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August 7, 2013

Ms. Marissa G. Bailey
Director, Fuel Cycle Safety and Safeguards
Office of Nuclear Materials Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Industry Draft 70.72 Problem Statement to Facilitate Supplemental Guidance Development

Project Number: 689

Dear Ms. Bailey:

On behalf of the fuel cycle industry and in accordance with my letter to you dated July 29, 2013, the Nuclear Energy Institute (NEI)¹ submits the attached Draft Problem Statement on the need for additional regulatory guidance on 10 CFR 70.72, "Facility Change Process." As stated in my July letter, we propose that the next step is to conduct an NRC publicly noticed teleconference during August to discuss the completeness and clarity of the Draft Statement.

Our goal, in submitting the Draft Problem Statement, is to engage NRC early in the industry's guidance development effort to ensure that any proposed modifications to Regulatory Guide (RG) 3.74 are well informed by the U.S. Nuclear Regulatory Commission's (NRC) perspectives on and experiences with oversight of 10 CFR 70.72 implementation and compliance. We trust that NRC staff will review the Draft Problem Statement and provide timely feedback to me on possible dates for an August teleconference to discuss its completeness and clarity. Assuming mutual agreement on a Problem Statement, the industry would submit proposed revisions to RG 3.74 by letter in advance of the NRC public meeting currently scheduled for October 3, 2013. Following the October meeting, the industry would further refine its suggested RG 3.74 modifications and, at this time, we plan to submit them to the NRC by year's end for the NRC's final review and incorporation into RG 3.74.

¹ The Nuclear Energy Institute (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 cycle facilities, nuclear materials licensees, and other organizations and entities involved in the nuclear energy industry.

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We trust you will find this input useful as we work together to address this important matter and we look forward to the next public interaction. If you have any questions, please feel free to contact me or Andrew Mauer (202-739-8018; anm@nei.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Janet R. Schlueter". The signature is fluid and cursive, with the first name "Janet" and last name "Schlueter" clearly distinguishable.

Janet R. Schlueter

Attachment

c: Ms. Catherine Haney, NMSS, NRC
Mr. Anthony T. Gody, Jr., R-II/DFFI, NRC
Mr. Michael Franovich, NMSS/FCSS/PORSB, NRC
Mr. Robert K. Johnson Jr., NMSS/DFCSS/FMB, NRC