

# NMSS Licensee Newsletter



U.S. Nuclear  
Regulatory  
Commission

Office of Nuclear  
Material Safety  
and Safeguards

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Sept '95/Oct '95

## NRC CHANGES ITS ENFORCEMENT POLICY

The U.S. Nuclear Regulatory Commission has made significant changes to its enforcement policy. The revised policy was published in the *Federal Register* on June 30, 1995 (60 FR 34380). It has also been published as NUREG-1600, which was mailed to all NRC licensees during the month of July.

Licensees should become familiar with the new Enforcement Policy. There are now increased incentives for licensees to identify and correct violations. Because of the changes to the Enforcement Policy, a non-willful Severity Level III violation or problem normally will not be assessed a civil penalty *provided*: (1) the licensee has had no previous escalated enforcement actions during the past 2 years or two inspections, whichever is longer; and (2) the licensee takes prompt and comprehensive corrective action to ensure that similar violations do not occur in the future. However, the policy does recognize some exceptions, such as the loss of radioactive sources discussed below.

Even where prompt and comprehensive corrective action is taken, other Severity Level III violations and Level I and II violations may be subject to civil penalty if NRC identifies the violation, or if the licensee does not identify the violation before an event such as an exposure occurs. The policy also provides that the NRC staff may use discretion to propose a civil penalty or to increase or decrease a civil penalty where the normal outcome of the civil penalty decision process does not provide the appropriate regulatory message.

NRC is continuing the policy that non-recurring level IV violations normally will not be cited if identified and corrected by a licensee.

Among other significant changes, the revised enforcement policy—

- Provides that licensees who lose radioactive sources and do not identify and report the loss to NRC normally will be subject to a civil penalty at least on the order of the cost for an authorized disposal or transfer to an authorized recipient of such a source;
- Provides that minor violations, formerly referred to as Severity Level V violations, will not be cited; and
- Continues a trial program of conducting approximately 25 percent of predecisional enforcement conferences open for public observation.

(Contact: Joseph DelMedico, OE, 301-415-2739)

## SIGNIFICANT ENFORCEMENT ACTIONS

More detailed information concerning these enforcement actions will be published in NUREG-0940, "Enforcement Actions: Significant Actions Resolved," Volume 14, No. 2, Part III.

### Medical

1. Elias Charles Dow, M.D., Boston  
Massachusetts, EA 95-038

A \$750 civil penalty was assessed for failure to maintain security of licensed material. The licensee was dispensing I-131 capsules to patients to be self-administered at a later date.

	<i>Page</i>
1. NRC Changes Its Enforcement Policy (Contact: Joseph DelMedico, OE, 301-415-2739) .....	1
2. Significant Enforcement Actions (Contact: Joseph DelMedico, OE, 301-415-2739) .....	1
3. NRC Policy on Open Staff Meetings (Contact: Jona Souder, ADM, 301-415-7170) .....	4
4. NRC and EPA Publish Joint Guidance on the Storage of Mixed Waste, for Comment (Contacts: Nick Orlando, NRC, 301-415-6749; Newman Smith, EPA, 703-308-8757) .....	4
5. Timeliness Rule Requires Decom- missioning Action at Some Sites by August 15, 1995 (Contact: David Fauver, NMSS, 301-415-6625) .....	5
6. Clarification of NRC's Training and Experience Criteria (Contact: Janet Schlueter, NMSS, 301-415-7894) .....	6
7. Department of Energy Operating Experience (Contact: Carrie Brown, NMSS, 301-415-8092) .....	7
8. Formation of Spent Fuel Project Office (Contact: Earl Easton, 301-415-8520) .....	7
9. Failure to Review Label Causes Misadministration (Contact: Susanne Woods, NMSS, 301-415-7267) .....	7

10. <i>Federal Register</i> Notices (May 1, 1995- August 1, 1995) (General Contact: Kevin Ramsey, NMSS, 301-415-7887) .....	8
11. Generic Communications Issued (May 1, 1995-August 1, 1995) (General Contact: Kevin Ramsey, NMSS, 301-415-7887) .....	9
12. Summary of Event-Related Reporting Requirements, Intended to Help Material Licensees Be More Aware of Them (Contact: Kevin Ramsey, NMSS, 301-415-7887) .....	10
13. A Sampling of Significant Events Reported to NRC by NRC Material Licensees (Contact: Walter Lescheck, AEOD, 301-415-6365) .....	12

2. Robert F. Hall, M.D., IA 95-018

A Notice of Violation was issued to this physician who, as Chairman of the Radioisotope Committee, deliberately allowed physicians who were not named on the U.S. Nuclear Regulatory Commission license to perform teletherapy treatments.

