

NMSS News

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OFFICE OF NUCLEAR MATERIAL
SAFETY AND SAFEGUARDS

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NEW NRC EXECUTIVE DIRECTOR FOR OPERATIONS



The NRC Commission appointed Victor M. McCree, former Regional Administrator for the agency's Region II office in Atlanta, GA, to be the U.S. Nuclear Regulatory Commission's (NRC's) next Executive Director for Operations (EDO). His appointment took effect on September 27, 2015. The EDO holds the highest-ranking career position in the agency and is the person responsible for overseeing the agency's regulatory programs. Mr. McCree succeeds Mark A. Satorius, who after a long and distinguished career will retire in December.

"Victor McCree is the right choice to help the agency as it addresses the challenges of a changing regulatory environment and the need to more effectively apply limited resources while still ensuring the health and safety of the public," said NRC Chairman Stephen Burns. "His leadership experience in heading the NRC's largest regional office will be a tremendous asset."

Mr. McCree joined the NRC in 1988 as an inspector in the Office of Nuclear Reactor Regulation. He has since taken on increased responsibility within the agency, including working in the office of then-Chairman Shirley Ann Jackson. Mr. McCree began working in Region II in 1989. During his time in Region II, he served as the Deputy Director and Director for both the Division of Reactor Safety and the Division of Reactor Projects. He became the Deputy Regional Administrator for Operations in 2006 and was appointed to lead the region in 2010. The Region II office has a staff of more than 300 and is responsible for regulating 32 reactors in seven southeastern states, as well as all fuel cycle facilities in the country. The region also oversees the Reactor Construction Inspection Program at all new nuclear power plants and fuel facilities nationwide.

Mr. McCree, a native of Jackson, MS, graduated from the Naval Academy in 1981 and holds an Executive Master of Business Administration degree from Georgia State University. Before joining the NRC, he was a nuclear qualified submarine officer in the Navy. He received the Presidential Meritorious Rank Award in 2007.

Please join us in congratulating and welcoming Mr. Victor McCree as the new NRC Executive Director for Operations.



SHEDDING LIGHT ON TRITIUM ILLUMINATION DEVICES

Some radioactive materials are used to produce light. This is done by bombarding a special material known as a phosphor with the radiation (typically beta radiation) emitted by the radioactive material. Phosphor gets its name from the Greek words for “light” and “to bring.” The phenomenon is called “radioluminescence.”

Radioluminescence can be used to provide a low level light source to allow instruments or signs to be visible at night or for other situations in which light is needed for long periods without electricity, such as for emergency exit signs.

Paint with radium was the first radioluminescent product. Today, tritium is most commonly used, primarily on wristwatch faces and gun sights. Small tritium lights can be made by sealing tritium and a phosphor layer in small glass tubes known as “gaseous tritium light sources” (GTLS) or, more commonly, beta lights (because the tritium undergoes beta decay).

Tritium is a radioactive isotope with a half-life of about 12 years, which means the glass tube loses half its energy and some of its brightness in that period. This means the types of GTLS used in watches generally have a useful life of 10 to 20 years. They give off a small amount of light—not enough to be seen in daylight, but enough to be visible in the dark. The more tritium initially placed in the tube, the brighter it is to begin with and the longer its useful life.

The NRC regulates devices that contain small amounts of tritium under Title 10 of the *Code of Federal Regulations* (10 CFR) 32.14, “Certain Items Containing Byproduct Material; Requirements for License to Apply or Initially Transfer;” and 10 CFR 32.22, “Self-Luminous Products Containing Tritium, Krypton-85 or Promethium-147: Requirements for License to Manufacture, Process, Produce, or Initially Transfer.” Manufacturers and initial distributors of these devices need to have a distribution license issued by the NRC. They also need to have a separate license to possess and use the material, which can be issued by the NRC or, in some cases, the State in which the manufacturer is located. (There are 37 Agreement States that have agreements with the NRC to regulate these types of radioactive materials.)

