

September 2, 2010

MEMORANDUM TO: R. W. Borchardt
Executive Director for Operations

FROM: Charles L. Miller, Director */RA Cindi Carpenter for/*
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: CLOSURE OF A PETITION FROM THE NUCLEAR ENERGY
INSTITUTE

Your approval and signature are requested on both the enclosed letter to the petitioner and the *Federal Register* Notice (Enclosures 1 and 2). The notification for the Commission is Enclosure 3.

The Commission received a petition from the Nuclear Energy Institute dated April 16, 2009. This petition was assigned Docket Number PRM-70-8. The petitioner requested that the Nuclear Regulatory Commission amend its regulations to clarify the existing safety event reporting requirements contained in Appendix A to Title 10 of the *Code of Federal Regulations* (CFR) Part 70 based on experience gained since the requirements were revised in 2000. The notice of receipt was published on June 4, 2009 (74 FR 26814). The comment period closed on August 18, 2009. Four comment letters were received.

The staff has considered the petition and its supporting rationale. For the reasons provided in the enclosed *Federal Register* Notice, we recommend that several of the issues raised in the petition be considered in the rulemaking process. In summary, we recommend denying further consideration of four of the nine issues because these issues would remove safety factors that ensure the health and safety of workers, the public, and the environment. We recommend that five of the nine issues be considered in the rulemaking process because these issues would update the current regulatory text, delete redundant text, improve the quality of event reports, and enhance consistent reporting of events. The appropriate Congressional committees will be informed.

The decision to consider the petition issues as indicated above is consistent with our safety goal to ensure adequate protection of public health and safety and the environment and the strategy to effectively respond to reportable conditions and licensees' actions.

CONTACT: James Danna, FSME/DILR
(301) 415-7422

The action does not constitute a significant question of policy, nor does it affect regulations contained in 10 CFR Parts 7, 8, or 9, Subpart C, concerning matters of policy.

Enclosures:

1. Letter to Petitioner
2. *Federal Register* Notice of Closure
3. Notice of Petition Closure

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Enclosures:

1. Letter to Petitioner
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