

FSME
News

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OFFICE OF FEDERAL & STATE
 MATERIALS & ENVIRONMENTAL
 MANAGEMENT PROGRAMS

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**NEW CHAIRMAN
 FOR NRC**

ABOVE
**Chairman Allison
 M. Macfarlane being
 sworn in.**

By Vanessa Cox

In May 2012, President Barack Obama nominated Dr. Allison Macfarlane, associate professor of environmental science and policy at George Mason University, to serve as Chairman of the U.S. Nuclear Regulatory Commission. On July 9, 2012, Dr. Macfarlane was sworn in as the new Chairman of the NRC. She will serve a term ending June 30, 2013. Chairman Macfarlane is only the third woman to serve as chair of the Commission, is the first geologist to serve on the Commission, and is overall the 33rd person to serve on the Commission.

During a small private ceremony attended by the agency's other commissioners and several senior NRC staff, Chairman Macfarlane stated, "This is a singular honor. I am grateful to the President for nominating me and to the Senate for confirming my selection. The agency faces multiple challenges. I look forward to working collegially with my fellow commissioners and the excellent, dedicated staff at the NRC to address these issues,"

See Chairman on page 2

Before joining the NRC, Chairman Macfarlane was an associate professor of environmental science and policy at George Mason University. She has held fellowships at the Bunting Institute at Radcliffe College, the Center for International Security and Cooperation at Stanford University, the Belfer Center for Science and International Affairs at Harvard University, and the Security Studies Program and Program for Science, Technology and Society at the Massachusetts Institute of Technology. From 1998 to 2000, she was a Social Science Research Council MacArthur Foundation fellow in International Peace and Security. From 2003 to 2004, she was on the Earth Science and International Affairs faculty at the Georgia Institute of Technology. Chairman Macfarlane is an expert in nuclear waste issues. She has served on National Academy of Sciences panels on nuclear energy and nuclear weapons issues and on the White House's Blue Ribbon Commission on America's Nuclear Future. She is coeditor of a book on high-level nuclear waste repositories titled, *Uncertainty Underground: Yucca Mountain and the Nation's High-Level Nuclear Waste, Policy and Scientific Issues* (2006, MIT Press) as well as the author of numerous articles on nuclear waste, nuclear energy, and nuclear nonproliferation issues.

Chairman Macfarlane holds a doctorate in geology from the Massachusetts Institute of Technology. Chairman Macfarlane and her husband, a George Mason University professor of cultural studies and anthropology, live in Bethesda, MD. They have two children.

NEW TERM FOR A COMMISSIONER

BELOW
Commissioner Kristine L. Svinicki



On June 29, 2012, Commissioner Kristine L. Svinicki was sworn in for a second term as an NRC Commissioner to a term ending on June 30, 2017. Her first term was from March 28, 2008, to June 30, 2012.

Commissioner Svinicki has a distinguished career as a nuclear engineer and policy advisor; working at the State and Federal levels of government, and in both the legislative and executive branches. Before joining the NRC, Commissioner Svinicki spent over a decade as a staff member in the United States Senate advancing a wide range of policies and initiatives related to national security, science and technology, and energy and the environment.

Commissioner Svinicki earned a bachelor's degree in nuclear engineering from the University of Michigan in 1988.



FROM THE DESK OF THE DIRECTOR

For this edition of the FSME newsletter, I would like to announce some recent managerial changes within FSME.

I am pleased to announce that Brian E. Holian will be FSME's Deputy Office Director, backfilling for Cynthia Carpenter, who was recently named the Director of the NRC's Office of Administration. FSME thanks Ms. Carpenter for her contributions over the last 2 years. Mr. Holian joined the NRC in 1990 as a project engineer in the Office of Nuclear Reactor Regulation (NRR). From 1990 to 1996, he served as a project manager and senior project manager in NRR. In 1996, Mr. Holian joined former Chairman Shirley Jackson's staff as her special assistant for reactor programs. In 1998, the NRC selected Mr. Holian for the senior executive service position of Deputy Director for Policy Development and Technical Support in Chairman Jackson's Office. In 1999, he transferred to Region I where over a number of years, he served as Deputy Director, Division of Reactor Safety; Deputy Director, Division of Reactor Projects; and Director, Division of Reactor Projects. In 2006, he was appointed to Director, Division of Nuclear Materials Safety, Region I. Mr. Holian assumed his previous position as Director, Division of License Renewal, NRR, in 2008. Mr. Holian received a B.S. degree in pre-engineering physics from Miami University and a M.S. degree in systems management from the University of Southern California.



