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

Office of Federal & State Materials & Environmental Management Programs

LICENSEE NEWSLETTER

NUREG/BR-0117, No. 08-03 Fall 2008

NOTIFICATION OF THE SECOND PHASE OF WAIVER TERMINATIONS IN THE IMPLEMENTATION OF NRC REGULATORY AUTHORITY FOR CERTAIN NATURALLY OCCURRING AND ACCELERATOR-PRODUCED RADIOACTIVE MATERIAL

The Energy Policy Act (EPAct) of 2005 gave the U.S. Nuclear Regulatory Commission (NRC) regulatory authority over certain naturally occurring and accelerator-produced radioactive material (NARM). The NRC published its final rule implementing this authority in the Federal Register on October 1, 2007 (72 FR 55863). The final rule expanded the definition of "byproduct material" in NRC regulations and established requirements for licensing and regulating Section 11e.(3) and 11e.(4) byproduct material, as required by Section 651(e) of the EPAct. These final regulations became effective on November 30, 2007.

As authorized by Section 651(e) of the EPAct, the NRC issued a waiver on August 31, 2005, to allow continued use and possession of NARM while the NRC developed a regulatory framework for regulation of the new byproduct material. The NRC is terminating the waiver in phases. On November 30, 2007, the NRC terminated the waiver for Federal agencies, Federally Recognized Indian Tribes, Delaware, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Indiana, Wyoming, and Montana. The NRC also terminated the waiver for all 34 Agreement States that provided a certification from their Governor to the NRC as described in the EPAct and the NRC's Transition Plan, which was published in the Federal Register on October 19, 2007 (72 FR 59157).

The second phase of waiver terminations occurred on September 30, 2008. Vermont, West Virginia, Missouri, Idaho, South Dakota, Guam, and all territories and possessions of the United States that were not identified as part of the first phase of waiver terminations was included in the second phase. The timing and schedule for the second phase of waiver terminations was published in the Federal Register on March 18, 2008 (73 FR 14376). The agency anticipates that the waivers for the remaining non-Agreement States – Connecticut, Virginia, New Jersey, Michigan, Alaska, and Hawaii – will be terminated in the third phase of the transition, which will occur on August 7, 2009. A notice in the Federal Register will be published approximately 6 months before the effective date of the third phase of waiver terminations. Additionally, the NRC plans to terminate the waiver for non-Agreement States that enter into an Agreement with the NRC under Section 274b of the Atomic Energy Act of 1954, as amended, coincident with the effective date of such an agreement. At this time, Pennsylvania is the only State that has become an Agreement State prior to the second phase of waiver terminations.

Upon waiver termination, all persons who possess the new byproduct material in these States, U.S. Territories, or areas of exclusive Federal jurisdiction must be in compliance with the NRC regulations. However, the rule provides authorization for continued use of the new byproduct material prior to obtaining a license or license amendment, as long as applications are made within specified times. As provided in the Transition Plan, users of NARM in non-Agreement States and U.S. Territories will be required to (1) apply for license amendments for the new byproduct material within 6 months from the date

INSIDE THIS ISSUE

Notification of the Second Phase of Waiver Terminations in the Implementation of NRC Regulatory Authority for Certain Naturally Occurring and Accelerator-Produced Radioactive Material 1
FSME Holds Meetings in Wyoming 2
From the Desk of the FSME Director 3
National Source Tracking System 4
Closure of the Salmon River Uranium Development Site 5
FSME Workshop on the Use of Cesium Chloride 6
Generic Communications Issued 8
Significant Events 9
Significant Enforcement Actions 10
Select Federal Register Notices 14

the waiver is terminated, if they hold an NRC specific byproduct materials license; or (2) submit a license application for the new byproduct material within 12 months from the date the waiver is terminated for their State. NRC wants to remind users in the States impacted in the first phase of waiver terminations that the date has passed for the timely submission of license amendments, which was to occur by May 30, 2008; however, users have until December 1, 2008, to submit new license applications, if they have not already done so. Users in States impacted in the first phase that still need to submit license amendments, should submit their requests to the NRC as soon as possible.

Those users in States impacted in the second phase of waiver terminations must submit their license amendments by March 31, 2009, or their new license applications by September 30, 2009, to be in accordance with the time frame allotted in the Transition Plan.

Additional details about the implementation of the final rule on NARM can be found in a recently issued Regulatory Issue Summary (RIS) 2008-13, "Status and Plans for Implementation of NRC Authority for Certain Naturally Occurring and Accelerator-Produced Radioactive Material," issued on June 16, 2008 (http://nrc-stp.ornl.gov/narmtoolbox/ris2008-13.pdf). This RIS updates the information contained in RIS 2007-22, dated October 4, 2007.

Also, NRC staff finalized revisions to the NUREG-1556 guidance for Volume 9, "Program-Specific Guidance about Medical Use Licenses," Volume 13, "Program-Specific Guidance about Commercial Radiopharmacy Licenses," and the new Volume 21 "Program-Specific Guidance about Possession Licenses for Production of Radioactive Materials Using an Accelerator." The NRC is also planning to make minor revisions, which reflect the regulation of NARM, to other NUREG-1556 licensing guidance and related inspection procedures. Furthermore, the NRC is preparing a set of frequently asked questions on radium-226 that will be publicly available. The NRC has not yet finalized the schedule for completing these additional activities.

For more information on NARM-related activities, please go to the "NARM Toolbox" at the NRC's Office of Federal and State Materials and Environmental Management Programs (FSME) Web site at http://nrc-stp.ornl.gov/narmtoolbox.html.

(Contacts: Kim Lukes or Duane White, Office of Federal and State Materials and Environmental Management Programs, 301-415-6701 or 301-415-6272; e-mail: Kim.Lukes@nrc.gov or Duane.White@nrc.gov)

FSME HOLDS MEETINGS IN WYOMING

Staff members from the Office of Federal and State Materials and Environmental Management Programs (FSME) were in Wyoming for a series of meetings, both public and private, regarding uranium recovery operations.

The trip clearly showed that despite all the attention given new reactors in the "nuclear renaissance," the NRC is also preparing to review nearly two dozen applications for new or restart uranium milling operations.

The first order of business was two public meetings held on September 23, in Gillette, and September 25, in Casper, to present the Draft Generic Environmental Impact Statement on in-situ leach uranium recovery operations. These meetings were the last in a series of three public meetings that previously took place in Nebraska and New Mexico.

Public response at these meetings differed dramatically. About thirty people attended the Gillette meeting, and nearly all the speakers expressed concern about the effects of in-situ leach operations would have on groundwater resources. More than a hundred people attended the Casper meeting where several people, including State lawmakers, urged NRC to complete the report as swiftly as possible so in-situ leach facility licensing will not be delayed.

