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FSME News Link

OFFICE OF FEDERAL & STATE MATERIALS & ENVIRONMENTAL MANAGEMENT PROGRAMS

2013 National State Liaison Officers Conference

On November 5–6, 2013, the U.S. Nuclear Regulatory Commission (NRC) hosted the 2013 National State Liaison Officers Conference at NRC headquarters in Rockville, MD. This conference is held every 2 years to serve as a forum for States and the agency to discuss topics of mutual interest. This year's conference was organized around the theme "Working Together to Protect People and the Environment."

NRC Executive Director for Operations Mark A. Satorius welcomed the attendees and introduced NRC Chairman Allison M. Macfarlane, who delivered the keynote speech. Chairman Macfarlane provided updates on several high interest topics before the agency and emphasized her support for further strengthening the agency's relationship with States. The full text of the speech can be found at http://pbadupws.nrc.gov/docs/ML1330/ML13309A775.pdf.

The very full conference agenda then covered a variety of topics related to nuclear regulation, nuclear security, and radiological public health and safety. A diverse group of speakers from across the agency, as well as other Federal agencies and State organizations, provided informative discussions and updates. This year's conference also included more scheduled opportunities for attendees to interact with each other and with the NRC staff and to participate in an open forum discussion and regional breakout sessions, along with a poster for participants, and networking session.

Immediately following the conference on November 7, 2013, the NRC staff held an optional training session on effective communication of nuclear information. Several NRC communications experts provided the training, covering topics such as: risk communications, plain language usage, how to ask appropriate followup questions, outreach and facilitation, and social media. The session also provided opportunities for attendees to share their communications related experiences and insights.

Feedback received from conference participants has been very positive. The success of the event was a direct result of strong teamwork and contributions from across the agency. It was an agencywide effort, with multiple offices providing presenters and pitching in to assist with a myriad of logistical details.

The NRC sincerely appreciates the participation from the conference attendees, whose engagement was vital to its success. Conference materials have been posted

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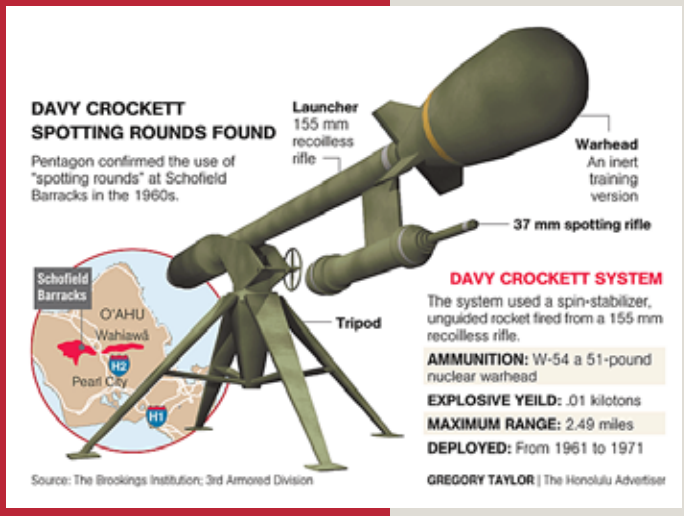
on the conference Web site at http://homer.ornl.gov/nrc/conf/.

For more information about the State Liaison Officer Program, please visit http://www.nrc.gov/about nrc/state tribal/fst liaison.html#state.

(Contact: June Cai, FSME, 301-415-5192 or June.Cai@nrc.gov)

THE NRC ISSUES A POSSESSION LICENSE



On October 23, 2013, the NRC issued a license that granted the U.S. Army the authority to possess depleted uranium (DU) at two military sites in Hawaii. The Army trained with the Davy Crockett weapons system at the two sites in the 1960s. This system included DU "spotting rounds," which were used to assist with targeting accuracy.

The license allows the Army to possess up to 275 pounds of DU at Schofield Barracks on Oahu and the Pohakuloa Training Area on the island of Hawaii. It also provides for NRC inspections and requires the Army to implement a radiation safety plan and a physical security plan. The Army must also provide an air and plant sampling plan for NRC review within 90 days. The NRC must review sampling results before deciding whether to lift existing restrictions on activities that would disturb the DU. The license does not authorize the Army to use the DU or decommission the sites without additional review and approval by the NRC.

