



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, ILLINOIS 60532-4352

October 28, 2020

Ms. Danielle Sheen
Executive Director, Environment, Health & Safety
The Regents of The University of Michigan
1239 Kipke Drive
Ann Arbor, MI 48109-1010

SUBJECT: TEMPORARY EXEMPTION FROM U.S. NUCLEAR REGULATORY
COMMISSION REGULATION, TITLE 10 *CODE OF FEDERAL REGULATIONS*
(10 CFR 20.1101(c))

Dear Ms. Sheen:

By letter dated October 5, 2020, (Agencywide Documents Access and Management System [ADAMS] Accession No. ML20280A314), in accordance with Title 10 of the Code of Federal Regulations (10 CFR) 20.2301, The Regents of The University of Michigan, a medical use licensee, requested an exemption from Title 10 of the *Code of Federal Regulations* (10 CFR) 20.1101(c).

In its request, the licensee stated that, due to current social distancing guidelines and institutional protocols to limit staff presence, and due to unexpected staffing changes during the public health emergency, caused by the COVID-19 pandemic, the regulation cannot be safely met without increasing the possibility of exposing licensee's employees, contractors, patients, or members of the general public to the COVID-19 virus. The licensee proposed that, if exempted from the requirements of 10 CFR 20.1101(c), it would continue to implement its effective radiation protection program.

The exemption provision in 10 CFR 20.2301 states:

The Commission may, upon application by a licensee or upon its own initiative, grant an exemption from the requirements of the regulations in this part if it determines the exemption is authorized by law and would not result in undue hazard to life or property.

The U.S. Nuclear Regulatory Commission (NRC) staff reviewed the request in accordance with 10 CFR 20.2301 and finds that the criteria contained therein are met. The regulation from which the licensee is requesting exemption is the requirement in 10 CFR 20.1101(c) that the licensee shall periodically (at least annually) review the radiation protection program content and implementation.

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 requested exemption is relatively short compared to the required annual program review interval. The NRC staff notes that, absent the proposed exemption, staff would be required to come into research areas and the hospital complex to perform the review, increasing the

possibility of exposing employees, contractors, patients, or members of the public to the COVID-19 virus. Therefore, the exemption does not constitute a significant increase in risk to the public health and safety.

Based on the above findings, the NRC grants the following exemption for the specified period of time: From the date of issuance of this letter for a period of 90 days, the licensee is temporarily exempted from the requirement in 10 CFR 20.1101(c), to perform a radiation protection program content and implementation review at least annually. The licensee shall perform the required radiation protection program review within 90 days of the expiration of this exemption.

An environmental assessment for this action is not required, because this action is categorically excluded under 10 CFR 51.22(c)(25)(vi)(C). In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the NRC's ADAMS, accessible from the NRC website at <https://www.nrc.gov/reading-rm/adams.html>.

If you have questions, please contact Robert Gattone at robert.gattone@nrc.gov or 630-829-9823.

Sincerely,

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

License No. 21-00215-04
Docket No. 030-01988

Letter to Danielle Sheen from Robert Orlikowski dated October 28, 2020.

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