Brian Holian

In FSME's Division of Material Safety and State Agreements (DMSSA), James Luehman accepted an appointment to the Office of New Reactors as the Deputy Director of the Division of Construction Inspection and Operational Programs. We would like to thank Mr. Luehman for his 4 years of service to FSME. I am pleased to announce that Pamela Henderson has been named as the DMSSA Deputy Director. Ms. Henderson joined the Nuclear Regulatory Commission in 1991 as a health physicist in Region I. Since that time, she has held a number of progressively more responsible positions including senior health physicist and Branch Chief in the Division of Nuclear Materials Safety in the Region I Office. She received an NRC

Meritorious Service award for excellence in materials inspection and license reviews in 2002. In November 2009, she completed the NRC Senior Executive Service Candidate Development Program and received certification of executive qualifications in March 2010. Since January 2011, she has held the position of Branch Chief for reactor health physics and emergency response in the Division of Reactor Safety in Region I. She holds a bachelor's degree in biology and environmental studies, a second bachelor's degree in chemistry and nuclear medicine, and a master's degree in health physics.

Lastly, Dr. Keith McConnell is transitioning from the position he has held for the last 6 years as the Deputy Director of the Division of Waste Management and Environmental Programs (DWMEP) to lead the newly formed Waste Confidence Directorate in the Office of Nuclear Material Safety and Safeguards (NMSS). FSME thanks Dr. McConnell for his service to the office. Both Mr. Holian and I are confident that Dr. McConnell will be successful in his new role. I am pleased to announce that Mr. Aby Mohseni has been named as Dr. McConnell's successor. Mr. Mohseni joined the NRC in 1990 as an Emergency Preparedness Specialist. His last appointment was Deputy Director of Spent Fuel Alternative Strategies Division in NMSS. Prior to that, he served for 5 years as Deputy and Acting Director for Licensing and Inspection Directorate, Division of High-Level Waste Repository Safety. Mr. Mohseni also served as Deputy Director, Program Management, Policy Development and Analysis Staff in NMSS. In 2000, he served as Science Advisor to the Chairman of the U.S. Senate Committee on Environment and Public Works. Mr. Mohseni is a Fellow of Science and Technology in the Council for Excellence in Government. He is a graduate of the 2005 NRC Senior Executive Service Candidate Development Program. Mr. Mohseni earned a master's degree in nuclear engineering from the University of Washington, Seattle, WA.



Pamela Henderson

With these changes, I am excited about the future of FSME and the NRC. I know that FSME's new managerial additions will continue to engage stakeholders on important topics and develop the relationships already in place with our coregulators and others on a wide variety of topics.



Aby Mohseni

Mark Satorius

Mark Satorius, Director

ISSUANCE OF GENERAL LICENSES AUDIT

On June 28, 2012, the Office of the Inspector General (OIG) of the NRC issued an audit report OIG-12-A-14, "Audit of NRC's Issuance of General Licenses," (<http://pbadupws.nrc.gov/docs/ML12180A284.pdf>)

Audit Objective

The objective of the audit was to determine if the NRC issued general licenses for only inherently safe nuclear materials. However, the audit focused on determining if generally licensed devices could contain dangerous radioactive sources as defined in the Code of Conduct on the Safety and Security of Radioactive Sources, published by the International Atomic Energy Agency (IAEA); Title 10 of the Code of Federal Regulation (10 CFR) Part 31, "General Domestic Licenses for Byproduct Material"; and 10 CFR Part 32, "Specific Domestic Licenses to Manufacture or Transfer Certain Items Containing Byproduct Material." Subsequently, the audit focused on and examined the safety of the generally licensed fixed gauges containing IAEA Category 3 sources, which are mostly installed in the industrial plants process lines.

