

# NMSS News

# Link

OFFICE OF NUCLEAR MATERIAL

SAFETY AND SAFEGUARDS

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## THE 29th ANNUAL REGULATORY INFORMATION CONFERENCE

From March 15–16, 2017, the U.S. Nuclear Regulatory Commission (NRC) hosted the 29th Annual Regulatory Information Conference (RIC) at the Bethesda North Marriott Hotel and Conference Center in Bethesda, MD. The NRC's

Office of Nuclear Reactor Regulation and Office of Nuclear Regulatory Research co-sponsored the 2-day conference. The RIC is an annual forum that brings together diverse groups of stakeholders to learn, share, and discuss information on significant and timely nuclear regulatory activities and emergent issues. In support of the NRC's values of ensuring openness and transparency, the RIC presented an opportunity for informal open dialogue and a meaningful exchange of information between the public and the NRC on nuclear regulatory processes and activities.

The RIC attracted more than 3,000 attendees from over 30 countries representing interested parties from Federal, State, and local governments; the nuclear industry; international regulatory agencies; other interested stakeholders; and members of the public.

The conference attendees learned about the NRC's current and future activities that may affect them. Moreover, the conference sessions stimulated informal discussions of regulatory issues and increased stakeholder participation in the formal public comment period of various NRC activities.

Throughout the conference, attendees had the opportunity to participate in technical sessions featuring panelists addressing a broad range of topics. These topics included significant regulatory issues, research findings, rulemakings, generic issues, license renewals, regulatory process improvements, and other items of high interest. In addition, technical poster and tabletop exhibits were on display, and technical presenters were available to answer questions and discuss information pertaining to their specific topic.





## NEW STANDARDIZED PROCESS

The U.S. Nuclear Regulatory Commission (NRC) instituted a new process for generating materials licenses using the Web-Based Licensing database. The new process, implemented in July 2016, has resulted in significant improvements, including a more consistent and streamlined process for generating license documents.

The NRC changed the format of NRC Form 374, “Materials License,” to produce a simpler, easier to understand application. The new format is especially beneficial to all parties that need to review the license with regard to authorized materials and quantities, license verification, incoming radioactive materials imports, and other purposes. When completing a license amendment or renewal, the licensee will notice the new, significantly improved format.

Most notably the placement of the “Authorized use” portion of the form has changed. This change greatly enhances the clarity of the license by aligning the “Authorized use” information with the authorized material. The applicant will no longer have to flip back and forth between the materials and authorized use sections. For better alignment of the material and usage information, the license page has changed from portrait to landscape orientation.

Although the new license format may seem dramatically different, the license still contains all of the same information. The agency reorganized NRC Form 374 to ensure that anyone who reviews the license can understand the application in the most direct way possible.

(Contact: Angela Randall, NMSS, 301-415-6806 or [Angela.Randall@nrc.gov](mailto:Angela.Randall@nrc.gov))



## SIGNIFICANT ENFORCEMENT ACTIONS

The following is a list of the significant actions issued by the U.S. Nuclear Regulatory Commission (NRC) for failures to comply with regulations issued between September 26, 2016, and January 31, 2017.

### MATERIAL ACTIONS

#### Thrasher Engineering, Inc., (EA-16-224)

On January 26, 2017, the NRC issued a Notice of Violation to Thrasher Engineering, Inc. for a Severity Level III violation. The violation involved the firm’s failure to control and maintain constant surveillance or failure to use two independent physical controls that form tangible barriers to secure a portable gauge from unauthorized removal as required by 10 CFR 20.1802 and 10 CFR 30.34(i). Specifically, on September 13, 2016, a portable gauge containing licensed material was left unattended and uncontrolled in the back of a pickup truck at a temporary jobsite. The keys to the vehicle, vehicle camper top, and transport case were left inside the cab of the vehicle while the cab was unlocked

#### White Earth Department of Transportation, (EA-16-180)

On January 17, 2017, the NRC issued a Notice of Violation to White Earth Department of Transportation for a Severity Level III violation of both 10 CFR 20.1801 and 10 CFR 30.34(i). The violation involved the department’s failure to secure licensed material from unauthorized removal or access, with a minimum of two independent physical controls that form tangible barriers, while the portable gauge was stored in a controlled or unrestricted area and not under the control and constant surveillance of the licensee. Specifically, from May 14, 2016, to



August 9, 2016, the licensee stored a portable gauge in an unlocked storage cabinet in an unsecured garage during normal business hours. The garage was accessible to members of the public, and there were no authorized users continuously present to maintain control or constant surveillance of the device.