3. Charles K. Loh, M.D., IA 95-017

A Notice of Violation was issued to this physician who, as Radiation Safety Officer, deliberately allowed physicians who were not named on the NRC license to perform teletherapy treatments.

**Radiography**

1. Jones Inspection Services, Alderson,  
Oklahoma, EA 94-241

An Order was issued suspending authority to conduct radiography in areas under NRC jurisdiction because the proprietor failed to comply with the reciprocity requirements in 10 CFR 150.20.

2. Mattingly Testing Services, Inc., Great Falls,  
Montana, EAs 95-035 and 95-063

A civil penalty of \$15,500 and an Order Modifying License was issued for deliberate violations involving failure to ensure that an assistant radiographer was trained and supervised and other violations indicative of a breakdown in control of licensed activities. The Order requires that the licensee obtain the services of an independent auditor.

Comments, and suggestions you may have for information that is not currently being included, that might be helpful to licensees, should be sent to:

E. Kraus  
 NMSS Licensee Newsletter Editor  
 Office of Nuclear Material Safety  
 and Safeguards  
 Two White Flint North, Mail Stop 8-A-23  
 U.S. Nuclear Regulatory Commission  
 Washington, D.C. 20555-0001

3. Daron R. Hanson, IA 95-014

A Notice of Violation was issued to this radiographer for deliberate violations of 10 CFR Part 34 requirements.

4. Bart A. Kutt, IA 95-013

A Notice of Violation was issued to the Vice President and Assistant Radiation Safety Officer of a radiography firm for deliberate violations of 10 CFR Part 34 requirements.

5. Mark M. Mattingly, IA 95-012

A Notice of Violation was issued to the President and Radiation Safety Officer of a radiography firm for deliberate violations involving storage and use at a location not authorized on the license and failure to audit radiographers at 3-month intervals.

6. Frank Papalia, IA 95-020

A Notice of Violation was issued to this radiographer for deliberately providing inaccurate information, regarding radiography activities, to an NRC inspector.

#### Measuring Gauges

1. Highway Engineering & Survey Co., Bonners Ferry, Idaho, EA 95-042

An Order to Cease and Desist Use and Possession of Regulated Byproduct Material was issued based on possession and use of a moisture density gauge without a U.S. Nuclear Regulatory Commission license. The license had expired.

2. William and Joan Kimbly, IAs 95-015 and 95-016

A confirmatory Order was issued to the President and to the General Manager and Treasurer to prohibit them from applying for an NRC license or engaging in NRC-licensed activities for a period of 5 years. The Order was based on deliberate violations of NRC license requirements for the use of moisture density gauges.

3. McCormick, Taylor and Associates, Inc., Philadelphia, Pennsylvania, EA 94-253

A \$2000 civil penalty was assessed for failure to maintain proper security of licensed

material, which resulted in the loss of a moisture density gauge.

4. Joseph Paolino and Sons, Inc., Mt. Laurel, New Jersey, EAs 94-248 and 95-090

A Confirmatory Order was issued to prohibit the entity or its successor from applying for an NRC license or engaging in NRC-licensed activities for a period of 5 years. The NRC license had been revoked for nonpayment of fees and the licensee had been ordered to transfer its moisture density gauge to an authorized recipient; however, the entity continued to possess the gauge without a license.

5. Braun Intertec Corporation, Minneapolis, Minnesota, EA 95-104

A Notice of Violation was issued for failure to maintain a moisture density gauge under constant surveillance, which resulted in the gauge being damaged by a bulldozer.

6. Geotest, Ltd., Saginaw, Michigan, EA 95-112

A Notice of Violation was issued for failure to maintain security of a moisture density gauge, which was stolen from the open bed of a pick-up truck. The gauge was not secured to the bed of the truck.

7. Soil and Materials Engineers, Inc., Plymouth, Michigan, EA 95-055

A Notice of Violation was issued for failure to maintain security of a moisture density gauge, which was found in an incoming shipment by a scrap metal dealer.

8. IHS Geotech & CMT, Inc., San Antonio, Texas, EA 95-007

A \$500 civil penalty was assessed for failure to file Form NRC 241 (reciprocity) for work in areas under exclusive Federal jurisdiction.

#### Other Materials Licensees

1. Honeywell Incorporated, Minneapolis, Minnesota, EA 92-112

A civil penalty of \$20,000 was assessed based on a willful violation involving transfer of NRC licenses and licensed material to another entity without first receiving NRC authorization.

(Contact: Joseph DelMedico, OE, 301-415-2739)



## NRC POLICY ON OPEN STAFF MEETINGS

The U.S. Nuclear Regulatory Commission has adopted a new policy aimed at increasing public access to meetings with the NRC staff. The final policy statement (59 FR 48340) was published on September 20, 1994, and became effective November 1, 1994. In general, meetings conducted and sponsored by NRC staff are to be open to public attendance and observation when the purpose is to discuss substantive issues bearing on NRC's regulatory and safety responsibilities. A toll-free telephone recording and a computer bulletin board service have been established to inform interested parties of upcoming public meetings.

