

SUBJECT: Context for a Request for an Exemption Dated December 3, 2012
(TAC L33254)

LICENSEE: Westinghouse Electric Company

DATE OF CALL: January 10, 2013

TIME: 10:00 AM (eastern)

PARTICIPANTS

<u>NRC</u>	<u>Westinghouse</u>
Christopher Ryder	Gerard Couture
Marilyn Diaz	Carl Snyder
	Jeff Hooper

DISCUSSION

Westinghouse submitted an application for an exemption to Subpart H in Title 10 of the *Code of Federal Regulations*, Part 70, regarding dermal and ocular exposure to hazardous chemicals. The NRC staff wanted to learn more about the context of the application.

The NRC staff stated that the subject discussion should not be taken as guidance. Neither would the NRC staff would not be making regulatory decisions.

The NRC staff stated that to obtain an exemption from the regulations is not an easy process. The matter is not just technical. The NRC Office of the General Council must also have no legal objection. The central issue is that the NRC staff has to be justifying that an exemption will be in the best interest of the public, including the workers.

The licensee stated that the difficulty is acknowledged. Options were evaluated. Requiring personal protective equipment (PPE) to be in the Integrated Safety Analysis (ISA) would both be burdensome and ineffective in improving safety. PPE is currently regulated under by the Occupational Safety and Health Administration (OSHA). The item relied on for safety (IROFS) designation of a piece of PPE (e.g., gloves, goggles), operates at a higher level than a detailed level that is useful to a worker. According to workers, the IROFS designation would draw attention away from implementing the procedures that are used by workers to use the PPE. This detracts from focusing on known risks of chemical exposures. Westinghouse is not asking for a relaxation of safety standards; they are asking for an exemption from designating PPE as IROFS in the ISA.

The licensee stated that existing IROFS for chemical spills provide adequate protection. The NRC staff said that the submittal does not specify the existing IROFS and suggested to provide a list of the existing IROFS that will provide adequate protection for dermal and ocular exposure.

The Department of Energy (DOE) is exempt from standards regarding industrial hazards of the *Code of Federal Regulations* 830, which is equivalent to the ISA of Subpart H in Part 70.

Designating PPE as IROFS is difficult to implement. To avoid designating gloves as a sole IROFS, double gloves would have to be used. Sole IROFS require prior approval from NRC; such failed IROFS have stringent reporting requirements. Double gloves may be uncomfortable for the worker and more unsafe than single gloves because dexterity is reduced. With other PPE, heat loads may become an issue. Thus the potential for accidents is increased, and safety is decreased, by requiring PPE in an ISA. The manner in which PPE should be represented in the ISA is unclear. Performance requirements for dermal and ocular exposure do not exist. Therefore, the license would have to classify dermal and ocular exposures as high.

The NRC staff suggested that Westinghouse supplement the December 3rd submittal with more descriptive information, such as discussed. For example, the existing IROFS are unspecified. The submittal is being accepted for a technical review. The supplemental information would facilitate the technical review.

FOLLOW-UP

Westinghouse will supplement their December 3rd application with additional descriptive information about why an exemption would be in the best interest of the public, including the workers.