

September 30, 2010

Ms. Janet Schlueter
Senior Director
Nuclear Energy Institute
1776 I Street, NW Suite 400
Washington, DC 20006-3708

Dear Ms. Schlueter:

I am responding to the petition for rulemaking, dated April 16, 2009, which the former senior director submitted to the U.S. Nuclear Regulatory Commission (NRC) on behalf of the Nuclear Energy Institute. The petition was docketed as PRM-70-8 and requested that the NRC amend its regulations to clarify the existing 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 of the petition was published in the *Federal Register* on June 4, 2009, (74 FR 26814). The comment period closed on August 18, 2009. Four comment letters were received. We acknowledge that we exceeded our one-year goal to resolve and close this petition, primarily because of higher priority rulemaking activities.

The NRC has considered the petition and your supporting rationale. For the reasons provided in the enclosed *Federal Register* Notice, the NRC has determined that several of the issues raised in your petition should be considered in the rulemaking process. In summary, we plan to consider five of the nine issues 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. We are denying further consideration of the other four issues because these issues would remove safety factors that ensure the health and safety of workers, the public, and the environment. The enclosed *Federal Register* Notice regarding the petition is being transmitted to the Office of the Federal Register for publication.

The NRC will consider the five issues in the rulemaking process. Further information on these issues may be tracked through <http://www.regulations.gov> under rulemaking docket ID NRC-2010-0271. In the rulemaking process, the NRC will solicit and consider public comments during the proposed rule phase before determining the approach that will be the basis for the final rule. In addition, the NRC publishes a Regulatory Agenda (NUREG-0936) which is a semi-annual compilation of all rules on which the NRC has recently completed action, has proposed action, or is considering action, and of all petitions for rulemaking that the NRC is

J. Schlueter

2

working to resolve. The regulatory agenda may be found on the NRC's rulemaking website at <http://www.nrc.gov/about-nrc/regulatory/rulemaking.html>.

Thank you for your interest in improving nuclear regulations.

Sincerely,

/RA/

R. W. Borchardt
Executive Director
for Operations

Enclosure:
Federal Register Notice

J. Schlueter

2

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