### **Rozell Testing Laboratories, LLC, (EA-16-164)**

On December 15, 2016, the NRC issued a Notice of Violation to Romeo RIM, Inc., for a Severity Level III problem involving four violations. The violations involved the following:

- (1) A failure to transfer or dispose of a device containing byproduct material by transfer to another general licensee as authorized in paragraph (c)(9) of 10 CFR 31.5, "Certain Detecting, Measuring, Gauging, or Controlling Devices and Certain Devices for Producing Light or an Ionized Atmosphere," or to a person authorized to receive the device by a specific license as required by 10 CFR 31.5(c)(8)(i). Specifically, on May 24, 2016, the licensee transferred a generally licensed fixed gauge to two companies, neither of which was authorized to receive the gauge.
- (2) A failure to ensure testing of the generally licensed device for leakage of radioactive material and proper operation of the on/off mechanism at no longer than 6 month intervals or at such other intervals as specified in the label as required by 10 CFR 31.5(c)(2). Specifically, between June 1998 and July 8, 2016, the licensee failed to test the gauge for leakage and proper operation of the on/off mechanism, which is longer than the 36 month frequency specified in the label.
- (3) A failure to appoint an individual responsible for knowing the appropriate regulations and requirements and having the authority to take the required actions to comply with appropriate regulations and requirements as required by 10 CFR 31.5(c)(12). Specifically, the last known responsible individual retired in 1991, and the licensee did not appoint another such individual until June 23, 2016. The effective date of this requirement was February 16, 2001.
- (4) A failure to register the gauge as required by 10 CFR 31.5(c)(13)(i).

### **EMSI Engineering, Inc., EA-16-138**

On December 15, 2016, the NRC issued a Notice of Violation and Proposed Imposition of a Civil Penalty in the amount of \$14,000 to EMSI Engineering, Inc., for a Severity Level III violation. The violation involved EMSI's failure to file NRC Form 241, "Report of Proposed Activities in Non Agreement States, Areas of Exclusive Federal Jurisdiction, or Offshore Waters," at least three days before engaging in licensed activities within the NRC's jurisdiction as required by 10 CFR 150.20, "Recognition of Agreement State Licenses." Specifically, between April 9, 2009, and November 18, 2015, EMSI, a licensee of the Commonwealth of Virginia, used byproduct material within the NRC's jurisdiction on numerous occasions without filing the required documentation with the NRC.



### **Lehigh Cement Company, LLC, EA-16-153**

On December 7, 2016, the NRC issued a Notice of Violation to Lehigh Cement Company, LLC, for a Severity Level III violation. The violation involved Lehigh's failure to ensure that the individual specifically named on the NRC license fulfills the duties of the radiation safety officer as required by License Condition No. II. Specifically, the radiation safety officer left the company on November 13, 2014, and Lehigh did not submit an amendment request to the NRC until March 7, 2016.



## Hartford Quality Assurance, EA-16-172

On December 2, 2016, the NRC issued a Notice of Violation to Hartford Quality Assurance (HQA) for a Severity Level III violation. The violation involved HQA's failure to ensure that each individual who acts as a radiographer or a radiographer's assistant wears a direct reading dosimeter, an operating alarm rate meter, and a personnel dosimeter at all times during radiographic operations as required by 10 CFR 34.47(a). Specifically, on June 17, 2016, an assistant radiographer failed to wear a direct reading dosimeter, an operating alarm rate meter, and a personnel dosimeter at all times during radiographic operations.

