

Rulemaking Comments

From: REED, Joseph [jsr@nei.org] on behalf of KILLAR, Felix [fmk@nei.org]
Sent: Monday, August 17, 2009 4:42 PM
Subject: Industry Comments on Petition to amend 10 CFR Part 70, Appendix A, "Reportable Safety Events" noticed in Federal Register (74FR26814)
Attachments: 08-17-09_NRC_Comments on PRM on Part 70 Appendix A.pdf

August 17, 2009

DOCKETED
USNRC

August 17, 2009 (4:50pm)

Ms. Annette L. Vietti-Cook
Secretary
U.S. Nuclear Regulatory Commission
Mail Stop O-16C1
Washington, D.C. 20555-0001

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Attn: Rulemakings and Adjudications Staff

Subject: Industry Comments on Petition to amend 10 CFR Part 70, Appendix A, "Reportable Safety Events" noticed in *Federal Register* (74FR26814)

Project Number: 689

Dear Ms. Vietti-Cook:

On behalf of the fuel cycle industry, the Nuclear Energy Institute (NEI) submits the following comments in support of the subject Petition for Rulemaking (PRM) noticed in the *Federal Register* on June 4, 2009 and submitted by NEI in an April 16, 2009 letter. We appreciate the opportunity to provide comments and trust that the staff will find them useful as it proceeds to further consider the PRM. As our April letter stated, industry fully endorses the PRM as submitted and is prepared to support the suggested modifications to Appendix A to 10 CFR Part 70.

As you are aware, industry's intent in submitting the PRM to amend Appendix A was to, in part, further clarify U.S. Nuclear Regulatory Commission (NRC) reporting requirements for certain events that occur at fuel cycle facilities licensed pursuant to Part 70. The lack of clarity and transparency with regard to Appendix A requirements has been experienced by licensees and observed by the NRC staff since implementation of the revised Part 70 in 2000. Industry outlined its concerns with the rule in an NEI white paper submitted to NRC in June 2007. Shortly thereafter, a working group consisting of NRC and industry representatives was formed to achieve a common understanding of reports required under Appendix A. We firmly believe that the rule warrants further clarification at this time and that, if adopted, the revised rule will result in more consistent event reporting by licensees and more consistent uniform understanding of the requirements by licensees, NRC and the public. Of particular note are the necessary modifications to paragraphs (a)(2) and (a)(3) to further clarify radiation exposure values for persons located inside versus outside of the controlled area.

We appreciate your timely attention to this matter since these implementation issues have occurred since 2000. If you have any questions regarding this letter, please contact me or Janet Schlueter (202-739-8098; jrs@nei.org).

Sincerely,

Felix M. Killar, Jr.
Senior Director, Fuel Supply/Material Licensees
Nuclear Generation Division

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Thread-Index: Acofez7e+F1b+mkHT0KjDvV3lyjtRw==
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NUCLEAR ENERGY INSTITUTE

Felix M. Killar, Jr.
SENIOR DIRECTOR
FUEL SUPPLY/MATERIAL LICENSEES
NUCLEAR GENERATION DIVISION

August 17, 2009

Ms. Annette L. Vietti-Cook
Secretary
U.S. Nuclear Regulatory Commission
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Dear Ms. Vietti-Cook:

On behalf of the fuel cycle industry, the Nuclear Energy Institute (NEI)¹ submits the following comments in support of the subject Petition for Rulemaking (PRM) noticed in the *Federal Register* on June 4, 2009 and submitted by NEI in an April 16, 2009 letter. We appreciate the opportunity to provide comments and trust that the staff will find them useful as it proceeds to further consider the PRM. As our April letter stated, industry fully endorses the PRM as submitted and is prepared to support the suggested modifications to Appendix A to 10 CFR Part 70.

As you are aware, industry's intent in submitting the PRM to amend Appendix A was to, in part, further clarify U.S. Nuclear Regulatory Commission (NRC) reporting requirements for certain events that occur at fuel cycle facilities licensed pursuant to Part 70. The lack of clarity and transparency with regard to Appendix A requirements has been experienced by licensees and observed by the

¹ 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 fabrication facilities, nuclear materials licensees, and other organizations and entities involved in the nuclear energy industry.

Ms. Annette L. Vietti-Cook

August 18, 2009

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NRC staff since implementation of the revised Part 70 in 2000. Industry outlined its concerns with the rule in an NEI white paper submitted to NRC in June 2007. Shortly thereafter, a working group consisting of NRC and industry representatives was formed to achieve a common understanding of reports required under Appendix A. We firmly believe that the rule warrants further clarification at this time and that, if adopted, the revised rule will result in more consistent event reporting by licensees and more consistent uniform understanding of the requirements by licensees, NRC and the public. Of particular note are the necessary modifications to paragraphs (a)(2) and (a)(3) to further clarify radiation exposure vales for persons located inside versus outside of the controlled area.

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Sincerely,



Felix M. Killar, Jr.

c: Mr. Michael Lesar, ADM
Ms. Tamara Powell, NMSS