NMSS Licensee Newsletter

U.S. Nuclear Regulatory Commission

Office of Nuclear Material Safety and Safeguards

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NMSS Licensee Newsletter (September 2002)

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REVISED INSPECTION MANUAL CHAPTER 2800, "MATERIALS INSPECTION PROGRAM"

On April 15, 2002, the Division of Industrial and Medical Nuclear Safety launched a 12-month pilot program to streamline administrative processes described in Inspection Manual Chapter (IMC) 2800, "Materials Inspection Program." The purposes of the pilot program are to gain effectiveness and efficiency through a more risk-informed and performance-based approach for routine inspections that are completed by the Regional inspection staff.

The implementing procedure for the pilot program is Temporary Instruction 2800/033. Attachment A to the temporary instruction contains the revised IMC 2800. U.S. Nuclear Regulatory Commission (NRC) web locations for the temporary instruction and revised IMC 2800 are provided below, followed by a brief description of the revised administrative processes that are being implemented.

http://www.nrc.gov/reading-rm/doc-collections/insp-manual/ti2800_033.html

http://www.nrc.gov/reading-rm/doc-collections/insp-manual/ti2800-033attach.pdf

Risk information was used to identify certain licenses for which the inspection intervals have been lengthened. Consequently, fewer routine inspections will be scheduled because some inspections that would have been completed during the next 12 months will be rescheduled for future years. For example, a medical licensee that was routinely inspected every 3 years will, in the future, be inspected every 5 years. If the inspection was due in June 2002, the next routine inspection will be rescheduled for completion in June 2004. The current practice of lengthening the inspection interval for licensees with fewer violations has been discontinued for the pilot program because certain licenses were extended as an entire group. During the pilot program, NRC may opt to reduce the inspection interval for licensees that have difficulty in performing radiation safety functions.

Other revisions to IMC 2800 are consistent with a more performance-based inspection style. The manner in which inspectors prepare for and document the results of routine inspections has been

streamlined. Expanded use of NRC Form-591, "Safety Inspection Report," eliminates the need for further correspondence with the licensee after the inspector leaves the site. By improving the scheduling process for initial inspections, NRC expects effectiveness and efficiency to be improved. Greater flexibility was added for inspection of a licensee's multiple field office locations. There are 11 inspection procedures [(IPs) 87110 through 87120] that are associated with IMC 2800 and which are used by inspectors to complete routine inspections of certain licenses. These inspection procedures are being revised to reflect the revised IMC 2800 during the pilot program.

Agreement States were invited to voluntarily participate and contribute inspection data for the pilot program. Inspection data from the NRC Regional Offices and participating Agreement States will be analyzed in May 2003 after completion of the pilot program. The results of this analysis will be incorporated as appropriate into final versions of IMC 2800 and IPs 87110 through 87120, which are currently scheduled to be available by fall 2003.

(Contact: Thomas Young, NMSS, 301-415-5795, e-mail: tfy@nrc.gov)

FRAMATOME, ANP CRITICALITY SAFETY EVENT

Background

Framatome, ANP operates a U.S. Nuclear Regulatory Commission (NRC) licensed facility in Richland, WA, that produces uranium oxide powder and pellets and fabricates light-water reactor fuel. Within the facility, both inside and outside of buildings, uranium oxide powder is moved and stored in 170-liter (45-gallon) drums containing a neutron poison insert. Because the drums contain enough fissile material to support criticality if sufficient moderator is added, the poison inserts ensure that the uranium oxide powder in the drum remains subcritical under all conditions, including optimal moderation. The licensee considered the poison inserts to be a robust engineered criticality safety control capable of withstanding the failure of administrative controls associated with the various processes that used the poisoned drums.

Poison Fixture Event

On April 3, 2002, the licensee reported that a 170-liter (45-gallon) drum had been found filled with 250 kilograms (542.5 pounds) of uranium oxide powder enriched to 2.7 percent, without a poison insert. An operator assigned to fill a drum with scrap uranium oxide powder had obtained a drum from a nearby waste accumulation point rather than from a more remote drum storage location. The operator had complied with a work procedure step to obtain a drum with a specific color stripe. The procedure did not contain a step to check for the poison fixture.

The drum selected had been placed in the waste accumulation area pending destruction after having the poison insert removed. Removal of the poison insert and disposal of the drum occurs routinely when the licensee deems that the drums are no longer serviceable. Procedures used to dispose of unserviceable drums did not require the drums to be labeled as out-of-service or removed from the electronic tracking system.

After selecting the unpoisoned drum, the licensee operator filled the drum with scrap uranium oxide powder, placed a lid on the drum, and moved the drum to another location, to initiate processing of the scrap material. At the station where the drum was filled, the work procedure required checking the interior of the drum for moisture. Because equipment in this area did not allow the interior of the drum to be easily seen, the operator did not perform this step. At the next location, the same operator removed the drum lid and noticed that the poison insert was missing.