People who initially buy these products from manufacturers with the proper licenses, as well as subsequent owners of the products, are exempt from the requirements for an NRC license. Approval of these types of products requires that they present extremely low risk of radiation exposures to members of the public from normal use, misuse, or accidents. The NRC also needs to see the usefulness or benefits of the products. For example, items that could be mishandled, especially by children, would be approved only if they offered an unusual degree of both utility and safety. Because other countries have different regulatory requirements, some tritium products may be available for sale internationally that are not sold in the United States.

(Contact: Shirley Xu, NMSS, 301-415-7640 or Shirley.Xu@nrc.gov)



FROM THE DESK OF THE DIRECTOR

Greetings! This is a special time for our Office as we celebrate the first anniversary since the Office of Nuclear Material Safety and Safeguards (NMSS) and Office of Federal and State Materials and Environmental Management Programs (FSME) merged. We began our journey on October 5, 2014. We hope the impact of the merge on your day-to-day work and interactions with the NRC were very little. In addition to the Office changes, as you might recall, during the past year we had a few changes in the NRC leadership, including the appointment of Commissioner Stephen Burns as Chairman, and the appointment of Commissioner Jeff Baran. Also, as mentioned in this newsletter, Mr. Victor M. McCree has been selected as the next Executive Director for Operations (EDO). Many of us worked with Victor in his earlier role as Regional II Administrator, and we know of his dedication to the agency's safety and security mission. I look forward to working with Mr. McCree and we wish him well as the EDO.

NMSS understands that interacting with our external stakeholders is one of the cornerstones of what makes a National Materials Program work. Recently, I had the privilege of participating as a guest speaker in the Organization of Agreement States (OAS) Annual Meeting in Boston, MA. It was great interacting with many of our Agreement State representatives, and I look forward to our continued partnership. The presentations and discussions on the role of the National Materials Program through partnerships and communications led to a very successful meeting. We should continue to focus on ensuring that the National Materials Program provides a consistent and predictable

regulatory environment, regardless of the regulator. The continued success of the program depends on our ability to openly dialogue and assist each other. I will continue to take seriously my responsibility to share information with our partners within the National Materials Program and with you.

Over the next several months there will be opportunities for you to comment on NRC activities that are specific for you. Examples include Part 61 Proposed Rule, Yucca Mountain Environmental Impact Statement Supplement, and the regulatory basis to support the proposed Cyber Security Rulemaking that would be specific to fuel facilities.

I encourage everyone to take advantage of our commitment to regulatory openness, and make your views heard. I can commit to you our pledge to provide ample access to our decision-making processes, and the methodologies and technical foundations upon which our decisions are based. I want everyone to know that I take seriously my responsibility to share information with our external stakeholders.

Hoping for a great fall season for you all!

Catherine Haney, Director



REVISIONS TO TRANSPORTATION SAFETY REQUIREMENTS

The NRC, in consultation with the U.S. Department of Transportation (DOT), is amending its regulations for the packaging and transportation of radioactive material. With these amendments, the NRC's regulations will align with the International Atomic Energy Agency's (IAEA's) 2009 standards for the international transportation of radioactive material and maintain consistency with DOT's regulations.

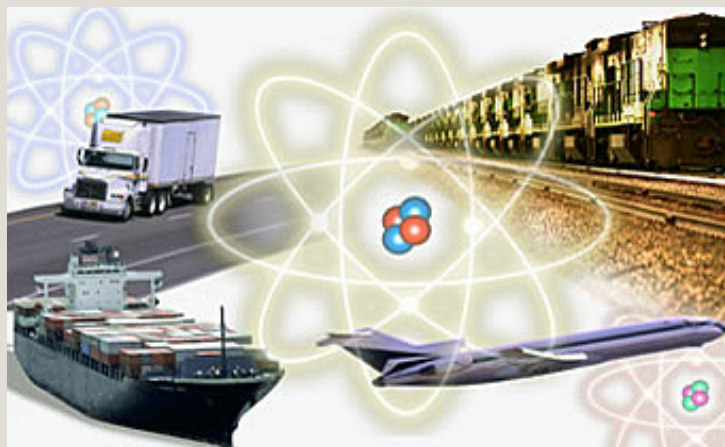
The NRC regulates the transportation of radioactive material under 10 CFR Part 71, "Packing and Transportation of Radioactive Material." Periodically, IAEA revises its regulations in this area. The NRC evaluated changes in the 2009 edition of IAEA's "Regulations for the Safe Transport of Radioactive Material" (TS-R-1) and identified a number of areas in 10 CFR Part 71 that needed to be revised to maintain compatibility. Accordingly, the NRC developed a proposed rule to amend 10 CFR Part 71 and published it for comment in the *Federal Register* on May 16, 2013 (78 FR 28988).