Background

The NRC authorizes two types of licenses, specific and general. A specific license for byproduct material is issued to a named person who has filed an application for the license to use a fixed gauge that contains a sealed source or sealed sources. A general license is provided for byproduct materials under the provisions of 10 CFR Part 31 and 10 CFR Part 32, which grant authority to a person for certain activities involving byproduct material, and is effective without filing an application with the NRC or the issuance of a licensing document to a particular person. However, the NRC requires that certain general licensees register with the agency annually.

The OIG audit focused on the nonperformance of shutters related to 62 generally licensed fixed gauges (32 are located in NRC jurisdiction and 30 are located in Agreement States) which contain IAEA Category 3 single sealed sources (americium-241, cobalt-60, cesium-137). They are authorized pursuant to 10 CFR 31.5, "Certain Detecting, Measuring, Gauging, or Controlling Devices and Certain Devices for Producing Light or an Ionized Atmosphere," and installed in industrial plants process lines. The fixed generally licensed devices that the OIG report identified are subject to annual registration. The licensees, who possess the devices, are required annually to update, sign, and return the completed NRC Form 664, "General Licensee Registration," to the NRC along with payment of required fees in accordance with 10 CFR 31.5 (c)(13)(i).

Discussion

In processing byproduct material applications, the NRC staff verifies comprehensive detailed reviews and evaluations of generally licensed devices for radiological safety that were performed by certified professional staff of the NRC or the Agreement States. The staff ensures that generally licensed devices containing byproduct materials comply with the regulatory requirements of 10 CFR Part 31 and 10 CFR Part 32. Manufacturers design the safety features of generally licensed devices (e.g., shielding, tamper proofing, installation, maintenance) in such a way that the device should not release radioactive material in normal use or as a result of likely accidents. The operator is not trained in radiation protection because the design of the generally licensed device doesn't allow annual dose rates to exceed 10 percent of the safe limit which the NRC has established for radiation workers.

Recommendations

The OIG audit report made four recommendations that the Executive Director for Operations should complete:



Recommendation 1

Contact current general licensees with generally licensed devices containing IAEA Code of Conduct Category 1, 2, or 3 sources, within 180 days, to encourage the general licensee to transfer the device(s) to a specific license(s).

Recommendation 2

Visit all general licensees currently in possession of generally licensed devices containing IAEA Category 1, 2, or 3 sources within 2 years. Focus such visits on the following:

- Review records of leak tests and proper operations of open-close mechanisms and indicators.
- Review device use, installations, maintenance, and repairs to determine that the devices are used within authorized parameters.

Recommendation 3

Monitor agency records for 2 years to identify new general licensees entering the marketplace and visit those in possession of IAEA Category 1, 2, or 3 generally licensed devices to ensure that devices are properly installed and that general licensees have adequate understanding of the relevant regulations and their responsibilities.

Recommendation 4

Analyze information retrieved from recommendations 1, 2, and 3 and take additional regulatory action, if needed, within 6 months after completion of data collection.

Implementation of Recommendations

FSME has agreed to adopt the previously discussed OIG recommendations. FSME staff will address and/or complete actions related to these recommendations by December 2014. The NRC provided the OIG audit report to the Agreement States who have jurisdiction over 30 of the identified generally licensed devices.

Expected Outcomes

The end product for the recommended related activities is to determine if any safety issues exist for generally licensed devices, such as fixed gauges, that contain activity equal to or greater than IAEA Category 3. The NRC can accomplish this by routine periodic inspections of specific licensees that also have generally licensed devices. Also, the NRC staff can visit regions where a routine specific licensee inspection was conducted. The information revealed during the site visits will help the NRC staff to understand if a safety issue exists. The NRC staff believes that this is an effective approach for maintaining public health and safety.

(Contact: Ujagar Bhachu, FSME, 301-415-7894 or UjagarBhachu@nrc.gov)



OVERSIGHT OF INDUSTRIAL RADIOGRAPHY AUDIT

On June 28, 2012, the NRC's OIG issued audit report OIG-12-A-15, "Audit of NRC's Oversight of Industrial Radiography," (<http://www.nrc.gov/reading-rm/doc-collections/insp-gen/2012/oig-12-a-15.pdf>).

