



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, ILLINOIS 60532-4352

June 30, 2020

Laura T. Speer Smith, M.S.
Radiation Safety Officer
Ascension Macomb Oakland Hospital,
Warren Campus
11800 E Twelve Mile Road
Warren, MI 48093

SUBJECT: TEMPORARY EXEMPTION FROM U.S. NUCLEAR REGULATORY COMMISSION (NRC) REGULATION, TITLE 10 *CODE OF FEDERAL REGULATIONS* (CFR) SECTION 30.34(C), FOR ASCENSION MACOMB OAKLAND HOSPITAL, WARREN CAMPUS, NRC LICENSE NO. 21-01190-05

Dear Ms. Smith:

By email dated May 28, 2020 (Agencywide Documents Access and Management System [ADAMS], Accession No. [ML20153A742](#)), Ascension Macomb Oakland Hospital (the licensee) submitted to the U.S. Nuclear Regulatory Commission (NRC) Region III Office a request for an exemption from Title 10 of the *Code of Federal Regulations* (CFR) Sections [30.34\(c\)](#) and license condition No. 13.A. requirements regarding Radiation Safety Committee (RSC) meeting frequency for NRC Materials License No. 21-01190-05. The NRC's ADAMS is accessible from the NRC's website at <http://www.nrc.gov/reading-rm/adams.html>.

In its request, the licensee stated that due to the COVID-19 public health emergency (PHE), the available resources while adhering to social-distancing requirements, the lack of conference call resource availability, and the backlog of such meetings that will need to be completed once resources become available and social distancing requirements are relaxed, RSC meetings cannot be timely completed as required by license condition No. 13.A. In its request, the licensee also indicated that it may be unable to timely complete "inservice" training. Upon follow-up from the licensee dated June 26, 2020 (ML201181A386), it was determined that the licensee no longer requires an exemption from the annual training requirements specified in 10 CFR Sections [35.310](#), [35.410](#), and [35.610](#). The licensee will submit a letter withdrawing this part of the licensee's request, accordingly.

The exemption provision in 10 CFR [30.11\(a\)](#) states:

The Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part and parts 31 through 36 and 39 of this chapter as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

The license condition from which the licensee requested exemption was imposed upon the licensee by the NRC per 10 CFR [30.34\(e\)](#). The regulation in 10 CFR [30.34\(c\)](#) requires the licensee to confine its use of the byproduct material to the locations and purposes authorized in

the license. Therefore, exemptions to the requirement in 10 CFR [30.34\(c\)](#) to comply with the terms of the license may be granted pursuant to 10 CFR [30.11](#).

The NRC staff reviewed the request in accordance with 10 CFR [30.11\(a\)](#) and finds that the criteria contained therein are met. The regulation from which the licensee is requesting exemption is 10 CFR [30.34\(c\)](#), to not meet a condition required by its license. License Condition No. 13.A. from which the licensee is requesting exemption is the requirement to hold Radiation Safety Committee (RSC) meetings on a quarterly basis.

The regulation in 10 CFR [30.11\(a\)](#) authorizes granting of exemptions specific to [Part 35](#). The NRC staff has determined that the granting of the requested exemption will not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations. The NRC staff, therefore, finds that the granting of the requested exemption is authorized by law.

The 90-day extension provided by the exemption to [30.34\(c\)](#) is a relatively short delay that does not constitute a significant increase in risk to public health and safety. The licensee is a limited scope medical licensee that voluntarily committed in its renewal application to holding quarterly RSC meetings in the implementation of its oversight of its program.

The licensee's RSC met during the first quarter of 2020 and will meet again within the first 30 days of the third quarter of 2020. In addition, the RSO has had continual oversight and contact with each department represented on the RSC. Further, Authorized Users are communicating with each other as necessary concerning the licensee's implementation of ALARA and regarding any incidents, generic communications, changes to authorized users, changes to byproduct material uses, safety evaluations, audits, and medical events. The short extension of the RSC meeting frequency does not constitute a significant increase to public health and safety. The NRC staff notes that, absent the proposed exemption, additional staff would be required to come into the medical facilities increasing the possibility of exposing the licensee's employees, contractors, patients, or members of the general public to the COVID-19 virus. According to the licensee, a virtual meeting isn't possible because, during the initial months of the COVID-19 PHE during April and May of 2020, members of the RSC, including the licensee's Radiation Safety Officer (RSO), accumulated a substantial backlog of radiation safety related and other tasks to be completed as access to the facility began to resume in June 2020. Accordingly, due to the high workload and continuing safety precautions taken due to COVID-19, the RSO and other staff have limited abilities to accommodate even a virtual RSC meeting. Therefore, the NRC staff finds that the proposed exemption will not endanger life or property or the common defense and security and is otherwise in the public interest.

Based on the above findings, the NRC grants the following exemption for the specified period of time:

For RSC meetings that, in accordance with the requirement in license condition No.13.A, are due to be held between the date of this letter and 90 days after issuance, the licensee is temporarily exempt from the quarterly meeting frequency required by license condition No. 13.A. The licensee may instead extend the RSC meeting frequency interval by up to 90 days. Notwithstanding the regulatory relief provided by this exemption, your RSC will meet as soon as is safely possible. The licensee requested to extend the required RSC meeting frequency interval during the emergency caused by the COVID-19 pandemic.

An environmental assessment for this action is not required, since this action is categorically excluded under Title 10 of the *Code of Federal Regulations* (CFR) Section 51.22(c)(25)(vi)(G). In accordance with 10 CFR 2.390 of the NRC's "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 NRC's ADAMS.

If you have any questions, please contact Sara Forster, at (630) 829-9892, or by e-mail at sara.forster@nrc.gov.

Sincerely,

Robert J. Orlikowski, Chief
Materials Licensing Branch
Division of Nuclear Materials Safety

Docket No. 030-02005
License No. 21-01190-05
Mail Control No. 621055

cc: Katherine Tapp
Lisa Dimmick

L. Smith

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Letter to Laura Smith from Robert Orlikowski dated June 30, 2020.

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(NRC) REGULATION, TITLE 10 *CODE OF FEDERAL REGULATIONS* (CFR)
SECTIONS 30.34(C)

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