards"

The rule would amend the regulations for the packaging and transportation of radioactive material in 10 CFR Part 71.

The Commission affirmed the final rule presented in SECY-14-0100 on April 14, 2015. The staff is presently preparing the publication package and awaiting Office of Management and Budget clearance.

PETITIONS

PRM-32-8, CampCo Petition

CampCo submitted a petition for rulemaking asking the NRC to amend regulations to allow commercial distribution of tritium markers.

The receipt and request of the petition was published in *Federal Register* (78 FR 41720) on July 11, 2013, for a 75-day public comment period. The petition is currently under NRC review.

POLICY STATEMENT

Tribal Policy Statement

The Tribal Policy Statement development will describe the Commission's policy for consulting and coordination with Native American tribes.

The staff sent the Commission a Tribal Policy Statement on January 10, 2014 (SECY-14-0006; ADAMS Accession No. ML13317B141). The policy statement was published in the *Federal Register* (79 FR 71136) on December 1, 2014 for a 120-day public comment period. The public comment period was originally scheduled to close on March 31, 2015. The NRC extended the public comment period to May 31, 2015, to allow more time for members of the public to develop and submit their comments.

PRE-RULEMAKING

10 CFR Part 20, "ICRP Recommendations"

The rulemaking could incorporate recommendations from the International Commission on Radiological Protection into 10 CFR Part 20.

The NRC published an advance notice of proposed rulemaking in the *Federal Register* (79 FR 43284) on July 25, 2014. The public comment period was extended to June 22, 2015.



TO OUR READERS

Thank you for your interest in our newsletter. In our attempt to keep the NMSS Licensee Newsletter—The NMSS News Link relevant, we welcome feedback on its contents. If you would like to suggest topics for the newsletter, please contact Vanessa Cox, of NMSS Rulemaking and Project Management Branch, by telephone at 301-415-8342 or by e-mail at Vanessa.Cox@nrc.gov. In addition, to ensure proper delivery of the NMSS Licensee Newsletter—The NMSS News Link and to prevent any interruption of service, please report any e-mail address changes to Ms. Cox at NMSS_Newsletter@nrc.gov.

Please send written correspondence to the following address:

Vanessa Cox, Editor; NMSS Licensee Newsletter
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Two White Flint North, Mail Stop:T-8-F42
Washington, DC 20555-0001



NUREG/BR-0117 No.15-02
May 2015



@NRCgov