The NRC is now publishing its final rule. Together with a related DOT final rule amending 49 CFR Parts 171–180 (79 FR 40590, July 11, 2014), these actions bring U.S. regulations into general accord with IAEA's TS-R-1 and maintain consistency between NRC and DOT regulations. The NRC's final rule also revises 10 CFR Part 71 to perform the following:

- Update administrative procedures for the quality assurance program requirements described in Subpart H, "Quality Assurance," of 10 CFR Part 71.
- Re-establish restrictions on material that qualifies for the fissile material exemption.
- Clarify the requirements for a general license.
- Clarify the responsibilities of certificate holders and licensees when making preliminary safety determinations on packaging to be used for transporting radioactive material.
- Make editorial changes.

The final rule was published on June 12, 2015 (80 FR 33988) and took effect on July 13, 2015. To access the published final rule online, go to <http://www.gpo.gov/fdsys/pkg/FR-2015-06-12/pdf/2015-14212.pdf>. If you have any questions regarding this rule, please communicate with the contact person listed below.

(Contact: Solomon Sahle, NMSS, 301-415-3781 or Solomon.Sahle@nrc.gov)





PART 37—MAKE SURE YOU ARE IN COMPLIANCE!

NRC inspectors report that licensees often have the misconception that if a licensee has complied with all the requirements under the “Increased Controls” (ICs) security provision, then, the licensee is automatically in compliance with the requirements under 10 CFR Part 37, “Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material.” If this has been your understanding, you will want to read further:

While there are similarities between the ICs and the updated 10 CFR Part 37 security requirements, licensees should be aware that **there are new and changed requirements** that could affect them. The physical security requirements in 10 CFR Part 37 are largely the same as the ICs; however, the majority of inspection findings have been associated with the new administrative requirements. In addition, licensees have raised some questions, such as how to provide the certification that a Reviewing Official is deemed trustworthy and reliable.

Some of the new administrative program enhancements include the following:

- formal access authorization procedures
 - signed informed consent
 - verification of true identity
 - Reviewing Official must be fingerprinted and deemed trustworthy and reliable
 - Reviewing Official certification of trustworthiness and reliability must be provided to NRC
- written security plan
- written security procedures
- annual reviews of the security program
- annual security refresher training
- annual coordination with the local law enforcement agency

MOST FREQUENT VIOLATIONS:

1. Access Authorization

Licensees previously had to implement access authorization requirements under the ICs. Now, they must develop, implement, and maintain access authorization procedures. Some licensees have tried to use existing procedures that did not fully reflect the new access authorization requirements of 10 CFR Part 37.

Requirements:

Under paragraph 37.21(a) of 10 CFR Part 37, each licensee must establish, implement, and maintain an access authorization program in accordance with 10 CFR Part 37, Subpart B, “Background Investigations and Access Control Programs.” Under paragraph 37.23(f) of 10 CFR Part 37, licensees must develop, implement, and maintain access authorization procedures.

Inspector Recommendation:

Licensees may wish to prepare a list of the requirements in 10 CFR Part 37, Subpart B, and include them in a procedure. See NUREG-2155 “Implementation Guidance for 10 CFR Part 37, Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material,” Rev. 1 and NUREG 2166, “Physical Security Best Practices for the Protection of Risk Significant Radioactive Material,” for additional guidance (references listed below).

2. Security Plan Development

This is a new requirement. The ICs required licensees to establish a documented program to monitor and immediately detect, assess, and respond to unauthorized access. In 10 CFR Part 37, a licensee is required to establish, implement, and maintain a security program that is designed to monitor and, without delay, detect, assess, and respond to an actual or attempted unauthorized access. However, this new requirement for a "Security Plan" requires licensees to document security measures and strategies, security resources and equipment, and technology. Therefore, it requires licensees to include more specificity than the ICs.

