NMSS Licensee Newsletter

U.S. Nuclear Regulatory Commission

Office of Nuclear Material Safety and Safeguards

NUREG/BR-0117
No. 97-1
March–April 1997

DOE INTENT TO SEEK NRC REGULATION OF NUCLEAR SAFETY

On December 20, 1996, Secretary O'Leary announced the U.S. Department of Energy's intent to submit legislation for U.S. Nuclear Regulatory Commission regulation of nuclear safety at DOE facilities, based on DOE Working Group Recommendations. The legislative phase is expected to last 2 years, with DOE and NRC developing the legislation and seeking views from stakeholders. As proposed by DOE, after necessary legislation is enacted, external regulation would be implemented through a multi-phase process that involves placing DOE facilities under NRC regulation, as summarized below:

Phase 1 – Regulation of all **Nuclear Energy** (NE) and **Energy Research** (ER) facilities would be transferred to NRC and the States (Years 1–5).

Phase 2 – Regulation of all **Environmental Management** (EM) facilities would be transferred to NRC and the States (Years 6–10).

Phase 3 – Regulation of all **Defense Programs** (DPs) facilities would be transferred to NRC and the States (after Year 10).

The number of DOE nuclear facilities is expected to decrease as a result of closure, decontamination, and decommissioning, over the next 12 years. As planned by DOE, NRC regulation would begin with ER and NE facilities, because they should be in the best compliance state, are most similar to NRC-regulated facilities, and are expected to remain stable and operational during the transition period.

Under the DOE recommendations, NRC would focus on NE and ER facilities while legislation is being drafted, during the first 2 years. NRC would compare NRC and DOE programs, identify needed regulatory changes, and become familiar with the facilities. Once legislation is passed, NRC would begin to license/certify NE, ER, and selected EM and DP facilities (privatization projects), with the object of regulating the entire group of ER and NE facilities by the end of the first 5-year period.

The Commission considered its potential future role in regulating DOE nuclear safety in Direction Setting Issue No. 2, as part of NRC's strategic assessment and rebaselining initiative. In response to the Secretary of Energy's decision, strong public support during the comment process on strategic assessment, and additional NRC evaluations, the Commission endorses NRC's taking responsibility for the regulatory oversight of certain DOE nuclear facilities, provided: (1) there is a clear delineation of the facilities, activities, and issues that NRC will have to address; and (2) NRC is given the necessary funding and staffing resources and the regulatory authority to fulfill its mission effectively in this area.

Regulation of DOE nuclear safety could have large impacts on NRC. In recognition of these potential impacts, the Commission is establishing a senior-level NRC task force to work with DOE in assessing the impacts, planning

the transition, and developing the necessary legislation.

(Contact: Michael F. Weber, NMSS, 301–415–7190, e-mail: mfw@nrc.gov)

NEW CONSTRAINT RULE ON AIR EMISSIONS

In 1989, the U.S. Environmental Protection Agency (EPA) promulgated a regulation that required the U.S. Nuclear Regulatory Commission and Agreement State licensees to limit their air emissions of radioactive materials so that no member of the public would receive an effective dose in excess of 0.1 mSv (10 mrem) in a year from all radionuclides in the emissions, and no more than 0.03 mSv (3 mrem) in a year from radioiodine. Licensees whose emissions exceeded 0.01 mSv (1 mrem) in a year from all radionuclides were also required to file reports with EPA. The regulation was contained in EPA's 40 CFR Part 61, Subpart I.

In addition to being subject to EPA's Subpart I, NRC licensees continued to be subject to the limits on effluents contained in 10 CFR Part 20, which requires licensees to limit exposures to members of the public to 1 mSv (100 mrem) in a year from all sources, including external radiation exposures as well as exposures received from air and water effluents. NRC also requires licensees to implement as low as is reasonably achievable (ALARA) measures to minimize exposures to the public.

