U.S.NRC
United States Nuclear Regulatory Commission
Protecting People and the Environment

NUREG/BR-0117
NO. 15-01

WINTER 2015

NMSS News Link

OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS

TWO NEW COMMISSIONERS FOR THE NRC


Commissioner Jeff Baran


Chairman Stephen Burns

The U.S. Nuclear Regulatory Commission (NRC) is headed by five Commissioners appointed by the President and confirmed by the Senate for five-year terms. The President of the United States designates one Commissioner to be the Chairman and official spokesperson of the Commission. The Commission as a collegial body formulates policies, develops regulations governing nuclear reactor and nuclear material safety, issues orders to licensees, and adjudicates legal matters.

President Obama nominated Jeff Baran—and the Senate confirmed him—to serve the remainder of a term vacated by Commissioner William Magwood. That term will end June 30, 2015. On October 14, 2014, Mr. Baran was sworn in as the 34th individual to serve on the Commission since its inception in 1975.

Commissioner Baran comes to the NRC from the U.S. House of Representatives, where he served for over 11 years. He most recently served as the Staff Director for Energy and Environment for the Democratic staff of the House Energy and Commerce Committee. He previously served as senior counsel to the committee. During his tenure with the Energy and Commerce Committee, Commissioner Baran's primary area of responsibility was to oversee NRC activities.

Commissioner Baran took the oath of office as a Commissioner in the Commission hearing room. At the event, former Chairman Allison M. Macfarlane said, "We're pleased to welcome Jeff to the Commission and look forward to benefitting from his energy and commitment to safety. We have substantial work ahead of us, and I am confident that Jeff will make a valuable contribution to our mission."

After taking his oath, Commissioner Baran stated, "The NRC's nuclear safety mission has never been more important, and I look forward to working with my colleagues and the NRC staff to advance the agency's vital mission."

President Obama also nominated Stephen Burns, a 33-year veteran of the NRC, to serve on the Commission. The Senate confirmed his nomination to serve as

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the 35th individual to become an NRC Commissioner. His term will expire on June 30, 2019. On November 5, 2014, Mr. Burns took the oath of office from former Chairman Macfarlane in the Commission's hearing room at the NRC's headquarters in Rockville, MD. After Dr. Allison MacFarlane announced that she was resigning as Chairman of the NRC to pursue academic endeavors, President Obama appointed Commissioner Burns as the new NRC Chairman.

Chairman Burns has a distinguished career as an attorney both within the NRC and internationally. Most recently, he was the head of legal affairs for the Organization for Economic Cooperation and Development (OECD) Nuclear Energy Agency, a position he has held since 2012. Before joining the OECD, he served at the NRC in a variety of roles, including as the NRC's Deputy General Counsel, Executive Assistant to former NRC Chairman Kenneth M. Carr, and most recently as the NRC's General Counsel.

At the ceremony, former Chairman Macfarlane stated, "Steve Burns' in-depth knowledge of the Commission, acquired from service in a wide range of positions at the agency, as well as his knowledge of policy development and the issues we face at the NRC, will be invaluable to all of us. We look forward to his service."

Chairman Burns stated, "After decades of serving the Commission in a legal capacity, it is truly an honor to join the Commission as a member. The NRC has an important role in protecting the American people, and I look forward to working with our other Commissioners in making decisions that strengthen nuclear safety and security."

ADVISORY COMMITTEE MEETING

On September 29th and 30th, 2014, the Advisory Committee on the Medical Uses of Isotopes (ACMUI) met at NRC headquarters to discuss issues that included the following:

- licensing under Title 10 of the *Code of Federal Regulations* (10 CFR) 35.1000, "Other Medical Uses of Byproduct Material or Radiation from Byproduct Material"
- yttrium-90 microspheres medical event reporting criteria
- event reporting databases

In addition to the typical deliberations of the ACMUI biannual meetings, the Acting Deputy Director of the former Office of Federal and State Materials and Environmental Management Programs (FSME), Ray Lorson, gave special presentations to three outgoing members of the ACMUI: Dr. James Welsh, Dr. Orhan Suleiman, and Dr. Milton Guiberteau.