In addition to participating in the public meetings, members of the FSME staff led by Patrice Bubar, Deputy Director of the Division of Waste Management and Environmental Protection, met with various Federal, State, and local agencies regarding the Draft Generic Environmental Impact Statement and the NRC's licensing process for uranium recovery facilities. Also, a team led by Region IV inspector Linda Gersey conducted an unannounced inspection of the Smith Ranch in-situ leach facility near Douglas, just east of Casper.

continued on page 4

From the Desk of the FSME Director

In last quarter's Newsletter, I discussed some managerial changes within NRC and FSME. The past few months have brought about a few more changes.

In FSME's Division of Intergovernmental Liaison and Rulemaking (DILR), the Division Director, Dennis Rathbun retired in August. His Deputy, Patrice Bubar, moved over to our Division of Waste Management and Environmental Protection as one of its Deputy Directors. These actions created two managerial vacancies in DILR. I am proud to announce that Mark Shaffer has been named as the DILR Division Director, and that Mark Thaggard has been named as the Deputy Division Director.

Before joining FSME, Mark was the Deputy Director for Material Security within the Division of Security Policy, Office of Nuclear Security and Incident Response. Mr. Shaffer joined NRC in 1991 as a Radiation Specialist in Region IV's Division of Nuclear Materials Safety. Since then, he has held progressively more responsible positions including Senior Health Physicist, Technical Assistant, State Agreements Officer and Chief of the Nuclear Materials Inspection Branch. In 2004, Mark also worked for the International Atomic Energy Agency as the Acting Head of the Standards Application Unit, within the Department of Nuclear Safety and Security. Prior to joining the NRC, Mr. Shaffer worked as a Certified Nuclear Medicine Technologist and as the Radiation Safety Officer for a broad-scope medical and academic/research facility. Mr. Shaffer received a B.S. degree in Nuclear Medicine Science from Incarnate Word College, San Antonio, Texas.

Mark Thaggard joined the NRC in 1989 as a Hydrologist in the Office of Nuclear Material Safety and Safeguards (NMSS). He has held a number of progressively more responsible positions including, Chief, Decommissioning Section, NMSS; Chief, Performance Assessment Branch, FSME; and most recently Chief, Hydrologic Engineering Branch, Office of New Reactors. He also briefly served as a Technical Assistant to former Chairman Meserve. Prior to joining the NRC, Mr. Thaggard worked for the Southwest Florida Water Management District and the U.S. Geological Survey. Mr. Thaggard received a B.A. degree in Geology from the University of South Florida, a M.S. degree in Environmental Science from the University of South Florida, and M.S. degrees in Applied Mathematics and Environmental Engineering from the Johns Hopkins University. He is a 2008 graduate of the SES Candidate Development Program and will serve in an acting capacity pending formal SES certification from the Office of Personnel Management.

I am excited about the new DILR management team. I know that they will continue to engage stakeholders on important FSME rulemakings and enhance the relationships that are already in place with Native American tribes, the States, and others on an array of topics.

Elsewhere in FSME, the Division of Materials Safety and State Agreements (DMSSA) implemented a reorganization that took effect on October 1, 2008. The new organization structure will realign DMSSA to effectively integrate security activities into FSME program elements while maintaining appropriate focus on enabling the safe and secure use of radioactive materials.

Charles L. Miller

Charles L. Miller, Director

continued from page 2

Division staff members also visited Moore Ranch, Nichols Ranch, and the Iragaray-Christensen site. Energy Metals' Moore Ranch and Uranerz Energy Corp.'s Nichols Ranch are two of the four sites for which the NRC is currently reviewing applications for new in-situ leach facilities. The NRC is also reviewing Cogema's application to restart the in-situ facility at the shuttered Iragaray-Christensen site.

(Contact: Alan Bjornsen, Division of Waste Management and Environmental Protection, 301-415-1195, e-mail: Alan.bjornsen@nrc.gov)

NATIONAL SOURCE TRACKING SYSTEM

Development of the National Source Tracking System (NSTS) is now complete and licensees must begin reporting to the system in January 2009. NRC and Agreement State licensees must report their initial inventory of category 1 and category 2 sources to the NSTS by January 31, 2009. Licensees must begin reporting source transactions to the NSTS on January 31, 2009. Licensees have the option of reporting by several mechanisms: (1) on-line to the NSTS; (2) batch load using electronic file submission; (3) mail; (4) facsimile; or (5) by telephone, with follow-up by facsimile or mail. In order to report to the NSTS using the on-line method or electronically (batch load), you will need to go through a credentialing process to receive a digital certificate and smart card. Although the credentialing process will take some effort to complete, the process is not difficult. Reporting by the on-line and electronic file submission methods will save time and effort when reporting transactions to the NSTS. A Help Desk has been established to answer questions related to credentialing and reporting inventory and transaction information.

The NSTS is a secure web-based system. The security of the NSTS is based in part on the use of digital certificates. A digital certificate is an electronic identification that establishes your credentials when doing business or other transactions on the Web. The use of digital certificates allows the NSTS to uniquely identify the user. You will not be able to access the NSTS without a digital certificate. This year, the Interim Data Base survey requested information on licensee staff who will be contacts for and receiving credentials to use the NSTS. Those named individuals should have received information on the credentialing process. Once an individual has completed the credentialing process, the individual will receive a smart card (hard token) and a card reader at no cost to the licensee. The smart card and card reader will be used for accessing the NSTS.

If you are interested in using the on-line or electronic method for reporting to NSTS and did not provide information for credentialing, you may still make a request to be credentialed. Please contact the NSTS Help Desk for instructions on initiating the credentialing process. The process takes approximately 6 weeks once your name has been provided. You may contact the NSTS Help Desk by e-mail NSTSHELP@nrc.gov or by phone at 1-877-671-6787.

Training: The NSTS has been designed to be intuitive and user-friendly. Extensive user support will be available and includes on-line navigation tools, application help, computer-based training, a users guide (available on-line), and a help desk. NRC is also providing classroom training sessions to permit users to learn how to use the system. These sessions will be held in November and December in various locations around the country. Attendance at one of the training sessions, while desirable, is not necessary to use the system. Those individuals that are being credentialed are the ones that may be interested in attending a training session. One of the sessions is designed for those that will be using the electronic file submission (batch loading).