Audit Objective

The objective of the audit was to determine the adequacy of NRC's processes for overseeing licensee activities addressing the safety and control of radiography sources.

Background

Industrial radiography is the use of ionizing radiation for nondestructive examination of the structure of materials. Radiographers use radiography devices, or cameras, to produce images used most commonly in the examination of welds of structures such as oil or gas pipelines. The cameras contain radioactive sealed sources. When the camera operator exposes the source, radiation penetrates the material and produces a shadow image on film or some other detection medium. Differences in the blackening of the image show the structure of the material and may reveal flaws in the material.

The NRC's regulatory requirements for industrial radiography are provided in 10 CFR Part 34, "Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations." Industrial radiography uses high activity sources that, if unshielded, may be dangerous. The typical radioactive sources used are iridium-192 and cobalt-60. When the source is in the shielded position in the camera, the camera emits very little radiation. Radiography cameras typically use depleted uranium for shielding.

Recommendations

The OIG audit stated, "Generally, NRC's oversight of radiography is effective, and the agency has taken steps to improve its oversight by updating some guidance for radiography and stressing the importance of safety culture during radiography inspections." However, the OIG identified areas that could be improved and made eight recommendations that the EDO should complete:

Recommendation 1

Require license reviewers to write radiography licenses in a manner that clearly and consistently specifies whether or not licensees are authorized to conduct certain activities (such as offshore, lay-barge, or underwater radiography).

Recommendation 2

Revise NRC inspection guidance to define the NRC radiography licensees' location that must be inspected each inspection cycle.

Recommendation 3

Revise NRC inspection guidance to include a reliable methodology to select NRC radiography licensee field stations for inspection.





Recommendation 4

Revise NRC inspection guidance to require NRC inspectors to take additional steps to arrange a temporary job site inspection for an NRC licensee that has not had a temporary job site inspection for a defined minimum number of consecutive inspections.

Recommendation 5

Establish a means to secure transportation and access to conduct radiography inspections on offshore platforms.

Recommendation 6

Establish a means to secure transportation and access to conduct radiography inspections on lay-barges.

Recommendation 7

Establish a means to increase awareness of when and where NRC licensees are conducting radiography in NRC jurisdiction offshore.

Recommendation 8

Revise NRC inspection guidance to include guidance for inspectors conducting inspections when the NRC licensee's facility is located in an Agreement State.

Implementation of Recommendations

FSME has agreed to adopt OIG's recommendations. FSME has already completed action on some recommendations and FSME staff will take actions to address and/or complete the remaining actions related to the recommendations by May 2014. FSME has placed its response to OIG in NRC's Agencywide Document Management System (ADAMS) Accession No. ML12199A308.

(Contact: Bruce Carrico, FSME, 301-415-7826 or Bruce.Carrico@nrc.gov)

REGION I OFFICE RELOCATION

On May 14, 2012, the NRC Region I staff officially relocated to a new office building after more than 20 years at the same location. The new office building is approximately 5 miles from the previous office location in King of Prussia, PA.

Effective immediately, the Region I office new address is:
U.S. Nuclear Regulatory Commission - Region I
2100 Renaissance Boulevard, Suite 100
King of Prussia, PA 19406-2713

All telephone numbers will remain the same and the toll free phone number is 1-800-432-1156. To contact any member of the NRC Region I staff, you may call the toll-free number and follow the voice prompts to make the appropriate selections. Additionally, the main switchboard number, 610-337-5000, remains the same. Cell phone numbers and e-mail addresses for Region I staff also remain the same.

(Contact: Mr. Joseph Nick, Region I, DNMS, at 610-337-5056 or Joseph.Nick@nrc.gov)





SIGNIFICANT ENFORCEMENT ACTIONS

The NRC issued significant enforcement actions for failure to comply with regulations.

Advanced Material Services (EA-11-276)

On April 17, 2012, the NRC issued a Notice of Violation to Advanced Material Services, LLC, for a Severity Level III violation. The violation involved a failure to file NRC Form 241, "Report of Proposed Activities in Non-Agreement States," at least 3 days prior to engaging in licensed activities within NRC jurisdiction, as required by 10 CFR 150.20(b). Specifically, between

May 12 and June 26, 2008, Advanced Material Services, LLC, which only holds an Alabama (Agreement State) license, used a portable nuclear gauge, at temporary jobsites within the State of Connecticut (non-Agreement state), without obtaining a specific license issued by the NRC or filing NRC Form 241 at least 3 days before engaging in such activity.