Requirements:

Paragraph 37.43(a) of 10 CFR Part 37 (**NEW**) states that each licensee identified in 10 CFR 37.41(a) shall develop a written security plan specific to its facilities and operations that describes measures, strategies, and security resources—including equipment and technology used to implement the requirements. A Security Plan could be documented in a few pages, and the supporting information could be placed in the implementing procedures. The Security Plan should provide an overview of the licensee's security strategy to ensure the integrated and effective functioning of the required security program. The plan should be easy to understand. (Note: See NUREG-2166, Appendix A, "Developing a Physical Security Plan," for more information.)

Inspector Recommendation:

Licensees often have only one set of procedures that they refer to as their security procedures, meaning these cover their access authorization procedures, training procedures, security plan, and implementing procedures. NRC inspectors say it is beneficial for a licensee to have a stand-alone security plan or at least a detachable appendix that represents its security plan. (Note: See NUREG-2155, "Implementation Guidance for 10 CFR Part 37, 'Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material.'")

GOING FORWARD:

This article is not intended to provide a comprehensive summary of all the new requirements under 10 CFR Part 37, but rather to highlight a few requirements that NRC inspectors believe are significant for licensees. For additional resources, please view some of the resources provided below.

1) The NRC's 10 CFR Part 37 Web Site

<http://www.nrc.gov/security/byproduct/10-cfr-part-37.html>

This site provides links to numerous resources related to the 10 CFR Part 37 regulations and supporting materials.

2) NUREG-2155, "Implementation Guidance for 10 CFR Part 37, 'Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material'"

<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr2155/r1/>

This link provides the text of each regulation in 10 CFR Part 37, followed by a question and answer section. It is EXTREMELY useful in understanding 10 CFR Part 37 and is one of the best resources. Downloading it in a PDF format enables you to quickly search for key words.

3) 10 CFR Part 37

<http://www.nrc.gov/reading-rm/doc-collections/cfr/part037/full-text.html>

This link is to the 10 CFR Part 37 regulations.

4) Comprehensive Comparison of the ICs and 10 CFR Part 37

<http://pbadupws.nrc.gov/docs/ML1132/ML113290229.pdf>

A table in this document provides a full overview of the differences between the ICs and 10 CFR Part 37.



5) Regulatory Information Summary 2014–03

<http://pbadupws.nrc.gov/docs/ML1405/ML14052A157.pdf>

This link provides a simplified overview of the main differences between the ICs and 10 CFR Part 37.

6) NUREG 2166, “Physical Security Best Practices for the Protection of Risk Significant Radioactive Material”

<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr2166/>

This link provides guidance on developing and implementing a physical protection program for the protection of risk-significant radioactive materials.

(Contacts: Paul Goldberg, NMSS, 301–415–7842 or Paul.Goldberg@nrc.gov and Michelle Smethers, NMSS, 301–415–7000 or Michelle.Smethers@nrc.gov)



SOURCE COLLECTION AND THREAT REDUCTION

The Conference of Radiation Control Program Directors (CRCPD) Source Collection and Threat Reduction (SCATR) Program provides cost shared support for the packaging, transport, and disposal of Classes A, B, C and some Greater than Class C sources. Licensees in all 50 States and U.S. territories are potentially eligible to participate in the program.

The SCATR program is an initiative to reduce the number of no-longer used radioactive material stored by licensees to minimize opportunities for access to radioactive material for malicious purposes. SCATR is funded through a grant from the U.S. Department of Energy's National Nuclear Security Administration, which recognizes that disposal of radioactive material is limited and expensive. For the 2014–2015 collection, CRCPD provided a cost-share amount equal to 45 percent of the cost. It is expected that the cost-share amount will decrease in future years.