Information on the training sessions was provided to licensees in early October. If you are interested in attending a training session and did not receive information, you may send your request to NRC by e-mail at NSTSTraining@nrc.gov. The e-mail should include the list of licensee staff who wish to attend NSTS training; contact information for each individual, including e-mail address and phone number; and your first and second choice for training sessions. We will try to accommodate first choices but please understand that this may not be possible. If multiple staff members are listed, we will give them preference in the order listed and will try to ensure that places are available for at least

one staff member from each licensee applying. You will receive confirmation by e-mail.

As noted above, the NRC is planning to host several training sessions for licensees around the country. Each session will be approximately six hours and will include hands-on use. The dates and locations are outlined in the following table.

NSTS Licensee Training Workshops

Date	Location
November 5	Rockville, MD
November 7	Rockville, MD
November 12	Rockville, MD
November 14**	Rockville, MD
November 18	Atlanta, GA
November 20	Atlanta, GA
December 2	Chicago, IL
December 4	Chicago, IL
December 9	Irving, TX
December 11	Irving, TX
December 16	San Francisco, CA
December 18	San Francisco, CA

**Special session for licensees that will be using the electronic file submission (batch loading) to report large numbers of transactions

Background: On November 8, 2006, the NRC issued the final rule incorporating the NSTS into its regulations (71 FR 65686). An amendment to the rule issued on October 19, 2007 (72 FR 59162) revised the compliance date to January 31, 2009. Agreement States have issued, or are in the process of issuing, equivalent rules or legally binding requirements. All licensees are required to report information on the manufacture, transfer, receipt or disposal of nationally tracked sources to the NSTS beginning January 31, 2009 and to report the initial inventory of nationally tracked sources by January 31, 2009.

Nationally tracked sources are sealed sources containing a quantity of radioactive material equal to or greater than the Category 2 levels listed in Appendix E to 10 CFR Part 20. A nationally tracked source may be either a Category 1 source (100 times the Category 2 threshold) or a Category 2 source. Nationally tracked sources do not include material encapsulated solely for disposal, or nuclear material contained in any fuel assembly, subassembly, fuel rod, or fuel pellet. The radioactive material and threshold values are based on the International Atomic Energy Agency (IAEA) Code of Conduct.

NSTS will eventually provide a life history of each nationally tracked source. The system will contain information on sources possessed by NRC and Agreement State licensees, as well as U.S. Department of Energy facilities. Transactions to be reported to NSTS include the manufacture of new sources, transfer of sources, receipt of sources, disassembly of sources, and disposal of sources. Licensees will be required to make the report by the close of the next business day after the transaction.

The information to be reported for each source includes the manufacturer, model, serial number, radioactive material, source strength, and associated date. Also to be included in each report is the company name, address, and license number. Transfer information would include the recipient, the shipping date, and the estimated arrival date. Receipt information would include the receipt date, the company name, and license number of the facility providing the source. Information for disposal would include the method and date of disposal, the waste manifest number, and the identification of the container with the source.

(Contacts: Merri Horn, Paul Goldberg, or Ernesto Quinones, Office of Federal and State Materials and Environmental Management Programs, 301-415-8126; e-mail: Merri.Horn@nrc.gov, 301-415-7842; e-mail: Paul Goldberg@nrc.gov or 301-415-0271; e-mail: Ernesto.Quinones@nrc.gov)

CLOSURE OF THE SALMON RIVER URANIUM DEVELOPMENT SITE

On September 19, 2008, a letter was sent to the owners of the Salmon River Uranium Development (SRUD) site located near Fork, Idaho, notifying the owners of the completion of the NRC and Environmental Protection Agency (EPA) decommissioning activities. The letter closes an eight year cleanup effort by the NRC, EPA, and the State of Idaho to release the property for unrestricted use.

The SRUD was issued a U.S. Atomic Energy Commission (AEC) source material license in 1958 to transfer and deliver possession of, and

title to, raw source material. In 1959, the AEC issued source material license R-0230 to SRUD, authorizing the receipt and possession of source material for processing. Both source material licenses expired on October 31, 1959. Based on interviews with the property owner, both uranium and thorium ores were processed at the site. Processing of source material at the SRUD site occurred in two separate time frames, the late-1950s and the late-1970s. Processing operations apparently were conducted in the late-1950s in accordance with the AEC licenses. During the late-1970s, pilot plant operations were conducted at the site to determine the viability of experimental ore processing techniques.

In 1994, the SRUD site was placed on the NRC's Site Decommissioning Management Plan (SDMP) list. In May 2001, NRC staff visited the SRUD site and identified thorium contamination in the form of partially processed ore. During 2004 and 2005, the NRC staff worked with the Idaho Department of Environmental Quality and the EPA to establish a path forward for remediation of the site. EPA agreed to perform remediation activities at the SRUD site in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The NRC activities provided oversight of the EPA remediation activities in accordance with 10 CFR Part 40. A Removal Action Work Plan was developed by the EPA and approved by the NRC, which specified its step-by-step process for conducting cleanup activities at the SRUD site.

The EPA's Plan included the removal and disposal of hazardous chemical and radiological contaminants that may pose an imminent and substantial threat to workers, public health and welfare, and the environment. Implementation of the EPA's work plan began on October 23, 2007, and was completed on June 3, 2008. Contaminated waste material above the unrestricted release limit was shipped to licensed disposal sites.

The NRC staff from Region IV (Bob Evans, Janine Katanic and Vince Watkins, a NASA loanee) and Headquarters (Kim Conway and Bruce Watson) conducted confirmatory radiological surveys of site structures and land areas, and collected soil samples for analysis by the NRC's independent laboratory contractor. The NRC performed an independent dose assessment assuming a recreational land use scenario employed by the EPA to evaluate the EPA's cleanup criteria and evaluate the as left condition of the SRUD site. Based on the residual radioactivity at the site, the site was determined to be significantly less than the criteria in 10 CFR Part 20, Subpart E and the SRUD site was determined to be suitable for unrestricted release.

(Contact: Bruce Watson, Office of Federal and State Materials and Environmental Management Programs, 301-415-6221; e-mail: Bruce.Watson@nrc.gov).

FSME WORKSHOP ON THE USE OF CESIUM CHLORIDE

The Office of Federal and State Materials and Environmental Management Programs and the Office of Nuclear Security and Incident Response held a workshop entitled "Stakeholder Workshop on the Security and Continued Use of Cesium-137 Chloride Sources" on September 29-30, 2008, at the Bethesda North Hotel and Conference Center. Close to two hundred individuals from the medical, academic, and manufacturing communities attended the two-day workshop.

The workshop was designed to solicit early public input on issues associated with the use of radioactive cesium chloride sources. The workshop consisted of roundtable sessions on the topics of: alternative cesium chloride sources, alternative technologies, phase out and transportation issues, additional enhanced security, and potential future requirements. For each roundtable, five to nine panel members provided expert input.

