

January 7, 2016

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

FROM: Tilda Y. Liu, Senior Project Manager **/RA/**
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SUBJECT: DECEMBER 1, 2015, MEETING SUMMARY ON SCREENING
PHASE OF NUCLEAR ENERGY INSTITUTE REGULATORY
ISSUE RESOLUTION PROTOCOL AS OUTLINED IN NEI 14-14
BETWEEN THE U.S. NUCLEAR REGULATORY COMMISSION
AND THE NUCLEAR ENERGY INSTITUTE

On December 1, 2015, the U.S. Nuclear Regulatory Commission (NRC) staff and representatives of Nuclear Energy Institute (NEI) held a Category 1 public meeting 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 meeting was a follow-up to the October 15, 2015, drop in visit by NEI with the NRC staff to facilitate the screening phase of the Regulatory Evaluation Summaries under the protocol. A summary of the October 15, 2015, drop in visit is available in the NRC Agencywide Documents Access and Management System under Accession No.: ML15296A421.

The NRC staff and NEI representatives walked through the revised Regulatory Issue Screening Forms, entitled, "Reporting of Medical Treatment of a Contaminated Individual," and "Reporting of 'Unplanned' Contamination Event," prepared by NEI and transmitted to NRC staff via e-mail

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on November 18, 2015, and November 20, 2015, respectively, and discussed each line item listed on the subject forms. As stated previously, on October 15, 2015, the NRC staff explained, during the December 1, 2015, meeting, that the generic applicability did not appear to support the entire community of fuel cycle facilities. In particular, the associated event reporting data do not support that this is a generic issue. The NRC staff acknowledged the concerns expressed by the fuel cycle facilities with respect to differing interpretations of the regulatory requirements, and agreed that the issue on "Reporting of Medical Treatment of a Contaminated Individual," could use additional clarification. The NRC staff indicated that it will need to consider how proceeding with this review might impact non-fuel cycle facility licenses under *Code of Federal Regulations* (10 CFR) Parts 30, 40, and 70 because, in doing this, the NRC must consider and apply consistency to all the materials licensees licensed under 10 CFR Parts 30, 40, and 70, and not merely concerning the fuel cycle facilities. In addition, the NRC staff expressed that the aforementioned view on medical treatment is based on the NRC staff's technical observations only, and not yet vetted through NRC senior management and the Office of the General Counsel. The NRC staff indicated that the issue on "Reporting of 'Unplanned' Contamination Event," does not appear to warrant resolution under the protocol because the NRC would be interested in assessing the significance of those unplanned contamination events, which would exceed more than 24 hours, and evaluating the associated impacts to public health, safety, and the environment as part of the NRC mission.

In light of this staff viewpoint, NEI representatives stated that they are interested in hearing from the NRC staff on what additional information that they could provide to support their proposal on the issue statement on "unplanned contamination," and NEI representatives expressed that their goal is to supplement and clarify NEI's submittals to provide a full picture of the issue to assist the NRC staff in determining a path forward. Regarding the issue on medical treatment of a contaminated individual, NEI acknowledged that the NRC staff plans to brief senior management on the technical aspects of the issue and seek direction for a path forward. NEI representatives specifically pointed out that their interest in pursuing resolutions for these protocols are for their members of fuel cycle facilities only, and not for other materials licensees licensed under 10 CFR Parts 30, 40, and/or 70.

The meeting was useful in exchanging dialogs with the NEI representatives on the aforementioned issues. The NRC staff and NEI representatives agreed that additional meetings would be held to further discuss these issues and provide status. No NRC staff decisions were made during the meeting. Enclosure 1 provides a list of those who participated in the meeting and via the telephone bridge line. Enclosure 2 contains NEI Regulatory Issue Screening Form,

entitled "Reporting of Medical Treatment of a Contaminated Individual. Enclosure 3 contains NEI Regulatory Issue Screening Form, entitled "Reporting of "Unplanned" Contamination Event." Enclosure 4 contains a listing of relevant events as provided by NEI.

NEI has had an opportunity to review and comment on this summary.

Enclosures:

1. List of Participants
2. NEI Regulatory Issue Screening Form,
Title: Reporting of Medical Treatment
of a Contaminated Individual
3. NEI Regulatory Issue Screening Form,
Title: Reporting of "Unplanned"
Contamination Event
4. Listings of reported events as provided
by NEI

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entitled "Reporting of Medical Treatment of a Contaminated Individual. Enclosure 3 contains NEI Regulatory Issue Screening Form, entitled "Reporting of "Unplanned" Contamination Event." Enclosure 4 contains a listing of relevant events as provided by NEI.

NEI has had an opportunity to review and comment on this summary.

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- 1. List of Participants
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- 4. Listings of reported events as provided by NEI

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LIST OF PARTICIPANTS

**MEETING WITH NUCLEAR ENERGY INSTITUTE TO APPLY NEI 14-14
REGULATORY ISSUE RESOLUTION PROTOCOL SCREENING PROCESS**

(COST ACCOUNTING CONTROL NUMBER. L34328)

December 1, 2015

NAME

AFFILIATION

(Meeting Participants)

Tom Grice	U.S. Nuclear Regulatory Commission (NRC)
Tyrone Naquin	NRC
Kevin Ramsey	NRC
Tilda Liu	NRC
Nima Ashkeboussi	Nuclear Energy Institute (NEI)
Janet Schlueter	NEI

(On Telephone Bridge Line)

Dave Spangler	BWXT
Lidia Litinski	Honeywell
Andy Sabisch	Nuclear Fuel Services (NFS)
Mike Tester	NFS
Tim Tate	AREVA
Scott Murray	General Electric
Nancy Parr	Westinghouse