Promulgation of EPA's rule resulted in two Federal agencies regulating the same activity —namely, air emissions from NRC licensees. To avoid such duplication, EPA and NRC agreed to transfer the 0.1 mSv/yr (10 mrem/yr) limit on air emissions in EPA's Subpart I to NRC's Part 20 as a constraint on air emissions. This was achieved in two steps: NRC announced its new constraint rule, incorporated into

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

Page

1. DOE Intent to Seek NRC Regulation of Nuclear Safety (Contact: Michael Weber, NMSS, 301–415–7990) 1
2. New Constraint Rule on Air Emissions (Contact: Sami Sherbini, NMSS, 301–415–7902) 2
3. Extension of License Terms for Material Licenses (Contact: Diane S. Flack, NMSS, 301–415–5681) 3
4. Use of Alarm Ratemeters in Industrial Radiography (Contact: Bruce Carrico, NMSS, 301–415–7826) 4
5. Integrated Safety Analyses at Fuel Cycle Facilities (Contact: Mary T. Adams, NMSS, 301–415–7249) 5
6. Problems with Occupational Exposure Reports (Contact: Mary L. Thomas, RES, 301–415–6230) 5
7. Inspection of Licensee Quality Management Programs (Contact: Sally Merchant, NMSS, 301–415–7874) 6
8. Defacing Radioactive Material Labels before Release of Containers (Contact: Susanne Woods, NMSS, 301–415–7267) 7
9. Selected *Federal Register* Notices (General Contact: Paul Goldberg, NMSS, 301–415–7842) 7
10. Generic Communications Issued (General Contact: Kevin Ramsey, NMSS, 301–415–7887) 8
11. Significant Enforcement Actions (Contact: Joseph DelMedico, OE, 301–415–2739) 9

Part 20, in the *Federal Register* on December 10, 1996, to be effective January 9, 1997; and EPA rescinded Part 61, Subpart I, for NRC licensees, in a *Federal Register* notice on December 30, 1996. Summary information on Subpart I, as well as the *Federal Register* rescission notice, may be accessed via the Internet at http://www.epa.gov/radiation/neshaps.

The constraint rule, contained in 10 CFR 20.1101, states the following:

> To implement the ALARA requirements of § 20.1101(b), and notwithstanding the requirements in § 20.1301 of this part, a constraint on air emissions of radioactive material to the environment, excluding Radon-222 and its daughters, shall be established by licensees other than those subject to § 50.34a, such that the individual member of the public likely to receive the highest dose will not be expected to receive a total dose equivalent in excess of 10 mrem (0.1 mSv) per year from these emissions. If a licensee subject to this requirement exceeds this dose constraint, the licensee shall report the exceedance as provided in § 20.2203 and promptly take appropriate action to ensure against recurrence.

The rule imposes a constraint on air emissions of 0.1 mSv (10 mrem) in a year, in addition to the existing limit on public dose of 1 mSv/yr (100 mrem/yr) from all sources originating in the licensee's operation. The difference between a constraint and a limit is that enforcement action is taken if a limit is exceeded, but not if a constraint is exceeded. Licensees are, however, required to report to NRC any exceedance of the constraint, and the report should include a description of the actions to be taken to prevent recurrence and the schedule for completion of these actions. Enforcement action may be taken if the licensee does not file the required report, or if appropriate action is not taken to prevent recurrence. There are no reporting requirements connected with the constraint rule for licensees who do not exceed the constraint.

Acceptable methods to show compliance with the constraint on air emissions are described in NRC's Regulatory Guide 4.10, "Constraint on Releases of Airborne Radioactive Materials to the Environment for Licensees Other Than Power Reactors," published in December 1996. Licensees may obtain a copy of the guide, free of charge, by writing to the Office of Administration, Attention: Distribution and Services Section, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001, or by fax at (301) 415–2260.