## International Cyclotron, Inc., EA-16-055

On November 17, 2016, the NRC issued an Order Imposing Civil Monetary Penalty (Order) to International Cyclotron, Inc., in the amount of \$14,000. The Order was necessary because International Cyclotron had not responded to an August 30, 2016, Notice of Violation and Proposed Imposition of a Civil Penalty in the amount of \$14,000 for a Severity Level III violation. The violation involved International Cyclotron's failure to begin and complete decommissioning of its site in accordance with 10 CFR 30.36, "Expiration and Termination of Licenses and Decommissioning of Sites and Separate Buildings or Outdoor Areas." As of the date of the Order, International Cyclotron had not paid the proposed civil penalty of \$14,000 and had taken no actions towards site decommissioning.

## CQM, Inc., EA-16-154

On November 14, 2016, the NRC issued a Notice of Violation to CQM, Inc., for a Severity Level III violation. The violation involved CQM's 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 were not under the control and constant surveillance of the licensee as required by paragraph (i) of 10 CFR 30.34, "Terms and Conditions of Licenses." Specifically, on several occasions, including July 14 and 15, 2016, CQM secured portable gauges with only a single physical barrier and did not provide control and constant surveillance.

## Tetra Tech, Inc., EA-15-230

On October 11, 2016, the NRC issued a Confirmatory Order to Tetra Tech, Inc., confirming commitments agreed upon as part of an alternative dispute resolution mediation session. The session was associated with a violation identified during an investigation of Tetra Tech employees working at Hunters Point Naval Shipyard site in San Francisco, CA. Specifically, from late 2011 through mid-2012, employees of Tetra Tech deliberately falsified soil sample records on several occasions by taking soil samples from areas not designated as part of the target area and by completing forms with inaccurate information. The licensee agreed to take a number of actions in addition to steps already taken, including but not limited to, the following:

- discussing the facts and lessons learned from this event with its employees who are engaged in licensed activities to emphasize the importance of not engaging in willful activities in violation of NRC regulations
- providing annual refresher training on NRC requirements to all employees engaged in licensed activities for a period of 5 years
- conducting an independent third-party assessment of all areas involving NRC licensed activities to assess Tetra Tech's safety culture, evaluate the results, and take appropriate corrective actions
- using a third party to perform quality assurance reviews of work performed at Hunters Point Naval Shipyard for a period of 3 years



- sending copies of the Notice of Violation and Confirmatory Order to the Navy and the State of California to ensure that they are fully informed of the NRC's actions

In consideration of Tetra Tech's commitments outlined in the Confirmatory Order, the NRC agreed to withdraw the civil penalty proposed on July 28, 2016.

### **Jenbo USA, LLC (EA-16-097)**

On September 29, 2016, the NRC issued a Notice of Violation to Jenbo USA, LLC, for a Severity Level III violation and a Severity Level III problem for two related violations. The first violation involved Jenbo's failure to submit annual reports detailing all transfers of byproduct material in accordance with 10 CFR 32.16, "Certain Items Containing Byproduct Material: Records and Reports of Transfer." Specifically, between 2012 and 2016, Jenbo failed to file annual reports for transfers of byproduct material made in 2011, 2012, 2013, 2014, and 2015 on or before January 31 of the following year. The violations, collectively characterized as a Severity Level III problem, involved (1) Jenbo's failure to obtain a license amendment to change the authorized location in License No. 04-23986-01E and (2) its distribution of byproduct material from an unauthorized location. Specifically, in 2014, Jenbo distributed byproduct materials at 3672 Edison Way, Fremont, CA, which was not an authorized location in the specific license issued by the NRC, and the company did not obtain the required authorization to include this new location in its license.



### **IDEKER, Inc. (EA-16-140)**

On September 27, 2016, the NRC issued a Notice of Violation to IDEKER, Inc., for a Severity Level III violation. The violation involved IDEKER's 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 were not under the control and constant surveillance of the licensee as required by 10 CFR 30.34(i). Specifically, on several occasions, including May 31, 2016, the licensee secured portable gauges with only a single physical barrier. The gauges were not under the control and constant surveillance of the licensee.



### **Ontonagon County Road Commission (EA-16-135)**

On September 26, 2016, the NRC issued a Notice of Violation to Ontonagon County Road Commission for a Severity Level III violation. The violation involved Ontonagon County's 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 were not under the control and constant surveillance of the licensee as required by 10 CFR 30.34(i). Specifically, as of June 14, 2016, the licensee had secured portable gauges with only a single physical barrier during business hours. The gauges were not under the control and constant surveillance of the licensee.

