

August 8, 2011

MEMORANDUM TO: John D. Kinneman, Director
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

FROM: Josephine M. Piccone, Director */Richard Turtill RA for/*
Division of Intergovernmental Liaison
and Rulemaking
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: USER-NEED MEMORANDUM – DEVELOPING RULEMAKING
TO AMEND TITLE 10 OF THE *CODE OF FEDERAL
REGULATIONS* PART 70, APPENDIX A, REPORTABLE
SAFETY EVENTS

In response to your memorandum (Agencywide Documents Access and Management System (ADAMS) Accession No. ML111530273), dated July 1, 2011, my staff will begin developing the direct final rule package to amend Title 10 of the *Code of Federal Regulations* (10 CFR) Part 70, Appendix A, "Reportable Safety Events," to clarify the existing event reporting requirements based on experience gained since the requirements were last revised.

We will consider in the rulemaking process five issues which were identified in the petition for rulemaking received from the Nuclear Energy Institute and docketed as PRM-70-8. On October 18, 2010 (75 FR 63725) the NRC published a notice of resolution and closure of PRM-70-8 which provided the rationale for considering five issues in the rulemaking process and for denying the remaining four issues. In addition, two of the issues that were denied because NRC disagreed with the petitioner's rationale have been brought back into the scope of this rulemaking to clarify that the quantitative standards in the corresponding performance requirements at 10 CFR 70.61(b)(4) and (c)(4), respectively, apply to a worker and to any individual located outside the controlled area.

CONTACTS: Thomas Young, FSME/DILR
301-415-5795

The NRC Office of the General Counsel reviewed the regulatory basis and provided two comments. First, on the issue about paragraphs (a)(3) and (b)(3) of Part 70, Appendix A, we should note the impacts of not aligning the performance requirement with the reporting requirement (e.g., a licensee may be confused about the performance requirement and not be prepared to apply quantitative standards for acute chemical exposure to a worker). Secondly, on the issue about removing the requirement to report a process deviation with 24 hours, we should consider why it is important to specifically consider a process deviation apart from any other event or condition that must be reported within 24 hours. These comments will be considered in the rulemaking process for the direct final rule.

The project manager for this rulemaking will be Thomas Young. If you have any questions, he can be reached at 415-5795. We look forward to working with you and your organization to produce the rule. An orientation meeting for the working group will be announced later this month.

The NRC Office of the General Counsel reviewed the regulatory basis and provided two comments. First, on the issue about paragraphs (a)(3) and (b)(3) of Part 70, Appendix A, we should note the impacts of not aligning the performance requirement with the reporting requirement (e.g., a licensee may be confused about the performance requirement and not be prepared to apply quantitative standards for acute chemical exposure to a worker). Secondly, on the issue about removing the requirement to report a process deviation with 24 hours, we should consider why it is important to specifically consider a process deviation apart from any other event or condition that must be reported within 24 hours. These comments will be considered in the rulemaking process for the direct final rule.

The project manager for this rulemaking will be Thomas Young. If you have any questions, he can be reached at 415-5795. We look forward to working with you and your organization to produce the rule. An orientation meeting for the working group will be announced later this month.

DISTRIBUTION: FSME 201100337
 DILR r/f
 TPowell, NMSS
 MKotzalas, NMSS

ML112170417

OFC	PM:RBA/DILR	BC:RBADILR	D:DILR
NAME	TYoung	JDanna	JPiccone (RTurtil for)
DATE	8/8/11	08/8/11	8/8/11

OFFICIAL RECORD COPY