(Contact: Sami Sherbini, NMSS, 301–415–7902, e-mail: sxs2@nrc.gov)

EXTENSION OF LICENSE TERMS FOR MATERIAL LICENSES

Effective February 6, 1997, the U.S. Nuclear Regulatory Commission extended the license term for material licenses issued pursuant to 10 CFR Part 30,* "Rules of General Applicability to Domestic Licensing of Byproduct Material"; Part 40, "Domestic Licensing of Source Material"; and Part 70, "Domestic Licensing of Special Nuclear Material," from the current 5-year period to a 10-year period, on the next renewal of the affected licenses, with the exception of licenses issued pursuant to 10 CFR Part 35. The 5-year term for licenses other than those issued pursuant to Part 35 has been a matter of practice and is not codified in the regulations. The license term for licenses issued pursuant to Part 35 is established by regulation and must be revised by rulemaking.

In late 1996, the staff prepared a paper for the Commission, SECY–96–252, "Extension of License Term for Material Licenses," that contains information on the purpose, background, and discussion of the extension of the license duration period. This paper is available through NRC's Public Document Room (202–634–3273 or 1–800–397–4209) for a nominal charge (to cover copying). NRC believes that the license duration period can be extended without adverse impact on public health and safety. Applications for new or renewed material licenses will continue to undergo a thorough technical review to ensure that the licensed program employs up-to-date technology and practices in the protection of health, safety, and the environment and compliance with any new or amended regulations. Licensees will

*Reference to Part 30 is intended to include 10 CFR Parts 32, 33, 34, 35, 36, 39, and any other regulations that are developed in the Part 30 series.

continue to be required to apply for license amendments for certain proposed changes to their programs. Staff will continue to identify, by inspection or other means, violations that affect public health and safety, and to take appropriate enforcement actions. Finally, licensees will continue to be made aware of health and safety issues through the issuance of generic communications.

Although both new and renewal applications for materials licenses will be considered for a 10-year license term, NRC retains the option to issue licenses for shorter terms in situations where the industry or NRC has not had extensive experience in using or regulating the proposed use of the material, and any other situations that would warrant increased attention on a case-specific basis. Headquarters staff is currently developing further guidance on this issue for the licensing staff.

The Commission has approved the rulemaking plan to remove the 5-year term for medical licenses in Part 35 so that there will no longer be an inconsistency between how license terms for medical licenses and all other material licenses are established. Staff is currently preparing a proposed rule that would revise 10 CFR 35.18 to delete any reference to the 5-year license term, so that future Commission decisions regarding the duration of materials licenses would apply uniformly to all types of material licensees.

(Contact: Diane S. Flack, NMSS, 301–415–5681, e-mail: dsf1@nrc.gov)

USE OF ALARM RATEMETERS IN INDUSTRIAL RADIOGRAPHY

In the U.S. Nuclear Regulatory Commission's regulations for industrial radiography (10 CFR Part 34), Section 34.33(a) requires that individuals performing radiographic operations wear an alarm ratemeter. Recently, an NRC licensee reported an event related to the use of alarm ratemeters.

This event involved two radiographers at an industrial complex—one of them received an exposure exceeding the regulatory limit. The event began when the first radiographer failed to completely return the source to the radiography device after an exposure and failed to conduct a required survey to confirm that the cobalt-60 source was safely stored and shielded. Instead the source was only returned to a "flexed" area within the source guide tube and remained fully exposed. The radiography was conducted within an enclosed "exposure vault" that the first radiographer locked when he exited. When the second radiographer arrived to start his shift, he confirmed that his alarm ratemeter and other personnel monitoring devices were properly functioning. He then positioned his ear plugs, because the exposure vault was in a high-noise area and hearing protection was required. He entered the vault to set up the equipment in preparation for the next exposure. The second radiographer assumed that the exposed source was safely stored in the device. While the radiographer conducted setup activities, the site break whistle blew and the noise level was greatly reduced. At this point, the radiographer noted that his alarm ratemeter had activated and that his pocket dosimeter was offscale. He checked the device controls immediately, retracted the source into the radiography device, and initiated emergency response procedures.