Morpho Detection, Inc. (EA-11-270)

On April 10, 2012, the NRC issued a Notice of Violation to Morpho Detection, Inc., for a Severity Level III violation. The violation involved the licensee's failure to: 1) file NRC Form 241, "Report of Proposed Activities in Non-Agreement States," at least 3 days prior to engaging in licensed activities within NRC jurisdiction, as required by 10 CFR 150.20(b); and 2) store and use the byproduct material under an Agreement State license for a period of less than 180 days in a calendar year, as required by 10 CFR 150.20(b)(4). Specifically, between 2007 and 2011, on multiple occasions, Morpho Detection, Inc., a Massachusetts Agreement State licensee, engaged in activities in non-Agreement States without obtaining a specific license issued by the NRC or filing NRC Form 241 as required. In addition, the material was stored and used in non-Agreement States for periods greater than 180 days in any calendar year.

Department of the Army (EA-12-014)

On April 5, 2012, the NRC issued a Notice of Violation to the Department of the Army (Army), for a Severity Level III violation. The violation involved the Army's failure at the radiation room of the panoramic irradiator at the Redstone Arsenal facility to provide a radiation monitor that was equipped with personnel access door locks that would prevent access when radiation levels were high. The regulations of 10 CFR 150.20(b) require the installation of such radiation monitors linked with door locks. Specifically, from September 24, 1996, to February 17, 2012, the Army's radiation room personnel access door was not integrated with the radiation monitor to prevent the door from opening when radiation levels were high.

InstroTek, Inc. (EA-11-242)

On March 30, 2012, the NRC issued a Notice of Violation to InstroTek/CPN International (CPN) for a Severity Level III violation. The violation involved the licensee's failure to: 1) obtain a specific license to export byproduct materials to embargoed destinations as required by 10 CFR 110.5, "Licensing Requirements"; and 2) submit annual reports of americium exports as required by 10 CFR 110.23(b) (currently required by 10 CFR 110.54(b)). Specifically, on November 20, 2008, and May 5, 2010, CPN exported americium 241 and cesium-137 byproduct materials subject to NRC licensing jurisdiction, to embargoed destinations (Iraq and Sudan), without a specific license as required. Also between 2000 and 2009, CPN exported americium and failed to file the required annual reports.





Roxar Flow Measurement, Inc. (EA-09-328)

On February 2, 2012, the NRC issued a Notice of Violation to Roxar Flow Measurement, Inc., for a Severity Level III violation involving the failure to only transfer byproduct material to persons authorized to receive such byproduct material in accordance with 10 CFR 30.41 (a) and 10 CFR 30.41 (b)(5). Specifically, on numerous occasions between September 2003 and August 2007, the licensee transferred fixed gauges containing byproduct material to persons not authorized to receive byproduct material under the terms of a specific license or a general license issued by the NRC or an Agreement State.

INDIVIDUAL ACTIONS

Jaime Sánchez (IA-11-036)

On May 17, 2012, the NRC issued a Severity Level III Notice of Violation and an Order prohibiting involvement in NRC-licensed activities to Mr. Jaime Sánchez, President, S&R Engineering, S.E. (S&R). The NRC based this enforcement action on Mr. Sánchez's deliberate violation of 10 CFR 30.10(a)(2). He provided information to the NRC that he knew was incomplete or inaccurate and in some respect material to the NRC. Specifically, on August 3, 2010, Mr. Sánchez stated to the NRC that S&R's licensed portable nuclear gauge had been transferred to another licensee and that S&R no longer possessed licensed material, when, in fact, S&R still possessed the gauge. In addition, as the President of S&R, he failed to respond to NRC correspondence and communication attempts, and failed to address or correct the misinformation that he provided on August 3, 2010. The Order prohibits Mr. Sánchez from engaging in all NRC-licensed activities for a period of 5 years, and requires him to notify the NRC, following completion of the 5-year prohibition, of his first employment involving NRC-licensed activities.