Radioactive material is eligible for the SCATR program if it is:

- no longer wanted by the owner
- discrete radioactive material (sealed sources or vials but not scaled pipe), whether naturally occurring or accelerator or reactor produced
- under a general or specific license issued by a State or the NRC
- not eligible for assistance by another Federal or national program
- registered as described below
- acceptable for disposition at an existing disposal site
- included in a collection—including those organized by a radiation control agency, users' group, or manufacturer—in cooperation with the CRCPD

To be considered for SCATR participation, licensees must register their disused and unwanted sources with the Los Alamos National Laboratory's (LANL's) Off-site Source Recovery Project (OSRP) at: <http://osrp.lanl.gov/PickUpSources.aspx> or <http://osrp.lanl.gov/SCATRTemplate.xls>. The first link connects to a real-time registration form. If there are a large number of items to list, the second link, which goes to an Excel spreadsheet, may be more useful.

The NRC encourages interested licensees to complete source registration as soon as possible. Source registration does not imply a commitment by either the generator or the CRCPD with regard to program participation. Source registration allows CRCPD to plan the logistics and budget for collections. Collection schedules and funding are prioritized based on how efficiently participants will use program funds. CRCPD will contact generators as collection runs are organized.

The Conference of Radiation Control Program Directors, Inc., (CRCPD) is a 501(c)(3) nonprofit nongovernmental professional organization dedicated to radiation protection. CRCPD's mission is "to promote consistency in addressing and resolving radiation protection issues, to encourage high standards of quality in radiation protection programs, and to provide leadership in radiation safety and education."

(Contact: Russ Meyer; CRCPD, 512-761-3822 or rmeyer@crcpd.org)



SIGNIFICANT ENFORCEMENT ACTIONS

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

MISTRAS Group, Inc. (EA-14-225)

On June 30, 2015, the NRC issued a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$7,000 to MISTRAS Group, Inc., (Mistras) for a Severity Level III problem for two related violations. The violations involved the company's failure to obtain an export license, as required by 10 CFR 110.5, "Licensing Requirements," and its failure to submit an advance notification of shipment to the NRC and the Canadian Government as required by 10 CFR 110.50(c). Specifically, on or about July 24, 2014, Mistras exported two iridium-192 sealed sources to Canada without obtaining a required specific export license. It also did not provide the required export notifications to the NRC and the Canadian government in advance of the export of sources to Canada.



Blevins Asphalt Construction Co., Inc. (EA-15-073)

On May 29, 2015, the NRC issued a Notice of Violation to Blevins Asphalt Construction Co., Inc., (BAC) for a Severity Level III violation. The violation involved BAC's failure to maintain control and constant surveillance or to use a minimum of two independent physical controls to secure a portable gauge from unauthorized removal as required by 10 CFR 20.1802, "Control of Material Not in Storage," and paragraph (i) of 10 CFR 30.34, "Terms and Conditions of Licenses." Specifically, on July 30, 2014, an authorized user failed to maintain control and constant surveillance over a gauge that contained licensed material and that was subsequently damaged after being driven over by a vehicle.

Schultz Surveying & Engineering, Inc. (EA-14-238)

On March 31, 2015, the NRC issued a Notice of Violation to Schultz Surveying & Engineering, Inc., for a Severity Level III. The violation involved Schultz's failure to confine possession and use of byproduct materials to the locations and purposes authorized by the license as required by paragraph (c) of 10 CFR 30.34. Specifically, between January 31, 2013, and December 16, 2014, the licensee possessed and stored byproduct material at facilities located in Lake Ozark and Branson, MO. The license did not authorize use of these locations.

MEDICAL

Siemens Medical Solutions USA, Inc. (EA-15-008)

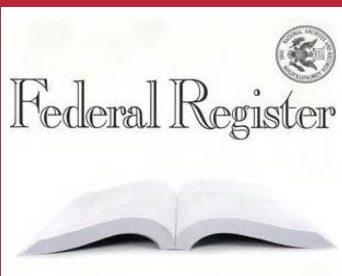
On April 10, 2015, the NRC issued a Notice of Violation to Siemens Medical Solutions USA, Inc., (Siemens) for a Severity Level III violation. The violation involved Siemens' failure to file NRC Form 241, "Report of Proposed Activities in Non-Agreement States," at least 3 days before engaging in licensed activities within NRC jurisdiction, as required by 10 CFR 150.20, "Recognition of Agreement State Licenses." Specifically, between September 6, 2011, and



August 8, 2014, Siemens, a licensee of the State of North Carolina, used byproduct material within NRC jurisdiction on numerous occasions without filing the required documentation with the NRC.