Dr. Welsh has served on the ACMUI since 2007 as a brachytherapy radiation oncologist. He was noted for actively participating in committee meetings and providing valuable advice to the NRC on policy issues relating to radiation oncology, specifically for permanent implant brachytherapy.

In 2004, the U.S. Food and Drug Administration (FDA) selected Dr. Suleiman to serve on the ACMUI as the FDA representative. As the second longest serving member, he actively participated in committee meetings and provided valuable advice to the NRC on policy issues that involve FDA processes, the molybdenum–99 shortage, and radioisotope generator breakthrough. He also worked closely with staff to develop a memorandum of understanding between the NRC and FDA.

Dr. Guiberteau was the first diagnostic radiologist appointed to the ACMUI. The ACMUI and staff supported his appointment as the 13th member of the advisory committee, citing his

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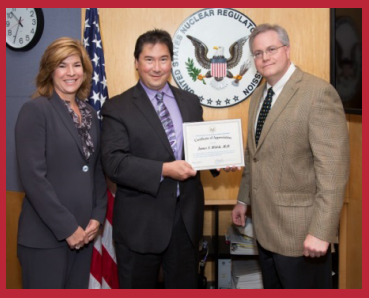
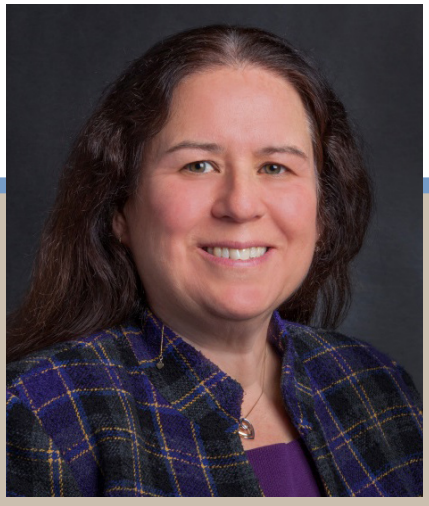


From left to right: Laura Dudes, Director, Division of Material, State, Tribal and Rulemaking Programs (MSTR); Dr. James Welsh; and Ray Lorson, Acting Deputy Director of the former FSME.

Pictured in Center: Dr. Orhan Suleiman.



FROM THE DESK OF THE DIRECTOR

In the last newsletter, I discussed the merger of FSME and NMSS. The past few months have brought about a few more changes. We now have new leadership at the NRC with the appointment of Commissioner Stephen Burns as Chairman. Many of us worked with him in his earlier role as NRC's General Counsel, and we know of his dedication to the agency's safety and security mission and NRC's focus on communication and transparency. I look forward to working with Chairman Burns, and the whole Commission, on NMSS's important tasks.

With a number of changes, I believe it is important to continue to focus on a positive safety culture. In 2011, NRC developed the NRC's Safety Culture Policy Statement (SCPS). This statement sets forth the Commission's expectation that individuals and organizations establish and maintain a positive safety culture. Because safety and security are the primary pillars of the NRC's regulatory mission, consideration of both safety and security issues, commensurate with their significance, is an underlying principle of the SCPS.

While developing the policy statement, a strong level of cooperation and rapport was developed between NRC staff and the external stakeholder community. This cooperation and rapport enhanced the development process and added to the quality and credibility of the SCPS.

The NRC recognizes that licensees bear the primary responsibility for the safe and secure use of nuclear materials, while the NRC, as the regulator, must consider the importance of safety culture in its oversight programs. Establishing and maintaining a positive safety culture directly contributes to the safe and secure use of radioactive materials. The SCPS applies to all licensees, certificate holders, permit holders, authorization holders, holders of quality assurance program approvals, vendors and suppliers of safety-related components, and applicants for a license, certificate, permit, authorization, or quality assurance program approval, subject to NRC authority.

In addition, the Commission encourages the Agreement States, Agreement State licensees and other organizations interested in nuclear safety to support the development and maintenance of a positive safety culture, as articulated in the SCPS.

