

June 16, 2000

MEMORANDUM TO: Cynthia A. Carpenter, Chief
Generic Issues, Environmental, Financial
and Rulemaking Branch
Division of Regulatory Improvement Programs, NRR

FROM: Joseph L. Birmingham, Project Manager/**RA**
Generic Issues, Environmental, Financial
and Rulemaking Branch
Division of Regulatory Improvement Programs, NRR

SUBJECT: SUMMARY OF JUNE 12, 2000 MEETING BETWEEN THE NUCLEAR
REGULATORY AGENCY AND THE NUCLEAR ENERGY INSTITUTE
REGARDING THE PUBLIC RADIATION SAFETY CORNERSTONE

On June 12, 2000, representatives of the nuclear industry and the Nuclear Energy Institute (NEI) met with the staff of the Nuclear Regulatory Commission (NRC) at NRC's offices in Rockville Maryland. Attachment 1 provides a list of the meeting attendees. Attachment 2 is an NEI handout with comments on a section of the NRC Inspection Manual discussed during the meeting.

After introductions, Steve Klementowicz, NRC, began the meeting by summarizing the status of the public radiation safety cornerstone under the revised reactor oversight process (RROP). The program appears to be working well with an expected amount of questions from inspectors and licensees. Ralph Andersen, NEI, then made a proposal that, as licensees identify issues in the RROP, they would inform NRC of the issue via telephone and the item would be discussed at a public meeting. NEI suggested that meetings be held quarterly to discuss issues and other considerations in the radiation protection area. NRC agreed that quarterly meetings seemed appropriate and would work with NEI and industry on this.

Ralph Andersen then began a discussion on the appropriate significance level of findings related to the transportation of radioactive material. The specific issue is for radioactive material that was not classified correctly. The NRC inspection manual states that any underclassified material that was shipped would be a WHITE finding. Mr. Andersen pointed out that, in other Significance Determination Process (SDP) areas, WHITE findings typically have an actual or potential increase in risk consequence, whereas in this transportation scenario, where the radioactive material reached the burial site safely, there is no increased risk that would warrant a WHITE finding. This SDP item is not consistent with the other SDP items. The group then discussed whether there was a potential for emergency workers to be exposed to an increased risk if the radioactive material was improperly classified. The group also discussed the possibility for improper disposal. An additional factor involves public confidence; it is important to ensure that licensees safely transport radioactive material over the public roads. The SDP for this area must allow the NRC to maintain effective oversight of any findings. After a thorough discussion, the staff found no increase in actual or potential consequence for Class B radioactive material improperly classified as Class A that met NRC requirements for Class B, but did find a potential for increased risk for underclassified Class C radioactive material

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because of the additional packaging requirements that must be done for proper disposal at the burial site. The group discussed several options to modify the SDP and the Inspection Manual. NEI agreed to prepare proposed wording for the NRC Inspection Manual and changes to the SDP flow diagram. The NRC will review the proposed wording with Regional staff members and the public in a future public meeting prior to incorporation into the Inspection Manual and the SDP.

After some additional discussion on topics for future meetings, the meeting was adjourned.

Project No. 689

Attachments: As stated

cc w/att: See list

**NEI/NRC MEETING ON RADIATION PROTECTION CORNERSTONE
June 12, 2000, Attendees**

NAME

Ralph Andersen
Steve Klementowicz
Joseph Birmingham
James Kennedy
William Ward
Kevin Borton

ORGANIZATION

NEI
NRC/NRR/IOLB
NRC/NRR/RGEB
NRC/NMSS/DWM
NRC/NMSS/SFPO
PECO Energy

classified, contrary to the requirements of 10 CFR Part 61.55 (e.g., waste classified at Class A, but later found to be Class B), then the finding is WHITE.

Failure to Make Notifications or Provide Emergency Information

RESULTING IN IMPROPER DISPOSAL OF THE WASTE.

This branch of the logic diagram focuses on vital communication and information, and notification requirements that must be provided by the licensee. Shippers of hazardous materials are required to provide emergency response information. Failure to provide these required notifications could seriously hamper or prevent the ability of the federal, state and local agencies to adequately respond as needed to transportation events and accidents. By hampering or preventing this regulatory response, the public health and safety could be negatively impacted, with an attendant loss of public confidence.