Commissioner Peter Lyons addressed the opening of the public workshop. In his remarks, Commissioner Lyons said, "There can be no question that the uses of cesium-137 chloride sources benefit the world's medical, research, and industrial communities and the public. However, preserving these benefits, coupled with achieving adequate security, is a very real challenge."

Prior to September 11, 2001, regulations of the U.S. Nuclear Regulatory Commission (NRC) and the Agreement States contained both safety and security components appropriate for that time. After September 11, 2001, the safety and security requirements were enhanced

through the use of increased security controls that aligned with the International Atomic Energy Agency Code of Conduct recommendations. Concerns about safety and security of radiation sources and devices have grown partly in response to fears that radiation sources could be used to make a radiological dispersal device or more often referred to as a dirty bomb.

Congress directed the NRC, via the Energy Policy Act of 2005, to take several actions. Among them was the request to undertake a study by the National Academy of Sciences to identify the uses of high-risk radiation sources and the feasibility of replacing them with lower-risk alternatives. The National Academy of Sciences recommendations called for stopping the licensing of new cesium-137 chloride irradiator sources, prohibiting the export of cesium-137 chloride sources, providing incentives for decommissioning of existing sources, and replacing existing sources with a less dispersible form of radioactive cesium, with cobalt-60, or with non-radionuclide alternatives. Others have called for the replacement of cesium-137 chloride sources, including House Bill H.R. 6816, "Nuclear Facility and Material Security Act of 2008."

Commissioner Lyons said he believes that, consistent with another recommendation of the National Academy of Sciences study entitled, "Radiation Source Use and Replacement," any effort to replace these radiation sources with alternative technologies should proceed with caution in order to minimize disruption in vital areas of industry, medicine, and research. To that end goal, the NRC is holding this public workshop, to ensure that all stakeholders are afforded an early opportunity to provide input on any potential regulatory changes.

The Commissioner said that the NRC has not made any decisions regarding the suspension of the use of high-activity cesium-137 chloride sources, but after the workshop, drawing on recommendations from the workshop, the staff will develop recommendations for Commission deliberation. This information, combined with other studies, will provide insight for the Radiation Source Protection and Security Task Force discussion and consideration of the continued use of cesium-137 chloride sources. The Task Force is made up of 14 Federal agencies and representatives from the Organization of Agreement States and the Conference of Radiation Control Program Directors, Inc.

The security of radioactive materials has been and continues to be a top priority for the NRC, he said. Applying a risk-based approach, the NRC has enhanced security of radioactive materials and has reduced the potential threat from a radiological dispersal device or radiological exposure device. The security of these materials has been enhanced through additional requirements on access control, detection, trustworthiness, accounting, and other measures. Nevertheless, NRC continues to work closely with its domestic and international partners to continuously assess, integrate, and improve its security programs, and, when deemed necessary, to make risk-significant radioactive materials still more secure and less vulnerable to terrorists.

Many workshop participants agreed there are specific issues to be resolved with any replacement technology and that big differences exist between x-ray and gamma radiation in terms of absorbed dose. While there may be alternatives to certain types of processes, these alternatives may not be suitable for other

The workshop attracted many participants.

applications. In addition, several medical organizations stated concerns that the prohibition or elimination of the use of cesium chloride irradiators could result in a decrease in the standard of medical care that exists in this country.

Cesium chloride sources are used in many different devices including irradiators. However, the workshop concentrated on sources identified by the International Atomic Energy Agency as Category 1 and 2 sources, which may pose a significant risk to public health and the environment if not properly handled and secured. The National Academy of Sciences also recently recommended the replacement or elimination of certain cesium chloride sources.

The comments received in the workshop will be considered as input into future follow-up actions that the NRC may take. All documents related to the Workshop, such as the agenda, attendance list, list of panel members, slide presentations, and the transcript for both days, are accessible on the Workshop web-site: http://www.nrc.gov/materials/miau/licensing.html#cesium.

For more information, please contact Dr. John P. Jankovich, Office of Federal and State Materials and Environmental Management Programs, 301-415-7904, e-mail: john.jankovich@nrc.gov or Dr. Cynthia Jones, Office of Nuclear Security and Incident Response, 301-415-0298, e-mail: cynthia.jones@nrc.gov.

GENERIC COMMUNICATIONS ISSUED

(June 30, 2008 - October 3, 2008)

The following are summaries of U.S. Nuclear Regulatory Commission (NRC) generic communications issued by the Office of Federal and State Materials and Environmental Management Programs. If one of these documents appears relevant to your needs and you have not received it, please call one of the technical contacts listed below. The Internet address for the NRC library of generic communications is http://www.nrc.gov/reading-rm/doc-collections/gen-comm/index.html. Please note that this address is case-sensitive and must be entered exactly as shown.

Bulletins (BLs)

None.

Generic Letters (Gls)

None.

Information Notices (INs)

None.

Regulatory Issue Summaries (RIS)

RIS 2008-17, "Voluntary Security Enhancements for Self-Contained Irradiators Containing Cesium Chloride Sources" was issued July 18, 2008. This RIS was issued to all U.S. Nuclear Regulatory Commission Materials licensees authorized to possess self-contained irradiators containing cesium chloride (CsCl); all Agreement State Radiation Control Program Directors and State Liaison Officers; and all members of the Advisory Committee on the Medical Uses of Isotopes.

(Technical contacts: Tomas Herrera, FSME, (301) 415-7138, e-mail: Tomas.Herrera@nrc.gov; and John Jankovich, FSME, (301) 415-7904; e-mail: John.Jankovich@nrc.gov; and Regional contacts Michelle Beardsley, Region I, (610) 337-6942, e-mail: Michelle.Beardsley@nrc.gov; and Kevin Null, Region III, (630) 829-9854, e-mail: Kevin.Null@nrc.gov)

RIS 2008-23, "The Global Threat Reduction Initiative (GTRI) Domestic Threat Reduction Program and Federally Funded Voluntary Security Enhancements For High-Risk Radiological Material," was issued October 3, 2008. This RIS was issued to all U.S. Nuclear Regulatory Commission authorized to possess Category 1 or Category 2 quantities of radioactive materials; all Agreement State Radiation Control Program Directors and State Liaison Officers; and members of the Advisory Committee on the Medical Uses of Isotopes.

