

March 4, 2015

MEMORANDUM TO: Brian E. Thomas, Director  
Division of Engineering  
Office of Nuclear Regulatory Research

FROM: Marissa Bailey, Director **/RA/ SAtack for**  
Division of Fuel Cycle Safety, Safeguards  
and Environmental Review  
Office of Nuclear Materials Safety  
and Safeguards

Laura Dudes, Director **/RA/**  
Division of Materials Safety, State, Tribal,  
and Rulemaking Programs  
Office of Nuclear Materials Safety  
and Safeguards

SUBJECT: RESULTS OF PERIODIC REVIEW OF REGULATORY GUIDES

This is in response to your February 9, 2015, memorandum requesting staff from the Division of Fuel Cycle Safety, Safeguards, and Environmental Review, and the Division of Material Safety, State, Tribal, and Rulemaking Programs, Office of Nuclear Materials Safety and Safeguards (NMSS) to perform the 5 year periodic review of regulatory guides (RGs) supporting each of these Divisions' programs.

As discussed in Management Directive (MD) 6.6, "Regulatory Guides," the U.S. Nuclear Regulatory Commission (NRC) staff reviews RGs approximately every 5 years to ensure that these continue to provide useful guidance. As requested in Enclosure 3 of your memorandum, the staff of the above-mentioned Divisions conducted a periodic review of the following RGs:

- RG 3.13, Guide for Acceptable Waste Storage Methods at UF<sub>6</sub> Production Plants;
- RG 6.7, Preparation of an Environmental Report To Support a Rulemaking Petition Seeking an Exemption for a Radionuclide-Containing Product; and
- RG 6.9, Establishing Quality Assurance Programs for the Manufacturing and Distribution of Sealed Sources and Devices Containing Byproduct Material.

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301-287-9070

The results of the staff's review of each of the RGs are summarized in the enclosure. In summary, the staff did not identify any technical or regulatory issues in the review of RGs 3.13 and 6.7. As such, the staff has determined that no changes to these two RGs are warranted. With regard to RG 6.9, the staff identified minor issues that led them to conclude that administrative changes are necessary.

With regard to the RGs supporting Material Control and Accounting (MC&A) Programs, as stated in Enclosure 1 of your memorandum, a periodic 5 year review is not required and, therefore, not performed. MC&A staff is currently working in coordination with staff from the Office of Nuclear Regulatory Research to complete the current review and update for these RGs and will provide their plans to complete these drafts shortly.

Enclosure:  
NMSS Results of Periodic Review  
of Regulatory Guides

The results of the staff's review of each of the RGs are summarized in the enclosure. In summary, the staff did not identify any technical or regulatory issues in the review of RGs 3.13 and 6.7. As such, the staff has determined that no changes to these two RGs are warranted. With regard to RG 6.9, the staff identified minor issues that led them to conclude that administrative changes are necessary.

With regard to the RGs supporting Material Control and Accounting (MC&A) Programs, as stated in Enclosure 1 of your memorandum, a periodic 5 year review is not required and, therefore, not performed. MC&A staff is currently working in coordination with staff from the Office of Nuclear Regulatory Research to complete the current review and update for these RGs and will provide their plans to complete these drafts shortly.

Enclosure:  
 NMSS Results of Periodic Review  
 of Regulatory Guides

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**OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS  
RESULTS OF PERIODIC REVIEW OF REGULATORY GUIDES**

*(This review was conducted in February 2015, and reflects the staff's plans as of that date  
These plans are tentative and are subject to change)*

**I. Division of Fuel Cycle Safety, Safeguards, and Environmental Review**

**A. Regulatory Guide 3.13, Guide for Acceptable Waste Storage Methods at UF<sub>6</sub> Production Plants**

Recommended Staff Action: **No change/Accept as is.**

**(1) What are the known technical or regulatory issues with the current version of the RG?**

There are no technical or regulatory issues with the current version of the RG.

**(2) What is the impact on internal and external stakeholders of not updating the RG for the known issues, in terms of licensing and inspection activities?**

There are no technical or regulatory issues with the current version of the RG.

**(3) What is an estimate of the level of effort needed to address identified issues in terms of FTE and contract dollars?**

Since there are no technical or regulatory issues with the current version of the RG, the level of effort is 0 FTE and 0 contract dollars.

**(4) Based on the answers to the questions above, what is the recommended staff action for this RG (Revise, Review, Administrative Change, or Withdraw)?**

The recommended staff action is to declare this RG as REVIEWED. There are no technical or regulatory issues with the current version of the RG. The next 5 year evaluation should now be due on July 31, 2020. The RG is acceptable in its current version.

**(5) If a RG should be revised, provide a conceptual plan and timeframe to accomplish this.**

N/A

Enclosure

II. **Division of Material Safety, State, Tribal, and Rulemaking Programs**

- A. **Regulatory Guide 6.7, Preparation of an Environmental Report to Support a Rulemaking Petition Seeking an Exemption for a Radionuclide-Containing Product**

Recommended Staff Action: **No change/Accept as is.**

- (1) **What are the known technical or regulatory issues with the current version of the RG?**

There are no technical or regulatory issues with the current version of the RG.

- (2) **What is the impact on internal and external stakeholders of not updating the RG for the known issues, in terms of licensing and inspection activities?**

There are no technical or regulatory issues with the current version of the RG.

- (3) **What is an estimate of the level of effort needed to address identified issues in terms of FTE and contract dollars?**

Since there are no technical or regulatory issues with the current version of the RG, the level of effort is 0 FTE and 0 contract dollars.

- (4) **Based on the answers to the questions above, what is the recommended staff action for this RG (Revise, Review, Administrative Change, or Withdraw)?**

The recommended staff action is to declare this RG as REVIEWED. There are no technical or regulatory issues with the current version of the RG. The next 5 year evaluation should now be due on July 31, 2020. The RG is acceptable in its current version.

- (5) **If a RG should be revised, provide a conceptual plan and timeframe to accomplish this.**

N/A

- B. **Regulatory Guide 6.9, *Establishing Quality Assurance Programs for the Manufacturing and Distribution of Sealed Sources and Devices Containing Byproduct Material***

Recommended Staff Action: **Administrative Change.**

- (1) **What are the known technical or regulatory issues with the current version of the RG?**

This RG references 10 CFR 32.110, "Acceptance Sampling Procedures under Certain Specific Licenses" that was removed from the regulations in a 2012 rulemaking. The RG should be revised to remove this reference.

In addition, NMSS is revising its NUREG-1556 guidance documents. NUREG-1556, Volume 3, Revision 1, which is referenced in the RG, is in the process of being revised and Revision 2 is expected to be issued later in 2015.

- (2) **What is the impact on internal and external stakeholders of not updating the RG for the known issues, in terms of licensing and inspection activities?**

There are no known impacts to internal and external stakeholders for not updating the RG for the known issues, in terms of licensing and inspection.

- (3) **What is an estimate of the level of effort needed to address identified issues in terms of FTE and contract dollars?**

An estimate of the effort needed to revise this RG is between 0.10 FTE and 0.20 FTE.

- (4) **Based on the answers to the questions above, what is the recommended staff action for this RG (Revise, Review, Administrative Change, or Withdraw)?**

The staff recommends Administrative Changes to the RG to (1) remove reference to 10 CFR 32.110 and (2) reflect the revision of NUREG-1556, Volume 3, when it is published as a final document.

- (5) **If a RG should be revised, provide a conceptual plan and timeframe to accomplish this.**

Publish the final draft by the end of calendar year 2015.