The new policy allows greater public scrutiny of NRC's regulatory activities, and replaces an earlier policy statement on open meetings published in 1978. Meetings between the NRC staff and outside parties will generally be classified as public meetings unless the subject matter to be discussed:

- a. is specifically authorized by an Executive Order to be kept secret in the interests of national defense or foreign policy (classified information), or is specifically exempted from public disclosure by statute;
- b. contains trade secrets and commercial or financial information (proprietary information);
- c. contains safeguards information;
- d. is of a personal nature where public disclosure would constitute a clearly unwarranted invasion of personal privacy;
- e. is related to a planned, ongoing, or completed investigation and/or contains information compiled for law enforcement purposes;
- f. could result in the inappropriate disclosure and dissemination of preliminary, unverified information;
- g. is a general information exchange having no direct, substantive connection to a specific NRC regulatory decision or action;
- h. indicates that the administrative burden associated with public attendance at the meeting could result in interfering with the

NRC staff's execution of its safety and regulatory responsibilities, such as when the meeting is an integral part of the execution of the NRC inspection program.

Whether a meeting should be open to the public depends primarily on the subject matter to be discussed, not on who is participating (i.e., staff level versus senior management). The telephone recording and computer bulletin board will include information on the date, time, and location of the meeting, its purpose, the NRC offices and outside organizations in attendance, and the name and telephone number of the NRC contact for the meeting. Information about canceled or re-scheduled meetings will be updated as necessary.

The recording and bulletin board will cover public meetings scheduled during the next 60 calendar days and new meetings will be added daily. In addition, a weekly listing will be posted in the NRC Public Document Room at 2120 L Street (Lower Level) NW., Washington, DC, and in all Local Public Document Rooms. The Office of Public Affairs will continue to issue public announcements on the more significant meetings. The toll-free number for the telephone recording is 1-800-952-9674. The telephone number for the computer bulletin board is 1-800-303-9672 (access through Gateway).

(Contact: Jona Souder, ADM, 301-415-7170)

## NRC AND EPA PUBLISH JOINT GUIDANCE ON THE STORAGE OF MIXED WASTE, FOR COMMENT

Draft guidance on the storage of mixed waste was published in the *Federal Register* on August 7, 1995 (60 FR 40204). The U.S. Nuclear Regulatory Commission and the U.S. Environmental Protection Agency (EPA) will accept public comments on the draft guidance until November 6, 1995. Mixed waste is defined as waste that contains both hazardous waste and source, special nuclear, or byproduct material subject to the Atomic Energy Act of 1954. Persons who generate, treat, store, or dispose of mixed wastes are subject to the requirements of the Atomic Energy Act, as amended, and the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), and the Hazardous and Solid Waste Amendments. The Federal agencies responsible for ensuring compliance with the implementing regulations of these statutes are NRC and EPA.

Despite concerted State efforts for more than 15 years, no new disposal facility for commercial

low-level radioactive waste, or mixed waste, has begun operation, with the exception of Envirocare of Utah, which accepts some low-activity wastes and certain mixed wastes for disposal. Development of new treatment facilities for mixed waste has been limited also. Mixed-waste generators have raised concerns that NRC's storage requirements for radioactive waste run counter to the aims of RCRA. As part of a larger cooperative effort, NRC and EPA have developed draft guidance for public comment that, when finalized, can be used by commercial mixed waste generators currently storing their waste.

The four issues identified to the agencies by the regulated community, and the proposed resolutions, are as follows:

*Issue 1:* Generators may not use decay-in-storage to reduce the hazard of mixed waste as it would violate the RCRA prohibition on the storage of hazardous waste.

*Resolution:* Limited periods of decay-in-storage of mixed waste do not violate the RCRA storage prohibitions because decay-in-storage is a necessary and useful part of the best demonstrated available technology (BDAT) treatment process. Therefore, the Land Disposal Restrictions storage prohibition does not apply to mixed waste held pursuant to an NRC approved decay-in-storage program during the period of decay.

*Issue 2:* Daily or weekly "walk-through" inspections of high-activity mixed waste may result in increased exposures to workers at their facilities and thus violate the requirement to maintain radiation exposures as low as is reasonably achievable.

*Resolution:* RCRA regulations and permit guidance do not require that inspections of mixed waste in storage be "walk-through" inspections. Alternative methods for inspection could include the use of remote monitoring devices to determine if a waste container is leaking, or television monitors, or other means that are capable of detecting leakage or deterioration. These measures should be coupled with a means to promptly locate and segregate or remediate leaking containers.

