

November 16, 2015

MEMORANDUM TO: Thomas A. Grice, Branch Chief  
Enrichment and Conversion Branch  
Division of Fuel Cycle Safety, Safeguards,  
and Environmental Review  
Office of Nuclear Material Safety  
and Safeguards

FROM: Tilda Liu, Senior Project Manager /RA/  
Enrichment and Conversion Branch  
Division of Fuel Cycle Safety, Safeguards,  
and Environmental Review  
Office of Nuclear Material Safety  
and Safeguards

SUBJECT: NUCLEAR ENERGY INSTITUTE (NEI) DROP-IN VISIT WITH U.S.  
NUCLEAR REGULATORY COMMISSION STAFF TO APPLY  
SCREENING PHASE OF NEI REGULATORY EVALUATION  
SUMMARIES AS OUTLINED IN NEI 14-14

## INTRODUCTION

On October 15, 2015, the Nuclear Energy Institute (NEI) made a drop-in visit with the U.S. Nuclear Regulatory Commission (NRC) staff to discuss application of the screening phase as outlined in NEI 14-14, "Regulatory Issue Resolution Protocol: A Methodology for Resolving Regulatory Issues with Generic Implications for Fuel Cycle Facilities," dated December 2014. This was the first submittal made by NEI using the protocol as described in NEI 14-14, and the initial step that the NRC staff and NEI took in applying the screening process to evaluate the regulatory issues for fuel cycle facilities. Nima Ashkeboussi and Jerry Hiatt of NEI met with Tyrone Naquin and Tilda Liu of the Division of Fuel Cycle Safety, Safeguards, and Environmental Review (FCSE). The purpose of the October 15, 2015, drop in visit was to facilitate the screening phase of the Regulatory Evaluation Summaries under the protocol.

## BACKGROUND

By letter dated December 16, 2014 (Agencywide Documents Access and Management System (ADAMS) under Accession No. ML14342A172), the NRC staff endorsed the use of NEI 14-14 as an option to work with NEI and stakeholders to resolve generic issues on a case-by-case basis. By letter dated July 27, 2015 (ADAMS Accession No. ML15217A487), NEI made a submittal, on behalf of its fuel cycle facility members, requesting 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

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utilizing NEI 14-14. NEI stated that the industry is seeking clarification of the terms "medical treatment", "medical facility", and "with spreadable radioactive contamination" as they pertain to the event reporting requirements in 10 CFR 40.60(b)(3) and 10 CFR 70.50(b)(3). NEI is also seeking clarification of "unplanned" as it pertains to the event reporting requirements in 10 CFR 40.60(b)(1) and 10 CFR 70.50(b)(1). By letter dated September 23, 2015 (ADAMS Accession No. ML15257A222), the NRC staff provided an acknowledgement of receipt to the NEI letter dated July 27, 2015.

Enclosed with its letter dated July 25, 2015, NEI included two separate industry-generated Regulatory Evaluation Summaries to describe the clarifications that it is seeking. NEI indicated that the next phase of the process is for both the NRC and NEI to: (1) conduct a screening of the Regulatory Evaluation Summaries 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.

### DISCUSSION

The NRC staff and NEI representatives walked through the screening forms on the two proposed Regulatory Evaluation Summaries and discussed each line item on the subject forms. NEI indicated that it had originally considered all the screening criteria were met for the issues it raised. NRC staff explained that the generic applicability did not appear to support the entire community of fuel cycle facilities, and questioned the computation methodology in figuring out licensees' expenses for the various event follow-up activities. NEI then acknowledged and agreed with the NRC staff that additional data would be warranted in providing relevant insights in making a more appropriate assessment. NEI indicated that it would perform additional research of events for the past 3-5 years, and assess whether these events might have triggered follow-up inspection activities. In addition, the NRC staff provided regulatory insights and the supporting background associated with October 21, 2011, exemption request (ADAMS Accession No. ML11301A307) submitted by Honeywell regarding medical reporting requirements, which Honeywell ultimately withdrew by letter dated October 5, 2012 (ADAMS Accession No. ML12290A015).

### CONCLUSION/NEXT STEP

NEI indicated that the drop-in visit was helpful and that the discussion was conducted in a manner that was aligned with its expectations. The NRC staff plans to schedule a public meeting after the receipt of supporting data from NEI b to continue the screening process.

NEI has reviewed and commented on this note to file.

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Jerry Hiatt, NEI

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