NRC has been notified of other events where radiographers were unable to hear alarm ratemeters in high-noise environments or where hearing protection was required. Although the alarm ratemeter manufacturers all confirm that their equipment complies with American National Standards Institute criteria, radiography licensees and their workers need to be aware that some high-noise environments will exceed these limits. In these cases, devices that provide alternative means for alerting users to the alarm should be considered. NRC has been informed that headphones, which also provide hearing protection, may be used with some devices, and other devices with very bright LED lights are available too. Licensees need to emphasize to their employees both the importance of performing complete and adequate surveys and the fact that alarm ratemeters **must** not be relied on in lieu of a survey. As the above event indicates, in radiography, it is always better, even when not required, to survey and ensure safe conditions, than to assume.

(Contact: Bruce Carrico, NMSS, 301–415–7826, e-mail: jbc@nrc.gov)

INTEGRATED SAFETY ANALYSES AT FUEL CYCLE FACILITIES

The Division of Fuel Cycle Safety and Safeguards (FCSS) has developed a plan for revising 10 CFR Part 70, "Domestic Licensing of Special Nuclear Material," to correct identified deficiencies in the current rule. Six U.S. Nuclear Regulatory Commission-developed alternatives are being considered for the Part 70 revision, and the industry has proposed an additional alternative in a rulemaking petition submitted on September 30, 1996. NRC is considering the revision options in light of the Commission's direction toward risk-informed, performance-based regulation.

Several of the proposed alternatives, including the industry's petition, contain a requirement for the performance of Integrated Safety Analyses (ISAs) of licensed processes. NRC and industry generally agree on the need to perform ISAs or equivalent analyses, and most fuel cycle licensees have committed to performing them for their licensed operations. However, there is not a consistent understanding of the depth and breadth of an ISA. FCSS has developed a draft ISA guidance document (Draft NUREG–1513) that provides guidance to NRC fuel cycle applicants and licensees on how to perform an ISA and document the results. The guidance document defines an ISA as a systematic examination of a facility's processes, equipment, structures, and personnel activities to ensure that all relevant hazards that could result in unacceptable consequences have been adequately evaluated, and appropriate protective measures have been identified. The guide also identifies the role of an ISA in a facility's safety program, identifies and describes several generally accepted ISA methods, and provides guidance in choosing a method.

NRC is also developing a standard review plan (SRP) that provides guidance to license reviewers who perform safety and environmental impact reviews of applications to construct or modify and operate fuel cycle facilities. Each SRP section addresses the regulations pertinent to specific technical matters, the acceptance criteria used by the staff, review procedures, conclusions, and directions to the staff on how to implement the SRP section. The SRP, and the revised Part 70, will allow for flexibility in acceptance criteria based on the varying levels of risk associated with structures, systems, equipment, and administrative procedures important to safety. This approach is in accordance with NRC's risk-informed, performance-based regulatory direction.

(Contact: Mary T. Adams, NMSS, 301–415–7249, e-mail: mta@nrc.gov)

PROBLEMS WITH OCCUPATIONAL EXPOSURE REPORTS

Licensees authorized to perform one of the activities specified in 10 CFR 20.2206(a) are required to submit annual occupational radiation exposure reports to the U.S. Nuclear Regulatory Commission. These specified activities include radiography, reactor fuel fabrication, and the manufacture and distribution of certain quantities of byproduct material. If you are one of these licensees, you must submit a separate NRC Form 5 for each person for whom monitoring is required each year. Electronic media containing the same information are acceptable also. The information in these reports is entered into the Radiation Exposure Information and Reporting System (REIRS).

The following problems have been encountered in reviewing the annual occupational radiation exposure reports:

1. Some licensees are continuing to submit the statistical summary, to NRC, that was required by 10 CFR 20.407. This requirement was deleted as of January 1, 1994.

2. Some licensees are continuing to submit termination reports, to NRC, that were required by 10 CFR 20.408. This requirement was deleted as of January 1, 1994. The only exposure report that NRC requires is the annual occupational radiation exposure report for each monitored individual (the aforementioned NRC Form 5). The termination report (NRC Form 4) is to be given to the monitored individual, on employment termination, and should not be sent to NRC.