*Issue 3:* RCRA inspection requirements restrict the use of containers with low radiation levels to shield containers with higher radiation levels, and such a restriction could cause an increase in worker exposures.

*Resolution:* Containers may be used for radiation shielding, so long as a licensee is capable of

detecting leaks, locating the source, and responding within 24 hours of detection to mitigate any significant release.

*Issue 4:* Confusion exists over ways to comply with both NRC and EPA waste management requirements, especially those for incompatible wastes.

*Resolution:* Incompatible wastes or other materials must be separated or protected by means of a dike, berm, wall, or other device to prevent ignition or reaction. However, this can occur in the same storage facility and does not necessitate the construction of an entirely separate storage unit. In situations where high-activity mixed wastes are monitored by remote means and/or stored using dense packing, facilities must demonstrate to the EPA Regional Administrator the need to control the radiation hazard. The determination to waive or alter the aisle space requirement will be made on a case-by-case basis and be incorporated into the facility's RCRA permit.

Interested individuals should send written comments on the published guidance to: David L. Meyer, Chief, Regulatory Publications Branch, Division of Freedom of Information and Publication Service, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, or hand-deliver comments to the Commission's offices at 11545 Rockville Pike (Room T6-D59), Rockville, MD 20555.

For further information, contact Dominick A. Orlando, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC, 20555, telephone (301) 415-6749, or Newman Smith, Permits and State Programs Division, Office of Solid Waste, U.S. Environmental Protection Agency, Washington DC, 20460, telephone (703) 308-8757.

(Contacts: Nick Orlando, NRC, 301-415-6749; Newman Smith, EPA, 703-308-8757)

#### TIMELINESS RULE REQUIRES DECOMMISSIONING PLANS FOR SOME SITES BY AUGUST 15, 1995

The September-October 1994 NMSS Licensee Newsletter (NUREG/BR-0117, No. 94-3) announced the issuance of the "Final Rule on Decommissioning Timeliness" which added schedule requirements. The timeliness rule was effective August 15, 1994. The article provided an explanation of the rule and also stated that significant failure to conform to the new requirements has been classified as a Severity Level III violation.

The "timeliness" rule requires licensees to notify NRC within 60 days if: 1) the license has expired, or has been revoked; 2) the licensee has decided to cease principal activities at the entire site or in any separate building or outdoor area; or 3) no principal activities, under license, have been conducted at the site, or in any separate building or outdoor area, for 24 months. The timeliness rule should be carefully reviewed for applicability to your site.

The Implementation Section of the Supplementary Information on the rule (59 FR 36026) states that licensees with unused facilities as of July 15, 1994, would be allowed 2 years from the effective date of the rule, August 15, 1994, to submit the required notification, even though the total period of inactivity may actually end up being greater than 2 years. This provides licensees 2 years in which to determine whether the unused facility would be put into use again or to submit notification as required under the rule. However, this statement only applies to licensees that have not previously notified NRC that principal operations have ceased.

For those sites that are required to submit a decommissioning plan, the timeliness rule requires that the plan be submitted within 12 months of making the above notification to NRC. However, if a licensee were to make the above notification, pursuant to the rule on "Expiration and Termination of Licenses," before August 15, 1994, and such notification were documented by letter, license amendment, inspection report, or other means, a decommissioning plan would not be required until August 15, 1995, since the 12-month period is not applied retroactively to the date of the notification. Likewise, if the notification were made before August 15, 1994, and a decommissioning plan were not required, decommissioning would have to be completed by August 15, 1996. However, the rule does provide the opportunity for licensees to propose alternate schedules.

There has been some confusion as to the applicability of the 24-month "grace" period for unused facilities, buildings, or outdoor areas, to licensees that provided notification before August 15, 1994. The grace period does not apply to such licensees. If you have not properly understood the applicability of the schedule requirements of the timeliness rule, and are now late, please call your project manager or license reviewer to explore avenues of relief.

(Contact: David N. Fauver, NMSS, 301-415-6625)

## CLARIFICATION OF NRC'S TRAINING AND EXPERIENCE CRITERIA

The U.S. Nuclear Regulatory Commission staff and management routinely receive inquiries from physician applicants, members of the medical community, and Agreement States on 10 CFR Part 35, Subpart J requirements, particularly, whether certain required training elements may be obtained concurrently. In some cases, the 500 hours of practical experience requirements [10 CFR 35.920(b)(2)] and the 500 hours of clinical experience requirements [10 CFR 35.920(b)(3)] associated with the use of byproduct material have been perceived as being able to be completed concurrently for a total of 500 hours of experience. Additionally, NRC regional license reviewers receive medical use applications or amendments for authorization of physicians who do not appear to meet 10 CFR Part 35, Subpart J training and experience criteria. Specifically, the applicant documents less than the required number of acceptable hours of training and experience, as described in the applicable section of Subpart J (e.g., 60 hours for 10 CFR 35.100 materials, 1200 hours for 10 CFR 35.200 materials, 80 hours for 10 CFR 35.300 materials, etc.). The NRC staff is developing guidance on this, and other issues regarding the review of training and experience documentation, for use by the regional staff.

