

April 14, 2015

MEMORANDUM FOR: Mark A. Satorius
Executive Director for Operations

Brooke P. Clark, Director
Office of Commission Appellate Adjudication

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

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 9:25 A.M.,
TUESDAY, APRIL 14, 2015, COMMISSIONERS' CONFERENCE
ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND
(OPEN TO PUBLIC ATTENDANCE)¹

I. SECY-14-0100 – Final Rule: Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements (RIN 3150-AI11)

The Commission approved a final rule amending Part 71 of title 10 of the *Code of Federal Regulations* (10 CFR), "Packaging and Transportation of Radioactive Material." This final rule, in consultation with the U.S. Department of Transportation (DOT), makes conforming changes to the NRC's regulations based on the International Atomic Energy Agency's regulations for the international transportation of radioactive material and maintains consistency with the DOT's regulations. Additionally, the final rule will: 1) revise quality assurance program requirements, 2) re-establish restrictions on material that qualifies for the fissile material exemption, 3) clarify the requirements that are applicable to a general license, 4) clarify the responsibilities of certificate holders and licensees in determining, before first use, the adequacy of transportation packaging, and 5) make other non-substantive changes such as correcting citation errors. The Commission has voted to approve the publication and implementation of this final rule, subject to the changes noted in the attachments. Additionally, the Commission has certified that this final rule will not have a significant impact on a substantial number of small entities.

Following incorporation of these changes, the *Federal Register* notice should be reviewed by the Rulemaking, Directives, and Editing Branch in the Office of Administration and forwarded to the Office of the Secretary for signature and publication.

Consistent with agency practice, relevant guidance documents should be updated and available for release concurrent with publication of the revised final rule or, failing that, as soon as possible thereafter.

¹ Section 201 of the Energy Reorganization Act, 42 U.S.C. Section 5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Chairman Burns and Commissioners Ostendorff and Baran were present in the Conference Room. Commissioner Svinicki participated in the meeting via speakerphone.

II. SECY-15-0023 - Nuclear Innovation North America, LLC (South Texas Project Units 3 and 4), Petition for Review of LBP-14-3

The Commission approved a Memorandum and Order responding to a petition for review of the Atomic Safety and Licensing Board's third partial initial decision in this combined license proceeding finding that the applicant, Nuclear Innovation North America, LLC, is not subject to foreign control. The Memorandum and Order denies the petition for review.

(Subsequently, on April 14, 2015, the Secretary signed the Memorandum and Order.)

III. SECY-15-0027 – PPL Susquehanna, LLC (Susquehanna Steam Electric Station, Units 1 and 2) — Request for Hearing and Petition to Intervene With Respect to Application for Indirect License Transfer

The Commission approved a Memorandum and Order responding to a petition to intervene in PPL Susquehanna's request for NRC approval of an indirect transfer of control of the operating licenses for Susquehanna Steam Electric Station, Units 1 and 2, and of the general license for the plant's Independent Spent Fuel Storage Installation. The Memorandum and Order denies the petition.

(Subsequently, on April 14, 2015, the Secretary signed the Memorandum and Order.)

Attachments: 1) Changes to the *Federal Register* notice in SECY-14-0100, Enclosure 1
2) Changes to the Environmental Assessment in SECY-14-0100, Enclosure 3

cc: Chairman Burns
Commissioner Svinicki
Commissioner Ostendorff
Commissioner Baran
OGC
CFO
OCA
OIG
OPA
Office Directors, Regions, ACRS, ASLBP (via E-Mail)
PDR