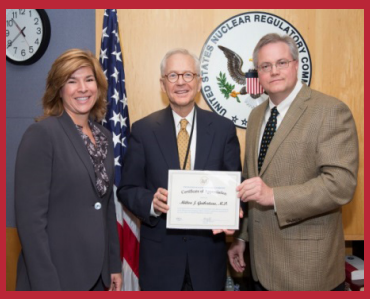
SCPS includes a list of nine traits further defining a positive safety culture. These traits describe patterns of thinking, feeling, and behaving that emphasize safety, particularly in goal conflict situations, such as when safety goals conflict with production, schedule or cost goals. I would like to highlight one of the nine safety culture traits that I find has a significant influence on change initiatives. "Leadership Safety Values and Actions" is when leaders demonstrate a commitment to safety in their decisions and behaviors.

This trait is so important because leaders exert significant influence on change initiatives and play an important role in establishing an organization's environment and safety culture. This leads employees to their own interpretations, thereby positively or negatively affecting the organization's safety culture. It is clear that behavior matters and leadership behaviors that support a positive safety culture are critical.

The NRC staff has developed educational tools to assist regulated communities in understanding safety culture and the expectations of the SCPS. Please take a few minutes to look at the information related to the SCPS and the educational tools on the safety culture webpage at: http://www.nrc.gov/about-nrc/safety-culture.html and please support a strong, positive safety culture within your organization!

Catherine Haney

Catherine Haney, Director



Pictured in Center: Dr. Milton Guiberteau

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demonstrated experience and expertise. The Commission approved this request in December 2009, and he was appointed to his first term in January 2011. He has served as the ACMUI Vice Chairman since May 2013.

Mr. Lorson presented Dr. Welsh, Dr. Suleiman, and Dr. Guiberteau with gold-plated NRC pins, a flag that had been flown over the U.S. Capitol and a letter from U.S. Representative, Christopher Van Hollen.

The ACMUI advises the NRC on policy and technical issues that arise in the regulations of the medical uses of radioactive material in diagnosis and therapy. The ACMUI membership includes health-care professionals from various disciplines who comment on changes to NRC regulations and guidance; evaluate certain non–routine uses of radioactive material; and bring key issues to the attention of the Commission for appropriate action.

For additional information about the ACMUI, please visit http://www.nrc.gov/about-nrc/regulatory/advisory/acmui.html.

(Contact: Gina Davis, NMSS, 301–415–6412 or Gina.Davis@nrc.gov)

SIGNIFICANT LICENSING ACTIONS

On October 23, 2014, the NRC issued a renewed license to Exelon Generation Corporation, LLC (Exelon Generation), for its Materials License (Special Nuclear Material (SNM) – 2505) for the receipt, possession, transfer, and storage of spent fuel at the Calvert Cliffs independent spent fuel storage installation (ISFSI), located in Calvert County, Maryland. The renewed license authorizes operation of the Calvert Cliffs ISFSI in accordance with the provisions of the renewed license and its technical specifications. The renewed license will expire on November 30, 2052.

In 1984, the NRC promulgated 10 CFR 51.23, "Temporary Storage of Spent Nuclear Fuel after Cessation of Reactor Operation-Generic Determination of No Significant Environmental Impact," known as the Waste Confidence rule, which generically satisfied the NRC's National Environmental Policy Act obligations to evaluate continued storage in license proceedings involving initial licensing and relicensing of nuclear power reactors and ISFSIs. Since that time, the NRC has updated the Waste Confidence rule on several occasions, with the previous update occurring in 2010.

Exelon Generation's license renewal application was submitted on September 17, 2010, within two years of the original license expiration date of November 30, 2012, and therefore was considered in timely renewal. However, in 2012, in response to a lawsuit that challenged the 2010 update, the United States Court of Appeals for the District of Columbia Circuit vacated the NRC's 2010 update to that rule and remanded it to the NRC. Thereafter, the Commission determined on August 7, 2012, that the NRC would not issue licenses dependent upon the formerly known Waste Confidence Decision and Temporary Storage Rule until the Court of Appeals' decision was appropriately addressed. The license renewal application was therefore placed on hold.