While developing the guidance discussed above, NRC staff recently determined that, in cases where an applicant does not appear to meet the applicable required number of training and experience hours, an exemption to the regulations is needed to approve the authorized user. It should be noted that Section 35.19 indicates that NRC will seek assistance from the Advisory Committee on the Medical Uses of Isotopes (ACMUI) when reviewing requests for exemptions from the Subpart J criteria. To streamline the exemption review process, and provide guidance to the regions, the staff proposed a minimum number of acceptable training and experience hours for discussion with the ACMUI at its semi-annual meeting (May 11-12, 1995). The consensus of the ACMUI was that the committee would not identify a minimum number of acceptable training and experience hours, for any category of medical use, at this time. Rather, the ACMUI recommended that rulemaking was necessary, and that the staff should continue to bring requests, for exemptions to Subpart J criteria, to the attention of the ACMUI for its review. As a result, the staff is developing a procedure to document and streamline the ACMUI review of such exemption requests, so that the process will not be overly



burdensome for either the applicant, NRC staff, or the ACMUI.

(Contact: Janet R. Schlueter, NMSS, 301-415-7894)

#### DEPARTMENT OF ENERGY (DOE) OPERATING EXPERIENCE

The DOE Office of Nuclear and Facility Safety publishes a weekly publication titled "Operating Experience Weekly Summary." The purpose of this summary is to enhance safety throughout the DOE complex by promoting feedback of operating experiences and encouraging the exchange of information among DOE nuclear facilities. Many of the lessons learned in this periodical are from experiences of DOE manufacturing and processing operations, which may be similar to processing operations at NRC-licensed fuel conversion and fabrication facilities. This summary is available for your information by contacting Mr. Richard L. Trevillian, EH, 33 Room E-460 GTN, U.S. Department of Energy, Washington, DC, 20585, telephone number (301) 903-3074.

The summary is also available on the Internet through the World Wide Web (WWW). To access the WWW server, users must have web browser software such as NCSA Mosaic or Netscape and means to access the Internet, such as direct-connect modems. Network access through a network modem or network computer terminal may also be used.

The Uniform Resource Locator (URL) for the home page for the WWW server is <http://www.eh.doe.gov/frequent.htm>. The operating experience weekly summary portion of the home page provides the user with two choices: a link to the current Weekly Summary and a link to past Weekly Summaries. The DOE Technical Information Services (TIS) also provides a home page (DOE Lessons Learned Information) to the gopher server that stores the Weekly Summaries. The URL is <http://venus.hyperk.com/tri/ll/ll.html> (l is lower-case letter "l"). The Office of Nuclear and Facility Safety (DOE) encourages WWW users to save this home page as a "HotList Item" (in Mosaic) or as a "Bookmark" (in Netscape) to shorten the time for finding Weekly summaries.

Gopher users can access the weekly summaries by typing in the URL on a command line provided in most gopher software programs. In the program, WSGopher, the user must: (1) select "New Gopher Item" in the File menu; (2) type in the

URL; (3) click on the "paste" button; and (4) click on the "OK" button. The URL is either of the following.

- <gopher://146.138.63.106:70/11%5cdir%5cnfs%5coeweekly>
- <gopher://apollo.eh.doe.gov:70/11%5cdir%5cnfs%5coeweekly>
- <gopher://146.138.63.106:70/11%2Fdir%2Fnfs%2Foeweekly>

Users can then save the URL as a Bookmark. To access other documents published by DOE, users can type in the URL for the TIS home gopher server. The URL is <gopher://dewey.tis.inel.gov>.

(Contact: Carrie Brown, NMSS, 301-415-8092)

#### FORMATION OF THE SPENT FUEL PROJECT OFFICE

The Spent Fuel Project Office (SFPO) has been created, within the Office of Nuclear Material Safety and Safeguards (NMSS) to provide a dedicated organization and to focus management attention on the time-sensitive matters and high-visibility tasks associated with licensing the Department of Energy's proposed Multi-Purpose Canister (MPC) system, and the possible licensing of a monitored retrievable storage (MRS) facility, or a private independent spent fuel storage installation (ISFSI). The SFPO is also responsible for ongoing reviews of radioactive waste transportation and spent fuel storage systems. The Director of the SFPO is William D. Travers and the Deputy Director is Charles J. Haughney. Mr. Travers can be reached at (301) 415-8500, and Mr. Haughney can be reached at (301) 415-8560. The SFPO reports to the Director of NMSS.