There were no actual safety consequences associated with the event because the accumulation of enough water in the drum for criticality was determined to be unlikely. NRC considers that the risk significance of this type failure under other circumstances could be much greater.

Significant Root Causes

The event revealed a number of important root causes related to the operation of a fuel fabrication facility and the maintenance of double contingency during routine and upset conditions.

- *Failure to maintain configuration control*. The licensee relied heavily on the poison drum inserts, a single engineered control, as the dominant criticality safety control for the drums, but failed to take adequate measures to ensure that non-poisoned drums would not be used. Failures included: (1) not tagging out-of-service drums; (2) placing an out-of service drum in a waste accumulation area in close proximity to a work area that used the drums; and (3) failing to clearly mark the waste accumulation area.

- *Inadequate procedures*. Procedures involved in controlling the uranium oxide powder processing during the event did not adequately implement safety controls required by analysis. The specific process in which the event occurred had several deficient procedures, including the procedure removing drums from service, which did not require the drums to be tagged, and the procedure for drum selection, which did not require a visual inspection to confirm the presence of the poison insert. The procedure step calling for the moisture inspection of the drum was difficult to perform and in conflict with radiological controls, resulting in the step being skipped. Procedures also did not identify which work steps were safety-related.

- *Inadequate operator training*. The operator involved in the event had completed all required training, but that training did not require completion of a skills demonstration regarding processes for which the operator had qualified. NRC inspectors determined that newly qualified operators did not understand the criticality risks associated with processes, or the specific Criticality Safety controls associated with their operations.

- *Inadequate management oversight*. NRC inspectors determined that licensee management had failed to exercise adequate supervision over operators performing risk-significant activities. Specifically, the operator involved in the event was recently qualified and had not previously performed the work process. Licensee management failed to recognize the experience level or assign adequate on-the-job oversight.

- *Weak corrective actions*. Licensee immediate corrective actions addressed the narrow issue of using an unpoisoned drum, but did not address broader weaknesses in training, procedures, and management controls. Initial licensee corrective actions did not go far enough to assure that safety-related work steps could actually be performed as required, nor did they address operator training and management oversight.

NRC is in the process of evaluating the significance of this event, including possible enforcement action.

(Contact: Dennis Morey, NMSS, 301-415-6107, e-mail: dcm@nrc.gov)

UPDATE ON CONSOLIDATED NMSS DECOMMISSIONING GUIDANCE

The U.S. Nuclear Regulatory Commission's (NRC's) Office of Nuclear Material Safety and Safeguards (NMSS) announces the availability, in September 2002, of Volume 2 of NUREG-1757, "Consolidated NMSS Decommissioning Guidance: Characterization, Survey, and Determination of Radiological Criteria," for a 90-day public comment period. The NRC staff encourages interested licensees and members of the public to comment on this draft volume. This volume is a continuation of the NRC staff's work to consolidate and update numerous decommissioning guidance documents into a three-volume report (NUREG-1757). The NRC staff also announces the availability, in September 2002, of the final version of Volume 1, "Consolidated NMSS Decommissioning Guidance: Decommissioning Process." Volume 3, "Consolidated NMSS Decommissioning Guidance: Financial Assurance, Recordkeeping, and Timeliness," is scheduled for availability in Winter 2002/2003, as a draft for public comment.

This NUREG series provides guidance for the planning and implementation of the termination of licenses issued through NMSS licensing programs. Development of the NUREG involves the review, consolidation, and updating of approximately 80 existing materials decommissioning guidance documents and will result in user-friendly, risk-informed, and performance-oriented guidance. The guidance is intended for NRC staff, licensees, and the public, and is being developed in response to the NMSS performance goals, in NRC's Strategic Plan, of: (1) making NRC activities and decisions more

effective, efficient, and realistic; and (2) reducing unnecessary regulatory burden on stakeholders. NRC is seeking public comment on each volume, to receive feedback from the widest range of interested parties and to ensure that all information relevant to developing the document is available to the NRC staff.

Draft Volumes 2 and 3 will be issued for comment and are not intended for interim use. NRC will review public comments received on the draft documents. In response to those comments, suggested changes will be incorporated where appropriate, and final documents will be prepared. The final Volume 1 is intended for use by licensees, NRC staff, and others, when it is issued.