## **MEDICAL**

### **Spectrum Health Hospitals, (EA-16-214)**

On February 02, 2017, the NRC issued a Notice of Violation to Spectrum Health Hospitals for a Severity Level III violation. The violation involved Spectrum's failure to implement written procedures which provided high confidence that an administration of yttrium-90 microspheres was in accordance with the written directive, as required by 10 CFR 35.41(a)(2). Specifically, on April 27, 2016, the licensee did not follow its procedure to verify the catheter position prior to administration of the yttrium-90 microspheres. As a result, a medical event occurred as the patient received a dose in an unintended treatment segment.





## INDIVIDUALS

### Mr. Kevin Brainard (IA-16-043)

On September 30, 2016, the NRC issued a Notice of Violation to Mr. Kevin Brainard for a Severity Level III violation of 10 CFR 40.10 (a)(1). The violation involved Mr. Brainard's deliberate misconduct that caused his employer, Power Resources, Inc., to be in violation of NRC requirements. Specifically, between September 12, 2013, and February 6, 2014, Mr. Brainard documented contamination control exit surveys of contract personnel leaving the licensee's facility when, in fact, the exit surveys were not performed.

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 the Agencywide Documents Access and Management System (ADAMS) at <http://www.nrc.gov/reading-rm/adams.html>. For assistance in using ADAMS, contact the NRC's Public Document Room staff at 301-415-4737 or 1-800-397-4209 or send an email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov).

(Contact: Michele Burgess, NMSS, 301-415-5868 or [Michele.Burgess@nrc.gov](mailto:Michele.Burgess@nrc.gov))



## GENERIC COMMUNICATIONS ISSUED

The following summarize NRC generic communications issued by NMSS. If any of these documents appear relevant to your needs and you have not received a copy, please call one of the technical contacts listed below. The Web address for the NRC library of generic communications is <http://www.nrc.gov/reading-rm/doc-collections/gen-comm>.

## REGULATORY ISSUE SUMMARIES

NRC regulatory issue summaries (RISs) are informational documents that the agency uses to communicate with the nuclear industry on a broad spectrum of matters.

On February 8, 2017, the NRC issued **RIS-17-02**, "Applicability of Title 10 of the Code of Federal Regulations Part 37 to Non Manufacturing and Distribution Service Provider Licensees" (Agencywide Documents Access and Management System Accession No. MLI7023A159). RIS-17-02 informs addressees about the applicability of 10 CFR Part 37, "Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material," to nonmanufacturing and distribution (non-M&D) service provider licensees, which provide a variety of commercial services to their customers but are not authorized to manufacture or distribute radioactive materials or devices containing radioactive materials.

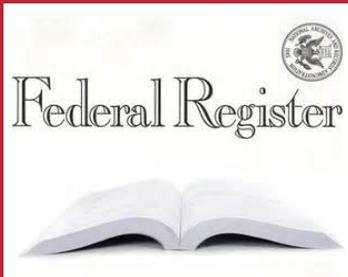
Before the NRC implemented 10 CFR Part 37, if the agency or Agreement State non-M&D service provider licensees wanted their employees to have unescorted access to Category 1 or Category 2<sup>1</sup> quantities of radioactive material at customers' facilities, they could voluntarily ask the NRC for the "Order Imposing Trustworthiness and Reliability Requirements for Unescorted Access to Certain Radioactive Material" (Non-M&D Service Provider Order). This order requires the non-M&D service provider licensee to implement specific measures to ensure the trustworthiness and reliability of service representatives



<sup>1</sup> The Category 1 and Category 2 thresholds are based on the quantities established by the International Atomic Energy Agency in its "Code of Conduct on the Safety and Security of Radioactive Sources," which the United States has committed to and the NRC has endorsed. The Category 1 and Category 2 quantities of radioactive material are considered risk significant and are listed in Table A.1 of Appendix A, "Category 1 and Category 2 Radioactive Materials," to 10 CFR Part 37.

who are allowed unescorted access to Category 1 and Category 2 quantities of radioactive material at customers' facilities.