(Contact: Earl Easton, NMSS, 301-415-8520)

#### FAILURE TO REVIEW LABEL CAUSES MISADMINISTRATION

A recent misadministration resulted when labels for two separate I-131 doses were placed on the lids of the corresponding vial shields, and the lids were inadvertently switched. The labeling on the individual dose vial was not reviewed before administering the dose to one of the patients. Consequently, 1110 MBq (29.9 mCi) of I-131 were delivered to a patient for whom the intended dose was 300 MBq (8 mCi). The patient scheduled to receive the larger dose cancelled his appointment; hence, a second misadministration did not occur. The misadministration was discovered the

following day; then the remaining dose was measured for further use and the activity was found to be much lower than expected.

Nuclear Material Safety and Safeguards medical licensees are encouraged to review their vial labeling processes and consider actions to avoid similar problems. Label placement and label review processes may vary in effectiveness from one facility to another. In the described case, the method of labeling the vial shield and the failure to compare the shield label with the dose vial label could have resulted in multiple misadministrations. Review of the labeling processes implemented at a facility and periodic retraining on the importance of dose verification may prevent such occurrences.

(Contact: Susanne Woods, NMSS, 301-415-7267)

### FEDERAL REGISTER NOTICE (May 1, 1995-August 1, 1995)

#### GENERAL NOTICES

"Governor's Designees Receiving Advance Notification of Transportation of Nuclear Waste" (annual update of list), 60 FR 34306, June 30, 1995.

#### POLICY STATEMENTS

"Revision of the NRC Enforcement Policy," 60 FR 34381, June 30, 1995.

Contact:  
James Lieberman, OE, 301-415-2741

#### PETITIONS FOR RULEMAKING (All Parts are from 10 CFR.)

Part 72, "Maryland Safe Energy Coalition; Denial of Petition," 60 FR 38286, July 26, 1995.

Contact:  
Gordon E. Gundersen, RES, 301-415-6195

#### DRAFT REGULATORY GUIDES (NOTICE OF AVAILABILITY)

DG-0008, "Applications for the Use of Sealed Sources in Portable Gauging Devices," 60 FR 29719, June 5, 1995.

#### PROPOSED RULES (All Parts are from 10 CFR.)

Part 9, "Revision of Specific Exemptions under the Privacy Act," 60 FR 38282, July 26, 1995.

#### Contact:

Jona L. Souder, ADM, 301-415-7170

#### FINAL RULES (All Parts are from 10 CFR.)

Parts 2, 19, 20, 30, 32, 40, 50, 51, 60, 61, 70, 71, 72, 73, 74, 76, and 150, "Changes to NRC Addresses and Telephone Numbers," 60 FR 24549, May 9, 1995.

#### Contact:

Michael T. Lesar, ADM, 301-415-7163

Part 20, "Low-Level Waste Shipment Manifest Information and Reporting; Correction," 60 FR 25983, May 16, 1995.

#### Contact:

Mark Haisfield, RES, 301-415-6196

Parts 11 and 25, "NRC Licensee Renewal/Reinvestigation Program" (access authorizations), 60 FR 26355, May 17, 1995.

#### Contact:

James J. Dunleavy, ADM, 301-415-7404

Part 34, "Performance Requirements for Radiography Equipment," 60 FR 28323, May 31, 1995.

#### Contacts:

Thomas Rich, NMSS, 301-415-7893;  
J. Bruce Carrico, NMSS, 301-415-7826

Parts 170 and 171, "Revision of Fee Schedules; 100% Fee Recovery, FY 1995," 60 FR 32218, June 20, 1995.

#### Contact:

James Holloway, OC, 301-415-6213

Part 72, "Emergency Planning Licensing Requirements for Independent Spent Fuel Storage Installations (ISFSIs) and Monitored Retrievable Storage (MRS) Facilities," 60 FR 32430, June 22, 1995.

#### Contact:

Michael T. Jamgochian, RES, 301-415-6534

Part 2, "Policy and Procedure for Enforcement Actions; Removal," 60 FR 34380, June 30, 1995.

#### Contact:

James Lieberman, OE, 301-415-2741

Parts 19 and 20, "Radiation Protection Requirements: Amended Definitions and Criteria," 60 FR 36038, July 13, 1995.

#### Contact:

Alan Roecklein, RES, 301-415-6223

Part 110, "Import and Export of Radioactive Waste," 60 FR 37556, July 21, 1995.



*Contact:*

Ronald Hauber, OIP, 301-415-2344.