A license allowing the Army to manufacture and distribute the DU spotting rounds, issued by the NRC's predecessor, the Atomic Energy Commission, expired in 1978. Under the earlier license, the Army distributed the spotting rounds to a number of Army installations for testing, training, and deployment. Each round of ammunition contained about 6 ounces of DU. In November 2006, the Army informed the NRC that it had discovered DU fragments at the Schofield Barracks. Following that discovery, the Army reviewed old records and determined that the Davy Crockett system was tested at other installations.

The Army has enough DU at these sites that, under the Atomic Energy Act and NRC regulations, it is required to have a possession license. The Army submitted a license application in November 2008. The initial license covered only the DU at the Hawaiian sites. In the future, the Army plans to amend the license to address DU at the other sites. These include the following: Forts Benning and Gordon (Georgia); Forts Campbell and Knox (Kentucky); Fort Carson (Colorado); Fort Hood (Texas); Fort Lewis, currently called Joint Base Lewis McChord, and the Yakima Training Center (Washington); Fort Bragg (North Carolina); Fort Polk (Louisiana); Fort Sill (Oklahoma); Fort Jackson (South Carolina); Fort Hunter Liggett (California); Fort Greeley (Alaska); Fort Dix (New Jersey); and Fort Riley (Kansas).

(Contact: Dominick Orlando, FSME, 301-415-6749 or Dominick.Orlando@nrc.gov)

FROM THE DESK OF THE DIRECTOR

One of the reasons why I enjoy coming to work every day is that FSME is always an exciting place. Our office manages such a broad range of issues and programmatic responsibilities. In recognition of the success that the office had in fiscal year 2013, I would like to use this column to reflect upon some of our major achievements.

Starting with nuclear byproduct materials, FSME successfully deployed the License Verification System (LVS) component of the Integrated Source Management Portfolio (ISMP) in May. The LVS interface with the National Source Tracking System and Web based Licensing components of the ISMP provides secure, online verification of license and inventory information. We also completed the review of over 55 State regulation packages and finished a 3 year effort to publish an FSME specific training and qualification program of material license reviewers and inspectors (IMC 1248).

FSME has also maintained an active presence on the Radiation Source Protection and Security Task Force. Mandated by the Energy Policy Act of 2005, the task force evaluates and provides recommendations relating to the security of radiation sources in the United States. The task force is comprised of independent experts from 14 Federal agencies and 2 State organizations, and is chaired by the NRC. The next task force report to Congress is due in August 2014.

Collaborative working groups on regulatory initiatives and outreach efforts have been another success story for FSME. Numerous important rulemakings were proposed or finalized that will lead to regulatory changes affecting medical licensees, disposal facilities, and spent fuel licensees and vendors, among others. FSME also continues to develop several agency policy statements, including an update on consumer products and the creation of a Tribal policy statement.

Moving on to the decommissioning and waste arena, FSME issued several safety evaluation reports and supplemental environmental impact statements for uranium recovery facilities, including Strata, Dewey Burdock, and Willow Creek. In addition, staff successfully terminated the University of Illinois' Research and Test Reactor license; authorized start of operations for the Lost Creek in situ leach facility; and engaged stakeholders on low level waste topics related to the ongoing Title 10 of the *Code of Federal Regulations* (10 CFR) Part 61 ("Licensing Requirements for Land Disposal of Radioactive Waste") rulemaking effort.

Recognizing the importance of maintaining a highly skilled workforce, FSME continued to provide training opportunities for our staff and our co regulators in Agreement States. In fact, Agreement State staff attended 47 training courses hosted by the NRC over the past fiscal year. The office also continued extensive education and outreach efforts on safety culture. Finally, with regional and State assistance, we also completed all of this year's Integrated Materials Performance Evaluation Program reviews to evaluate the technical adequacy and consistency of NRC and Agreement State materials programs.

As the office transitions into 2014, we look forward to another strong year in strengthening our collaborative relationships and completing the challenges before us, as we remain committed to a common goal of ensuring safety, security, and protection of the environment.