Because the subject RIS clarifies the applicability of 10 CFR Part 37 to non-M&D service provider licensees, use of the voluntary orders is no longer necessary. For this reason, non-M&D service provider licensees that currently have a Non-M&D Service Provider Orders in place will receive rescission letters from the NRC following issuance of the RIS. As described in the RIS, if non-M&D service provider licensees would like to be granted unescorted access to Category 1 or Category 2 quantities of radioactive materials by the customer licensees, they must have an access authorization program that complies with Subpart B, "Background Investigations and Access Control Program," of 10 CFR Part 37.



## SELECTED FEDERAL REGISTER NOTICE

### October 5, 2016

*Volume 81 of the Federal Register (FR), page 69010 (81 FR 69010), "Processing Fitness-for-Duty Drug and Alcohol Cases" (Policy Revision; Request for Comment)*

The U.S. Nuclear Regulatory Commission (NRC) is requesting public comments on proposed revisions to its Enforcement Policy. The NRC is proposing to revise Section 4.1, "Considerations in Determining Enforcement Actions Involving Individuals," of the Enforcement Policy to indicate that the NRC typically will not consider fitness-for-duty (FFD) drug- and alcohol related violations for enforcement unless the licensee's FFD program has apparent deficiencies.

(Contact: David Furst, Office of Enforcement, 301-415-7634 or David.Furst@nrc.gov)

### October 6, 2016

*81 FR 69554, "Strata Energy, Inc.; Ross Uranium In Situ Recovery Facility; Source and Byproduct Materials License" (Record of Decision; Update)*

The NRC has issued an updated Record of Decision (ROD) related to the license for Strata Energy, Inc., Ross Uranium In Situ Recovery Facility in Crook County, WY. Strata's request for a source and byproduct materials license for the facility was contested through the NRC's adjudicatory process. On June 29, 2016, the Commission denied a petition for review of the Atomic Safety and Licensing Board's decision. The NRC updated the ROD to account for the Board's decision and the Commission's ruling.

(Contact: Jessie Muir-Quintero, NMSS), 301-415-7476 or Jessie.Muir-Quintero@nrc.gov)

### October 12, 2016

*81 FR 70444, "In the Matter of AREVA Enrichment Services, LLC, AREVA, Inc.; Order Approving Change of Control of Licenses and Conforming Amendments" (Order; Issuance)*

The Commission is issuing an order approving a request, submitted by AREVA, Inc., for the NRC's consent to the following license transfers:

- the indirect transfer of control of Special Nuclear Material (SNM) License No. SNM-2015, regarding the Eagle Rock Enrichment Facility, which authorizes the future construction and operation of this uranium enrichment facility in Bonneville County, ID
- the direct transfer of control of Source Material License No. SUA-672 regarding the former Lucky Mc Uranium Mill and its existing tailings site in Fremont County, WY
- the direct transfer of control of Export License Nos. XSNM3643, XSNM3722, and XSOU8780.





In addition, AREVA, Inc., asked the NRC to approve conforming license amendments to reflect the new names of AREVA corporate entities associated with the license transfers resulting from the reorganization of the AREVA family of companies. AREVA also asked the NRC to confirm that the proposed reorganization would not involve any transfer of the control of Construction Authorization No. CAMOX 001 for the Mixed-Oxide Fuel Fabrication Facility, which is under construction on a site near Aiken, SC.

(Contact: Osiris Siurano-Perez, NMSS, 301-415-7827 or [Osiris.Siurano-Perez@nrc.gov](mailto:Osiris.Siurano-Perez@nrc.gov))

### **October 14, 2016**

#### ***81 FR 71119, "In the Matter of Power Resources, Inc." (Confirmatory Order; Issuance)***

The NRC is issuing a Confirmatory Order to Power Resources, Inc., confirming agreements reached in an alternative dispute resolution mediation session held on September 22, 2016. As part of the agreement, Power Resources will do the following:

- Conduct annual meetings among key management personnel, the radiation safety officer, facility managers, and other appropriate technical personnel to ensure that management understands that the requirements of a radiation protection program are being met.
- Provide training that will emphasize the importance of complete and accurate information for all required records, correspondence, and communications with the NRC and its staff.
- Ensure that a qualified member of the health physics staff is available at any of the company's facilities when equipment is being released from a radiologically controlled area to an unrestricted area.