These requirements (in 49 CFR Part 172, Subpart G, Section 172.600) apply to any shipment which is required to have shipping papers. Shipments of excepted radioactive material packages (limited quantities, "empty" packages, etc) are not subject to the emergency response information.

NRC regulations (10 CFR 71.97) require advance notification to state governors for shipments of irradiated reactor fuel and nuclear waste under certain conditions. These notifications include quantity and form, and type of shipping container required. Notifications must be made in a timely manner to all the states hosting the radioactive material shipment. Additionally, 10 CFR 20.1906 requires receivers of certain packages of radioactive materials to perform timely external and surface contamination radiation monitoring upon receipt of the packages. If applicable radiation limits are exceeded, the receiving licensee must then report the event to the appropriate NRC Regional Office.

For Block N1 (10 CFR 71.97 non-compliance), if the licensee fails to make the required notifications **before** the shipment entered the State's boundary (crossed the State line) for interstate shipments, the finding would be WHITE. For intrastate shipments, if the shipment was put on public roads/rails before the Governor received the required notification, then a finding would be WHITE. Note that any other timeliness non-compliance (e.g., notification not postmarked at least 7 days before the 7 day shipment period), these findings would be GREEN.

For Block N2 (49 CFR 172.602 non-compliance), if the licensee fails to provide the required emergency response information to the shipment carrier (the shipment leaves the licensee's facility and control without the required information), the finding is WHITE. If the carrier misplaces or loses the material (beyond the licensee's control), the finding is GREEN.

INFORMATION

For Block N3 (49 CFR 172.604 non-compliance), if during an actual emergency the licensee does not respond in a timely manner in accordance with the requirements (or had not provided the 24-hour telephone number), the finding

DETERMINATION OF "UNDESIRABLE SITUATION" AND "UNSATISFACTORY PERFORMANCE OF THE WASTE IS MADE BY THE APPLICABLE REGULATORY AUTHORITY FOR THE WASTE DISPOSAL FACILITY.

ATTACHMENT 2

Is WHITE.

For Block N4 (10 CFR 20.1906), if the licensee's receipt surveys show 1) the package's external radiation levels in excess of the Part 71 limits, or 2) the surface radioactive contamination level in excess of five times the Part 71 (49 CFR 173) limits, and the ~~facility~~ fails to make an immediate report, then the finding is WHITE. Other non-compliances are GREEN.

Certificates of Compliance

LICENSEE

Pursuant to 10 CFR 71.3, a licensee may not deliver or transport licensed material without a general or specific license. The general license for the use of an NRC-approved package is discussed in 10 CFR 71.12. Section 71.12 grants a general license to a licensee to transport or deliver to a carrier for transport, licensed material in a package for which a license, certificate of compliance (CoC), or other approval has been issued by the NRC. Additionally, Section 71.5 requires the licensee to comply with the applicable DOT regulations in 49 CFR.

Usually, the form of approval issued by the NRC is a CoC. For purposes of readability, consider the CoC as discussed here to mean any NRC issued approval for a package. The CoC approves a specific package design, including a detailed allowable contents description consistent with the use of the general license of Section 71.12. The CoC also lists the requirements or "conditions" for the use and maintenance of the package in block 4 of the CoC. Frequently, these conditions include references to the package's Safety Analysis Report (SAR) or procedures supplied by the CoC holder to the package owner or user. The user of the package must comply with the requirements of 10 CFR Part 71, the applicable regulations of 49 CFR, the CoC and their own transportation program instructions, including quality assurance requirements, to ship material.

Discussion

The following discussion provides a step-by-step description of the decision steps which make up the Certificate of Compliance (COC) portion of the Significance Determination Process (SDP) flowchart for Transportation & Part 61. It is anticipated that the Inspector will have properly followed the Transportation and Part 61 SDP flowchart through the Radiation Limit Exceeded and Breach of Package decision points to the decision point where this COC branch begins. It is also expected that the inspector follows previous guidance concerning multiple findings on a single incident. That is, a finding with a package breach which resulted in a YELLOW determination and a CoC deficiency which resulted in a GREEN determination, would be considered to be a YELLOW finding. This is because the YELLOW signifies a more serious problem with the package breach aspect of the finding, than the CoC deficiency aspect of the finding.

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Project No. 689
Attachments: As stated
cc w/att: See list

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