Brian Holian, Acting Director

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CUMULATIVE EFFECTS OF REGULATION

In January 2010, the Commission directed the NRC staff to consider the "aggregate impact" (now known as "cumulative effects of regulation") of new and recently issued regulations on the regulated community. The cumulative effects of regulation (CER) are the organizational challenge that Agreement States, licensees, or other impacted entities face while implementing new regulatory positions, programs, or requirements within a limited implementation period, with potentially limited resources, and distraction from other primary duties that ensure safety or security (SECY-11-0032, "Consideration of Cumulative Effects of Regulation the in the Rulemaking Process" (March 2, 2011; ADAMS Accession No. ML110190027)).

On March 12, 2013, the Commission directed the staff to engage the Agreement States to consider CER issues relative to the conduct of Agreement State programs. Following the Commission direction, the NRC staff has invited Agreement States to participate in CER public meetings; provided updates during the Organization of Agreement States (OAS)/Conference of Radiation Control Program Directors (CRCPD) monthly teleconferences; presented CER information at the 2013 annual CRCPD meeting; and invited OAS to participate on the NRC's CER Working Group. In addition, the NRC staff discussed with the OAS Chair strategies on how to address Agreement States CER issues.

Although the term "CER" was not yet coined when the Agreement State programs were developed in 1959, the NRC and Agreement States have worked together to develop coordinated and compatible regulatory programs based upon prioritization of various regulatory program elements (regulations, inspection frequencies, staff qualifications, etc.) relative to their impact on public health and safety. For example, in the 1980s, over 30 indicators were used to review the Agreement States' regulatory programs, and they were categorized as either Category I, having direct impact on public health and safety or Category II, having indirect impact on public health and safety. In the 1990s and 2000s, the prioritization of regulatory elements for NRC and Agreement State programs was further refined with the implementation of joint NRC and Agreement State working groups that developed rulemakings, policy statements, and the Integrated Materials Performance Evaluation Program.

Fortunately, with over 50 years of cooperation between the NRC and the Agreement States, a strong foundation has been laid and great mechanisms are in place to address Agreement States CER issues. Thus, the NRC and Agreement States will continue to examine the current frame work of cooperation between the two regulatory partners in light of the overall agency CER efforts, and determine the appropriate strategies for addressing Agreement State CER issues.

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

AN INTERNATIONAL COMMISSION APPOINTMENT

Donald A Cool, Ph.D., was elected to the Main Commission of the International Commission on Radiological Protection (ICRP). Dr. Cool was also appointed chairman of ICRP Committee Four, the standing committee on the application of radiological protection recommendations. Dr. Cool has been an active participant in the ICRP for 29 years and a member of the standing committee since 1993. Dr. Cool also co-chairs the U.S. Interagency Steering Committee on Radiation Standards and is a council member of the National Council on Radiation Protection and Measurements.

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Since 1928, the ICRP has developed and overseen a system that is the basis for radiation protection standards and policies used around the world. ICRP's radiological protection recommendations are updated periodically to reflect the latest scientific evidence and radiation protection experience. ICRP has more than 200 volunteer members from roughly 30 countries who are the leading scientists and policymakers involved in radiological protection. The ICRP Main Commission has 12 members and a chairman. ICRP Committee Four provides advice on applying the radiological protection system. Among the issues on its plate, the committee is updating advice on emergency and long term exposure using experience in contaminated territories such as around Fukushima.

The FSME staff congratulates Dr. Donald Cool on his new appointment.

SIGNIFICANT ENFORCEMENT ACTIONS

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

GeoLog Well Services, Inc. (EA-13-067)

On June 11, 2013, the NRC issued a Notice of Violation to GeoLog Well Services, Inc., for a Severity Level III violation. The violation involved the failure to, at least 3 days before engaging in the activity for the first time in a calendar year, file a submittal containing an NRC Form 241, "Report of Proposed Activities in Non Agreement States, Areas of Exclusive Federal Jurisdiction, or Offshore Waters"; a copy of the Agreement State specific license; and the appropriate fee as required by 10 CFR 150.20, "Recognition of Agreement State Licenses." On multiple occasions between August 5, 2005, and March 14, 2013, the Agreement State licensee possessed and used licensed materials at temporary job sites in Indiana, a Non Agreement State, without first filing the required documentation with the NRC

MEDICAL

Camden Clark Memorial Hospital Corporation (EA-13-107)