(Technical contacts: Doug Broaddus, FSME, (301) 415-8124, e-mail: Doug.Broaddus@nrc.gov; Maria Arribas-Colon, FSME, (301) 415-6026, e-mail: Maria.Arribas-Colon@nrc.go; and Regional contacts Judith Joustra, Region I, (610) 337-6942, email: Judith.Joustra@nrc.gov; Kevin Null, Region III, (630) 829-9854, e-mail: Kevin.Null@nrc.gov; and Roberto Torres, Region IV, (817) 860-8189, e-mail: Robertoj.Torres@nrc.gov)

RIS 2008-24, "Security Responsibilities of Service Providers and Client Licensees," was issued October 3, 2008. This RIS was issued to all holders of U.S. Nuclear Regulatory Commission

licensees that hire service providers to install, service, repair, maintain, relocate, exchange, or transport radioactive materials in quantities of concern; service provider licensees; Agreement State Radiation Control Program Directors; and State Liaison Officers.

(Technical contact: Doug Broaddus, FSME, (301) 415-8124, e-mail: Doug.Broaddus@nrc.gov)

(General Contact: Angela R. McIntosh, FSME, 301-415-5030; e-mail: Angela.McIntosh@nrc.gov.)

SIGNIFICANT EVENTS

Event #1: Dose to Embryo/Fetus

Date and Place: June 4, 2008, Brooks Air Force Base, Texas

Nature and Probable Causes: The U.S. Air Force reported that a pregnant patient received a therapeutic I-131 dose of 5.52 GBq (149.2 mCi) on June 4, 2008, at the Wilford Hall Medical Center. The U.S. Nuclear Regulatory Commission (NRC) first learned of the incident during an unannounced inspection conducted on September 5, 2008. The patient was tested for pregnancy on June 2, 2008, prior to receiving the ablative dose. The serum screening result was negative and the dose was administered with no complications. On August 13, 2008, the patient was informed that she was pregnant. Follow-up consultation with the Radiation Emergency Assistance Center/Training Site (REAC/TS) and calculations determined that the dose to the fetus was approximately 31.5 cGy (rad). However, since the incident occurred early in the zygote phase of development, there are no anticipated adverse consequences. The patient and her physician have been consulted regarding the hospital's conclusions. The NRC is obtaining the services of a medical consultant to assist in its ongoing special inspection of the incident.

Event #2: Extremity Overexposure

Date and Place: September 29, 2008, Houston, Texas

Nature and Probable Causes: The licensee reported a potential extremity overexposure of between 66.5 and 282.2 cSv (rem). On September 29, 2008, a radiographer was performing radiographs in various locations at a work site in Houston, Texas. He was using a camera that contained an Ir-192 source with an activity of 3.1 TBq (85 curies). At one point, the radiographer removed the plug off the front of the camera to test the guide tube, however his alarming dose rate meter began to alarm. He then noticed that the source had come out of the camera about 1.3 centimeters. About the same time, the radiographer accidentally dropped the camera plug, picked up the plug, and then made two unsuccessful attempts to push the source back in with the plug. He left his position at the front of the camera and walked to the back of the camera to turn the crank until the source went back into its shielded position. The radiographer then inserted the plug, and notified appropriate personnel.

The licensee sent the radiographer's dosimetry for processing. The result was a whole body exposure of 0.946 cSv (946 millirem). The radiation safety officer discussed the details of the event with the radiographer and re-enacted the event to attempt to estimate the exposure to the radiographer's right hand, because of the close proximity of the source to the hand during the event. Based on the time and distance of the source to the hand, the estimated exposure is 66 cSv (66 rem). The licensee has hired a consultant to get a more accurate assessment of the exposure to the hand. The consultant and State regulators are assessing the circumstances to determine whether the radiographer's hand contacted the source capsule. If so, he may have received up to 280 cSv (280 rem) to the hand.

Event #3: Medical Event Involving Wrong Patient Treatment

Date and Place: July 17, 2008, Allentown, Pennsylvania

Nature and Probable Causes: The licensee reported that a patient prescribed to receive 0.74 GBq (20 mCi) of I-131 was administered 2.78 GBq (75 mCi) of I-131 on July 17, 2008. Two patients were scheduled for different I-131 therapy doses and the doses got switched. The patient was given a blocking agent of 130 milligrams of SSKI approximately one hour after the I-131 administration. The next day, measurements indicated a 74 MBq (2 mCi) uptake to the patient's thyroid and a 370 MBq (10 mCi) whole body retention. Both patients and their physicians were notified. Corrective actions included procedure modifications.

(Contact: Angela R. McIntosh, FSME, (301) 415-5030; e-mail: Angela.McIntosh@nrc.gov.)

SIGNIFICANT ENFORCEMENT ACTIONS

The U.S. Nuclear Regulatory Commission's (NRC's) enforcement program can be accessed via NRC's homepage [http://www.nrc.gov/] under "What We Do." Documents related to cases can be accessed at [http://www.nrc.gov/], "Electronic Reading Room," "Documents in ADAMS." ADAMS is the Agency-wide Document Access and Management System. Help in using ADAMS is available from the NRC Public Document Room, telephone: 301-415-4737 or 1-800-397-4209.

Portable Gauges

Alaska Rim Engineering, Inc.
(EA-08-139 and EA-08-140)

On September 17, 2008, a Notice of Violation and Exercise of Enforcement Discretion were issued for a Severity Level III problem. The violations involved possession and use of a portable gauge containing radioactive material without an NRC license, and failure to provide complete and accurate information in its license application dated March 6, 2007. Specifically, from May 17, 2003, until March 6, 2007, Alaska Rim Engineering, Inc., possessed and used a portable gauging device in the State of Alaska, a non-Agreement State, without an NRC license and on March 6, 2007, Alaska Rim Engineering, Inc., submitted an application for an NRC license stating that it was planning to purchase and will be licensing one portable moisture density gauge. This is inaccurate because it had purchased and used the gauge in May 2003, without an NRC license.

R&M Engineering-Ketchikan, Inc.
(EA-08-076)

On September 10, 2008, a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of $3,250 was issued for a Severity Level III violation of 10 CFR 30.34(i). The violation involved the licensee's failure to use a minimum of two independent physical controls that formed tangible barriers to secure a portable gauge from unauthorized removal when the portable gauges was not under the control and constant surveillance of the licensee. Specifically, the licensee stored four portable gauges in its warehouse located in Ketchikan, Alaska, using only one independent physical control that formed a tangible barrier and the gauges were not under the control and constant surveillance of the licensee.