Information about the NRC's enforcement program can be accessed at <http://www.nrc.gov/about-nrc/regulatory/enforcement/current.html>. Documents related to cases can be accessed through ADAMS at <http://www.nrc.gov/reading-rm/adams.html>. Help in using ADAMS is available by contacting the NRC Public Document Room staff at 301-415-4737 or 1-800-397-4209 or by sending an e-mail to PDR.Resource@nrc.gov.

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

SIGNIFICANT EVENTS

Inattention to Detail Resulting in Overexposure to Radiographer

Date and Place: February 17, 2012, Houston, TX

Event Details: The radiographer licensee was working in a shooting bay at the licensee's facility using a QSA Global model 880 Delta exposure device that contained a 1.37 TBq (37 Ci) iridium-192 source. While carrying a dose rate meter, the radiographer entered the shooting bay to set up for the next operation; however, the radiographer did not pay attention to the reading on the dose rate meter. The radiographer completed set up, left the shooting bay, and attempted to crank the source out, but then discovered that the source was already cranked into the collimator. The radiographer then retracted the source and contacted the Radiation Safety Office. Following two reenactments of the event, the licensee determined that the radiographer received a total effective dose equivalent of 8.1 cSv (8.1 rem), based on a total exposure time of 2 minutes and 30 seconds and a distance of 12 inches. Contributing factors to the event were inattention to detail resulting from the radiographer talking on a cell phone during operations; and the disabling of an electrical breaker that supplied power to



the area radiation alarm. It was later determined that the individual who disabled the breaker mistakenly believed that it was connected only to a ventilation fan. Corrective actions included implementing a new policy of banning cell phone use during radiography operations, other procedure modifications, and additional training to personnel. The licensee also painted, labeled, and locked the breaker box supplying power to the fixed bay alarms.

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

SELECTED FEDERAL REGISTER NOTICES

July 25, 2012

Requirements for Distribution of Byproduct Material (Final Rule)

Catherine R. Mattsen, FSME; 301-415-6264
or Catherine.Mattsen@nrc.gov

July 12, 2012

Decommissioning Planning During Operations (Notice of public meeting, webinar, and opportunity to provide comment)

James Shepherd, FSME, 301-415-6712 or
James.Shepherd@nrc.gov

July 11, 2012

Low-Level Radioactive Waste Regulatory Management Issues (Public meeting, request for comment)

Donald Lowman, FSME, 301-415-5452
or Donald.Lowman@nrc.gov

June 29, 2012

Governors' Designees Receiving Advance Notification of Transportation of Certain Shipments of Nuclear Waste and Spent Fuel (Notice)

Stephen N. Salomon, FSME, 301-415-2368 or
Stephen.Salomon@nrc.gov

June 13, 2012

Final Alternative Soils Standards for the Uranium, CO, Uranium Mill (Notice)

Dennis M. Sollenberger, FSME, 301-415-2819
or Dennis.Sollenberger@nrc.gov
or Stephen Poy, FSME, 301-415-7135
or Stephen.Poy@nrc.gov

June 11, 2012

Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste (Final Rule)

Merri Horn, FSME, 301-415-8126
or Merri.Horn@nrc.gov

June 11, 2012

Branch Technical Position on Concentration Averaging and Encapsulation (Draft Branch Technical Position; request for comment)

James Kennedy, FSME, 301-415-6668
or James.Kennedy@nrc.gov

June 7, 2012



***License Amendment To Construct and Operate New In Situ Leach Uranium Recovery Facility;
Uranium One Americas; Ludeman (Notice)***

John T. Buckley, FSME, 301-415-6607
or John.Buckley@nrc.gov



TO OUR READERS

In our attempt to keep the FSME Licensee Newsletter relevant, we welcome feedback on the contents of the newsletter. If you would like to suggest topics, please contact Vanessa Cox of FSME Rulemaking Branch A. Please contact Ms. Cox by phone at 301-415-8342 or by e-mail at Vanessa.Cox@nrc.gov. In addition, to ensure proper delivery of the FSME Licensee Newsletter and to prevent any interruption of service, please report any e-mail address changes to Ms. Cox at FSME_Newsletter@nrc.gov.

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