3. Licensees using REMIT software should send us a diskette, not paper. Reviewing

and performing data entry on hardcopy reports require additional resources and can introduce errors in the data. The NRC contractor for the REIRS project has developed software called REIRView, to check for errors in electronic submittals, for both the Agency's and the licensees' use. It is available from the REIRS website at www.saic.com/home/nrc_rad.

4. Many of the forms submitted are incomplete. If you submit an NRC Form 5 supplied by your dosimetry processor, it is your responsibility to ensure that the form is complete. The following blocks are often incomplete: (Please note that ND = Not Detectable; NR = Not Required; and NC = Not Calculated.)

   Block 4 – sex of the monitored individual. (The REIRS database is covered by the Privacy Act of 1974 and thus is not available to the public.)

   Block 8 – license number.

   Block 14 – shallow dose equivalent, maximum extremity. If extremity monitoring is not required, "NR" should be entered.

   Block 15 – Committed Effective Dose Equivalent (CEDE). If internal monitoring is not required, "NR" should be entered.

   Block 16 – Committed Dose Equivalent (CDE). If internal monitoring is not required, "NR" should be entered. If CEDE is measurable, but less than 0.01 sievert (1 rem), you are not required to calculate the value of CDE, and "NC" may be entered in block 16. If the CEDE is greater than 0.01 sievert (1 rem), you must determine the value of CDE and enter the value in block 16.

6. The values entered in Block 17, Total Effective Dose Equivalent (TEDE), and Block 18, Total Organ Dose Equivalent (TODE), are often incorrect. The following tables demonstrate how to determine TEDE and TODE.

Block 11, DDE*	+	Block 15, CEDE	=	Block 17, TEDE
Dose Value	+	Dose Value	=	Sum of Values
ND or NR	+	Dose Value	=	Dose Value
Dose Value	+	ND or NR	=	Dose Value
ND or NR	+	ND	=	ND

Block 11, DDE	+	Block 16, CDE	=	Block 18, TODE
Dose Value	+	Dose Value	=	Sum of Values
ND or NR	+	Dose Value	=	Dose Value
Dose Value	+	NR	=	NR
Dose Value	+	NC	=	NC
ND or NR	+	NC	=	NC

*DDE – Deep-dose equivalent.

7. Block 20 of NRC Form 5 provides for the signature of the licensee's authorized representative responsible for the data. If a letter is maintained on file certifying the database used to generate electronic media submitted to NRC, the licensee may place a note in Block 20 (e.g., "signature on file"). However, if the exposure reports are provided to NRC on Form 5's, rather than by electronic transmission, the forms must be signed.

NRC Forms 4 and 5 are periodically revised. The latest version of these forms may be obtained by contacting the NRC Information and Records Management Branch at 301–415–7230.

(Contact: Mary L. Thomas, RES, 301–415–6230 or e-mail: mlt1@nrc.gov)

INSPECTION OF LICENSEE QUALITY MANAGEMENT PROGRAMS

On December 23, 1996, the U.S. Nuclear Regulatory Commission issued revised inspection guidance for regularly scheduled and reactive inspections of licensee Quality Management Programs (QMPs). This guidance supersedes the Temporary Instruction for inspection of QMPs, dated August 1, 1994. Under the new guidance, inspectors are using a more performance-based approach to the review of QMP implementation. Inspectors will continue to observe and interview

individuals as they perform applicable duties, to ensure that the QMP, as implemented, provides high confidence that byproduct material, or radiation from byproduct material, is administered as directed by the authorized user. However, considerably less emphasis will be placed on the QMP portion of the overall inspection, unless, during the inspection, the inspector concludes that: (1) a QMP has not been appropriately implemented for all modalities requiring a QMP; (2) a recordable event has occurred, and the licensee did not identify, evaluate, and institute corrective actions; or (3) an unreported or previously unidentified misadministration was identified during the inspection. The changes are consistent with the performance orientation associated with the Quality Management rule, and should result in a less obtrusive approach to inspection of the licensee's QMP.