Soil Technology Associates, Inc.
(EA-08-200)

On August 27, 2008, a Notice of Violation was issued for a Severity Level III violation involving the failure to use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, when portable gauges are not under the control and constant surveillance of the licensee. Specifically, no tangible barrier existed to secure two portable gauges from unauthorized removal when the gauges were unattended and a roll up door was open at the licensee's facility. While the gauges were stored within locked containers, the containers were not secured to prevent the containers and their contents from unauthorized removal, such that no independent physical controls that formed tangible barriers were present.

Ahern & Associates, Inc.
(EA-08-150)

On July 9, 2008, a Notice of Violation was issued to Ahern & Associates, Inc. This action is based on a Severity Level III violation of 10 CFR 30.34(i) involving the licensee's failure to maintain a minimum of two independent physical controls that formed tangible barriers to secure a portable gauge from unauthorized removal during a period when the portable gauge was not under the control and constant surveillance of the licensee. Specifically, a portable gauge was left unattended inside an unlocked storage area with only one physical control (a locked cabinet container) that formed a tangible barrier to secure the portable gauge.

McKinney and Company
(EA-08-177)

On July 9, 2008, a Notice of Violation was issued to McKinney and Company. This action is based on a Severity Level III violation of 10 CFR 30.34(i) involving the licensee's failure to maintain a minimum of two independent physical controls that formed tangible barriers to secure a portable gauge from unauthorized removal during a period when the portable gauge was not under the control and constant surveillance of the licensee. Specifically, five portable gauges were found unattended inside an unlocked building with only one physical control (a locked storage area door) that formed a tangible barrier to secure the portable gauges.

Morrison-Maierle, Inc.
(EA-08-041)

On July 9, 2008, a Notice of Violation was issued for a Severity Level III violation. The violation involved the failure to use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, when the portable gauges are not under the control and constant surveillance of the licensee. Specifically, the licensee did not have tangible barriers to secure a portable gauge from unauthorized removal while stored in a building located within a secured area.

McCallum Testing Laboratories, Inc. (EA-08-004; EA-08-086)

On May 28, 2008, a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of $3,250 was issued for a Severity Level III problem. The violations involved the failure to control and maintain constant surveillance of material that is in an unrestricted area and not in storage and failure to block and brace packages containing radioactive material to prevent a change in position during transport. Specifically, a portable gauge fell from the back of a pickup truck, after it was placed in the back of the truck without using a transport case or attaching the gauge in any way to the truck. After falling, the gauge was subsequently damaged, and was lost for approximately an hour.

IBS of America Corporation
(EA-08-031)

On June 6, 2008, a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of $3,250 was issued to IBS of America Corporation for a Severity Level III violation of 10 CFR 30.34(c). Specifically, the licensee possessed byproduct material at a location not authorized by their license.

Industrial X-Ray

Alaska Industrial X-Ray, Inc.
(EA-07-325; EA-08-196)

On August 20, 2008, a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of $20,800 was issued to Alaska Industrial X-Ray, Inc. for a willful Severity Level II problem involving: (1) performing radiography at a location other than a permanent radiographic installation without the presence of two qualified individuals, in violation of 10 CFR 34.41(a), and (2) failing to provide the NRC with information that was complete and accurate in all material respects, in violation of 10 CFR 30.9(a). The NRC also issued an immediately effective Order Modifying License to require additional actions by the licensee to provide reasonable assurance that the health and safety of the public will be protected.

Fuel Cycle Facilities

Global Nuclear Fuel -- Americas, L.L.C. (EA-08-187)

On August 13, 2008, a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of $16,250 was issued for a Severity Level (SL) III violation for circumstances surrounding an incorrect emergency action level declaration. The incorrect emergency action level declaration stemmed from an event that occurred on January 29-30, 2008, also categorized as SL III (EA-08-123), involving introduction of moisture into the Dry Conversion Process Line-2 cooling hopper containing uranium dioxide powder. At the time of this event, Global Nuclear Fuels – Americas (GNF-A) instruments indicated that the cooling hopper contained uranium dioxide above the safe critical mass limit indicating a potential for criticality existed from an unsafe mass, while the system was undergoing maintenance testing. It was later determined that the cooling hopper contained a safe mass of uranium dioxide and the moisture in the powder was within normal limits. GNF-A initially declared the event as an "Off-Normal Condition" and later upgraded the event to an "Alert" without obtaining any new information. NRC concluded that GNF-A failed to follow its own procedure. GNF-A implemented immediate and long-term corrective actions to prevent this type of event from repeating. In this case, no actual consequences resulted because an inadvertent criticality accident did not occur.

BWX Technologies, Inc.
(EA-08-171)

On August 8, 2008, a Notice of Violation was issued to BWX Technologies, Inc. for a Severity Level III problem involving three violations of their license. Specifically, the licensee did not (1) inspect Raschig ring-filled vacuum (RRVCs) cleaners on multiple occasions between January 28, 2008, and March 5, 2008, to ensure adequate levels of Raschig rings were present to prevent inadvertent criticality, (2) establish, prior to March 5, 2008, double contingency for operation of RRVCs to ensure that a criticality accident could not occur with only

one change in process conditions, and (3) fill, prior to March 5, 2008, multiple RRVCs with well-settled Raschig rings in accordance with ANSI/ANS-8.5-1996 such that further settling was not likely during use. In this case, no actual consequences resulted because an inadvertent criticality accident did not occur.

Westinghouse Electric Company (EA-08-165)

On August 6, 2008, a Notice of Violation was issued to Westinghouse Electric Company, Commercial Nuclear Fuel Division, for a Severity Level III problem involving three violations associated with the loss, on February 4, 2008, of sixteen sample vials of uranium hexafluoride. Specifically, the violations involved: (1) the failure to properly document and control the transfer of sixteen sample vials of uranium hexafluoride from shipping and receiving to the chemistry laboratory as required by procedures; (2) the failure to secure from unauthorized removal the sixteen vials when they were stored in a controlled area and the failure to control and maintain constant surveillance of the sample vials when they were not in storage; and (3) the failure of an individual to annotate that he had read and acknowledged the procedure governing the disposal of empty shipping containers prior to performing that work assignment. In this case, there are no indications of any radiation or chemical exposures as a result of the licensee's loss of control of the sixteen uranium hexafluoride sample vials.

AREVA NP, Inc. (EA-08-122)

On June 13, 2008, a Notice of Violation was issued for a Severity Level III violation. The violation involved the failure to properly prepare a package containing fuel service equipment such that dose rates on the surface of the package would not exceed 10 CFR 71.5(a) and 49 CFR 173.441(a) limits. Specifically, on February 3, 2008, AREVA shipped surface contaminated equipment as an open conveyance on a flatbed trailer. On February 4, 2008, the shipment arrived at a nuclear power facility with measured contact radiation levels between 800-2000 mr/hr in a localized area on the bottom of the container. The localized area was not easily accessible and no measurable radiation exposures to workers or members of the public occurred as a result of this event.

