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Guidance for Evaluation of Acute Chemical Exposures and Proposed Quantitative Standards

Comment On: NRC-2015-0044-0003

Guidance for Evaluation of Acute Chemical Exposures and Proposed Quantitative Standards; Supplemental Information and Extension of Comment Period

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Submitter Information

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General Comment

Cindy Blamey
 Office of Administration
 US Nuclear Regulatory Commission
 Washington, DC 20555-0001

Subject: Guidance for Evaluation of Acute Chemical Exposures and Proposed Quantitative Standards; Supplemental Information and Extension of Comment Period [Docket No. NRC-2015-0044]

Thank you for the opportunity to comment on the draft interim staff guidance (ISG), Guidance for Evaluation of Acute Chemical Exposures and Proposed Quantitative Standards, and key documents on the backfitting issue related to the guidance.

I have reviewed all the documents in the docket file and Subpart H rulemaking documents. I found that 10 CFR 70.61 and 70.65(b)(7) requirements are not limited by exposure pathway or chemical. The statement of considerations and other documents such as Commission papers or direction, state that the review of NRC regulations, back in 1992, was prompted by two events, one near criticality incident and one fatal chemical accident. As a result of its 1992 review, NRC decided to revise its 10 CFR Part 70 regulations. In the 1999 proposed rule, NRC discusses the origin of NRCs authority to regulate chemical hazards at fuel cycle facilities as a result of coordinated response and investigation into the 1986 chemical accident. After the coordinated response, OSHA and NRC developed the Memorandum of Understanding in 1988, where it clarifies the agencies responsibilities for the regulation of chemical hazards at nuclear facilities. Furthermore, the 1999 proposed rule discusses the interactions with OSHA and Commissions view that the proposed rule

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was consistent with the OSHA MOU and NRCs responsibilities and authority under the Atomic Energy Act. Thus, it is NRCs responsibility to regulate chemical hazards associated with radioactive material. It is also the NRC regulated facilitys responsibility to identify all chemical hazards, not only air pathways hazards but all chemical hazards that can result in an acute chemical exposure to a worker leading to adverse consequences.

I also found really interesting that during the rulemaking process, NEI filed a petition for rulemaking (referred to as PRM-70-7, 61 FR 60057) suggesting limiting the chemical consequence criteria to chemical hazards from only hydrogen fluoride via the inhalation pathway.

Recommendation #2, Under Performance Criteria:

An exposure to hydrogen Fluoride in air equivalent to immersion for 30 minutes in concentration of 25 milligrams per cubic meter under accident conditions

However, the NRC rejected NEIs position in SECY-1997-137 and the 1999 proposed ISA rule (64 FR 41339). The federal register states that NRC proposed resolution was a risk-informed and performance-based regulatory approach , where the applicants/licensee is responsible for identifying and addressing all credible exposures that could result in intermediate to high consequences. SECY-1997-137, referenced in the 1999 Proposed Rule, clearly states NRCs resolution for NEIs petition and recommendation on the performance criteria. It states:

With regard to non-radiological hazards, the Petition would limit consideration of chemical hazards to those associated with hydrogen fluoride. Staff's view is that chemicals other than hydrogen fluoride will need to be considered.

The final rule adopted NRCs recommendation and the proposed 70.61(b)(4) language did not limit consideration of hazards to hydrogen fluoride via air pathway..

In summary, the regulatory history on the ISA Rule, which includes the consideration of NEIs petition (PRM-70-7) shows a consistent NRC position that nuclear facilities are required to consider all chemical hazards (not just hydrogen fluoride) which could lead to a high or intermediate consequence.

Based on the evaluation of the key documents and history, I support NRCs position that the ISA should address all exposure pathways. Some of these chemicals seem to be hazardous chemicals and dangerous, if they are not cover by OSHA regulations then NRC should regulate these chemicals.

Attachments

Acute_Chemical_Exposure_Guidance_Public_Comment

Cindy Blamey
Office of Administration
US Nuclear Regulatory Commission
Washington, DC 20555-0001

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I have reviewed all the documents in the docket file and Subpart H rulemaking documents. I found that 10 CFR 70.61 and 70.65(b)(7) requirements are not limited by exposure pathway or chemical. The statement of considerations and other documents such as Commission papers or direction, state that the review of NRC regulations, back in 1992, was prompted by two events, one near criticality incident and one fatal chemical accident. As a result of its 1992 review, NRC decided to revise its 10 CFR Part 70 regulations. In the 1999 proposed rule, NRC discusses the origin of NRC's authority to regulate chemical hazards at fuel cycle facilities as a result of coordinated response and investigation into the 1986 chemical accident. After the coordinated response, OSHA and NRC developed the Memorandum of Understanding in 1988, where it clarifies the agencies responsibilities for the regulation of chemical hazards at nuclear facilities. Furthermore, the 1999 proposed rule discusses the interactions with OSHA and Commission's view that the proposed rule was consistent with the OSHA MOU and NRC's responsibilities and authority under the Atomic Energy Act. Thus, it is NRC's responsibility to regulate chemical hazards associated with radioactive material. It is also the NRC regulated facility's responsibility to identify all chemical hazards, not only air pathways hazards but all chemical hazards that can result in an acute chemical exposure to a worker leading to adverse consequences.

I also found really interesting that during the rulemaking process, NEI filed a petition for rulemaking (referred to as PRM-70-7, 61 FR 60057) suggesting limiting the chemical consequence criteria to chemical hazards from only hydrogen fluoride via the inhalation pathway. Recommendation #2, Under Performance Criteria:

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referenced in the 1999 Proposed Rule, clearly states NRC's resolution for NEI's petition and recommendation on the performance criteria. It states:

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