In concert with this guidance consolidation project, the Nuclear Energy Institute (NEI) and the NRC staff identified an approach to clarify existing guidance associated with the License Termination Rule (10 CFR Part 20, Subpart E). NEI's License Termination Task Force (Task Force) generated questions and answers (Q&As) associated with decommissioning issues that are common to the industry. NRC staff reviewed the Q&As. The NRC staff and the Task Force further developed the Q&As so that they adequately reflect NRC regulations and guidance and include a sound technical basis. This joint Q&As initiative was discussed at the June 1, 2002, public workshop on the guidance consolidation project. As a result of this cooperation, the NRC staff has found seven Q&As acceptable. These are provided in an appendix to Volume 2 of NUREG-1757. The NRC staff and the Task Force are continuing work on additional questions, which will be published separately.

The volumes of NUREG-1757 and correspondence between NEI and the NRC staff regarding the Q&As initiative are, and will be, available at the Commission's Public Document Room, U.S. NRC's Headquarters Building, 11555 Rockville Pike (First Floor), Rockville, Maryland, and electronically from the ADAMS Electronic Reading Room on the NRC web site at: *http://www.nrc.gov/reading-rm/adams.html*. NUREG-1757 is also available on the NRC web site at: *http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/*.

Free single copies of the NUREG-1757 volumes will be available to interested parties until the supply is depleted. Such copies may be requested by writing to the U.S. Nuclear Regulatory Commission, Distribution Services, Washington, DC 20555-0001 or by submitting e-mail to distribution@nrc.gov.

(Contact: Duane Schmidt, NMSS, 301-415-6919; e-mail: dws2@nrc.gov)

10 CFR PART 35, MEDICAL USE OF BYPRODUCT MATERIAL WORKSHOPS

The U.S. Nuclear Regulatory Commission (NRC) will be conducting several workshops to inform external stakeholders of the changes made to 10 CFR Part 35, "Medical Use of Byproduct Material" (hereafter, Part 35). The purpose of these workshops is to provide stakeholders with the necessary information to promote a successful transition into the new rule. The revised Part 35 is a risk-informed, and performance-based regulation that focuses on those medical procedures that pose the highest radiological risk to workers, patients, and the public. The revised Part 35 was published in the *Federal Register* (67 FR 20249) on April 24, 2002, and will become effective on October 24, 2002.

The dates and locations for the workshops are described below. Workshops will be conducted from 8:00 a.m. until 4:30 p.m.

September 10, 2002
U.S. Nuclear Regulatory Commission
Two White Flint North
11555 Rockville Pike
Rockville, Maryland 20852
Room: Auditorium
Meeting information: Linda Psyk (301) 415-0215

September 24, 2002
Radisson Hotel Valley Forge
1160 First Avenue
King of Prussia, Pennsylvania 19406
Hotel information: (610) 337-2000
Meeting information: Christine O'Rourke
(610) 337-5386

September 28, 2002
The Embassy Suites Hotel and Casino - San Juan
8000 Tartak Street
Carolina, Puerto Rico 00979
Hotel information: (787) 791-0505
Meeting information: Hector Bermudez
(404) 562-4734
Note: This workshop will be held mostly in Spanish.

October 9, 2002
Wyndham Lisle
3000 Warrenville Road
Lisle, Illinois 60532
Hotel information: (630) 505-1000
Meeting information: Patricia Pelke (630) 829-9868

October 16, 2002
Holiday Inn - Arlington
1507 N. Watson Road
Hwy 360 at Brown Blvd.
Arlington, Texas 76006
Hotel information: (817) 640-7712
Meeting information: Jack Whitten (817) 860-8197

The workshops will be conducted by NRC staff making presentations to the attendees. The staff will allow time for question and answer sessions. The workshops are open to the public, but the target audience will be members of the regulated medical community that possess licenses or permits issued by NRC or Agreement States, and holders of Master Material Licenses authorizing the use of byproduct material for medical purposes.

Those needing accommodations under the American with Disabilities Act or having special concerns should contact the person listed as point of contact for each meeting.

For those attending the September 10 workshop, please contact Lucia Lopez, in advance, at 301-415-7852, to provide information that will facilitate entrance into the Two White Flint North building on the day of the meeting. Individuals calling from outside of the Washington, DC, metropolitan area may call 1-800-368-5642 and ask for extension 7852.

(Contact: Roberto Torres, NMSS, 301-415-8112, e-mail: rjt@nrc.gov.)

SIGNIFICANT ENFORCEMENT ACTIONS

The U.S. Nuclear Regulatory Commission's (NRC's) enforcement program can be accessed via NRC's homepage (under "What We Do." Documents related to cases can be accessed at ("Electronic Reading Room," "Documents in ADAMS," which is the Agency-wide Document Access and Management System (ADAMS). Help in using ADAMS is available from the NRC Public Document Room, telephone: 301-415-4737 or 1-800-397-4209.

Gauges

H. C. Nutting (EA-02-020)

On April 2, 2002, a Notice of Violation was issued for a Severity Level III violation involving the failure to secure from unauthorized removal, or limit the access to, licensed material [13 Troxler Series 3400 moisture density gauges, each containing a nominal 370 megabecquerels (Mbq) (10 millicuries) of cesium-137 and a nominal 1850 Mbq (50 millicuries) of americium-241] in an unrestricted area, and failure to control or maintain constant surveillance of this licensed material.

