



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

January 13, 2022

John S. Merrill
Radiation Safety Officer
Consumers Energy
Laboratory Services
135 W. Trail St.
Jackson, MI 49201

SUBJECT: TEMPORARY EXEMPTION FROM U.S. NUCLEAR REGULATORY
COMMISSION REGULATION, TITLE 10 *CODE OF FEDERAL REGULATIONS*
34.47(a)(3).

Dear Mr. Merrill:

By email dated January 7, 2022, (Agencywide Documents Access and Management System [ADAMS] Accession No. ML22010A135), Consumers Energy, the licensee, requested an exemption from Title 10 of the *Code of Federal Regulations* (10 CFR) 34.47(a)(3).

In its request, the licensee stated that due to the continuing COVID 19 public health emergency (PHE) causing supply chain issues, the licensee was unable to receive the 1st quarter 2022 thermoluminescent dosimeters (TLD) from its vendor. Accordingly, the licensee was unable to perform the personnel dosimetry exchange as required by 10 CFR 34.47(a)(3). The licensee will continue using the 4th quarter 2021 TLDs throughout the 1st quarter of 2022 until it receives the 1st quarter 2022 TLDs from the vendor. To distinguish the 4th quarter 2021 accumulated dose from the 1st quarter 2022 accumulated dose, the licensee created a document for logging the daily dose for each employee in 2022 using the reading from their electronic dosimeters.

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 regulation from which the licensee is requesting exemption is 10 CFR 34.47(a)(3) which requires that, "Film badges must be replaced at least monthly and all other personnel dosimeters that require replacement must be replaced at least quarterly. All personnel dosimeters must be evaluated at least quarterly or promptly after replacement, whichever is more frequent."

The regulation in 10 CFR 30.11(a) authorizes granting of exemptions specific to Part 34. 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 NRC staff has determined the licensee will continue to use a personnel dosimeter (i.e., TLD badge) to monitor personnel for radiation exposure. Further, the licensee developed a method to distinguish the accumulated dose between 4th quarter of 2021 and 1st quarter of 2022 from the TLD badge. Although the frequency of replacement and evaluation of the TLD badge is extended, this exemption does not constitute a significant increase in risk to public health and safety, because the licensee continues to measure dose using the TLD badge and has developed a method to extract dose information from the TLD badge to ensure that NRC regulatory dose limits are not exceeded.

Based on the above findings, the NRC grants the following exemption for the specified period of time:

From the date of this exemption letter to March 31, 2022, or until the licensee receives the replacement TLD badges from the vendor, whichever is shorter, the licensee is temporarily exempted from 10 CFR 34.47(a)(3). Specifically, the licensee is exempt from performing personnel dosimetry exchange and evaluation.

An environmental assessment for this action is not required, because this action is categorically excluded under 10 CFR 51.22(c)(25)(vi)(A) and (B). In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC's 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 Magdalena R. Gryglak at Magdalena.Gryglak@nrc.gov or 630-829-9875.

Since  Signed by Orlikowski, Robert
on 01/13/22

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

License No. 21-08606-03

Docket No. 030-04868

Letter to John S. Merrill from Robert J. Orlikowski dated January 13, 2022

SUBJECT: TEMPORARY EXEMPTION FROM U.S. NUCLEAR REGULATORY
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