Miscellaneous

American Radiolabeled Chemicals, Inc. (EA-08-126)

On July 22, 2008, a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of $6500 was issued for a Severity Level III problem. The violation involved multiple examples of failure to adhere to license commitments and regulations. Specifically, between January 22 and March 14, 2008, the licensee failed to: (1) secure from unauthorized removal or limit access to licensed material in an aggregate quantity greater than 1000 times Appendix C to 10 CFR Part 20 limits; (2) comply with license commitments related to management oversight of the radiation protection program, including a failure to conduct monthly meetings of the Radiation Safety Committee and a failure to implement timely and adequate corrective actions for issues identified during annual program reviews; (3) comply with license commitments related to radiological surveys; and (4) perform and document required investigations of contamination found in controlled and unrestricted areas.

Chevron Environmental Management Company (EA-08-054)

On July 8, 2008, a Confirmatory Order (effective immediately) (CO) was issued to confirm commitments made as result of an Alternative Dispute Resolution (ADR) session, held on June 5, 2008, between Chevron Environmental Management Company (CEMC) and the NRC. The parties agreed to engage in ADR following NRC's February 29, 2008, letter to CEMC wherein an apparent violation of 10 CFR 40.7, "Employee Protection" was identified. As set forth in the CO, CEMC agreed to complete a number of actions at its Washington, PA decommissioning site, including, but not limited to: training supervisory employees regarding employees' rights to raise concerns; communicating CEMC's policy and management expectations regarding employees' right to raise concerns; and distributing a questionnaire to assess employees' willingness to raise nuclear safety concerns. In turn, the NRC agreed to not pursue further enforcement action relating to this matter.

Individual Actions

Charles A. Leet (IA-08-025)

On September 17, 2008, a Notice of Violation was issued for a Severity Level III violation involving a deliberate submission of materially inaccurate information to the NRC and deliberately caused his employer, Alaska Rim Engineering, Inc., to be in violation of NRC regulations. Specifically, Mr. Leet, on behalf of Alaska Rim, purchased, received, possessed, and used a portable gauge device without an NRC license. In addition, on May 6, 2007, Mr. Leet submitted a license application to the NRC stating that Alaska Rim was planning to purchase the portable gauge when, in fact, Alaska Rim had already purchased the gauge in May 2003 and used it without an NRC license.

Scot A. Menzies (IA-08-010)

On September 10, 2008, a Notice of Violation was issued for a Severity Level III violation involving a deliberate failure to use a minimum of two independent physical controls that formed tangible barriers to secure portable gauges from unauthorized removal, when the portable gauges were not under the control and constant surveillance of the licensee. Specifically, Mr. Menzies did not use tangible barriers to secure portable gauges from unauthorized removal while in storage in the R&M Engineering-Ketchikan, Inc., facility located in Ketchikan, Alaska.

Joseph S. Shepherd (IA-08-014)

On September 8, 2008, a Confirmatory Order (Effective Immediately) was issued to Mr. Joseph S. Shepherd, a contractor for Source Production and Equipment Company (SPEC), confirming commitments reached as part of conjoined negotiations with the Department of Justice (DOJ). As a result of the plea negotiations with DOJ, Mr. Shepherd agreed to not contest the Order. The Order was issued based on Mr. Shepherd's failure to comply with certain NRC Certificate of Compliance (CoC) requirements regarding a shipping package and his engagement in deliberate misconduct which caused SPEC to be in violation of 10 CFR 71.3. Specifically, SPEC, an NRC licensee pursuant to 10 CFR Part 110, shipped licensed radioactive material to Mexico on July 15, 2003, December 4, 2003, and May 20, 2004 while (1) the end caps were physically and dimensionally different from those approved in the CoC, and (2) the package was not inspected prior to shipment as required by the CoC. Mr. Shepherd agreed that he authorized modifications to the transportation package without prior NRC approval and that he concealed these package non-conformances from SPEC at the time of the shipments. Mr. Shepherd also agreed that he did not perform inspections of the shipping package as required by the CoC prior to the shipments to Mexico, but provided SPEC documentation which indicated that he performed the required inspections. As a result, SPEC, which relied on Mr. Shepherd's representations that the shipping package complied with all regulatory requirements, shipped NRC licensed material without a license in violation of 10 CFR 71.3. The Order and DOJ agreement will prohibit Mr. Shepherd from participating in 10 CFR Part 71 licensed activities indefinitely. He also will (1) be subject to additional unannounced inspections for five years from the date of the Order, (2) notify and make available copies of the Order to customers, (3) attend additional regulatory safety training, and (4) prepare a presentation for an industry conference describing the circumstances of his violations.

Patrick A. Kelly (IA-08-008)

On August 20, 2008, an Immediately Effective Order was issued to an individual prohibiting him from involvement in NRC-licensed activities for a period of one year from the date the Order was issued. The Order was issued based on his engagement in deliberate misconduct which caused his employer, Alaska Industrial X-Ray, Inc. to be in violation of 10 CFR 34.41(a) and for providing the NRC with information that he knew was inaccurate or incomplete. Specifically, the individual deliberately violated 10 CFR 34.41(a) by performing radiography with only one radiographer present at a temporary jobsite, on multiple occasions over about a 3-year period. In addition, when first interviewed by the NRC's Office of Investigations, he deliberately provided information that he knew was incomplete or inaccurate.

Kenneth J. Vandiver (IA-08-006)

On August 20, 2008, an Immediately Effective Order was issued to the former radiation safety officer (RSO) for Alaska Industrial X-Ray, Inc. (AIX), prohibiting him from Iinvolvement in NRC-licensed

activities for a period of three years from the date the Order was issued. The Order was issued based on his engagement in deliberate misconduct on numerous occasions over several years, and providing the NRC with information that he knew was inaccurate or incomplete. Specifically, as RSO he was responsible for ensuring that radiation safety activities were being performed in accordance with approved procedures and regulatory requirements in the daily operation of the licensee's program. In this case, not only did the individual deliberately violate 10 CFR 34.41(a), he was also aware that other AIX radiographers were deliberately violating this requirement and took no actions to stop it. When questioned by the NRC, he knowingly provided incomplete and inaccurate information about the violations.

Donald M. Miller (IA-08-007)

On August 20, 2008, a Notice of Violation was issued for a Severity Level III violation involving deliberate misconduct on the part of the individual which caused his employer, Alaska Industrial X-Ray, Inc. to be in violation of 10 CFR 34.41(a). Specifically, the individual deliberately performed radiography, on multiple occasions, without being accompanied by at least one other qualified radiographer or an individual who had at a minimum met the requirements of 10 CFR 34.43(c).