Reactive inspections are conducted to ensure that the licensee reviews misadministrations in a timely, objective, systematic, and technically sound manner. Probable causes must be examined, and corrective actions identified, evaluated, and instituted. The inspection of the QMP implementation will determine if the licensee effectively implemented policies and procedures designed to meet the objectives and requirements in 10 CFR 35.32, "Quality Management Program," and the notification, reporting, and recordkeeping requirements in 10 CFR 35.33.

(Contact: Sally Merchant, NMSS, 301–415–7874, e-mail: slm2@nrc.gov)

DEFACING RADIOACTIVE MATERIAL LABELS BEFORE RELEASE OF CONTAINERS

Radioactive material labels on empty, uncontaminated containers must be defaced before the containers are placed in unrestricted areas. Recently, a student was found using a hard-foam drink insulator that was labeled "Caution, Radioactive Material." At a teacher's request, the insulator was surveyed and radioactivity was not present. The student's mother possessed two additional insulators that carried the same label but were free of radioactivity also. Subsequently, the insulators were identified as overpack jackets used for Technetium-99m generators.

Containers holding or contaminated with U.S. Nuclear Regulatory Commission licensed material are required to be clearly labeled, pursuant to 10 CFR 20.1904. Before removal or disposal of empty, uncontaminated containers to unrestricted areas, licensees are required to deface the radioactive material label or otherwise clearly indicate that the container no longer contains radioactive materials [10 CFR 20.1904(b)]. Such measures will preclude the confusion and concern caused by the aforementioned case.

The release of contaminated containers to the public is a violation of the waste disposal regulation in 10 CFR 20.2001, which requires licensees to transfer contaminated containers to authorized recipients specifically licensed to receive the waste. It is a violation of 10 CFR 20.1801 and 10 CFR 20.1802, also. These regulations require licensees to: (1) secure stored licensed material from unauthorized removal and access; and (2) maintain control and constant surveillance of licensed material that is in a controlled or unrestricted area and not in storage.

(Contact: Susanne Woods, NMSS, 301–415–7267, e-mail: srw@nrc.gov)

SELECTED *FEDERAL REGISTER* NOTICES

January 1, 1997 – February 28, 1997

NOTE: Contacts may be reached by mail at the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Regulatory Guides

Issuance of Regulatory Guide 10.12, "Preparation of Petitions for Rulemaking under 10 CFR 2.802 and Preparation and Submission of Proposals for Regulatory Guidance Documents," 62 FR 1138, January 8, 1997. Contact: T. Y. Chang, 301–415–6450.

Final Rules

"Recognition of Agreement State Licenses in Areas under Exclusive Federal Jurisdiction within an Agreement State," 62 FR 1662, January 13, 1997. Contacts: Hampton

Newsome, 301–415–1623, e-mail: HHN@nrc.gov; Mark Haisfield, 301–415–6196, e-mail: MFH@nrc.gov.

"Duplication Fees," 62 FR 3984, January 28, 1997. Contact: Thomas E. Smith, 202–634–3366.

"Criteria for the Release of Individuals Administered Radioactive Material," 62 FR 4120, January 29, 1997. Contact: Stewart Schneider, 301–415–6225.

"Fissile Material Shipments and Exemptions," 62 FR 5907, February 10, 1997. Contact: Naiem S. Tanious, 301–415–6103, e-mail: INTERNET:NST@nrc.gov.

"USEC Privatization Act: Certification and Licensing of Uranium Enrichment Facilities," 62 FR 6664 and 6672 (Direct Final Rule and Proposed Rule), February 12, 1997. Contact: C.W. Nilsen, 301–415–6209.

Proposed Rules

"Revision of Fee Schedules; 100% Fee Recovery, FY 1997," 62 FR 8885. February 27, 1997. Contact: C. James Holloway, 301–415–6213.