Centennial Engineering & Research, Inc.
(EA-01-219)

On April 9, 2002, an Order Imposing Civil Monetary Penalty in the amount of $3000 was issued. The action was based on a Notice of Violation and Proposed Imposition of Civil Penalty, in the amount of $3000, that was issued on December 3, 2001, for a Severity Level III problem involving the willful failures to: (1) submit an amendment request to reflect the designation of a new radiation safety officer; and (2) confine its possession of byproduct material to the location authorized by the license. The licensee's December 26, 2001, responses admitted the violations, but disagreed that there was any willfulness associated with the violations, and requested mitigation of the civil penalty. After considering the licensee's response, NRC concluded that the violations occurred willfully and that there wasn't an adequate basis for mitigating the civil penalty.

Trap Rock Industries, Inc. (EA-01-314)

On April 30, 2002, an Order Imposing Civil Monetary Penalty in the amount of $3000 was issued. The action was based on a Notice of Violation and Proposed Imposition of Civil Penalty, in the amount of $3000, that was issued on February 27, 2002, for a Severity Level III violation involving failure to control a nuclear gauge that was subsequently stolen from a temporary site. The licensee's March 26, 2002, response did not deny that the violation occurred as stated in the Notice, but requested withdrawal of the penalty. The licensee argued that the penalty should be withdrawn because the gauge contained minuscule quantities of material, was clearly and properly labeled, and was lost because of a criminal act of an unknown third party. On discovery that the gauge was missing, the licensee immediately notified the U.S. Nuclear Regulatory Commission (NRC) of the employee who left the gauge unattended, and also took corrective actions that included re-instructing and retraining its employees; and the licensee had no prior violations of NRC regulations. After considering the licensee's response, NRC concluded that an adequate basis was not provided for withdrawal of the civil penalty.

Stora Enso North America Corporation (EA-02-035)

On June 11, 2002, a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of $7500 was issued for a Severity Level III problem involving: (1) failure to control and maintain constant surveillance of radioactive material that was in an unrestricted area and not in storage; (2) failure to clearly label a container (gauge) containing radioactive material; and (3) failure to ensure that a gauge containing a radioactive sealed source was removed by persons specifically licensed to perform such services. Although the civil penalty would have been fully mitigated based on the normal civil penalty assessment process, a base civil penalty was assessed in accordance with Section VII.A.1.g of the Enforcement Policy, to reflect the significance of maintaining control of licensed material.

Department of the Interior, Bureau of Indian Affairs (EA-02-057)

On June 26, 2002, a Notice of Violation was issued for a Severity Level III violation involving the failure to appoint a radiation safety officer (RSO) and a willful failure to amend the U.S. Nuclear Regulatory Commission license to reflect the appointment of a new RSO.

CTI Consultants, Inc. (EA-02-080)

On July 23, 2002, a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of $3000 was issued for a Severity Level III problem involving the failure to secure and control licensed material contained in a gauge.

CTI Core Drilling Services, Inc. (EA-02-081)

On July 23, 2002, a Notice of Violation was issued for a Severity Level III violation involving the deliberate unauthorized possession of 1480 megabecquerels (Mbq) [40 millicuries (mCi)] of americium-241 and 296 Mbq (8 mCi) of cesium-137 contained in a damaged portable nuclear gauge.

Medical

University of Pennsylvania (EA-02-050)

On April 5, 2002, a letter was issued documenting the U.S. Nuclear Regulatory Commission's decision to exercise enforcement discretion, in accordance with Section VII.B.6 of the Enforcement Policy, for a Severity Level III violation involving multiple failures to maintain radiation doses to members of the public below regulatory limits. The requirement was violated when guardians of minor patients treated with iodine-131 meta-iodobenzylguanidine received doses that exceeded the limit. Enforcement discretion was warranted because: (1) the licensee believed that parents who provided care for their children were occupationally exposed and, as a result, provided thorough training and dosimetry to those parents; (2) current regulations permit a

licensee to request prior approval to increase the dose limit for individual members of the public to 5 millisieverts (mSv) (500 millirem); (3) once the licensee was made aware of the misinterpretation, licensee staff requested, and were subsequently granted, authorization to increase the dose limit for individual members of the public providing such inpatient care, during treatments, to 5 mSv (500 millirem); and (4) no exposures exceeded 5 mSv (500 millirem).

Wilcox Memorial Hospital (EA-02-056)

On April 25, 2002, a Notice of Violation was issued for a Severity Level III violation involving the failure to secure, from unauthorized removal, or limit access to, licensed material (curie quantities of molybdenum-99) and the failure to control and maintain constant surveillance of this licensed material.

