

July 16, 2008

MEMORANDUM TO: Patricia Silva, Chief  
Technical Support Branch  
Division of Fuel Cycle Safety  
and Safeguards  
Office of Nuclear Material Safety  
and Safeguards

FROM: Blake A. Purnell **/RA/**  
Technical Support Branch  
Division of Fuel Cycle Safety  
and Safeguards  
Office of Nuclear Material Safety  
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SUBJECT: JUNE 16, 2008, MEETING SUMMARY: PUBLIC MEETING WITH  
THE NUCLEAR ENERGY INSTITUTE - 10 CFR PART 70, APPENDIX A  
REPORTING GUIDANCE

On June 16, 2008, the U.S. Nuclear Regulatory Commission (NRC) held a public meeting with the Nuclear Energy Institute (NEI) and other stakeholders to discuss 10 CFR Part 70, Appendix A – Reporting Guidance. The meeting was continued on June 20, 2008.

The group discussed, in detail, each of the issues listed in the “Issue Based Focus Approach” document dated May 22, 2008 (Attachment 2). An issue-by-issue summary of what was discussed is described below.

**Issues 1-A, 1-B, 1-C:** Guidance will be developed. The working group members recognized that these three issues are interrelated. The working group members discussed how to define “discovery” and Attachments 3–6. The working group members agreed to have a draft guidance document prepared on these issues by the next teleconference.

**Issues 1-D, 2-C:** Guidance will be developed. The draft guidance document was discussed (Attachment 7), with some suggestions for revision. The working group members agreed to have a revise this document by July 3.

**Issues 2-A:** Rulemaking will be proposed as suggested in Attachment 2.

**Issues 2-B:** Rulemaking will be proposed to resolve this issue. The working group members agreed that exposure to on-site individuals should be an actual chemical exposure, whereas exposure to off-site individuals should be evaluated as a potential exposure similar to the Part 20 reporting requirements.

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**Issues 2-D:** Rulemaking will be proposed. The working group members agreed that Appendix A (a)(5) is confusing. It is proposed that Appendix A (a)(5) be removed from the regulation, and that loss of double contingency be explicitly included in the 24-hour reporting requirements.

**Issues 3-A:** Guidance will be developed. The working group members agreed to include some wording to address this issue in any guidance document to be developed.

**Issues 3-B, 3-C:** Rulemaking will be proposed to remove Appendix A (b)(5) from the regulations. The working group members agreed that Appendix A (b)(5)(ii) is redundant to (b)(1). The working group members agreed that (b)(5)(i) is redundant to (b)(1) for high and intermediate consequence events. However, (b)(5)(i) may require the reporting of low consequence events if the integrated safety assessment dismissed an accident sequence due to its likelihood without determining it was a low consequence event. The working group members agreed that reporting such events would be inconsistent with the rest of the rule, and are recommending that the requirement be removed from the regulation.

**Issues 3-D:** Rulemaking will be proposed. The industry working group members indicate that this reporting requirement is difficult to use in practice due to the length of time it would take to determine if someone actually exceeded an exposure limit. The industry working group members have proposed that this be changed to require reporting when a worker needs off-site medical treatment due to exposure to licensed material. The industry representatives agreed to develop a draft proposal by the next teleconference.

**Issues 3-E:** Guidance will be developed. The statements of consideration were discussed and working group members agreed to have draft guidance on this issue by the next teleconference.

**Issues 4-A:** Guidance will be developed. The working group members agreed that some guidance was needed as to what non-licensed activities do not need to be reported. The group discussed the concurrent reporting guidance from NUREG-1022, Rev. 2.

The date for the next working group public meeting has not been determined.

Enclosures:

1. List of Meeting Attendees
2. Issues Based Focus Approach
3. Industry Condition Notification Flowchart
4. Industry Discovery Examples
5. Industry Event Reportability Determination Flowchart
6. NRC Draft Discovery Flowchart
7. Draft Guidance on Appendix A to Part 70

cc: R. Link, AREVA                      F. Killar, NEI                      C. Manning, AREVA  
S. Murray, GE                          J. Nagy, NFS                        C. Vaughan, GE  
R. Shackelford, NFS                  J. Schlueter, NEI

**Issues 2-D:** Rulemaking will be proposed. The working group members agreed that Appendix A (a)(5) is confusing. It is proposed that Appendix A (a)(5) be removed from the regulation, and that loss of double contingency be explicitly included in the 24-hour reporting requirements.

**Issues 3-A:** Guidance will be developed. The working group members agreed to include some wording to address this issue in any guidance document to be developed.

**Issues 3-B, 3-C:** Rulemaking will be proposed to remove Appendix A (b)(5) from the regulations. The working group members agreed that Appendix A (b)(5)(ii) is redundant to (b)(1). The working group members agreed that (b)(5)(i) is redundant to (b)(1) for high and intermediate consequence events. However, (b)(5)(i) may require the reporting of low consequence events if the integrated safety assessment dismissed an accident sequence due to its likelihood without determining it was a low consequence event. The working group members agreed that reporting such events would be inconsistent with the rest of the rule, and are recommending that the requirement be removed from the regulation.

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       R. Shackelford, NFS                J. Schlueter, NEI

**DISTRIBUTION:**

SPTSD r/f            C. Tripp, FCSS                                      A. Snyder, FCSS            N. Rivera, FCSS  
 A. Gooden, RII

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<b>OFC</b>	TSB	TSB	TSB
<b>NAME</b>	BPurnell	PJenifer	PSilva
<b>DATE</b>	7/14/2008	7/11/2008	7/16/2008

**OFFICIAL RECORD COPY**

List of Meeting Attendees:

10 CFR Part 70 Appendix A

June 16 and June 20, 2008

NAME	ORGANIZATION
T. Powell	US Nuclear Regulatory Commission (NRC)
B. Purnell	US NRC
N. Rivera	US NRC
A. Gooden	US NRC
A. Snyder	US NRC
R. Shackelford	Nuclear Fuel Services
S. Murray	GE Hitachi
J. Schlueter	Nuclear Energy Institute
B. Link	AREVA