



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
WASHINGTON, D.C. 20555-0001
January 14, 1999

Mr. Craig Obey, Director
Office of Intra-Governmental Affairs
Occupational Safety and Health Administration
U.S. Department of Labor
Room: N3641
200 Constitution Avenue
Washington, D.C. 20210

**SUBJECT: PENDING U.S. NUCLEAR REGULATORY COMMISSION REGULATIONS FOR
DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL**

Dear Mr. Obey:

The U.S. Nuclear Regulatory Commission (NRC) is currently in the process of amending its regulations (10 CFR Part 70) for domestic licensing of special nuclear material. The amendments will require certain NRC-licensed facilities to develop and implement a safety program based on the performance of an integrated hazard analysis. Generally, the facilities that will be affected by these amendments are nuclear reactor fuel fabrication facilities and some uranium enrichment facilities. In addition to special nuclear material, these facilities may also possess quantities of hazardous chemicals that subject them to the Occupational Safety and Health Administration's (OSHA's) process safety management regulation (i.e., 29 CFR 1910.119).

The regulatory amendments are intended to be consistent with the October 21, 1988 NRC-OSHA Memorandum of Understanding (enclosed). That is, NRC regulatory purview would include radiological risk, chemical risk produced by radioactive materials, and facility hazards (e.g., chemical, fire, electrical and mechanical) which could affect the safety of NRC-licensed materials and thus present an increased radiological risk; however, NRC would not have regulatory purview over facility hazards that may result in occupational risks but do not affect the safety of NRC-licensed materials.

Since the Spring of 1998, we have been communicating with OSHA by providing, via postal service and electronically, copies of the proposed rule and all related documents, and by inviting OSHA to attend Commission and public meetings on the NRC regulatory revisions.

Upon its review of a previous version of the rule, the Commission directed the NRC staff to revisit the issues related to chemical safety and further discuss them with the affected agencies, to understand the respective authorities and the degree to which those authorities are implemented. In addition, the Commission directed the staff to discuss the relevant documents with stakeholders and the public and submit a proposed rulemaking package in May 1999. (Stakeholders and the public will also have an opportunity for formal comment

once the Commission approves a rule for publication as a proposed rule.) Since September 1998, we have held two public meetings (which OSHA staff attended), and have established a World Wide Web site (http://techconf.llnl.gov/cgi-bin/messages?dom_lic) that contains discussion threads and a library of documents related to this rulemaking. As a result of discussions at those meetings and written comments received, the attached two sections of the rule text were developed. These two sections are intended to implement the NRC areas of responsibility within the context of the 1988 MOU and be consistent with the respective statutory authorities of NRC and OSHA. Accordingly, we would greatly appreciate your views on the attachment.

To facilitate submission of a proposed rule package to the Commission in May 1999, we would like to resolve in January any major issues with the draft rule language itself, particularly for the attached two rule sections. Again, your views on the attached [draft rule text](#) would be appreciated. It would be desirable if your views could be provided by January 29, 1999. Should you like to arrange a meeting or have any questions, please contact Mr. Theodore Sherr on (301) 415-7218 or Mr. Andrew Persinko on (301) 415-6522.

Sincerely,

/signed/

Carl. J. Paperiello, Director
Office of Nuclear Material Safety
and Safeguards

Enclosures: [Draft changes to 10 CFR §§70.60 and §70.62](#)
NRC Memorandum of Understanding