Changes to the *Federal Register* notice in SECY-14-0100, Enclosure 1

1. Page 1, "Summary" section, line 4, revise to read: "...(IAEA) 2009 standards..."
2. Page 1, 2nd to last line, revise to read: "...on materials that qualify qualifies for..."
3. Page 6, 1st full ¶, last sentence, revise to read: "On July 11, 2014, ... compliance date of July 13, 2015."
4. Page 6, last full ¶, line 1, revise to read: "...restrictions on material which that will qualify..."
5. Page 11, add an extra line before paragraph "C."
6. Page 13, last line of item "14." revise to read: "...0.1 terabecquerel (TBq)..."
7. Page 14, 2nd full ¶, line 4, revise the first two sentences to read: "The NRC previously established its 10 CFR 71.14(a)(1) exemption that exempts licensees from the requirements of 10 CFR part 71 for licensees who ship or carry certain natural materials and ores designated as This exemption for low-level materials, exempts licensees from the requirements of 10 CFR part 71 with respect to the shipment or carriage of material that qualifies for the exemption, and The exemption allows the transport of certain qualifying natural material or ore that qualifies for the exemption without the material being regulated as a hazardous material during transportation."
8. Page 15, 2nd full ¶, lines 4, revise lines 6-7 to read: "...2) that the LSA or SCO material has an external radiation dose rate of less than 10 millisieverts per hour (mSv/h) (1 rem per hour (rem/h)) at a distance..."
9. Page 27, ¶ L., line 5, revise to read: "...by the NRC which that satisfies..."
10. Page 37, ¶ A.2, line 2-3 revise to read: "...radioactive material in § 71.4, another commenter was concerned that the new language being added to its revised paragraph (3) of the definition, "... and special..."
11. Page 38, A.3 Response, line 3, revise to read: "...(~~Standards~~ ("Standards..." delete extra space
12. Page 40, last line of indented quote at top of page, replace open quotation mark at the end with a closed quotation mark.
13. Page 40, line 8 of "Response." revise to read: "...many other changes..."
14. Page 40, line 9 of "Response." revise to read: "...Changes in the DOT and NRC regulations to reflect IAEA's 2012 edition of SSR-6 The NRC will consider any necessary changes related to SSR-6 in a future rulemaking after consulting with DOT, rather than to further delay finalizing this rulemaking, will be addressed in subsequent rulemakings..."

15. Page 47, ¶ D.3 Response, line 3, revise to read: "... Type B packaging is essentially..."
16. Page 52, add the following sentence to the end of the 2nd full ¶: "In paragraph (1)(ii), the definition is changed to clarify consideration of compounds or mixtures regardless of the form (solid or liquid)."
17. Page 55, line 2, revise to read: "...the exemption was superfluous not needed."
18. Page 57, 1st ¶ in Section 71.101, revise to read: "Paragraph (a) is revised by deleting its first reference to licensees; in order to clarify that with respect to the design, fabrication, testing, and modification of packaging, only certificate holders and applicants for a CoC are subject to the quality assurance requirements. Note that consistent with the existing 71.101(c)(1) QA-program-approval requirements, under 71.101(a), as revised, licensees are still subject to quality assurance requirements with respect to their use of packages when shipping radioactive material, consistent with the existing 71.101(c)(1) QA program approval requirements that are not being revised."
19. Page 59, Section 71.135, line 2, revise to read: "...made to previously approved..."
20. Page 79, line 2, revise to read: "...§ 71.12(b) to § 71.17(b)."
21. Page 80, 1st full ¶, last line, delete the extra space between "for" and "RG 7.10."
22. Page 97 – 98; ensure numbers are shown as subscripts, as appropriate, in all of the equations.

Changes to the Environmental Assessment in SECY-14-0100, Enclosure 3

1. Page 11, first two full sentences revise to read: “The preliminary results and conclusions from the Coordinated Research Program are described in ~~“Naturally Occurring Radioactive Material (NORM VI): Proceedings of an International Symposium, Marrakesh, Morocco, 22-26 March 2010, IAEA, 2011. The preliminary results of the Coordinated Research Program included:~~ the IAEA published final report IAEA-TECDOC-1728, “Regulatory Control for the Safe Transport of Naturally Occurring Radioactive Material (NORM), Report of a Coordinated Research Project 2007-2010” published in December 2013. At the time the proposed rule was published, the preliminary results of the Coordinated Research Program were available and included:...”
2. Page 11, line 13, revise to read: “...naturally occurring radionuclides. The final report published in 2013 confirmed these preliminary results. The recommendation of the final report was to propose a revision to IAEA regulations to apply 10 times exemption value to all NORM materials. Allowing activity...”