Avera McKennan Hospital (EA-02-008)

On June 14, 2002, a Notice of Violation and Proposed Imposition of Civil Penalty, in the amount of $3000, was issued for a Severity Level III violation involving the willful administration of technetium-99m to a nuclear medicine technology student, when such use had not been approved by an authorized user at the licensee's facility.

Howard University Hospital (EA-02-102)

On June 21, 2002, a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of $3000 was issued for a Severity Level III problem involving the failures to: (1) secure from unauthorized removal, or limit access to, licensed material [96 megabecquerels (2.6 millicuries) of iridium-192] contained in a brachytherapy ribbon; (2) control and maintain constant surveillance of this licensed material; and (3) perform a survey for radioactive material. Although the civil penalty would have been fully mitigated, based on the normal civil penalty assessment process, a base civil penalty was assessed in accordance with Section VII.A.1.g of the Enforcement Policy, to reflect the significance of maintaining control of licensed material.

United Hospital (EA 02-060)

On July 11, 2002, a Notice of Violation was issued for a Severity Level III violation involving the willful failure of a nuclear medicine technologist to obtain authorization from a physician, before administering technetium-99m to an individual.

Temple University (EA-02-148)

On July 25, 2002, a Notice of Violation was issued for a Severity Level III problem involving the deliberate failure of a senior nuclear medicine technologist to follow procedures involving the use of radiopharmaceuticals for a patient dose, and the subsequent falsification of the assayed and delivered dose record.

V.A. Medical Center, MO. (EA-02-105)

On July 31, 2002, a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of $6000 was issued for a Severity Level III problem involving the unauthorized disposal of licensed material and the failure to immediately report, to the U.S. Nuclear Regulatory Commission, loss of licensed material when the inappropriate disposal was identified.

Danbury Hospital (EA-02-150)

On August 5, 2002, a Notice of Violation was issued for a Severity Level III violation involving a misadministration stemming from the failure of the licensee's quality management program to include a written procedure to ensure that the appropriate sources are implanted as specified in the written directive.

Radiopharmacy

Mallinckrodt, Inc. (EA-02-084)

On May 10, 2002, a letter was issued documenting the U.S. Nuclear Regulatory Commission's (NRC's) decision to exercise enforcement discretion and not issue a violation for the additional examples of extremity exposures in excess of 500 millisievert (mSv) (50-rem) shallow-dose equivalent, nor propose any additional enforcement action for these

issues. Discretion was warranted because it was: (1) licensee-identified as part of the corrective action for the previous enforcement action (EA-00-178); (2) it had the same root cause as the previous violation; (3) it was promptly and comprehensively corrected; and (4) it did not change the significance of the initial violation.

On July 30, 2002, a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of $4800 was issued for a Severity Level II violation involving an overexposure to a pharmacist in excess of NRC requirements. The violation involved an extremity exposure to a radiopharmacist of approximately 1.27 Sv (127 rem) and 860 mSv (86 rem) to the right and left index fingers, respectively, which exceeded NRC's regulatory dose limit of 500 mSv (50 rem), as specified by 10 CFR 20.1201(a)(2)(ii).

Radiography

Quality Testing & Inspection (EA-01-300)

On April 9, 2002, a Notice of Violation was issued for a Severity Level III violation involving the failure to comply with U.S. Nuclear Regulatory Commission radiography requirements while conducting radiography, when radiography was willfully performed in a non-Agreement State and only one qualified individual was present.

Inspection Testing, LLC (EA-02-029)

On April 16, 2002, a Notice of Violation was issued for a Severity Level III violation involving the performance of radiographic operations at a temporary job site, by a radiographer, without being accompanied by at least one other qualified radiographer or radiographer's assistant.

High Mountain Inspection Service, Inc. (EA-01-302)

On May 7, 2002, a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of $6000 was issued for a Severity Level III problem involving multiple failures to ensure that radiography activities were conducted in a manner that kept radiation exposures within limits.

United Evaluation Services (EA-02-103)

On May 14, 2002, the U.S. Nuclear Regulatory Commission (NRC) issued an immediately effective Order Suspending License and Demand for Information to the licensee, formerly known as Accurate Technologies. The action was based on the licensee's deliberate violations of NRC safety requirements involving radiography, as well as its deliberate provision of inaccurate information to NRC.