On September 19, 2014, the NRC published in the *Federal Register* a final rule, 10 CFR 51.23, "Environmental Impacts of Continued Storage of Spent Nuclear Fuel beyond the Licensed Life for Operations of a Reactor." The rule, which became effective October 20, 2014, codified the NRC's generic determinations regarding the environmental impacts of the continued storage of spent fuel. The NRC reiterated that the revised 10 CFR 51.23 and associated NUREG–2157

"Generic Environmental Impact Statement for Continued Storage of Spent Nuclear Fuel" addressed the deficiencies identified by the court and stated that the rule satisfied the NRC's National Environmental Policy Act obligations with respect to continued storage.

The NRC issued its initial environmental assessment (EA) and finding of no significant (FONSI) on June 8, 2012, and its updated EA/FONSI on October 23, 2014. The updated EA/FONSI considered the environmental impacts of continued storage in accordance with NUREG-2157.

The renewed license incorporates aging management programs that require periodic inspections of importance to safety systems, structures, and components to ensure that the technical bases of the renewed license remain valid. The renewed license also requires Exelon Generation to submit an evaluation related to high burnup fuel cladding performance by April 30, 2028. The evaluation includes assessment of high burnup fuel assemblies with respect to cladding creep, fuel rod breach, moisture content and hydrogen content.

(Contact: John Goshen, NMSS, 301–287–9250 or John.Goshen@nrc.gov)

SOURCE RECOVERY EFFORTS

The U.S. Department of Energy's (DOE's) National Nuclear Security Administration (NNSA) leads U.S. efforts to prevent the proliferation of dangerous nuclear and radiological materials worldwide. DOE/NNSA, through the Global Threat Reduction Initiative, has a mission to convert, remove, and protect high-priority radioactive sealed sources located at civilian sites worldwide.

For nearly 15 years, DOE/NNSA's Offsite Source Recovery Project (OSRP) has facilitated the recovery and disposition of thousands of excess radioactive sealed sources that could pose a threat to national security, public health, and safety. OSRP's source recovery efforts are critically dependent on the project's ability to transport recovered sources to secure storage and disposal locations. DOE/NNSA relies on Type B containers for the transport of high activity cesium–137 and cobalt–60 sources, such as those used in irradiation, calibration, and cancer treatment devices. However, as a result of a 2004 effort to harmonize U.S. packaging and transportation regulations with those of the international community (TS-R-1),[1] certifications for a significant number of the Type B containers expired in 2008. Since most manufacturers only produce packages licensed to transport devices they are currently selling, there was a significant reduction in the number of multi-use packages needed to transport older sealed sources and devices as they became disused and unwanted.

While the U.S. Department of Transportation (DOT) provided a limited number of special permits and authorizations on a temporary and case-by-case basis for use of the expired DOT packages, these special permits expired in June 2011. In 2010, the interagency Radiation Source Protection and Security Task Force (Task Force), chaired by the NRC, recognized the security implications of the Type B container shortage. The 2010 task force report recommended that "the U.S. Government enhance support of short-term and long-term research and development of certified Type B containers for use in domestic and international source recovery efforts."

To address this challenge, DOE/NNSA and OSRP have been working with both domestic and international partners to develop general use Type B transport containers for use both domestically and internationally. DOE/NNSA received the NRC Certificate of Compliance (CoC) in July 2014 for a new Type B container, the 435-B. DOE/NNSA has been working with AREVA, DOE/NNSA Packaging and Transportation, and Los Alamos National Laboratory to design and certify this new Type B container. The 435-B is an unshielded, leak tight, Type B container designed

to transport shielded devices (i.e., irradiators and teletherapy heads) as payload in addition to the International Atomic Energy Agency (IAEA)'s[2] Long Term Storage Shield (LTSS). The first devices certified as a payload are included in the table below. CoC modifications will be made in the future to include additional devices (e.g. IBL 437). The current CoC is available on the RAMPAC Web site.[3] DOE/NNSA expects delivery of the container by June 2015 and anticipates use for source recovery efforts by the end of 2015.