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 the Agencywide Documents Access and Management System (ADAMS) at <http://www.nrc.gov/reading-rm/adams.html>. For help in using ADAMS, contact the NRC Public Document Room staff at 301-415-4737 or 1-800-397-4209 or by e-mail at 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 provides a regulatory issue summary (RIS) as an informational document used to communicate with the nuclear industry on a broad spectrum of matters.

On June 24, 2015, the NRC issued **RIS-15-08**, "Oversight of Counterfeit, Fraudulent, and Suspect Items in the Nuclear Industry." The agency issued the RIS to heighten addressees' awareness of existing NRC regulations and how they apply to counterfeit, fraudulent, and suspect items (CFSI) within the scope of the NRC's regulatory jurisdiction. Addressees are expected to review this information and consider actions, as appropriate, to prevent CFSI from entering their supply chains, prevent possible installation or use of CFSI at their facilities, and raise awareness of the potential for CFSI to be used in the manufacture, maintenance, or repair of items, including sealed sources and devices.

SELECTED FEDERAL REGISTER NOTICES

June 25, 2015

Federal Register (FR) notice 80 FR 36467, "List of Approved Spent Fuel Storage Casks: NAC International, Inc., MAGNASTOR® System; Certificate of Compliance No. 1031, Amendment No. 5 (Direct Final Rule; Confirmation of Effective Date)

Summary: The NRC is confirming the effective date of June 29, 2015, for the direct final rule that was published in the *Federal Register* on April 15, 2015. This direct final rule amended the NRC's spent fuel storage regulations by revising the NAC International, Inc., MAGNASTOR® System listing within the "list of approved spent fuel storage casks" to include Amendment No. 5 to Certificate of Compliance (CoC) No. 1031. Amendment No. 5 makes numerous changes to the technical specifications (TSs), including adding a new damaged fuel assembly, revising the maximum or minimum enrichments for three fuel assembly designs, adding four zone preferential loading for pressurized water reactor fuel assemblies, increasing the maximum dose rates in limiting condition for Operation 3.3.1, and making other editorial changes to Appendices A and B of the TSs.

(Contact: Solomon Sahle, NMSS, 301-415-3781 or Solomon.Sahle@nrc.gov)



July 14, 2015

FR notice 80 FR 41097, “Memorandum of Understanding among the Department of Homeland Security, the Department of Transportation, and the Nuclear Regulatory Commission Concerning Cooperation on Radioactive Materials Transportation Security” (Memorandum of Understanding; Issuance)

Summary: The NRC is issuing a notice regarding a finalized Memorandum of Understanding (MOU) between the NRC, the U.S. Department of Homeland Security, and the U.S. Department of Transportation that defines a cooperative working relationship between the agencies for radioactive material transportation security. The goal of the MOU is to ensure that the transportation of radioactive material in the United States and across U.S. borders is carried out in a secure manner that protects public health and safety and in a manner that is not inimical to the common defense and security of the United States.

(Contact: Albert Tardiff, NSIR, 301–287–3613 or Al.Tardiff@nrc.gov)

July 30, 2015

FR notice 80 FR 45413, “Commercial Distribution of Tritium Markers” (Petition for Rulemaking; Denial)

Summary: The NRC is denying a petition for rulemaking (PRM), dated December 2, 2011, which was filed with the NRC by Motti Slodowitz on behalf of CampCo (the petitioner) and supplemented with additional information on September 18, 2012. The petitioner requested the NRC to amend its regulations that govern the licensing of products containing byproduct material to allow the commercial distribution of tritium markers for use under an exemption from licensing requirements. The NRC is denying the petition because the petitioner failed to demonstrate that a specific exemption was warranted and that the existing regulatory framework for self-luminous products was insufficient.

