

## REGULATORY ISSUE SCREENING FORM

**Title:** Reporting of "Unplanned" Contamination Event

**I. 1. Problem Statement** (Provide a clear, concise description of the issue.)

Industry is seeking clarification on the definition of "unplanned" under 10CFR 40.60(b)(1) and 70.50(b)(1). Releases of radioactive material in specifically designed radiological or contamination controlled areas should not necessitate 24 hour reporting as these areas are "planned" to contain and control contamination. Recent NRC staff interpretation has differed from this long time understanding. Reporting is an unnecessary burden with no benefit to the safety of the worker, public, or environment.

**2. Background Information** (Summarize industry events, licensing actions, inspection information, correspondence, and other documents germane to the issue. Attach documents as appropriate)

10 CFR 40.60(b)(1) and 70.50(b)(1) outline the reporting requirements for an unplanned contamination event. Licensed facilities include established radiological or contamination controlled areas that are designed to safely contain and control radioactive material contamination that may occur as the result of system operations or maintenance activities. Releasing radioactive material in these areas is to be minimized; however, contamination in these areas is not "unplanned." The industry has practices in place and interpretation of the reporting obligation consistently applied for decades until the recent re-interpretation following some minor industry events.

Industry seeks to:

- Align the interpretation of "unplanned" to apply to areas outside of designated radiological or contamination controlled areas. The application of this interpretation would be consistent with operating reactor licensees, where there are no reporting requirements for "unplanned contamination" in their controlled areas.

The requirement to provide 24 hour notification to the NRC of these interpreted "unplanned" events in specifically designed and controlled areas is an unnecessary burden with no benefit to the health and safety of workers, the public, or the environment. The tracking and reporting can cause a significant unnecessary administrative burden and cause the distraction of resources from other perhaps higher safety priority work.

The two event notifications cited in the References Section occurred in the licensee's contamination controlled area. These locations are designed to safely contain and control radioactive material that may occur as the result of system operations or maintenance activities. Since minor contamination in these areas is expected to occasionally occur, the facility is designed to protect the health and safety of occupational workers, members of the public, and the environment. Individuals exiting these controlled areas are monitored for contamination prior to them exiting the access controlled area.

The Federal Register Notice response to comment B.9 defines a contamination event as a spill involving radioactive materials that results in elevated levels or radiation and occurs in an area that must be restricted by imposing additional controls to prevent the spreading of contamination. typical radiological control methods are used to minimize personnel exposures including access controls (via established change rooms), protective clothing, respiratory protection, routine contamination surveys, airborne monitoring, exit monitoring, and if necessary, area access restriction. These controls are adjusted as necessary depending on airborne or contamination levels encountered during normal operations (i.e. production and planned maintenance) and abnormal conditions (i.e., loss of containment or a spill). Releasing radioactive material in these areas is to be minimized; however, contamination in these areas is not "unplanned."

The development of a notification report to the NRC involves a significant amount of licensee time and resources. The response to question A.16, in the Federal Register, noted the expected reporting burden to be a few days to complete and process a report. This burden did not consider all aspects associated with NRC reporting that licensees undertake. Nominally the costs associated with a generic 24 hour report have been up to 60 hours and \$100,000. This is made up of line items including: the identification and assessment of an issue or event against the reporting criteria, the determination of reportability with oversight, the production

of both the telephone notification as well as the follow up written report of 30 or 60 days, and the creation of the Corrective Action. This estimate does not include the cost of the follow up NRC inspection and NRC inspection report that will take place and be billed to the licensee.

References:

1. July 27, 2015, Janet Schlueter (NEI) to Marissa Bailey (NRC); "Use of NEI 14-14, "Regulatory Issue Resolution Protocol" to clarify sections 10 CFR 40.60 and 70.50 Regarding Issues Associated with Contamination Events and Medical Treatment of Personnel at Fuel Cycle Facilities" (ML15217A487)
2. September 23, 2015, Marissa Bailey (NRC) to Janet Schlueter (NEI); "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" (ML15257A222)
3. NRC Event Numbers 50954 and 50233.

**II. Screening Criteria** (Provide an explanation as to how the issue meets each of the screening criteria to be considered for generic issue resolution.)

- 1. Does the proposed issue involve and affect multiple licensees (provide basis)?**  
Yes. While there are only a handful of event reports from one licensee, all fuel cycle facility licensees would benefit from a clarification and consistent interpretation of the definition of "unplanned" as it pertains to 10 CFR 40.60(b)(1) and 70.50(b)(1).
- 2. Does the proposed issue warrant generic resolution with tangible benefits (provide basis)?**  
Yes. A clear and consistently applied interpretation of "unplanned", in line with the historical interpretation, would reduce an unnecessary reporting burden on licensees that yields no benefit to the safety of workers, the public, or environment.
- 3. Does the issue warrant engagement between the industry and NRC (provide basis)?**  
Yes. The industry believes engagement would provide clarification of the word "unplanned" and re-adopting the long held interpretation will not negatively impact the health and safety of workers, the public, or the environment and is consistent with the focus of addressing the cumulative impact of regulatory requirements.
- 4. Is there any alternate regulatory process for resolving the issue (provide basis)?**  
No. An open dialogue can expeditiously resolve the clarification that industry seeks with the term "unplanned" and lead to any understanding on the departure from the long held industry understanding.

**III. Are all screening criteria satisfied** ("Yes" responses to questions 1-3 and "No" to question 4)?  
Yes   X   No \_\_\_\_\_

**IV. Are there extenuating circumstances indicating an alternate approach from the finding of the screening criteria and is there general agreement on a path forward (provide basis)**

**V. Should the issue be processed using the RIRP process**

NMSS Staff recommendation (yes/no) \_\_\_\_\_

Industry/NEI representative (yes/no) \_\_\_\_\_

**VI. Date:**   11/20/2015