This new design will be useful for transportation of disused and unwanted devices in urban areas that present transportation issues because of the size of the container. The size and weight of the container facilitate easier domestic and international transport, making this design valuable in performing international recoveries where the IAEA's mobile hot cell and LTSS will be used.

Certified Payload
Gammator 50B, B, B34, G-50-B
Gammator M34
Gammator M38
Gammacell 1000 (GC-1000) • Models A through D • Elite A through D, Type I and Type II
Gammacell 3000 (GC-3000) • Elan A through C, Type I and Type II
Gammacell-40 (GC-40 Exactor)
IAEA LTSS

DOE/NNSA is also working to design and certify a shielded Type B container, 380-B, that can transport 90 percent of high activity beta/gamma sources on the OSRP backlog. DOE/NNSA anticipates submittal of the safety analysis report to the NRC in the third quarter of 2015 and receipt of the CoC by mid-2016. These new containers will allow DOE/NNSA to recover a wide variety of sources and devices.

If you are in possession of sources that you would like recovered, please review the information on the recovery process on the OSRP Web site at http://osrp.lanl.gov/ and register them at http://osrp.lanl.gov/PickUpSources.aspx. Recovery timelines associated with registered sources are determined based on several prioritization factors, and registry does not guarantee recovery.

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

1. International Atomic Energy Agency (IAEA) Safety Standards Series TS-R-1: "Regulations for the Safe Transport of Radioactive Material."

2. Additional information about the IAEA's and safe transport of radioactive materials can be found at: http://www-ns.iaea.org/tech-areas/radiation-safety/transport.asp?s=3&l=23.

3. The CoC for the Model No. 435-B can be found at: http://rampac.energy.gov/docs/certificates/1019355.PDF.

SIGNIFICANT ENFORCEMENT ACTIONS

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

City of St. Peters, St. Peters, MO (EA-14-106)

On August 19, 2014, the NRC issued a Notice of Violation to the City of St. Peters, MO, for a Severity Level III violation. The violation involved the city's failure to ensure that licensed material is only used by, or under the supervision and in the physical presence of, individuals who have successfully completed the manufacturer's training program for gauge users as required by NRC License Condition 12.

From approximately May through August 2009, the licensee allowed two individuals to use licensed material without supervision at temporary job sites, and the individuals had not completed the manufacturer's training for gauge users—which included topics such as radiation safety, radiation physics, and regulatory requirements—as well as a written test. The root cause of this apparent violation was that the radiation safety officer was not familiar with the specific training requirement on the license. The NRC found this behavior to be of significant concern because the untrained individuals could have used the gauges improperly, resulting in adverse impacts to the health and safety of themselves and members of the public.

ConAgra Foods, Trenton, MO (EA-14-075)

On August 1, 2014, the NRC issued a Notice of Violation to ConAgra Foods (ConAgra) for a Severity Level III problem for three related violations. The first violation involved ConAgra's failure to transfer or dispose of a device containing byproduct material only by export as provided by 10 CFR 31.5(c)(7), "Certain Detecting, Measuring, Gauging, or Controlling Devices and Certain Devices for Producing Light or an Ionized Atmosphere," by transfer to another general licensee as authorized in 10 CFR 31.5(c)(9), or to a person authorized to receive the device by a specific license as required by 10 CFR 31.5(c)(8)(i). Specifically, on December 18, 2013, the licensee reported that two gauges and four exit signs were missing from its facility.

The second violation involved ConAgra's failure to furnish a report to the NRC within 30 days after the transfer of a device to a specific licensee or export. Specifically, between November 8, 2004, and December 8, 2004, the licensee transferred a generally licensed device to a specific licensee—the manufacturer, Industrial Dynamics, Inc.—on November 8, 2004, and did not provide a report to the NRC until December 18, 2013.