(Contact: Vanessa Cox, NMSS, 301–415–8342 or Vanessa.Cox@nrc.gov)

August 3, 2015

FR notice 80 FR 46057, “Financial Planning for Management of Radioactive Byproduct Material (Financial Scoping Study; Request for Comment)”

Summary: The NRC will conduct a financial scoping study to determine if financial planning requirements for decommissioning and end-of-life management for some radioactive byproduct material are necessary. The NRC is seeking stakeholder input and perspective on this action. In this notice, the agency asks respondents to consider the following when preparing their remarks:

- recommendations from recent studies addressing this topic
- national and international activities
- specific questions posed by the NRC staff

(Contacts: Ryan Whited, NMSS, 301–415–1154 or Ryan.Whited@nrc.gov and James Shaffner, NMSS, 301–415–5496 or James.Shaffner@nrc.gov)

August 27, 2015

FR notice 80 FR 51964, “Low-Level Radioactive Waste Disposal (Proposed rule and draft NUREG; Reopening of Comment Period)”

Summary: On March 26, 2015, the NRC requested public comment on a proposed rule that would amend its regulations that govern low-level radioactive waste (LLRW) disposal facilities. The proposed rule would require new and revised site-specific technical analyses, permit the development of site-specific criteria for LLRW acceptance based on the results

of those analyses, facilitate implementation, and better align the requirements with current health and safety standards. Also, on March 26, 2015, the NRC requested comment on draft guidance to address the implementation of the proposed regulations (NUREG-2175, "Guidance for Conducting Technical Analyses for 10 CFR Part 61"). The public comment period for the proposed rule and draft guidance closed on July 24, 2015. The NRC reopened the public comment periods for the proposed rule and draft guidance to allow more time for members of the public to develop and submit their comments. The reopened comment period ended on September 21, 2015.

(Contacts: Gary Comfort, NMSS, 301-415-8106 or Gary.Comfort@nrc.gov; and Stephen Dembek, NMSS, 301-415-2342 or Stephen.Dembek@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 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 was extended until September 21, 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 medical events for permanent brachytherapy, amend training and experience requirements, make changes as requested in PRM-35-20, petition for rulemaking, and clarifying amendments.	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 48 comment letters, resulting in several hundred comments. The comments are posted at http://www.regulations.gov under Docket ID NRC-2008-0175. 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. The final rule package is due to the Commission in March 2016.

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 (ADAMS Accession No. MLI 4317A037) to NMSS to initiate a rulemaking to update the security regulations within 10 CFR Part 73. NMSS accepted the regulatory basis (ADAMS Accession No. MLI 4321A007) on February 25, 2015. On April 22, 2015, the NRC published the final regulatory basis in the *Federal Register* (80 FR 22434). A working group was formed and has begun work on the proposed rule.

10 CFR Part 73, Cyber Security at Fuel Cycle Facilities

The proposed rulemaking would revise 10 CFR Part 73 to add new cyber security requirements for Fuel Cycle Facilities.

The NRC is currently drafting the regulatory basis for the rulemaking and expects to release it for public comment in September 2015.



FINAL RULE

10 CFR Part 74, "Material Control and Accounting of Special Nuclear Material"

This rule would revise and consolidate the current Material Control and Accounting (MC&A) requirements into 10 CFR Part 74, and would clarify and strengthen the MC&A requirements, in part, by removing existing exemptions in the item control provisions.

Staff is resolving the public comments and preparing the final package for the rulemaking. Staff is planning to hold a public meeting in September 2015 to discuss the cumulative effects of regulation and the implementation schedule dates of the final rule. The final rule package is due to the Commission in November 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 NRC published the denial of the petition in the *Federal Register* on July 30, 2015 (80 FR 45413).

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 proposed Tribal Policy Statement was published in the *Federal Register* (79 FR 71136) on December 1, 2014, and the public comment period closed on May 31, 2015. Staff is in the process of reviewing comments.

PRE-RULEMAKING

10 CFR Part 20, "Standards for Protection against Radiation," International Commission on Radiological Protection (ICRP) Recommendations

The rulemaking would incorporate recommendations from the ICRP to revise 10 CFR Part 20.

The NRC published an advance notice of proposed rulemaking in the *Federal Register* (79 FR 43284) on July 25, 2014, and the public comment period closed on June 22, 2015. Staff is in the process of reviewing comments.

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