



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BLVD.
KING OF PRUSSIA, PA 19406-2713

May 4, 2021

Timothy Bowers, MS, CIC, FAPIC, CPHQ
Vice President Clinical Effectiveness
ChristianaCare Health Services, Inc.
ChristianaCare Health System
4000 Nexus Drive
Wilmington, DE 19803

SUBJECT: TEMPORARY EXEMPTION FROM U.S. NUCLEAR REGULATORY COMMISSION REGULATION, TITLE 10 *CODE OF FEDERAL REGULATIONS* (10 CFR) 35.61(a), CHRISTIANACARE HEALTH SERVICES, INC., CHRISTIANACARE HEALTH SYSTEM, MAIL CONTROL NO. 625414

Dear Mr. Bowers:

By email dated April 16, 2021, and letter dated April 19, 2021, (Agencywide Documents Access and Management System [ADAMS] Accession Nos. ML21110A114 and ML21109A355, respectively), in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 30.11(a), ChristianaCare Health Services, Inc., ChristianaCare Health System, a medical use licensee, requested an exemption 10 CFR 35.61(a).

In ChristianaCare's request, the licensee stated that the calibration service hired to perform survey instrument calibrations is currently short staffed due to the COVID-19 public health emergency (PHE). ChristianaCare sent two survey instruments for calibration on March 1, 2021 and March 17, 2021. To date, neither of the instruments have been returned leaving the licensee with one survey meter whose calibration was due on April 16, 2021.

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 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 NRC staff reviewed the request in accordance with 10 CFR 30.11(a) and finds that the criteria contained therein are met. The licensee is requesting an exemption from the requirement in 10 CFR 35.61(a) that the licensee calibrate survey instruments used to show compliance with 10 CFR Parts 20 and 35 annually.

The regulation in 10 CFR 30.11(a) authorized granting of an exemption 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 regulation in 10 CFR 35.61(a) requires licensees to calibrate survey instruments used to show compliance with 10 CFR Parts 20 and 35 before first use, annually, and following repair. This exemption would only apply to the requirement to perform annual calibrations, not to the requirement to perform calibrations before first use and following repair. The extension provided by this exemption is relatively short compared to the one-year time period between calibration of survey instruments. This relatively short extension does not constitute a significant increase in risk to public health and safety. 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 time period:

For instrumentation, that in accordance with the requirement in 10 CFR 35.61(a), is due to be calibrated between the date of this letter and 60 days after issuance, ChristianaCare is temporarily exempt from the calibration time interval required by 10 CFR 35.61(a) and may instead extend the required interval for calibration of instrumentation by up to 60 days. If the instrument exhibits signs that it might be malfunctioning, the licensee shall suspend use of the instrument until it may be calibrated. Notwithstanding the regulatory relief provided by this exemption, the licensee shall attempt to calibrate instrumentation as soon as possible. ChristianaCare requested to extend the time interval for calibration during the emergency caused by the COVID-19 PHE.

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 Web site at <https://www.nrc.gov/reading-rm/adams.html>.

T. Bowers

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If you have questions, please contact Tara Weidner by electronic mail at Tara.Weidner@nrc.gov or by telephone at 610-337-5272.

Sincerely,

Donna M. Janda, Chief
Medical and Licensing Assistance Branch
Division of Radiological Safety and Security
Region I

License No. 07-12153-02
Docket No. 03001303
Mail Control No. 625414

cc: Xiaoqian Wen, Radiation Safety Officer

TEMPORARY EXEMPTION FROM U.S. NUCLEAR REGULATORY COMMISSION
 REGULATION, TITLE 10 *CODE OF FEDERAL REGULATIONS* (10 CFR) 35.61(a),
 CHRISTIANACARE HEALTH SERVICES, INC., CHRISTIANACARE HEALTH
 SYSTEM, MAIL CONTROL NO. 625414 DATED MAY 4, 2021

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