Decisive Testing, Inc. (EA-01-271)

On June 11, 2002, an Order Imposing Civil Monetary Penalty in the amount of $6000 was issued. The action was based on a February 27, 2002, Notice of Violation and Proposed Imposition of Civil Penalty, in the amount of $6000, that was issued for a Severity Level III violation involving a willful failure to notify NRC and pay reciprocity fees before conducting radiography on U.S. Navy vessels. The licensee's March 21, 2002, response admitted the violation, but requested that discretion be exercised and that no civil penalty be assessed. The licensee's request was based, in part, on its belief that there was no threat to public health, that the situation was corrected before the U.S. Nuclear Regulatory Commission (NRC) became involved, and that the violation was not addressed within the NRC Enforcement Policy. After considering the licensee's response, NRC concluded that the violation occurred willfully and that there wasn't an adequate basis for mitigating the civil penalty.

Jacobs Pan American Corporation (EA-02-054) (EA-02-055)

On June 12, 2002, a Notice of Violation was issued for a Severity Level III problem and a Severity Level III violation. The Severity Level III problem involved multiple violations, associated with the conduct of radiographic activities, that resulted in an extremity overexposure to a radiographer. The Severity Level III violation involved the failure to secure, from unauthorized removal, or limit the access to, licensed material [a radiographic camera containing 2.2 terabecquerels (59 curies) of iridium-192] in an unrestricted area, and failure to control or maintain constant surveillance of this licensed material.

Other

Westinghouse Electric Company (EA-02-045)

On May 29, 2002, a Notice of Violation was issued for a Severity Level III problem including multiple violations (one willful) involving material control and transportation of special nuclear material.

Northern Engraving Corporation (EA-02-098)

On July 22, 2002, a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of $3,000 was issued for a Severity Level III problem involving failures to: (1) transfer generally licensed devices only to authorized recipients; and (2) provide complete and accurate information to the U.S. Nuclear Regulatory Commission. Although the civil penalty would have been fully mitigated based on the normal civil penalty assessment process, a base civil penalty was assessed in accordance with Section VII.A.1.g of the Enforcement Policy, to reflect the significance of maintaining the control of licensed material—in this case, a static eliminator device containing 416.25 megabecquerels (11.25 millicuries) of americium-241.

Individual Actions

Stephen T. Altier (IA-02-010)

On July 11, 2002, a Notice of Violation was issued for a Severity Level III violation involving the individual's activities while employed at United Hospital. The individual, a nuclear medicine technologist, deliberately failed to obtain authorization from a physician before administering technetium-99m to an individual.

Wayne Curtis Kelley (IA-02-003)

On June 14, 2002, a Notice of Violation was issued for a Severity Level III violation involving the individual's activities while employed at Avera McKennan Hospital. The individual, a nuclear medicine technologist, deliberately administered 740 megabecquerels (20 millicuries) of technetium-99m to a nuclear medicine technology student, when such use had not been approved by an authorized user at the licensee's facility.

Steven W. Redmond (IA-02-009)

On April 9, 2002, a Notice of Violation was issued for a Severity Level III violation involving the individual's activities while employed at Quality Testing & Inspection (QTI). The individual deliberately caused QTI to be in noncompliance (see EA-01-300) when he conducted radiography operations in a non-Agreement State with only one qualified individual present.

(Contact: Sally Merchant, OE, 301-415-2747, e-mail: slm2@nrc.gov)

GENERIC COMMUNICATIONS ISSUED (May 1, 2002–July 31, 2002)

Note that these are only summaries of U.S. Nuclear Regulatory Commission (NRC) 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. The Internet address for the NRC library of generic communications is—www.nrc.gov/reading-rm/doc-collections/gen-comm/index.html. Please note that this address is case-sensitive and must be entered exactly as shown.

Information Notices (INs)

IN 2002-16, "Intravascular Brachytherapy Misadministrations," was issued on May 1, 2002. This notice was issued to all medical licensees to alert them to three reported misadministrations that have occurred at two different facilities during the conduct of intravascular brachytherapy procedures, because of improper dose calculation parameters being used.

(Contact: Ronald E. Zelac, NMSS, 301-415-7635, e-mail: rez@nrc.gov)

IN 2002-17, "Medical Use of Strontium-90 (Sr-90) Eye Applicators: New Requirements for Calibration and Decay Correction," was issued on May 30, 2002. This notice was issued to all medical licensees that use Sr-90 eye applicators to inform them about new requirements in the revised 10 CFR Part 35, "Medical Use of Byproduct Material," pertaining

to the calibration and decay correction of Sr-90 eye applicators, and related issues.

(Contacts: Robert Ayres, NMSS, 301-415-5746, e-mail: rxa1@nrc.gov; Jonathan Rivera, NMSS, 301-415-5810, e-mail: jxr4@nrc.gov; Jeff Griffis, RII, 404-562-4737, e-mail: njg1@nrc.gov)

IN 2002-19, "Medical Misadministrations Caused by Failure to Properly Perform Tests on Dose Calibrators for Beta- and Low-Energy Photon-Emitting Radionuclides," was issued on June 14, 2002. This notice was issued to all nuclear pharmacies and medical licensees to: (1) inform them of the lessons learned from an event involving multiple misadministrations, because of inaccurate measurement of dosages of beta-emitting radiopharmaceuticals; and (2) remind them of the importance of conducting proper tests of the dose calibrator when measuring beta- and low-energy photon-emitting radiopharmaceuticals and liquid brachytherapy sources (e.g., samarium-153, strontium-89, yttrium-90, phosphorus-32, and iodine-125).