Parts 30, 40, 70, and 72, "Clarification of Decommissioning Funding Requirements," 60 FR 38235, July 26, 1995.

*Contact:*

Mary L. Thomas, RES, 301-415-6230

(General Contact: Kevin Ramsey, NMSS, 301-415-7887)

## GENERIC COMMUNICATIONS ISSUED

(May 1, 1995-August 1, 1995)

Note that these are only summaries of U.S. Nuclear Regulatory Commission generic communications. 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.

### Administrative Letters (ALs)

AL (unnumbered), "Final Revisions to 10 CFR Parts 170 and 171 on License, Inspection, and Annual Fees for FY 1995," June 19, 1995.

This letter explains the changes contained in the final fee rule for fiscal year 1995 and includes a copy of the rule. The fees for most NMSS licensees have been reduced.

*Contact:*

C. James Holloway, OC, 301-415-6213

AL 94-13, Revision 1, "Access to Nuclear Regulatory Bulletin Board Systems," June 29, 1995.

This letter updates information provided in the original letter concerning the availability of NRC computer bulletin board systems.

*Contacts:*

Andrew J. Kugler, NRR, 301-415-2828  
Kevin Ramsey, NMSS, 301-415-7887

AL (unnumbered), "NRC Policy on Communications between the NRC and Licensees," July 12, 1995.

This letter provides the policy statement on open communications between licensees and NRC staff, and states that inappropriate actions by NRC staff against licensees who communicate concerns to the Agency will not be tolerated.

*Contact:*

Kevin M. Ramsey, NMSS, 301-415-7887

### Information Notices (INs)

IN 95-25, "Valve Failure during Treatment with Gamma Stereotactic Radiosurgery Unit," May 11, 1995.

This notice alerts addressees to an incident in which the patient couch of a Leksell Gamma System Model 23016 ("gamma knife") unit failed to retract from the treatment position because of a valve failure on the hydraulic system of the unit.

*Contact:*

Patricia K. Holahan, NMSS, 301-415-7847

IN 95-28, "Emplacement of Support Pads for Spent Fuel Dry Storage Installations at Reactor Sites," June 5, 1995.

This notice reminds addressees of the importance of complying with all conditions and requirements specified in 10 CFR 72.212(b) and other regulations before using certified casks under the provisions of the general license in Part 72.

*Contacts:*

F. Sturz, NMSS, 301-415-7278  
M. Gamberoni, NRR, 301-415-3024

IN 95-29, "Oversight of Design and Fabrication Activities for Metal Components Used in Spent Fuel Dry Storage Systems," June 7, 1995.

This notice alerts addressees to shortcomings found in the oversight of design and fabrication activities for metal components used in spent fuel dry storage systems.

*Contacts:*

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**SUMMARY OF EVENT-RELATED REPORTING REQUIREMENTS, INTENDED TO HELP MATERIAL LICENSEES BE MORE AWARE OF THEM (SI units used only when cited regulations contain them.)**

10 CFR	REPORTABLE EVENT	TO WHGM?	WHEN?
20.1906(d)(1) (d)(2)	Removable contamination on package > limits in 10 CFR 71.87. Radiation levels on package > limits in 10 CFR 71.47.	Final delivery carrier & Regional Administrator	(1) Immediately (2) Immediately
20.2201(a)(1)(i) (a)(1)(ii)	Lost/stolen/missing material $\geq$ 1000 X App. C value. Lost/stolen/missing material $\geq$ 10 X App. C value.	NRC Operations Center (Both events)	(i) Immediately (ii) 30 days
20.2202(a)(1) (b)(1)	Exposure (real or threatened) $\geq$ TEDE of 25 rem (0.25 Sv), or LDE of 75 rem (0.75 Sv), or SDE (WB or ME) of 250 rads (2.5 Gy).* Exposure (real or threatened) $\geq$ TEDE of 5 rem (0.05 Sv), or LDE of 15 rem (0.15 Sv), or SDE (WB or ME) of 50 rads (0.5 Gy).*	NRC Operations Center & Regional Administrator (Both events)	(a)(1) Immediately (b)(1) 24 hours
20.2202(a)(2) (b)(2)	Release where individual could have intake > 5 X ALI over 24 hours.* Release where individual could have intake > 1 X ALI over 24 hours.*	NRC Operations Center & Regional Administrator (Both events)	(a)(2) Immediately (b)(2) 24 hours
21.21(a)(2) (c)	Interim evaluation report—basic component may be defective or may not comply with procurement document. Receipt of information reasonably indicating that a basic component is defective or fails to comply with its procurement document.	(a)(2) Document Control Desk and Regional Administrator (c) NRC Operations Center	(a)(2) 60 days (c) 2 days
30.9(b)	Receipt of any information having significant implication for public health and safety	Regional Administrator	2 days
30.34(h)	The filing of any petition for bankruptcy by or against the licensee, its parent, or an affiliate.	Regional Administrator	Immediately
30.50(a)	Event that prevents immediate protective actions necessary to avoid overexposure or releases.	NRC Operations Center	Within 4 hours of discovery
30.50(b)(1)	Unplanned contamination requiring access to be restricted for more than 24 hours (for reason other than decay of isotopes with half-lives < 24 hours).	NRC Operations Center	Within 24 hours of discovery
30.50(b)(2)	Safety equipment, required by license or regulation, is disabled or fails to function when equipment is required to be available and operable and no redundant equipment is available and operable.	NRC Operations Center	Within 24 hours of discovery
30.50(b)(3)	Unplanned treatment in medical facility of contaminated individual.	NRC Operations Center	Within 24 hours of discovery

