

April 4, 2017

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

SUBJECT: RESPONSE TO THE NUCLEAR ENERGY INSTITUTE'S REQUEST TO USE  
NEI 14-14, "REGULATORY ISSUE RESOLUTION PROTOCOL," REGARDING  
THE ISSUE ASSOCIATED WITH REPORTING OF UNPLANNED  
CONTAMINATION EVENTS AT FUEL CYCLE FACILITIES

Dear Ms. Schlueter:

In accordance with Nuclear Energy Institute (NEI) 14-14, "Regulatory Issue Resolution Protocol, A Methodology for Resolving Regulatory Issues with Generic Implications for Fuel Cycle Facilities" (Agencywide Documents Access and Management System [ADAMS] Accession Number ML14337A168), the enclosed, "Issue Closure Form" is provided to resolve the questions raised regarding the reporting of unplanned contamination events as described in Title 10 of the *Code of Federal Regulations* (10 CFR) Paragraphs 40.60(b)(1) and 70.50(b)(1). This issue was raised by NEI, on behalf of its fuel cycle facility members, in 2015, through the NEI 14-14 process.

The path forward for closing this issue was discussed during a recent public meeting held on January 12, 2017. During this meeting, the U.S. Nuclear Regulatory Commission (NRC) staff provided its position on the 24-hour reporting requirements regarding unplanned contamination events, and acknowledged that this position differs from the one held by industry. A copy of the January 12, 2017, meeting summary can be found under ADAMS Accession Number ML17013A224.

#### Background

NEI 14-14 was endorsed by the NRC staff in a letter dated December 16, 2014, (ADAMS Accession Number ML14342A172) as a methodology for the staff, NEI, and the fuel cycle industry to use in resolving generic regulatory issues.

By letter dated July 27, 2015 (ADAMS Accession Number ML15217A487), NEI, on behalf of its fuel cycle facility members, requested clarification of the NRC's reporting requirements contained in 10 CFR Sections 40.60 and 70.50. Specifically, NEI requested clarification of: (A) the 10 CFR 40.60(b)(3) and 70.50(b)(3) provisions for reporting the unplanned medical treatment of personnel with spreadable radioactive contamination on the individual's clothing or body, and (B) the 10 CFR 40.60(b)(1) and 70.50(b)(1) provisions for reporting certain unplanned events involving the contamination of radiologically controlled areas occurring within a facility. By letter dated September 23, 2015 (ADAMS Accession Number ML15257A222), the NRC acknowledged the receipt of NEI's July 27, 2015, letter.

On January 27, 2017, the NRC responded to the request for clarification regarding the 10 CFR 40.60(b)(3) and 70.50(b)(3) provisions for reporting unplanned medical treatment of personnel with spreadable radioactive contamination (ADAMS Accession Number ML16333A297).

### Discussion

As you are aware, we are currently in the screening phase of the NEI 14-14 protocol. As stated in NEI 14-14, during this phase, the potential generic regulatory issue is discussed to ensure its full scope and impacts are described and documented (e.g., by creation of a problem statement). The issue is then "screened" for acceptance by both organizations. Issues that do not meet the screening criteria or are not mutually agreed upon, would likely be dispositioned through an alternative course of action.

The NRC staff position is that the issues with 10 CFR 40.60(b)(1) and 70.50(b)(1) reporting requirements can be addressed through the existing NRC regulatory framework. The staff intends to develop a Regulatory Issue Summary to provide additional information regarding these regulatory requirements. The enclosure details the staff position and proposed alternative course of action for resolving the issues with 10 CFR 40.60(b)(1) and 70.50(b)(1) 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 NRC's 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. Alayna Pearson of my staff at (301) 415-1096, or via e-mail at [Alayna.Pearson@nrc.gov](mailto:Alayna.Pearson@nrc.gov).

Sincerely,

**/RA/**

Craig G. Erlanger, Director  
Division of Fuel Cycle Safety, Safeguards,  
and Environmental Review  
Office of Nuclear Material Safety  
and Safeguards

Enclosure:  
Appendix F: Issue Closure Form

RESPONSE TO THE NUCLEAR ENERGY INSTITUTE'S REQUEST TO USE NEI 14-14,  
 "REGULATORY ISSUE RESOLUTION PROTOCOL," REGARDING THE ISSUE ASSOCIATED  
 WITH REPORTING OF UNPLANNED CONTAMINATION EVENTS AT FUEL CYCLE  
 FACILITIES

DISTRIBUTION: FCSE r/f

**ADAMS Accession Number: ML17065A174 via e-mail \***

<b>OFC</b>	FCSE/PORSB	FCSE/PORSB	FCSE/ECB	FCSE/FMB	OGC	FCSE/FMB	NMSS/FCSE
<b>NAME</b>	APearson	MKotzalas	MDiaz	RJohnson	JHull *	TBrockington	CErlanger
<b>DATE</b>	03/23/2017	03/ /2017	03/ 23 /2017	03/ 24 /2017	04/04/2017	04/04/2017	04/04/2017

**OFFICIAL RECORD COPY**