(Contact: Donna-Beth Howe, Ph.D, NMSS, 301-415-7848, e-mail: dbh@nrc.gov)

IN 2002-20, "Microwave Perimeter Intrusion Detection System Installation," was issued on June 20, 2002. It was issued to reactors, fuel cycle licensees, and independent spent fuel storage installations. The notice contains Safeguards Information and distribution must be restricted pursuant to 10 CFR 73.21.

(Contact: Brian Hughes, NSIR, 301-415-1096, e-mail: bxh1@nrc.gov)

IN 2002-23, "Unauthorized Administration of Byproduct Material for Medical Use," was issued on July 16, 2002. The notice was issued to all medical licensees to remind them of the importance of appropriate authorization before administration of byproduct material for medical use.

(Contact: Anita L. Turner, Ph.D., NMSS, 301-415-5508, e-mail: alt@nrc.gov)

IN 2002-24, "Potential Problems with Heat Collectors on Fire Protection Sprinklers," was issued on July 19, 2002. The notice was issued to all reactors and fuel cycle facilities to alert them to potential problems with using heat collectors on sprinklers and fire detectors installed to satisfy NRC fire protection requirements.

(Contacts: Tanya Eaton, NRR, 301-415-3610, e-mail: tme@nrc.gov; Mark Henry Salley, NRR, 301-415-2840, e-mail: mxs3@nrc.gov; Peter Lee, NMSS, 301-415-8111, e-mail: psl1@nrc.gov)

Regulatory Issue Summaries (RIS')

RIS 2002-07, "Clarification of NRC Requirements Applicable to Worker Fatigue and Self-Declarations of Fitness-for-Duty," was issued on May 10, 2002. This summary was issued to all power reactors and all licensees authorized to possess, use, or transport formula quantities of strategic special nuclear material, to highlight recent concerns about worker self-declarations of fitness-for-duty and to clarify the applicable regulatory requirements.

(Contacts: David R. Desaulniers, NRR, 301-415-1043, e-mail: drd@nrc.gov; Garmon West Jr., NRR, 301-415-1044, e-mail: fitnessforduty@nrc.gov)

RIS 2002-10, "Revision of the Skin Dose Limit in 10 CFR Part 20," was issued on July 9, 2002. This summary was issued to all materials licensees to inform them of changes in the regulatory dose limit for the skin in 10 CFR Part 20, effective as of June 4, 2002.

(Contact: Sami Sherbini, NMSS, 301-415-7853, e-mail: sxs2@nrc.gov.)

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

SELECTED *FEDERAL REGISTER* NOTICES (April 1, 2002–July 31, 2002)

Note: U.S. Nuclear Regulatory Commission contacts may be reached by mail at the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

FINAL RULES

"Revision of the Skin Dose Limit," 67 FR 16298, April 5, 2002.

(Contact: Alan K. Roecklein, NRR, 301-415-3883, e-mail: akr@nrc.gov)

"Medical Use of Byproduct Material," 67 FR 20250, April 24, 2002.
(Contact: Roger W. Broseus, NMSS, 301-415-7608, e-mail: rwb@nrc.gov)

"Disposal of High-Level Radioactive Wastes in a Proposed Geologic Repository at Yucca Mountain, NV; Correction," 67 FR 20884, April 29, 2002.
(Contact: Timothy McCartin, NMSS, 301-415-6681, e-mail: tjm3@nrc.gov)

"Debt Collection Procedures," 67 FR 30315, May 5, 2002.
(Contact: Leah Tremper, OCFO, 301-415-7347)

"List of Approved Spent Fuel Storage Casks: NAC-MPC Revision: Confirmation of Effective Date," 67 FR 31938, May 13, 2002.
(Contact: Jayne M. McCausland, NMSS, 301-415-6219, e-mail: jmm2@nrc.gov)

"List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision; Withdrawal of Direct Final Rule," 67 FR 39260, June 7, 2002.
(Contact: Jayne M. McCausland, NMSS, 301-415-6219, e-mail: jmm2@nrc.gov)

"Revision of Fee Schedules; Fee Recovery for FY 2002," 67 FR 42611, June 24, 2002.
(Contacts: Glenda Jackson, OCFO, 301-415-6057; Robert Carlson, 301-415-8165)

"List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision," 67 FR 46369, July 15, 2002.
(Contact: Jayne M. McCausland, NMSS, 301-415-6219, e-mail: jmm2@nrc.gov)

PROPOSED RULES

"Revision of Fee Schedules; Fee Recovery for FY 2002 (Correction)," 67 FR 17490, April 10, 2002.