The third violation involved ConAgra holding devices that were not in use for longer than 2 years. The regulations, 10 CFR 31.5(c)(15), provide an exception to the 2-year limit if the general licensee performs quarterly physical inventories of these devices while they are in standby. However, as of April 21, 2014, the licensee held in its possession four generally licensed devices for greater than 2 years that were not in use and did not conduct quarterly inventories. The root cause of the violations was a lack of full understanding of the NRC's requirements for generally licensed devices. The NRC found this behavior to be of significant concern because the violations increased the chance for the devices to be lost, stolen, or improperly handled, which could result in adverse impacts to the health and safety of the general public.

Saint Louis University, St. Louis, MO (EA-14-076)

On July 25, 2014, the NRC issued a Notice of Violation to Saint Louis University (SLU) for a Severity Level III violation. The violation involved SLU's failure to secure licensed materials that are stored in controlled or unrestricted areas from unauthorized removal or access as required by 10 CFR 20.1801, "Security of Stored Material." Specifically, on April 7, 2014, the licensee failed to lock the laboratory door used to secure and limit access to licensed materials

MEDICAL

Centro de Medicina Nuclear, Santurce, PR (EA–13–059)

On September 30, 2014, the NRC issued a Notice of Violation and proposed imposition of civil penalty in the amount of $3,500 to Metro Cardiovascular Diagnostics (MCD) for a Severity Level III violation and a Severity Level III problem. The violation involved an MCD nuclear medicine technologist (NMT) willfully failing to check the radiation survey meter for current calibration status before performing radiation surveys on June 28, 2012, and November 20, 2012, as required by the licensee's waste disposal procedure.

Willful violations are, by definition, of particular concern to the NRC, because the NRC's regulatory program is based on licensees and their contractors, employees, and agents acting with integrity and communicating with candor. Therefore, the violation has been categorized, in accordance with the NRC Enforcement Policy, at Severity Level III. The NRC determined that the remaining violations were not willful. The violations were included as a Severity Level III problem and involved MCD's failure to: (1) calibrate the survey meter, (2) verify the linearity of the dose calibrator, (3) verify the efficiency of the well counter, (4) perform sealed source leak tests, (5) perform sealed source physical inventories, (6) maintain records of hazardous material training, (7) perform an annual audit, and (8) implement the radiation safety program. The radiation safety activities were required by licensee procedures and 10 CFR Parts 20, 35, and 71.

Diagnostic Imaging Centers, Overland Park, KS (EA-14-108)

On August 26, 2014, the NRC issued a Notice of Violation to Diagnostic Imaging Centers (DIC) for a Severity Level III violation. The violation involved DIC's failure to ensure that written directives were dated and signed by an authorized user before the administration of 1311 sodium iodide greater than 1.11 megabecquerels (30 microcuries) as required by 10 CFR 35.40(a), "Written Directives." Specifically, on September 3, 2008, and December 8, 2010, the licensee failed to have a written directive dated and signed by an authorized user before the administration of 5 millicuries of 1311 sodium iodide. The written directives were signed by individuals who were not authorized users for this specific medical use.

INDIVIDUAL ACTIONS

Trey Brattin (IA-14-007)

On July 24, 2014, the NRC issued a Notice of Violation to Trey Brattin for a Severity Level III violation of 10 CFR 30.10(a)(1), "Deliberate Misconduct." The violation involved Mr. Brattin's deliberate misconduct that caused his employer, Techchorr USA, LLC, to be in violation of the 10 CFR 34.47(a), "Personnel Monitoring," requirement for dosimetry to be worn by an individual while performing radiographic operations. Specifically, at various times between July 2010 and January 2011, Mr. Brattin deliberately failed to wear, on the trunk of his body, a direct reading dosimeter, an operating alarm ratemeter, and a personnel dosimeter while conducting radiographic operations in Wyoming.

James Chaisson (IA-14-025)

On July 11, 2014, the NRC issued a prohibition order to James Chaisson for failure to comply with a Confirmatory Order issued September 10, 2012 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML12256B002). That order memorialized the agreements and conditions established with him during an NRC alternative dispute resolution (ADR) mediation session.