(Contact: John Kramer, NRC Region IV, 817-200-1121 or [John.Kramer@nrc.gov](mailto:John.Kramer@nrc.gov))

### **November 3, 2016**

#### ***81 FR 76634, "Guidance for Electronic Submissions to the NRC" (Notice of Availability; Request for Comment)***

The NRC is updating and requesting comments on its guidance for electronic submittals to reflect changes in technology by posting the latest version of "Guidance for Electronic Submissions to the NRC," Revision 8, dated October 19, 2016. This guidance document provides directions for the electronic transmission and submittal of documents to the NRC.

(Contact: Marianne Narick, Office of the Chief Information Officer, NRC, 301-415-2175 or [Marianne.Narick@nrc.gov](mailto:Marianne.Narick@nrc.gov))

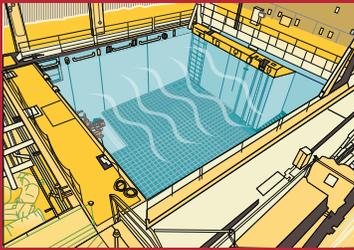
### **December 6, 2016**

#### ***81 FR 87978, "Program-Specific Guidance about Medical Use Licenses" (Draft NUREG Request for Comment)***

The NRC is revising its licensing guidance for licenses authorizing medical use of byproduct material. The NRC is requesting public comment on draft NUREG-1556, "Consolidated Guidance about Materials Licenses: Program Specific Guidance about Medical Use Licenses," Volume 9, Revision 3, issued November 2016. The NRC staff updated NUREG-1556 from its previous revision to include information on safety culture, security of radioactive materials, protection of sensitive information, and changes in regulatory policies and practices. This document is intended for use by applicants, licensees, and the NRC staff.

(Contact: Katherine Tapp, NMSS, 301-415-0236 or [Katherine.Tapp@nrc.gov](mailto:Katherine.Tapp@nrc.gov))





## **December 16, 2016**

### ***81 FR 91206, "Program-Specific Guidance about Possession Licenses for Production of Radioactive Material Using an Accelerator" (Draft NUREG Request for Comment)***

The NRC is revising its licensing guidance for possession licenses for the production of radioactive material using an accelerator. The NRC is requesting public comment on draft NUREG-1556, "Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Possession Licenses for Production of Radioactive Material Using an Accelerator," Volume 21, Revision 1, issued October 2007. The NRC updated the document from the original version to include information on safety culture and changes in regulatory policies and practices. This document is intended for use by applicants, licensees, and the NRC staff.

(Contact: Robert MacDougall, NMSS, 301-415-5175 or Robert.MacDougall@nrc.gov)

## **December 23, 2016**

### ***81 FR 94431, "Spent Fuel Heat Generation in an Independent Spent Fuel Storage Installation" (Draft Regulatory Guide Request for Comment)***

In December 2016, the NRC issued for public comment draft regulatory guide DG-3050, "Spent Fuel Heat Generation in an Independent Spent Fuel Storage Installation." This proposed revision (Revision 2) to Regulatory Guide 3.54 provides methods acceptable to the NRC staff for use in calculating spent nuclear fuel heat generation rates for an independent spent fuel storage installation.

(Contacts: Alexis Sotomayor-Rivera, NMSS, 301-415-7265 or Alexis.Sotomayor-Rivera@nrc.gov and Harriet Karagiannis, Office of Nuclear Regulatory Research, 301-415-2493 or Harriet.Karagiannis@nrc.gov)

## **December 30, 2016**

### ***81 FR 96344, "Improvement Act of 2016 Requirements" (Final Rule)***

The NRC is amending its regulations to reflect changes to the Freedom of Information Act (FOIA). The FOIA Improvement Act of 2016 requires the NRC to amend its FOIA regulations to update procedures for requesting information from the NRC and procedures that the NRC must follow in responding to FOIA requests.

(Contacts: Stephanie Blaney, 301-415-6975 or Stephanie.Blaney@nrc.gov, or Nina Argent, 301-415-5295 or Nina.Argent@nrc.gov. Both contacts are staff in the NRC's Office of the Chief Information Officer.)