"Compatibility with IAEA Transportation Safety Standards (TS-R-1) and Other Transportation Safety Amendments," 67 FR 21390, April 30, 2002.
(Contact: Naiem S. Tanious, NMSS, 301-415-6103, e-mail: nst@nrc.gov)

"Geological and Seismological Characteristics for Siting and Design of Dry Cask Independent Spent Fuel Storage Installations and Monitored Retrievable Storage Installations," 67 FR 47745, July 22, 2002.
(Contact: Keith McDaniel, NMSS, 301-415-5252, e-mail: kkm@nrc.gov)

"Cost Recovery for Contested Hearings Involving U.S. National Security Initiatives," 67 FR 49623, July 31, 2002.
(Contacts: Robert Carlson, OCFO, 301-415-8165; Glenda Jackson, OCFO, 301-415-6057)

OTHER NOTICES

"Issuance, Availability of Draft NUREG-1556, Vol. 9; Announcements of Public Workshops," 67 FR 16467, April 5, 2002.
(Contact: Roger W. Broseus, NMSS, 301-415-7608, e-mail: rwb@nrc.gov)

"NUREG-1804, Rev. 2 (Correction)," 67 FR 16490, April 5, 2002.

"Report to Congress on Abnormal Occurrences, Fiscal Year 2001 Dissemination of Information," 67 FR 20186, April 24, 2002.

"NRC Enforcement Policy; Modification, Medical Use," 67 FR 20187, April 24, 2002.
(Contacts: Frank Congel, OE, 301-415-2741, e-mail: fjc@nrc.gov; John Lubinski, OE, 301-415-2740, e-mail: jwl@nrc.gov)

"NUREG-1520, Standard Review Plan for the Review of a License Application for a Fuel Cycle Facility; Notice of Availability," 67 FR 21001, April 29, 2002.
(Contact: Yawar Faraz, NMSS, 301-415-8113, e-mail: yhf@nrc.gov)

"Hazardous Materials Regulations; Compatibility with the Regulations of the International Atomic Energy (DOT)," 67 FR 21328, April 30, 2002.
(Contacts: Dr. Fred D. Ferate II, Office of

Hazardous Materials Technology, USDOT, 202-366-4545; Charles E. Betts, Office of Hazardous Materials Standards, 202-366-8553; RSPA, USDOT, 400 Seventh Street SW., Washington, DC 20590-0001.)

"Issuance, Availability of Revision 1 of Regulatory Guide 8.30, 'Health Physics Surveys in Uranium Recovery Facilities' and Revision 1 of Regulatory Guide 8.31, 'Information Relevant to Ensuring That Occupational Radiation Exposures at Uranium Recovery Facilities Will Be As Low As Is Reasonably Achievable,'" 67 FR 34735, May 15, 2002.

"Enhancing Public Participation in NRC Meetings; Policy Statement," 67 FR 36920, May 28, 2002. (Contacts: Mindy Landau, OEDO, 301-415-8703; Ramin Assa, OEDO, 301-415-8709)

"Environmental Review Guidance for Licensing Actions Associated with NMSS Programs (NUREG-1748); Notice of Extended Comment Period," 67 FR 37461, May 29, 2002.
(Contacts: Matthew Blevins, NMSS, 301-415-7684, e-mail: mxb6@nrc.gov; Melanie Wong, NMSS, 301-415-6262, e-mail: mcw@nrc.gov)

"Rulemaking Communications Improvements," 67 FR 37733, May 30, 2002.
(Contacts: William Huffman, NRR, 301-415-1141, e-mail: wch@nrc.gov; Merri Horn, NMSS, 301-415-8126, e-mail: mlh1@nrc.gov)

"Draft Regulatory Guide; Issuance, Availability of Proposed Revision 1 of Regulatory Guide 3.69, 'Topical Guidelines for the Licensing Support Network,'" 67 FR 44478, July 2, 2002.
(Contact: Jeffrey Ciocco, NMSS, 301-415-6391, e-mail: jac3@nrc.gov)

"National Mining Association; Denial of Petition for Rulemaking," 67 FR 44573, July 3, 2002.
(Contact: Robert Carlson, OCFO, 301-415-8165)

"Draft Regulatory Guide DG-4006, 'Demonstrating Compliance with the Radiological Criteria for License Termination,'" 67 FR 46541, July 15, 2002.

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(Contact: M. Shah, NMSS, 301-415-8537, e-mail: mjs3@nrc.gov)

(General Contact: Paul Goldberg, NMSS, 301-415-7842, e-mail: pfg@nrc.gov)

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