In 2012, the NRC concluded that Mr. Chaisson engaged in deliberate misconduct in violation of 10 CFR 30.10(a)(1), "Deliberate Misconduct," and issued him an order on May 15, 2012 (ADAMS Accession No. ML12137A311) that prohibited him from working in NRC jurisdiction for 3 years. The order, in turn, became the basis of the ADR mediation and was superseded by the September 10, 2012, Confirmatory Order.

As of March 10, 2014, Mr. Chaisson had failed to complete both the formal training and a written article required by the 2012 Confirmatory Order, and in addition to an 18–month prohibition from NRC–licensed activities and other requirements. The current order, dated July 11, 2014, supersedes the 2012 Confirmatory Order and prohibits Mr. Chaisson from engaging in NRC–licensed activities for a minimum period of 3 years. The prohibition continues thereafter and until Mr. Chaisson provides reasonable assurance to the NRC that he can safely use radioactive materials in accordance with NRC requirements, including his completion of formal training and verbally attesting his corrective actions to prevent deliberate misconduct. Additionally, for a period of 2 years subsequent to the NRC written determination of reasonable assurance, Mr. Chaisson must notify the NRC of his involvement in NRC–licensed activities, refrain from working for any NRC licensee in specified supervisory roles, and provide a copy of his order to his employers (a State licensee performing work in NRC jurisdiction or an NRC licensee).

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 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).

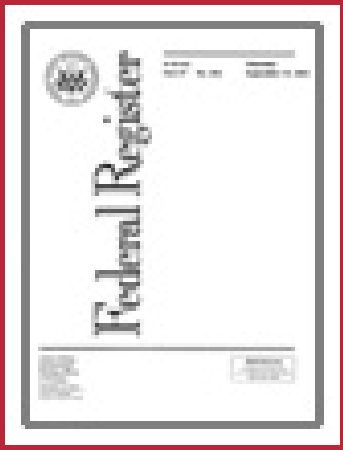
GENERIC COMMUNICATION ISSUED

The following are summaries of NRC generic communications issued by FSME. If any of these documents appears relevant to your needs and you have not received it, 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 provides regulatory issue summaries (RIS) as informational documents used to communicate with the nuclear industry on a broad spectrum of matters.

On September 18, 2014, the NRC issued RIS 2014–10, "Requirements for Exempt Distribution Licensee Annual Transfer Reports." The agency issued this RIS to addressees to clarify the information that must be contained in annual transfer reports submitted by holders of exempt distribution materials licenses, as required under 10 CFR Part 32, "Specific Domestic Licenses To Manufacture or Transfer Certain Items Containing Byproduct Material," Subpart A; "Exempt Concentrations and Items," and 10 CFR Part 40, "Domestic Licensing of Source Material."



SELECTED FEDERAL REGISTER NOTICES

October 28, 2014

79 FR 64150, Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material (Petition for Rulemaking; Notice of Docketing and Request for Comment)

Summary: The NRC has received a petition for rulemaking from Anthony R. Pietrangelo on behalf of the Nuclear Energy Institute dated June 12, 2014, requesting that the NRC amend its regulations to "remove unnecessary and burdensome requirements on licensees with established physical security programs." On July 17, 2014, the NRC docketed and assigned the petition Docket No. PRM–37–1. The NRC is requesting public comments on this petition for rulemaking.

(Contact: Merri L. Horn, NMSS, 301–415–7000 or Merri.Horn@nrc.gov)

November 20, 2014

79 FR 69065, Radiation Protection (Advance Notice of Proposed Rulemaking; Extension of Comment Period)

Summary: On July 25, 2014, the NRC published for comment in the *Federal Register* an advance notice of proposed rulemaking (ANPR) to obtain input from stakeholders 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 public comment period was originally scheduled to close on November 24, 2014. The NRC has decided to extend the public comment period on the ANPR to provide additional time for members of the public and other stakeholders to develop and submit their comments.