10 CFR	REPORTABLE EVENT	TO WHOM?	WHEN?
30.50(b)(4)	Unplanned fire or explosion damaging licensed material or any device, container, or equipment containing licensed material.	NRC Operations Center	Within 24 hours of discovery
30.55(c)	Attempted theft or unlawful diversion of tritium > 10 curies (370 GBq) at one time, or > 100 curies (3700 GBq) in a year.	Regional Administrator	Immediately
34.25(d)	Leak test result $\geq 0.005$ microcuries (185 Bq).*	Director, Office of Nuclear Material Safety and Safeguards, & Regional Administrator	Within 5 days of test
34.30(a)	Source disconnect, inability to retract source, or failure of any component critical to safety.	Medical, Academic, and Commercial Use Safety Branch, & the Director, Office for Analysis and Evaluation of Operational Data	Within 30 days of event
35.33(a)(1)	Medical misadministration.	NRC Operations Center	Next calendar day after discovery
35.59(e)(2)	Leak test result $\geq 0.005$ microcuries (185 Bq).*	Director, Office of Nuclear Material Safety and Safeguards, & Regional Administrator	Within 5 days of test
36.83(a)	Irradiator events listed in 10 CFR 36.83 (a)(1) - (a)(10), if not reported under other NRC regulations.	NRC Operations Center	Within 24 hours of discovery
39.35(d)(2)	Leak test result $\geq 0.005$ microcuries (185 Bq).*	Regional Office	Within 5 days of discovery
39.77(a)	Ruptured well-logging source.	Regional Office	Immediately
39.77(c)	Irrecoverable well-logging source.	Regional Office	When apparent that recovery not possible

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\*Note:

TEDE = total effective dose equivalent.	LDE = eye (or lens) dose equivalent.
SDE = shallow dose equivalent.	WB = whole body.
ME = maximum extremity.	ALI = annual limit on intake.
Sv = sievert.	Bq = becquerel.
FBq = giga becquerel ( $10^9$ ).	



A SAMPLING OF SIGNIFICANT EVENTS  
REPORTED TO NRC BY NRC MATERIAL  
LICENSEES (SECOND QUARTER CY 1995)

Event 1: Multiple Medical Brachytherapy  
Misadministration

Date Reported: June 2, 1995

Licensee: Madigan Army Medical Center  
Fort Lewis, Washington

From February 1994 through May 1995, four patients were prescribed brachytherapy procedures and received doses other than those prescribed because of the same computer input error. Details of the misadministrations are as follows:

Patient A: The patient was prescribed a dose of 2800 centigray (cGy) (2800 rad) for a gynecological brachytherapy treatment, but received a dose of about 1680 cGy (1680 rad) instead.

Patient B: Event 1—The patient was prescribed a dose of 1600 cGy (1600 rad) for lung treatment, but received a dose of about 2128 cGy (2128 rad) instead.

Event 2—On another day, the same patient was prescribed a dose of 1500 cGy (1500 rad) for lung treatment, but received a dose of about 2350 cGy (2350 rad) instead.

Patient C: The patient was prescribed a dose of 3000 cGy (3000 rad) for gynecological treatment, but received a dose of about 5142 cGy (5142 rad) instead.

Patient D: The patient was prescribed a dose of 1500 cGy (1500 rad) for a biliary tract treatment, but received a dose of about 2050 cGy (2050 rad) instead.

The licensee does not expect the patients to experience any adverse health effects as a result of the misadministrations. Based on NRC's initial review, the probable causes of the treatment errors were failures to: (1) independently check the data input to the computerized treatment planning system; (2) independently check dose rate calculations generated by the planning system; and (3) adequately train licensee staff. The physics staff at the medical center promptly corrected the calculations, and took steps to ensure that appropriate data will be used for future treatment plans.

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