

July 27, 2015

Ms. Marissa G. Bailey  
Division of Fuel Cycle Safety, Safeguards and Environmental Review  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**Subject:** Use of NEI 14-14, "Regulatory Issue Resolution Protocol" to clarify sections 10 CFR 40.60 and 70.50 Regarding Issues Associated with Contamination Events and Medical Treatment of Personnel at Fuel Cycle Facilities

**Project Number: 689**

Dear Ms. Bailey:

On behalf of the Nuclear Energy Institute's (NEI)<sup>1</sup> fuel cycle facility members, we submit the following request to clarify 10 CFR 40.60 and 70.50 utilizing NEI 14-14, "Regulatory Issue Resolution Protocol, A Methodology for Resolving Regulatory Issues with Generic Implications for Fuel Cycle Facilities". As you are aware, this is industry's first submittal under the protocol and we look forward to "putting it to the test" and applying any lessons-learned from this experience to its use in the future.

Specifically, industry seeks clarification of the terms "medical treatment" and "medical facility" as they pertain to the event reporting requirement in 10 CFR 40.60(b)(3) and 10 CFR 70.50(b)(3). Separately the industry seeks clarification of "spreadable radioactivity" and "unplanned" as they pertain to the event reporting requirements in 10 CFR 40.60(b)(1) and 10 CFR 70.50(b)(1). Attached are the two separate industry-generated Regulatory Evaluation Summaries to describe the necessary clarifications. They are submitted per the protocol's Identification Phase outlined in NEI 14-14, Appendix A. The next phase of the process is for both the Nuclear Regulatory Commission and NEI to 1) conduct a screening of the Regulatory Evaluation Summary to ensure that the full scope of the issue and its potential impacts are identified and clearly understood by both organizations; and 2) reach agreement to accept the continued review of the issues under the protocol. We are most interested in learning from you and your staff an approximate timeline for when NRC would be ready to fully engage with industry on these matters under the issue resolution protocol.

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<sup>1</sup> The Nuclear Energy Institute (NEI) is the organization responsible for establishing unified industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations and entities involved in the nuclear energy industry.

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NEI and industry are looking forward to our discussions on these topics and applying the protocol. If you have any questions, please contact Nima Ashkeboussi (202.739.8022; nxa@nei.org).

Sincerely,

A handwritten signature in dark ink, appearing to read "Janet R. Schlueter". The signature is fluid and cursive, with the first name "Janet" and last name "Schlueter" clearly distinguishable.

Janet R. Schlueter

Attachments: As Stated

c: Mr. Robert Johnson, NMSS/FCSE/FMB, NRC