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

December 1, 2014

79 FR 71134, Tribal Protocol Manual (Revision to Guidance; Request for Comment)

Summary: The NRC is issuing for public comment Revision 1 of the agency's "Tribal Protocol Manual: Guidance for NRC Staff." The Tribal Protocol Manual provides internal guidance to the NRC staff on protocols to facilitate staff engagement with Tribal governments. The comment period will end on June 1, 2015.

(Contact: Patricia McGrady-Finneran, NMSS, 301–415–2326 or Patricia.McGrady-Finneran@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 rulemaking package (SECY–13–0075 dated July 18, 2013; ADAMS) Accession No. ML13129A268) was sent to the NRC Commission for review. The staff requirements memorandum (SRM) was issued on February 12, 2014 (ADAMS Accession No. ML14043A371). A revised proposed rule is due to the Office of the Secretary (SECY) in February 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 *Federal Register* (at 79 FR 42224) for public comment on July 21, 2014. The comment period closed on November 18, 2014. The NRC received 44 comment letters. On October 8, 2014, the NRC held a public meeting 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
FINAL RULE		
10 CFR Part 71, "Compatibility with Transportation Standards"	The rule would amend the transportation safety requirements in 10 CFR Part 71 to make changes to the NRC regulations for the packaging and transportation of radioactive material.	The NRC published the proposed rule in the *Federal Register* (at 78 FR 28988) for public comment on May 16, 2013. The final rule is currently under review by the Commission..

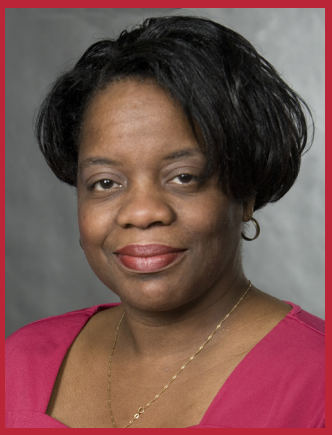
DIRECT FINAL RULE		
Appendix A, "Reportable Safety Events," to 10 CFR Part 70, "Domestic Licensing of Special Nuclear Material"	The direct rule and companion proposed rule would modify the event reporting requirements in Appendix A to Part 70.	The direct final rule and companion proposed rule were published in the *Federal Register* (at 79 FR 57721) on September 26, 2014. The confirmation of the effective date of the rule was published in the *Federal Register* (at 80 FR 143) on January 5, 2015.
10 CFR Part 73, "Physical Protection of Plants and Materials"	The direct final rule and companion proposed rule would amend 10 CFR Part 73 to remove the "SGI–M" designation of the security-related information for large irradiators, manufacturer and distributor licensees, and any licensee that transports Category 1 quantities of radioactive material or transports small quantities of irradiated reactor fuel with a net weight of 100 grams or less. The security related information for these facilities and the transportation will be protected under the requirements of the new 10 CFR Part 37, "Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material."	The direct final rule and companion proposed rule were published in the *Federal Register* (at 79 FR 58701) on September 30, 2014. The public comment period ended on October 30, 2014, with the NRC receiving one comment. The confirmation of the effective date of the rule was published in the Federal Register (at 80 FR 3865) on January 26, 2015.

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* (at 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 being developed will describe the Commission's policy for consulting and coordination with Native American tribes.	The staff sent the Commission a Tribal Policy Statement in January 10, 2014 (SECY–14 0006; ADAMS Accession No. ML13317B141). The policy statement was published in the *Federal Register* (at 79 FR 71136) on December 1, 2014 for a 120-day public comment period.

PRE-RULEMAKING		
10 CFR Part 20, "Standards for Protection Against Radiation"	The rulemaking would incorporate recommendations from the International Commission on Radiological Protection to revise 10 CFR Part 20.	The NRC published an Advance Notice of Proposed Rulemaking in the *Federal Register* (at 79 FR 43284) on July 25, 2014. The public comment period was extended to March 24, 2015.

TO OUR READERS



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NUREG/BR-0117 No.15-01
February 2015

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