Other Notices

"Commonwealth of Massachusetts: Staff Assessment of Proposed Agreement between the Nuclear Regulatory Commission and the Commonwealth of Massachusetts," 62 FR 117, January 2, 1997. Contact: Richard L. Blanton, 301–415–2322, e-mail: RLB@nrc.gov.

"Draft Multi-Agency Radiation Survey and Site Investigation Manual (EPA/NRC)," 62 FR 736, January 6, 1997. Contact: Robert A. Meck, 301–415–6205.

Proposed Department of Energy Rule, Extension of Comment Period, "General Guidelines for the Recommendation of Sites for Nuclear Waste Repositories," 62 FR 4941, February 3, 1997. Contact: April V. Gil, DOE, 1–800–967–3477.

Policy Statement, "NRC Enforcement Policy," 62 FR 5494, February 5, 1997. Contact: James Lieberman, 301–415–2741.

Policy Statement, "Policy and Procedure for Enforcement Actions," 62 FR 6677, February 12, 1997. Contact: James Lieberman, 301–415–2741.

(General Contact: Paul Goldberg, NMSS, 301–415–7892)

GENERIC COMMUNICATIONS ISSUED (NOVEMBER 1, 1996 – FEBRUARY 1, 1997)

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.

Generic Letters (GLs)

GL 96–07, "Interim Guidance on Transportation of Steam Generators," was issued on December 5, 1996, to all nuclear power reactor facilities. This notice notifies them that the U.S. Department of Transportation (DOT) and NRC have agreed on how DOT and NRC transportation requirements apply to the shipping of discarded steam generators.
Contacts:
Richard Boyle, DOT, 202–366–4545, e-mail: rick.boyle@rspa.dot.gov.
Earl P. Easton, NMSS, 301–415–8520, e-mail: exe@nrc.gov.

Information Notices (INs)

IN 96–63, "Potential Safety Issue Regarding the Shipment of Fissile Material," was issued on December 5, 1996, to all licensees authorized to possess special nuclear material in unsealed quantities greater than critical mass. This notice alerts them to a potentially unsafe situation where one of the exemptions in 10 CFR 71.53 would not provide adequate criticality safety if large amounts of an exempt concentration of fissile material were transported in the presence of a special moderating material (i.e., beryllium). NRC has concluded that the current regulations need to be revised.
Contact:
Earl P. Easton, NMSS, 301–415–8520, e-mail: exe@nrc.gov.

IN 96–66, "Recent Misadministrations Caused by Incorrect Calibrations of Strontium-90 Eye Applicators," was issued on December 13, 1996, to all medical licensees authorized to use strontium-90 eye applicators. This notice alerts them to recent misadministrations caused by incorrect source strength determinations.
Contacts:
Jose M. Diaz-Velez, RII,
404–331–7438, e-mail: jxd2@nrc.gov.
Emilio M. Garcia, RIV,
510–975–0239, e-mail: emg@nrc.gov.
James A. Smith, NMSS,
301–415–7904, e-mail: jas4@nrc.gov.

IN 96–70, "Year 2000 Effect on Computer System Software," was issued on December 24, 1996 to all licensees. This notice alerts them to potential problems their computer systems and software may encounter as a result of the change to the new century.
Contacts:
Mark A. Sitek, NMSS,
301–415–6155, e-mail: mas6@nrc.gov.
Michael Kaltman, NRR,
301–415–2905, e-mail: mxk2@nrc.gov.

IN 96–72, "Undetected Failures that May Occur during Patient Treatments with Teletherapy Devices," was issued on December 24, 1996, to all teletherapy licensees. This notice alerts them to a recently reported failure of an AECL Theratron 780 teletherapy device to expose the source during patient treatment, and the potential for similar failures in all older AECL teletherapy devices manufactured before 1985.
Contact:
Robert L. Ayres, NMSS,
301–415–5746, e-mail: rxa1@nrc.gov.