Sean J. Kelly (IA-08-009)

On August 20, 2008, a Notice of Violation was issued for a Severity Level III violation involving deliberate misconduct on the part of the individual which caused his employer, Alaska Industrial X-Ray, Inc. to be in violation of 10 CFR 34.41(a). Specifically, the individual deliberately performed radiography, on multiple occasions, without being accompanied by at least one other qualified radiographer or an individual who had at a minimum met the requirements of 10 CFR 34.43(c).

William M. Johnston (IA-08-022)

On May 23, 2008, a Notice of Violation was issued for a Severity Level III violation involving a deliberate failure to provide the NRC with complete and accurate information, as required by 10 CFR 30.10(a)(2). Specifically, in a report submitted to the NRC on May 18, 2006, the individual, as the radiation safety officer (RSO) for Global X-Ray and Testing Corporation, described an event that took place during radiographic operations on board a lay-barge on April 20, 2006, but failed to include complete information regarding the radiation exposure to the radiographer involved in the event. He also failed to disclose the fact that the radiographer reported that his pocket dosimeter had gone off-scale and he did not reconcile or explain the discrepancy between the reported dose and the off-scale dosimeter reading.

SELECTED FEDERAL REGISTER NOTICES

(July 1, 2008 – September 30, 2008)

Governors' Designees Receiving Advance Notification of Transportation of Nuclear Waste, 73 FR 37508, July 1, 2008.

(Contact: Stephen N. Salomon, Office of Federal and State Materials and Environmental Management Programs, 301-415-2368; e-mail: Stephen.Salomon@nrc.gov.)

Notice of Issuance of Regulatory Guides: (RG 10.3, Revision 2, NRC-2008-0382) 73 FR 39340, July 9, 2008; (RG-10.6, Revision 2, NRC-2008-0389) 73 FR 39735, July 10, 2008; (RG 10.5, Revision 2, NRC 2008-0396) 73 FR 39993, July 11, 2008; and (RG 10.2, Revision 2, NRC 2008-0393) 73 FR 39993, July 11, 2008.

(Contact: Mark Orr, Office of Nuclear Regulatory Research, 301-415-6373, e-mail: Mark.Orr@nrc.gov.)

10 CFR Part 20 James Salsman; Denial of Petition for Rulemaking (Docket No. PRM-20-26; NRC-2005-0017) 73 FR 4338, July 25, 2008.

(Contact: Frank Cardile, Office of Federal and State Materials and Environmental Management Programs, 301-415-6185, e-mail: Frank.Cardile@nrc.gov.)

10 CFR Part 73 David Lochbaum, Union of Concerned Scientists; Consideration of Petition in the Rulemaking Process (Docket No. PRM-73-13; NRC-2007-0023) 73 FR 43874, July 29, 2008.

(Contact: Lauren Quinones, Office of Nuclear Reactor Regulation, 301–415-2007, or toll-free: 800-368-5642, e-mail: Lauren.Quinones@nrc.gov.)

10 CFR Part 35 Medical Use of Byproduct Material-Amendments/ Medical Event Definitions (RIN 3150-AI26)(NRC-2008-0071), 73 FR 45636, August 6, in-situ

(Contact: Edward M. Lohr, Office of Federal and State Materials and Environmental Management Programs, 301-415-0253, e-mail: Edward.Lohr@nrc.gov)

10 CFR Part 51 The Attorney General of Commonwealth of Massachusetts, The Attorney General of California; Denial of Petitions for Rulemaking (Docket No. PRM-51-10; NRC-2006-0022 and Docket No. PRM-51-12; NRC-2007-0019), 73 FR 46204, August 8, 2008.

(Contact: L. Mark Padovan, Office of Nuclear Reactor Regulation, 301-415-1423, e-mail: Mark.Padovan@nrc.gov)

NRC Enforcement Policy Revision, (NRC–2008–0497) 73 FR 53286, September 15, 2008.

(Contact: Doug Starkey, Office of Enforcement, 301-415-3456, email: Doug.Starkey@nrc.gov)

Notice of Issuance of Regulatory Guide (RG-10.8, Revision 3) (NRC-2008-0514), 73 FR 63451, September 16, 2008.

(Contact: Mark Orr, Office of Nuclear Regulatory Research, 301-415-6373, e-mail: Mark.Orr@nrc.gov)

10 CFR Parts 2 and 13 Adjustment of Civil Penalties for Inflation (RIN 3150-AI45) RG 10 (NRC–2008–0412). 73 FR 54671, September 23, 2008.

(Contact: Maxwell C. Smith, Office of the General Counsel, 301-–415–-1246, e-mail: Maxwell.Smith@nrc.gov)

10 CFR Parts 2 and 13 "Adjustment of Civil Penalties for Inflation" (RIN 3150-AI45) (NRC-2008-0412), 73 FR 54671, September 23, 2008.

(Contact: Maxwell C. Smith, Office of the General Counsel, 301-415-1246, e-mail: Maxwell.Smith@nrc.gov)

Notice of Issuance of Regulatory Guides (RG 10.7, Rev 2, NRC-2008-0533) and (RG 10.9 Rev 2, NRC-2008-0536), 73 FR 55544, September 25, 2008

(Contact: Mark Orr, Office of Nuclear Regulatory Research, 301-415-6373, e-mail: Mark.Orr@nrc.gov)

NOTE TO READERS: In an attempt to keep the FSME Licensee Newsletter relevant, useful and informative, feedback on the content of the newsletter is welcome. Readers desiring to contribute articles, self-explanatory diagrams, suggestions for future articles, bulletins, web-site postings, and other items of interest to the FSME Licensee Newsletter readership, should contact Michael Williamson or Gwendolyn Davis, from the Office of Federal and State Materials and Environmental Management Programs, Rulemaking Branch A. Mr. Williamson may be contacted at (301) 415-6234 or Michael.Williamson@nrc.gov. Ms. Davis may be contacted at (301) 415-8165 or Gwendolyn.Davis@nrc.gov. In addition, to ensure proper delivery of the FSME Licensee Newsletter, please report any address changes to Mr. Williamson to prevent any interruption of service.

Please send written correspondence and requests to:
Michael K. Williamson, Editor
FSME Licensee Newsletter
Office of Federal and State Materials and
Environmental Management Programs
U.S. Nuclear Regulatory Commission
Two White Flint North, Mail Stop: T-8-F42
Washington, D.C. 20555-0001

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555-0001

OFFICIAL BUSINESS