



NUCLEAR ENERGY INSTITUTE

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February 24, 2009

Mr. Daniel H. Dorman
Director
Division of Fuel Cycle Safety and Safeguards
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Mail Stop E2C40M
Washington, D.C. 20555-0001

Subject: Response to your November 10, 2008 letter on Chemical Exposures at Fuel Cycle Facilities

Project Number: 689

Dear Mr. Dorman:

On behalf of the fuel cycle industry, the Nuclear Energy Institute (NEI)¹ requests clarification of information contained in your November 10, 2008 letter to me regarding chemical exposure standards at fuel cycle facilities. As you recall, your November letter was in response to my September 8, 2008 letter to you on the same subject. The issue of Part 70 chemical exposure standards was also discussed between industry representatives and U.S. Nuclear Regulatory Commission staff during a September 2008 meeting and has been the subject of two regulatory actions at two different fuel cycle facilities during 2008.

While we appreciate your November letter, it failed to provide the clarification we requested on the *basis* for an apparent new NRC interpretation of existing Part 70 requirements, on chemical exposures, that have been in effect since 2000. Specifically, your November letter simply clarified the NRC's position on the rule rather than providing a regulatory basis for the interpretation, by stating, "In accordance with 10 CFR 70.61(b) and (c) and 10 CFR 70.65(b)(7), licensees are required to propose quantitative standards used to assess the consequences to an individual from acute chemical exposures. These quantitative standards are not limited to inhalation exposures."

¹ NEI is the organization responsible for establishing unified industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, nuclear materials licensees, and other organizations and entities involved in the nuclear energy industry.

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As we have previously stated, industry has historically interpreted and implemented the rule differently, and the NRC has seemingly agreed with this interpretation by approving each site-specific Integrated Safety Analysis where chemical safety is addressed. Therefore, we request that the NRC provide the regulatory basis for its apparent new interpretation of Part 70. Specifically, that 10 CFR Parts 70.61 and 70.65 require licensees to develop quantitative standards for dermal exposures of workers exposed to liquid hydrofluoric acid or other chemicals that could cause a skin exposure which could either endanger the life of a worker or lead to irreversible or other serious long-lasting health effects. The rule has been interpreted to date to require that licensees propose quantitative standards, for such health effects, only for individuals outside the controlled areas as specified in 10 CFR 70.61(b)(4)(ii) and (c)(4)(ii) and not for workers. We also do not interpret 10 CFR Part 70.65(b)(7) to modify 10 CFR 70.61 to further require licenses to propose quantitative chemical exposure standards for workers.

Industry can assure you that the fuel cycle facilities are operated in such a manner as to place worker and public safety in the highest regard, and day-to-day safety matters such as chemical exposures of workers are taken very seriously. In addition, industry has considered exposure to the worker from hazardous chemicals produced from licensed materials qualitatively, as required by the rule. Also, emergency first-aid responders, workers handling hazardous chemicals, and facility on-site medical staff, where available, are properly trained to respond to hazardous chemical exposures and have ready access to emergency wash stations and emergency first-aid treatment such as topical solutions and gels.

We respectfully request that the NRC respond to this request in a timely manner since this issue has arisen in relatively recent licensing and inspection matters. We also reiterate our offer to meet with you to ensure a mutual understanding of our concerns and work collectively to develop a path forward, rather than relying on a "licensee-by-licensee" approach as noted in your November 2008 letter.

We appreciate your time and attention to this matter. I may be reached at 202-739-8126 or at fmk@nei.org to discuss it further.

Sincerely,

A handwritten signature in black ink, appearing to read "Felix M. Killar". The signature is written in a cursive, flowing style.

Felix M. Killar