On August 8, 2013, the NRC issued a Notice of Violation to Camden Clark Memorial Hospital Corporation (CCMHC) for a Severity Level III problem involving two violations. The first violation involved the failure to implement its written procedure to provide high confidence that an administration was performed in accordance with the written directive as required by 10 CFR 35.41, "Procedures for Administrations Requiring a Written Directive." Specifically, on February 25, 2011, CCMHC implanted a patient with 63 palladium-103 seeds to deliver a dose of 125 Gy; however, 16 of the 63 prescribed palladium-103 seeds were implanted outside the planned treatment area. CCMHC's subsequent assessment of the implant on April 1, 2011, did not identify that the delivered dose was different from the prescribed dose by more than 20 percent. This failure to identify the medical event contributed to the second violation, specifically, CCMHC did not notify the NRC Operations Center by the next calendar day, in accordance with 10 CFR 35.3045(c), "Report and Notification of a Medical Event," that a medical event had occurred. Instead, CCMHC reported the medical event on March 5, 2012.

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, FSME, 301-415-5868 or Michele.Burgess@nrc.gov)

GENERIC COMMUNICATIONS 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.

INFORMATION ASSESSMENT TEAM ADVISORY

The NRC established the Information Assessment Team Advisories (IATAs) to provide critical, time sensitive, threat related information to specified licensees. IATAs may also suggest or request that recipients execute certain voluntary precautionary or protective actions. IATAs are issued whenever the U.S. Attorney General or the Secretary of the U.S. Department of Homeland Security makes a change in the National Terrorism Advisory System. The NRC will issue a corresponding IATA elevating security at licensed facilities.

On September 16, 2013, the NRC issued IA-03-02, "Criteria for Reporting Cybersecurity Incidents." This IA was issued to inform recipients of the criteria for reporting cybersecurity incidents. This IA is security related and is not publicly available.

(Contact: Eric Lee, FSME, 301–287–3461 or Eric.Lee@nrc.gov)

REGULATORY ISSUE SUMMARIES

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

On August 23, 2013, the NRC issued RIS 2013–12, "Notice of Issuance of Enforcement Guidance Memorandum–Interim Guidance for Dispositioning Violations Involving 10 CFR 35.60 and 10 CFR 35.63 for the Calibration of Instrumentation To Measure the Activity of Rubidium-82 and the Determination of Rubidium-82 Patient Dosages." This RIS was issued to inform addressees that on April 18, 2013, NRC issued Enforcement Guidance Memorandum EGM–13–003 concerning dispositioning inspection findings related to a licensee's implementation of calibration requirements for rubidium-82 (Rb-82) activity measurement systems in accordance with 10 CFR 35.60, "Possession, Use, and Calibration of Instruments Used To Measure the Activity of Unsealed Byproduct Material," and the requirement to determine the Rb–82 dosage before medical use in accordance with 10 CFR 35.63, "Determination of Dosages of Unsealed Byproduct Material for Medical Use."

(Contact: Donna-Beth Howe, Ph.D., FSME, 301-415-7848, or Donna-Beth.Howe@nrc.gov)

On September 11, 2013, the NRC issued RIS 2013–14, "Reporting Transactions Involving Temporary Jobsites to the National Source Tracking System." This RIS was issued to clarify the reporting requirements when transferring a nationally tracked source to temporary jobsites.

(Contact: Irene Wu, FSME, 301–415–1951, or Irene.Wu@nrc.gov)

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On October 1, 2013, the NRC issued RIS 2013–16, "Interactions between the NRC and NRC Stakeholders during a Lapse of Agency Appropriations." On October 9, 2013, FSME co-issued Supplement 1 to this RIS. These RISs were issued to inform addressees about how to communicate and interact with the NRC during the Federal government shutdown.

(Contacts: Thomas Alexion, NRR, 301-415-1326, or Thomas.Alexion@nrc.gov; and Tanya Mensah, NRR, 301-415-3610, or Tanya.Mensah@nrc.gov)

SELECTED FEDERAL REGISTER NOTICES

November 8, 2013

78 FR 67225, Amendments to Material Control and Accounting Regulations (Proposed Rule)

Summary: The NRC is proposing to amend its regulations for material control and accounting (MC&A) of special nuclear material (SNM). The goal of this rulemaking is to revise and consolidate the MC&A requirements in order to update, clarify, and strengthen them. The proposed amendments add new requirements that would apply to NRC licensees who are authorized to possess SNM in a quantity greater than 350 grams.

