

MEETING SUMMARY

DATE AND TIME: Thursday, May 19, 2016
10:30 a.m. – 12:00 p.m. (EDT)

PLACE: U.S. Nuclear Regulatory Commission
One White Flint North
Room OWFN-6B02
11555 Rockville Pike
Rockville, MD 20852

CATEGORY 3: The public was invited to participate in this meeting by discussing regulatory issues with the U.S. Nuclear Regulatory Commission (NRC) at any time.

PURPOSE: The purpose of this meeting was to provide stakeholders a status update on the acute chemical exposures interim staff guidance and the next steps NRC staff plans to take.

ATTENDEES: See Enclosure 2

DISCUSSION:

The NRC staff held a Category 3 public meeting on May 19, 2016, with representatives from the fuel cycle industry and the public to provide stakeholders the status of acute chemical exposures. Topics included: interim staff guidance (ISG); the next steps NRC staff plans to take; and feedback from the fuel cycle industry on the proposed path forward. The meeting opened with introductions by all attendees, including those participating by phone. There were no members of the public in attendance.

In the opening remarks, the NRC staff pointed out that it had been a while since we have engaged industry on the status of this issue and that the NRC staff had been writing a commission paper addressing the policy implications related to issuing the ISG, as directed by the Commission in May 2015.

The NRC staff informed participants that they will be conducting audits to gather information on the evaluation and mitigation of acute chemical exposures. The audits will allow the NRC staff to determine the safety significance of this issue and whether there needs to be any additional regulatory action. A representative from the Nuclear Energy Institute (NEI) expressed concerns with determining the safety significance since NEI believes there is no safety issue. The NEI representative stated that, although the industry agrees with the NRC that this issue should be closed, they do not understand what more data the NRC needs. The NEI representative also stated that the need of the NRC staff for additional information may suggest that fuel cycle facilities are not operating safely. The NEI representative also expressed concerns related to billing and resources that will be spent on these audits. The NRC staff responded that the audits will not be resource intensive.

A presentation by the NRC staff discussed the following key messages:

- The NRC staff has developed an ISG which provides additional guidance for chemical safety reviewers and identifies acceptable sources of information for standards for all pathways, including: inhalation, dermal and ocular exposures. It was issued for public comment in March 2015.
- The NRC staff resolved public comments that were received. The NRC staff revised the ISG, and presented it to the Advisory Committee on Reactor Safeguards (ACRS) and the Committee to Review Generic Requirements (CRGR) on October 20, 2015, and January 28, 2016, respectively. ACRS and CRGR endorsed and recommended the issuance of the ISG in a forward looking manner.
- The NRC staff believes there is no immediate safety concern, however there may be a regulatory gap with respect to the evaluation of chemical exposures in the integrated safety analysis (ISA) that could result in a safety issue.
- The NRC staff will need additional information to better understand the licensees' chemical safety practices and programs to determine needs for any additional regulatory action.
- The NRC staff plans to conduct audits at each fuel cycle facility to gather information and gain insights on the licensee's programs or processes specifically looking at the evaluation and mitigation of acute chemical exposures (including dermal and ocular exposures). The audit will help the NRC staff determine if there needs to be any additional regulatory action.
- The NRC staff believes the audits are the most efficient way that will provide the technical basis to close this issue (open since 2007) and move forward with the ISG.

The NRC staff explained the process to conduct the audits. The audits will be conducted during a 2-day site visit between the months of June and July 2016. The scope of the audits involve operations covered by the ISA, evaluation of acute chemical exposures, standards used to classify consequences, and worker protection programs.

The Westinghouse licensing managers stated that Westinghouse has already provided information on this topic as part of their license application and ISA Summary. Inspection reports may have information for the NRC staff. The NRC staff explained that the license application and ISA summaries provide high-level general commitments of the chemical safety program. The licensing documents also provide the results of the ISA; not the details or information the licensees used to get to those results. The NRC staff stated that a better understanding the process is needed to identify hazards, analyze chemical exposures and the type of information the licensees use to classify an event as high or intermediate consequences. This type of information is not part of the licensing documentation or the ISA. Since 2007, when the NRC issued Information Notice 22 and received the first letter on this issue, the NRC had been unable to clarify this issue during licensing actions and inspections because the NRC staff and industry were mutually trying to resolve this issue in public forum through letters and public meetings.

Another licensee representative recommended not having a site visit for certain licensees that have very limited chemical processing on site or maybe setting up an e-room to share the

information. The NRC staff stated that the audits will be conducted on a case-by-case basis and specific to each licensee's process.

The NRC staff stated that they are open to the idea of having a pre-audit conference call with the licensee. If the licensee provides all the information and discussion to satisfy the information gathering activity, then the NRC may decide not to conduct a site visit.

The NRC staff informed the industry that prior to the audit site visit, licensees will receive a formal letter with the official audit plan specific to their facility. The audit plan will have the details of the audits and information request or questions the NRC will be seeking to discuss. After the audit site visits, the NRC will prepare audit summary reports that will document staff observations during the audits. The audit summary report will be issued within 90 days of the completion of the audit.

An NEI representative inquired about the audit summary reports being publicly available. The NRC staff stated that they anticipate audit summary reports will have proprietary information that could not be released to the public. The NEI representative then recommended having a best practice report that could be beneficial to all licensees. Another Westinghouse representative also mentioned that it may be helpful for the NRC staff to go visit a chemical plant to understand how the chemical industry deals with these types of issues. The NRC staff stated that they will consider both recommendations.

A member of the legal staff at NEI asked about the backfit claim. The NRC staff acknowledged backfitting concerns raised by the industry of dermal and ocular exposure standards, which are used to assess compliance with the performance requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) 70.61. The NRC staff is writing a position on this matter; at this time, the NRC staff cannot discuss the backfit claim in a public meeting. The NEI legal representative asked about NRC's statement that the ISG will be applied in a forward looking manner. The NRC staff responded that the ISG, when issued, would apply to future licensing actions, including new application license amendments under 10 CFR 70.64, and license renewals.