

IN RESPONSE, PLEASE  
REFER TO: M060208A

February 22, 2006

MEMORANDUM TO: Luis A. Reyes  
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - BRIEFING ON NMSS PROGRAMS,  
PERFORMANCE, AND PLANS - MATERIALS SAFETY, 9:30  
A.M., WEDNESDAY, FEBRUARY 8, 2006, COMMISSIONERS'  
CONFERENCE ROOM, ONE WHITE FLINT NORTH,  
ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

The Commission was briefed by the NRC staff on accomplishments and challenges concerning materials safety in the Office of Nuclear Materials Safety and Safeguards (NMSS). The Commission commends the staff on its significant and high-quality accomplishments, and it appreciates the staff's thoughtful and diligent planning for future work. Additionally, the staff should keep the Commission informed of its resource needs to update guidance or regulations as part of its planning to meet future challenges.

The staff should hold its forthcoming paper on amending the regulations for *in situ* leach facilities until it can incorporate Commission guidance on ways to move forward in a new regulatory structure concerning groundwater protection at these facilities.

The staff should keep the Commission informed of the status and progress of rulemakings mandated by the Energy Policy Act of 2005 (EPAAct). At the meeting, the staff informed the Commission that a rulemaking for the implementation of Section 656 provisions in the EPAAct may be delayed because more time may be needed to accommodate both an OMB information collection review and a public comment period on the draft rule. The staff should brief the Commissioner Assistants on this potential delay and provide the Commission with an alternative schedule for completion of this rulemaking, including options for completing it by the statutory deadline.

The staff should continue to keep the Commission fully informed of progress in working with the States and other stakeholders in meeting NRC's responsibilities for regulating naturally-occurring and accelerator-produced radioactive material (NARM).

The staff should keep the Commission informed on the current issues, staff activities, and staff readiness in the area of fuel reprocessing. Specifically, the NMSS staff should coordinate with the Office of Nuclear Regulatory Research on its paper on the regulatory impact of the closed fuel cycle proposed by DOE and provide it to the Commission as soon as possible.

cc: Chairman Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
Commissioner Jaczko  
Commissioner Lyons  
OGC  
CFO  
OCA  
OIG  
OPA  
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)  
PDR