Contact: Thomas Young, FSME, 301-415-5795, or Thomas.Young@nrc.gov

November 18, 2013

78 FR 69140, CSMI, LLC; Request for Action, (Petition: Request for action; receipt)

Summary: George Walther Meade (the petitioner) has requested that the NRC take action with regard to CSMI (licensee). The petitioner requested immediate enforcement action by NRC issuing an order to revoke CSMI's license based on the petitioner's statement that the licensee has committed willful violations involving falsification of information that are of particular concern because the NRC's regulatory program is based on licensees acting with integrity and communicating with candor.

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) was sent to the NRC Commission for review.
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, training and experience requirements, and changes to address a request filed in a petition for rulemaking.	The rulemaking package (SECY–13–0084, dated August 8, 2013) was sent to the NRC Commission for review. The Commission has requested a public meeting to hear the views of the medical community, Agreement States, and the staff, before it votes on the proposed rule. The Commission meeting schedule for October 18, 2013, was postponed until after the proposed rule is published.
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* on May 16, 2013 (78 FR 28988). A final rule will likely be sent the Commission in June 2014.
DIRECT FINAL RULE		
10 CFR Part 70 – Appendix A Direct Final Rule, Reportable Safety Events	The NRC is revising event reporting requirements in 10 CFR Part 70, Appendix A, as per resolution and closure of the petition for rulemaking (PRM 70-08) published by the Office of the *Federal Register* (75 FR 63725, October 18, 2010). The petitioner requested that the NRC amend its regulations to clarify existing event reporting requirements based on experience gained since the requirements were revised.	The Commission approved staff to move forward with rulemaking. The NRC staff plans to provide a rulemaking package to the Commission for its review sometime in 2014.

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10 CFR Part 73 – Safeguard Information – Modified Handling (SGI–M) Categorization Change for Materials Facilities	The direct final rule and companion proposed rule would remove the SGI-M designation of the security related information for large irradiators, M&D licensees, and for any licensee that transports category 1 quantities of radioactive material or transports small quantities of irradiated reactor fuel that weighs 100 grams or less in net weight of irradiated fuel. The security-related information for these facilities and the transportation would no longer be designated as SGI-M and the information 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 staff sent the Commission a rulemaking package on April 24, 2013 (SECY–13–0045), which the Commission approved. The direct final rule and companion prosed rule will likely be published in early 2014.

PETITIONS

PRM 32-7 – Association of Device Distributors and Manufacturers (ADDM) (Sean Chapel) – 10 CFR Part 32	Mr. Sean Chapel submitted a petition for rulemaking (PRM–32–7) requesting the NRC to revise 10 CFR Part 32 by adding a new general license to install and service exempt devices. The petitioner also asked the NRC to change the Agreement State compatibility designation of 10 CFR 31.6, "General License to Install Devices Generally Licensed in 10 CFR 31.5."	The Commission approved the staff's recommendation to deny the petition. The petition denial was published on September 16, 2013 (78 FR 56839)
PRM 32-8 – Campco Petition	Campco submitted a petition for rulemaking (PRM–32–8) requesting the NRC to amend regulations to allow commercial distribution of tritium markers.	The receipt and request of the petition was published in *Federal Register* for 75–days of public comments on July 11, 2013.

POLICY STATEMENT

Tribal Policy Statement	The FSME staff is in the process of developing an agency-wide Tribal Policy Statement to enhance government-to-government interactions with Tribes in areas within the NRC's regulatory jurisdiction. The Policy Statement will provide guiding principles to ensure effective outreach, coordination and consultation with Tribal governments.	The staff sent a package to the Commission for review and approval in January 2014, including a proposed Tribal Policy Statement and related enclosures.

PRE-RULEMAKING

10 CFR Part 20 – ICRP Recommendations	The rulemaking would revise 10 CFR Part 20 to align with recent methodology and terminology for dose assessment in the ICRP Publication 103 of 2007.	FSME is developing technical issue papers and will publish for stakeholder comment in 2014.

TO OUR READERS

Thank you for your interest in our newsletter. In our attempt to keep the FSME News Link relevant, we welcome feedback on its contents. If you would like to suggest topics for the newsletter, please contact Vanessa Cox, FSME 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 FSME News Link and to prevent any interruption of service, please report e-mail address changes to Ms. Cox at FSME_Newsletter@nrc.gov.

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