July 25, 2002

MEMORANDUM TO: Christopher I. Grimes, Program Director
Policy and Rulemaking Program
Division of Regulatory Improvement Programs, NRR

FROM: Joseph L. Birmingham, Project Manager ***/RA/***
Policy and Rulemaking Program
Division of Regulatory Improvement Programs, NRR

SUBJECT: SUMMARY OF JULY 2, 2002, PUBLIC MEETING WITH THE NUCLEAR ENERGY INSTITUTE (NEI) TO DISCUSS THE PUBLIC RADIATION SAFETY CORNERSTONE

On July 2, 2002, Nuclear Regulatory Commission (NRC) staff met with representatives of NEI and the industry in a publicly observed meeting at NRC headquarters in Rockville, Maryland. Also, representatives from industry and the NRC regions participated via teleconference. A list of meeting participants is attached. The meeting was held to continue discussions concerning changes to the Radioactive Material Control portion of the public radiation safety cornerstone.

Steve Klementowicz, of NRC, began the meeting with introductions and a summary of issues. He noted that industry has voiced its concerns about the significance determination process (SDP) of the radioactive material control branch of the Public Radiation Safety cornerstone. The industry believes that the NRC inspection guidance for determining what is a minor violation is vague, subjective, and not applied in a consistent manner. In addition, they believe the SDP is compliance based rather than performance based, there is no risk-based criterion for entering the SDP, the SDP allows the aggregation of occurrences that are of low or no risk significance to lead to a “white finding” and the SDP in effect creates a disincentive for licensee’s programs that go beyond regulatory requirements for monitoring and controlling radioactive material. In summary, NEI believes that recent industry experience with this SDP indicate that its use can lead to outcomes that do not properly reflect risk significance and may result in unintended consequences. Thus, there is a need for guidance to define the process for more clarity and consistency. Mr. Klementowicz added that the Public Radiation Safety cornerstone was not developed solely on a risk-informed basis, but includes a “public confidence” weighting factor.

The focus of this meeting was on the significance of licensed radioactive material found inside the licensee’s Protected or Restricted area, but outside of Radiological Control Area (RCA) and the use of the greater than five occurrences loop in the SDP.

Ralph Andersen, of NEI, indicated that industry wanted to discuss the ability of the radiological control program to detect low levels of licensed radioactive material, and whether a licensee’s program which goes beyond requirements and detects material outside an RCA should be

punished. Also, what is the proper significance for items found within the Protected or Restricted area? Jim Wigginton, of NRC, pointed out that surveys of the protected area were not requirements under Part 20 and licensees may not consider failure to survey the protected area a deficiency. Mr. Andersen agreed that the surveys were not required and said that it depended on the individual plant procedures as to whether it would be considered a deficiency. However, the group agreed that it was not the intent of the SDP to punish licensees for going beyond regulatory requirements.

The group discussed the typical plant control of licensed radioactive material as a series of radiation surveys that provide defense-in-depth assurance that contaminated items would not be transported offsite. Mr. Klementowicz stated that the NRC position was that a finding which involved licensed material found offsite would be classified as "more than minor" and would be assessed by the SDP as at least a "green" finding. He reminded the group that the NRC considered offsite contamination to be a public confidence factor and that the NRC Commission had not established a permissible release level for the control of solid materials for Part 50 licensees. Mr. Klementowicz also discussed that because some plant workers are classified as members of the public and because the NRC's emphasis for controlling radioactive material is to prevent it from getting into the public domain, the staff considered it appropriate to treat contaminated items within the protected area as part of the Public Radiation Safety cornerstone. Industry agreed that this was the NRC position but discussed how onsite surveys as part of the licensee's Radiation Protection program were intended to achieve various controls at each survey point and that it should not be considered a program failure if a contaminated item passed one survey point and was found at another survey point. Industry observed that different equipment was purposely used at different survey points to help ensure that contaminated items would be found. NRC staff agreed that in general this was true.

Mr. Klementowicz stated that the staff was prepared to consider items detected by additional surveys as not being program deficiencies but it needed to discuss the role of those surveys. Further, the staff would proceed with drafting a change to the SDP to eliminate the greater than five occurrences loop for findings of licensed radioactive material within the Protected or Restricted area. He said that more discussion was needed on the terms protected area, restricted area, minor violation, and confirmatory surveys.

At this point, the NRC staff offered to take questions or comments from the public and then called for a short break.

The group next had a general discussion of individual occurrences that would be considered more than minor and occurrences which had a "substantial potential for overexposure to a member of the public." The group agreed that there is a need to include the substantial potential scenario into the SDP. The group agreed to discuss this new item at the next meeting. The next meeting is tentatively planned for August 20, 2002.

Having discussed all of the agenda items, the meeting was adjourned.

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

Nuclear Energy Institute Project No. 689

cc: Via email

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Distribution: Mtg. Notice w/NEI re Public Radiation Protection SDP Dated 7/ /02
ADAMS/PUBLIC OGC ACRS

Email

BSheron	WBorchardt	MShannon, R-IV
BBoger	DMatthews/FGillespie	RNimitz, R-I
CGrimes	SWest	JNoggle, R-I
AHayes	SKlementowicz	LRicketson, R-IV
RPedersen	JWigginton	DCarter, R-IV
TQuay	KGibson	JBirmingham
SMorris, EDO		
AHsia, RES		

List of Attendees for July 2, 2002 Meeting
Public Radiation Safety Cornerstone

NAME	ORGANIZATION
Ralph Andersen	NEI
Kathy Halvey Gibson	NRC/NRR/IEHB
Steve Klementowicz	NRC/NRR/IEHB
Roger Pedersen	NRC/NRR/IEHB
Audrey Hayes	NRC/NRR/IEHB
Jim Wigginton	NRC/NRR/IEHB
Joseph Birmingham	NRC/NRR/RPRP
Ron Nimitz	NRC R-I
Jim Noggle	NRC R-I
Mike Shannon	NRC R-IV
Larry Ricketson	NRC R-IV
Dan Carter	NRC R-IV
Mark Williams	DOE
Michael Bak	NRC/NRR
Matt Kascak	NRC/NMSS
Deann Raleigh	LIS SCIENTECH
Steve Gebers	Ft. Calhoun
Richard Doty	PPL Susquehanna
Mike Lantz	APS
Mike Russell	SCE
Lee Thomason	Dominion
Doug Noble	American Electric Power
Willy Harris	Exelon
Charles Kent	TVA
Wayne Carr	Southern Company
Danny Wilder	TXU

Attachment

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cc: w/att: See list
Project No. 689 ADAMS Accession No.: **ML022060575**

OFFICE	RPRP	IEHB	RPRP
NAME	*JBirmingham:	*KGibson	*SWest
DATE	07/23/2002	07/23/2002	07/25/2002

*See previous concurrence OFFICIAL RECORD COPY