

November 14, 2000

MEMORANDUM TO: Cynthia A. Carpenter, Chief
Generic Issues, Environmental, Financial &
Rulemaking Branch
Division of Regulatory Improvement Programs, NRR

FROM: Joseph L. Birmingham, Project Manager/**RA**/
Generic Issues, Environmental, Financial &
Rulemaking Branch
Division of Regulatory Improvement Programs, NRR

SUBJECT: SUMMARY OF MEETING WITH NUCLEAR ENERGY INSTITUTE TO
DISCUSS OCCUPATIONAL AND PUBLIC RADIATION SAFETY
CORNERSTONES

On September 27, 2000, a meeting was held with a representative of the Nuclear Energy Institute (NEI) to continue discussions on items related to the public and occupational radiation safety cornerstones. A conference call line was opened to allow for industry, regional NRC personnel, and members of the public to participate. A list of those attending is provided as Attachment 1.

Public Radiation Safety Cornerstone

In the public radiation safety cornerstone, two items in the Significance Determination Process (SDP) were discussed; a change to the Transportation / Part 61 section and additional guidance for the Radioactive Material Control Program.

For the Transportation / Part 61 area (i.e., classification of radioactive materials for shipment and disposal); on June 12, 2000, NEI submitted a proposed revision to the Part 61 portion of the SDP (Attachment 2). The issue involves the failure of a licensee to correctly classify radioactive waste (i.e., under classify waste shipments by assigning Class B waste as Class A). NEI proposed that the SDP flowchart be expanded to offer extra decision diamonds to refine the process into separate steps which correspond to different levels of "risk" to the public. This change is needed, NEI maintains, because the current SDP is too simplistic and the risk (i.e., WHITE finding) is not the same for the types of waste shipped for disposal. The current SDP assigns a WHITE finding to any situation where the waste was under classified, even if the actual packaging and burial procedures were conservative for the waste (i.e., correct by being over conservative). Therefore, NEI maintains that there was low risk to workers, members of the public, the waste disposal facility, and the environment. For such cases, the SDP should be changed to reduce the risk color from WHITE to GREEN. However, an under classification finding would continue to be WHITE if it involved the higher activity Class C waste or for Class B waste that did not meet the requirements of 10 CFR 61.56.

The NRC evaluated the proposal and agreed with the proposed changes with only minor editorial changes. The changes will be processed through the Inspection Program Branch for incorporation into the SDP Manual Chapter.

The other Public cornerstone item discussed was the Radioactive Material Control Program. There has been feedback from industry and NRC inspectors that additional guidance is needed in this area to clarify when a licensee has “lost control” of its licensed radioactive material while it is still on a licensee’s owner controlled property. NRC personnel drafted additional guidance, for inclusion in the SDP, for stakeholder review and comment (Attachment 3). The guidance allows licensees to be given credit for situations where the radioactive material is discovered outside of the radiation controlled area of the facility but still in an area under their control where the material would have to pass through a radiation survey point prior to being “free released.” The guidance recognizes the final survey point as a barrier to prevent the radioactive material from being released from the plant site. The additional guidance will be reviewed and comments submitted to the NRC. Any comments on the draft guidance will be discussed at a future public meeting.

Occupational Radiation Safety Cornerstone

In the Occupational Radiation Cornerstone, several frequently-asked questions (FAQs) in various stages of development were discussed. NEI provided industry feedback on proposed revisions made by the NRC staff to draft FAQs numbers 130 and 131 (Attachment 4). FAQ 130 staff revision focused on the need for reasonable preventative maintenance efforts by the licensee for the high radiation area equipment and the impact of unauthorized removal of such equipment (a performance indicator (PI) hit). Both NEI and NRC staff agreed to the wording and recommended FAQ 130 as ready for the joint NRC/NEI Oversight Review Group review. FAQ 131 concerns a non-reactor licensee doing radiography work at a nuclear power plant and notes that, in general, the radiographer holding the 10 CFR Part 34 license is responsible for radiological controls in and around radiographic operations. However, the NRC revised the FAQ to describe instances when the Part 50 reactor licensee could receive a PI hit as a result of their workers failing to follow local plant procedures. While accepting the NRC revision, NEI noted that this change could have the potential for undermining the reactor licensees’ voluntary oversight actions in support of the radiography operations. The NRC staff understands the industry’s view but believes industry will continue this good practice which enhances worker safety. NRC staff agreed to add additional information to the draft FAQ including pertinent references on the subject. This includes references to Information Notices 85-43 and 93-69, both of which summarize radiography problems and licensees’ supplemental actions to assist the radiographer. (Subsequent to the meeting, the revision to draft FAQ 131 was completed.)

Three additional proposed FAQs for the Occupational Radiation Safety Cornerstone were discussed (Attachment 5). These FAQs concerned 1) clarification of the phrase “comparable requirements in Part 20” as used in the PI definition, 2) an example of multiple failures that constitute “concurrent occurrences” as used in the PI definition, and 3) how an occurrence of “determined circumvention of a physical barrier” should be viewed in terms of whether it constitutes a PI event. The discussion of the first FAQ centered around a draft answer and rationale submitted by an industry task group and an edited version of the answer provided by NEI. It was generally agreed that the edited version of the FAQ clarified the original intent of the PI definition with one exception. It was agreed to add the area posting requirements in 10 CFR 20.1902(b) to the list of Part 20 requirements referenced. With this change the FAQ is ready to submit to the NRC/NEI Working Group for formal review and approval. The second and third proposed FAQs were discussed and it was generally agreed that they both need more work before going forward. Although the example of concurrent occurrences was correct, it was agreed that it would have more impact if the individual failures were more distinct (i.e., a

failure to control that lead to an unintended exposure). The issue of a workers determined

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circumvention of controls is a difficult one. The proposed answer confuses the issues prospectively determining the adequacy of a licensee's controls (during inspections) and the performance based conclusion about the adequacy of a program once circumvention events are experienced. NEI agreed to try to redraft a question and answer.

Future Public Meetings

It was agreed that a meeting will be scheduled for early November to have the NEI Task Force, comprised of several Radiation Protection Managers, provide feedback to the NRC staff on the Reactor Oversight Program.

Project No. 689

Attachments: As stated

cc: See list

Attendance List

NRC

Kathy Halvey Gibson
James Wigginton
Roger Pedersen
Charles Hinson
Stephen Klementowicz
Patricia Milligan
Mark Mitchell, RIII via phone

NEI

Ralph Andersen

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