## **February 4, 2016**

### ***81 FR 6057, "Mallinckrodt, LLC"***

#### ***(Environmental Assessment and Finding of No Significant Impact; Issuance)***

The NRC is considering amending Source Materials License No. STB-401 to give the licensee the option of performing direct dose assessments of residual radioactivity in addition to using derived concentration guideline levels to demonstrate compliance with the license termination criteria at the Mallinckrodt site in St. Louis, MO. The NRC staff is issuing an environmental assessment and finding of no significant impact associated with the proposed action.

(Contact: Karen Pinkston, NMSS, 301-415-3650 or Karen.Pinkston@nrc.gov)



## ONGOING RULEMAKINGS

RULEMAKING	DESCRIPTION	STATUS
<b>PROPOSED RULES</b>		
Title 10 of the <i>Code of Federal Regulations</i> (10 CFR) Part 30 and 10 CFR Part 32, "Items Containing Byproduct Material Incidental to Production (formerly Polymer (Polycarbonate or Polyester) Track Etched (PCTE) Membranes)"	The proposed rulemaking would amend requirements for track etched membranes that have been irradiated with mixed fission products as part of the membrane production process. The proposed rulemaking would also accommodate the licensing and distribution of other irradiated products (e.g., gemstones) without the need for a specific exemption for each distributor.	The U.S. Nuclear Regulatory Commission (NRC) is currently drafting the regulatory basis for the rulemaking and expects to release it for public comment in late summer 2017.
10 CFR Part 73, "Enhanced Security for Special Nuclear Material"	The proposed rule would update security regulations, including portions of 10 CFR Part 73, "Physical Protection of Plants and Materials," related to physical protection of special nuclear material at NRC licensed facilities and in transit.	On February 3, 2015, the Office of Nuclear Security and Incident Response submitted a user need request to NMSS to initiate a rulemaking to update the security regulations in 10 CFR Part 73. NMSS accepted the regulatory basis (Agencywide Documents Access and Management System (ADAMS) Accession No. MLI4321A007) on February 25, 2015. On April 22, 2015, the NRC published the final regulatory basis in Volume 80 of the <i>Federal Register</i> , page 22434 (80 FR 22434). The rulemaking has been placed on hold by the NRC Commission.



10 CFR Part 73,  
“Cyber Security at  
Fuel Cycle Facilities”

The proposed rulemaking would revise 10 CFR Part 73 to add new cyber security requirements for fuel cycle facilities.

On September 4, 2015, the NRC published the draft regulatory basis and asked for public comments in the *Federal Register* (80 FR 53478). The working group revised the document and completed the final regulatory basis on March 22, 2016. The notice appeared in the *Federal Register* on April 12, 2016 (81 FR 21449). The NRC has held 12 public meetings on the rulemaking. The agency issued the draft preliminary proposed rule language for public review in May 2016 and discussed the rule at a public meeting on May 19, 2016. During an all day meeting on August 25, 2016, attendees discussed the language of the revised draft of the preliminary proposed rule and the draft of the preliminary proposed guidance document. On November 2, 2016, the NRC staff briefed the Advisory Committee on Reactor Safeguards (ACRS) Subcommittee on Digital Instrumentation and Control Systems. The staff briefed this subcommittee again on February 23, 2017, and presented on the rulemaking at the Cumulative Effects of Regulation for Fuel Cycle Facilities on March 29, 2017. The NRC staff will fully brief ACRS in a meeting on May 4, 2017. As of April 2017, the NRC staff had completed the draft proposed rule package and the draft guidance. The staff is continuing to work on the concurrence process for the package.

## FINAL RULE

10 CFR Part 35,  
“Medical Use of  
Byproduct Material”  
and “Medical Event  
Definitions, Training  
and Experience  
and Clarifying  
Amendments”

The rule amends the reporting and notification requirements for medical events for permanent brachytherapy, amends training and experience requirements to remove attestation requirements for certain individuals, and makes changes (as requested) to Petition for Rulemaking (PRM) 35 20 and clarifying amendments.

