

September 23, 2015

Ms. Janet R. Schlueter, Senior Director
Radiation and Materials Safety
Nuclear Energy Institute
1201 F Street NW, Suite 1100
Washington, DC 20004

SUBJECT: ACKNOWLEDGEMENT OF RECEIPT REGARDING NUCLEAR ENERGY
INSTITUTE'S LETTER REQUESTING CLARIFICATION RELATED TO ISSUES
ASSOCIATED WITH CONTAMINATION EVENTS AND MEDICAL TREATMENT
OF PERSONNEL AT FUEL CYCLE FACILITIES

Dear Ms. Schlueter:

By letter dated July 27, 2015 (Agencywide Documents Access and Management System [ADAMS] Accession No. ML15217A487), Nuclear Energy Institute (NEI), on behalf of its fuel cycle facility members, submitted a request to the U.S. Nuclear Regulatory Commission (NRC) to clarify the requirements contained in Title 10 of the *Code of Federal Regulations* (10 CFR) 40.60 and 10 CFR 70.50 by utilizing NEI 14-14, "Regulatory Issue Resolution Protocol, A Methodology for Resolving Regulatory Issues with Generic Implications for Fuel Cycle Facilities." In particular, NEI stated that the industry is seeking clarification of the terms "medical treatment" and "medical facility" as they pertain to the event reporting requirement in 10 CFR 40.60(b)(3) and 10 CFR 70.50(b)(3). NEI is also seeking clarification of "spreadable radioactivity" and "unplanned" as they pertain to the event reporting requirements in 10 CFR 40.60(b)(1) and 10 CFR 70.50(b)(1).

Attached to the letter dated July 27, 2015, NEI included two separate Regulatory Evaluation Summaries to describe the clarifications that it is seeking. As discussed in NEI 14-14, the next phase of the process is for NRC and NEI to (1) conduct a screening of the Regulatory Evaluation Summary to ensure that the full scope of the issue and its potential impacts are identified and clearly understood by both organizations; and (2) reach agreement to accept the continued review of the issues under the protocol. NRC has identified Ms. Tilda Liu as the point of contact from the NRC to work with NEI regarding this request. Ms. Liu will be in contact with NEI personnel in applying the protocol as outlined in NEI 14-14.

With this acknowledgment of receipt, I would also like to bring to your attention of a past licensing issue that the NRC staff reviewed regarding the topic of contamination events and medical report. In particular, by letter dated October 21, 2011 (ADAMS Accession No. ML11301A307), Honeywell Metropolis Works (MTW) submitted a request for an exemption from the requirements of 10 CFR 40.60(b)(3) to the NRC. This portion of the regulation states that licensees are required to report, within 24 hours, "an event that requires unplanned medical treatment at a medical facility of an individual with spreadable radioactive contamination on the individual's clothing or body." Pursuant to the regulations in 10 CFR 40.14(a), the NRC may grant an exemption if it determines the exemption: (1) is authorized by law, (2) will not endanger life or property or the common defense and security, and (3) is in the public's interest.

By letter dated April 3, 2012 (ADAMS Accession No. ML12101A292), Honeywell MTW supplemented its exemption request with information provided in response to the NRC's Request for Additional Information (RAI). The NRC staff carefully reviewed Honeywell's request, the RAI response, and the regulatory basis for the relevant rulemaking, and drafted a proposed response which was shared with Honeywell MTW. Subsequently, by letter dated October 5, 2012 (ADAMS Accession No. ML12290A015), Honeywell MTW formally withdrew its October 21, 2011, exemption request on medical reporting requirements.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at: <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions, please contact Ms. Tilda Liu of my staff at 404-997-4730, or via e-mail to tilda.liu@nrc.gov.

Sincerely,

/RA by Craig Erlanger for/

Marissa G. Bailey, Director
Division of Fuel Cycle Safety, Safeguards,
and Environmental Review
Office of Nuclear Materials Safety
and Safeguards

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Sincerely,

Marissa G. Bailey, Director
 Division of Fuel Cycle Safety, Safeguards,
 and Environmental Review
 Office of Nuclear Materials Safety
 and Safeguards

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J. Schlueter

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