Administrative Letters (ALs)

AL 96–05, "Compliance with the Rule 'Timeliness in Decommissioning of Material Facilities,' " was issued on November 5, 1996, to all material and fuel cycle licensees. This letter informs them of their responsibilities and highlights applicable compliance dates.
Contact:
Timothy C. Johnson, NMSS,
301–415–7299, e-mail: tcj@nrc.gov.

AL 97–01, "State Initiatives to Legalize Schedule 1 Drugs," was issued on January 17, 1997, to all power reactor licensees and all licensees authorized to possess and transport Category I nuclear material. This letter reminds them that the requirements of 10 CFR Part 26 remain in effect even where State law attempts to legalize the use of Schedule 1 drugs.
Contacts:
Loren Bush, NRR, 301–415–2944,
e-mail: llb@nrc.gov.
Brett Miller, NMSS, 301–415–8152,
e-mail: btm@nrc.gov.

(General Contact: Kevin Ramsey, NMSS, 301–415–7887, e-mail: kmr@nrc.gov)

SIGNIFICANT ENFORCEMENT ACTIONS

Detailed information regarding these enforcement actions can be accessed via the U.S. Nuclear Regulatory Commission homepage [http://www.nrc.gov/]. Click on "Nuclear Materials," then "Enforcement Program," and finally "Enforcement Actions Issued." Cases are listed alphabetically. For details, click on the highlighted text following each case.

Academic

The Pennsylvania State University, University Park, Pennsylvania, EA 96–499. A Notice of Violation was issued based on violations for failure to secure licensed material.

Measuring Gauges

U.S. Engineering Labs, Inc., Rahway, New Jersey, EA 96–245. A Notice of Violation was issued for failure to maintain control of a gauge containing licensed material, and use of the gauge by unauthorized users. The gauge was damaged at a temporary job site when a truck ran over it.

Wilcox Associates, Cadillac, Michigan, EA 96–257. A Notice of Violation was issued for failure to maintain control of a gauge containing licensed material. The gauge was damaged at a temporary job site when the user struck it with his vehicle.

Medical

Abington Memorial Hospital, Abington, Pennsylvania, EA 96–186. A Notice of Violation was issued for failure to conduct a quarterly physical inventory of a particular brachytherapy source.

Geisinger Medical Center, Danville, Pennsylvania, EA 96–189. A Notice of Violation was issued for failure to maintain complete and accurate information on a label container and a waste disposal log, and for failure to conduct required surveys.

South Haven Community Hospital, South Haven, Michigan, EA 96–099. A Notice of Violation was issued for deliberate violations involving receipt of licensed material at locations other than those listed on the license, and failure to measure dosages of technetium-99m before patient administration.

Universal Imaging, Inc., Taylor, Michigan, EA 96–157. A Notice of Violation was issued for violations of license conditions that led to a misadministration, and for failure to report the misadministration to NRC within the required time.

Other Materials Licensees

Raytheon Engineers and Constructors, Inc., Honolulu, Hawaii, EA 96–205. A Notice of Violation was issued because a source was stored and used in an unrestricted area and was not secured nor under constant surveillance.

Roy Sadovsky, D.V.M., Floral Park, New York, EA 96–349. An Order Suspending License and Demand for Information were issued based on deliberate use of gold-198 seeds to treat horses at an unauthorized location.

Syncor International Corporation, Chatsworth, California, EA 96–104. A $2500 civil penalty was assessed because the lock on an employee locker at the licensee's facility was deliberately contaminated with technetium-99m by another Syncor employee.

University of Oklahoma, Oklahoma City, Oklahoma, EA 96–049. A $2500 civil penalty was assessed for leaving radiopharmaceuticals unattended in an unlocked vehicle during a delivery.

(Contact: Joseph DelMedico, OE, 301–415–2739, e-mail: rjd@nrc.gov)

☆ U.S. GOVERNMENT PRINTING OFFICE: 1997 417-801/60026

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555-0001

120555139531 1 1A01C01CY1N31
US NRC-OIRM
PUBLICATIONS BRANCH
TPS-PDR-NUREG
2WFN-6E7
WASHINGTON DC 20555