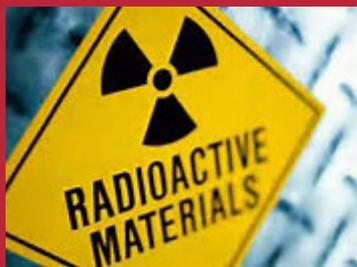
The NRC staff submitted the final rule, SECY-16-0080, “Final Rule: Medical Use of Byproduct Material— Medical Event Definitions, Training and Experience, and Clarifying Amendments (RIN 3150-A163; NRC 2008 0175),” to the Commission for review on June 17, 2016.



10 CFR Part 61, “Low-Level Radioactive Waste (LLRW) Disposal”

The proposed rule would revise 10 CFR Part 61, “Licensing Requirements for Land Disposal of Radioactive Waste,” to require LLRW disposal licensees and license applicants to conduct updated and new site specific analyses and to permit the development of criteria for future LLRW acceptance based on the results of these analyses.

The NRC published the proposed rule and draft guidance in the *Federal Register* (80 FR 16082 and 80 FR 15930) for public comment on March 26, 2015. The comment period closed on September 21, 2015. The NRC received 90 discrete comment letters, each containing many individual comments; more than 2,300 form letters; and oral comments from 36 individuals. The comments are available at <http://www.regulations.gov> under Docket ID NRC 2011 0012. The NRC staff submitted the final rule, SECY 16 0106, “Final Rule: Low-Level Radioactive Waste Disposal (10 CFR Part 61) (RIN 3150-A192),” to the Commission for review on September 16, 2016.



10 CFR Part 74, “Material Control and Accounting of Special Nuclear Material”

This rule would revise and consolidate the current material control and accounting (MC&A) requirements in 10 CFR Part 74, “Material Control and Accounting of Special Nuclear Material.” The rule would also clarify and strengthen the MC&A requirements, in part by removing existing exemptions in the item control provisions.

The NRC staff is resolving the public comments and preparing the final package for the rulemaking. The associated guidance documents are also being updated. There are five NUREG documents and 1 regulatory guidance document that support the final rule. The NRC staff is planning a one-day public meeting in July 2017 to solicit the public’s perspectives about an effective date and eventual the implementation of the final rule. The final rulemaking package is scheduled to be sent to the Commission in November 2017.

10 CFR Part 75, “Safeguards on Nuclear Material—Implementation of U.S./IAEA Agreement” and “Small Quantities Protocol”

This rulemaking implements the requirements of the agreement between the United States and the International Atomic Energy Agency (IAEA) for the application of safeguards in connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America. In addition, this rulemaking implements the modifications to this agreement’s small quantities protocol under the U.S. and IAEA Caribbean Territories safeguards agreement.

On May 25, 2016, the staff submitted SECY-16-0066, “Rulemaking Plan for Implementing the Modified Small Quantities Protocol to the United States International Atomic Energy Agency Caribbean Territories Safeguards Agreement,” requesting Commission approval to initiate rulemaking. On July 21, 2016, the Commission approved initiation of the rulemaking. The NRC staff submitted this rulemaking to the Executive Director for Operations on March 24, 2017, and to the Commission on March 31, 2017.

## PETITIONS

PRM-20-28, PRM-20-29, and PRM-20-30, “Linear No Threshold Model and Standards for Protection against Radiation”

The NRC received three PRMs requesting that the agency amend 10 CFR Part 20, “Standards for Protection against Radiation,” and to change the basis of those regulations from the linear no threshold model of radiation protection to the radiation hormesis model.

On June 23, 2015, the NRC published in the *Federal Register* (80 FR 35870) the receipt of the PRMs and the Notice of Docketing and requested public comment on PRM-20-28, PRM-20-29, and PRM-20-30. The public comment period was scheduled to end on September 8, 2015; however, on August 21, 2015, the NRC published in the *Federal Register* (80 FR 50804) the receipt of the PRMs, Notice of Docketing, and extension of the public comment period. The NRC extended the public comment period until November 19, 2015, to allow more time for members of the public to develop and submit their comments. The NRC staff is examining the issues raised in the PRMs to determine whether they should be considered in the rulemaking.



## TO OUR READERS

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