

Comment 001**PUBLIC SUBMISSION**

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Docket: NRC-2020-0036
Reporting Requirements for Non-Emergency Events

Comment On: NRC-2020-0036-0006
Reporting Requirements for Nonemergency Events at Nuclear Power Plants

Document: NRC-2020-0036-DRAFT-0006
Comment on FR Doc # 2022-24463

Submitter Information

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General Comment

001-1

I support the NRC staff's proposed rule change. No comments

PUBLIC SUBMISSION

Comment 002

Docket: NRC-2020-0036
Reporting Requirements for Non-Emergency Events

Comment On: NRC-2020-0036-0006
Reporting Requirements for Nonemergency Events at Nuclear Power Plants

Document: NRC-2020-0036-DRAFT-0012
Comment on FR Doc # 2022-24463

As of: 1/3/23, 1:22 PM Received: December 30, 2022 Status: Pending_Post Tracking No. lca-qp9x-o3my Comments Due: January 31, 2023 Submission Type: Web

Submitter Information

Email: jeffrey.semancik@ct.gov
Government Agency Type: State
Government Agency: Nuclear Energy Advisory Council (NEAC)

General Comment

See attached file(s) from the Connecticut Nuclear Energy Advisory Council dated 30 DEC 2022

Attachments

CT NEAC Comments re NRC_2020_0036



State of Connecticut

NUCLEAR ENERGY ADVISORY COUNCIL

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
ATTN: Rulemaking and Adjudications Staff
Rulemaking.Comments@nrc.gov

December 30, 2022

RE: Docket ID NRC – 2020-0036

As a key stakeholder in nuclear safety in the state of Connecticut, the Nuclear Energy Advisory Council (henceforth, “the Council”), welcomes the opportunity to provide input and offers the following public comments on the U.S. Nuclear Regulatory Commission’s (NRC’s) regulatory basis document, published in the Federal Register (FR) November 9, 2022, entitled “Reporting Requirements for Nonemergency Events at Nuclear Power Plants” (87 FR 67571-67572). The Council is established under Section 16-11a of the General Statutes of Connecticut. The Council is charged to “(1) hold regular public meetings for the purpose of discussing issues relating to the safety and operation of the nuclear power generating facilities located in this state and to advise the Governor, the General Assembly and municipalities within a five-mile radius of any nuclear power generating facility in this state of such issues, (2) work in conjunction with agencies of the federal, state and local governments to ensure the public health and safety, (3) discuss proposed changes in or problems arising from the operation of a nuclear power generating facility.” In addition, the Council is committed to maintaining independence and transparency of the regulatory oversight process and to the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the implementation and enforcement of environmental laws, regulations, and policies.

The Council reviewed the regulatory basis document as well as the state’s response to 19 non-emergency events reported from 2015 through 2021 (attachment). Members of the Council members are appointed by state and local officials to represent the communities near nuclear power facilities in the state. Members provide diverse experience and insights into some of the issues addressed by the proposed rule. We offer the following comments:

Conditions reported pursuant to § 50.72(b) provide important notification to offsite stakeholders, including members of the public as well as state and local officials, of risk significant information that can inform offsite actions. While the Council recognizes the NRC’s authority in regulating production and utilization facilities, the state maintains a very serious interest in matters that could affect the health and safety of

002-1 the public and its natural resources. Members of the communities and the local officials charged with their safety should be informed of conditions and events that could directly impact them. Information that major offsite emergency capabilities or facilities are not available has a *direct* impact of offsite response organizations and ultimately the public should an emergency event occur. The regulatory basis notes that loss of offsite communications is reportable as an emergency event. However, it fails to characterize how other major losses of offsite capabilities or facilities will be communicated to those in the community that rely on these items to protect the public in the event of an emergency. While the regulatory basis states that the licensees may implement compensatory measures, the Council notes that conditions where compensatory measures are implemented are not reportable under existing requirements and are, as such, irrelevant to the regulatory basis analysis. Similarly, leakage of tritium or other radioactive effluents, while below regulatory limits, can inform offsite sampling and monitoring programs. (Section 22a-135(a) of the General Statutes of Connecticut requires that the state’ “monitor radiation originating from nuclear plants and perform tests to detect any buildup of radioactivity in the soil, water, plants or animals of the state.”)

002-2 ***Conditions reported pursuant to § 50.72(b) provide important information to help the Council work with the NRC and the licensee to ensure safe operations of nuclear power plants in their community. The NRC should ensure that any category of prompt report eliminated is otherwise retained in another publicly available reporting requirement.*** The Council would like to emphasize that that any alternatives should ensure full transparency to the public. The Council acknowledges that some of the prompt reports currently required do not warrant immediate attention (for example, the discovery of an issue while shutdown that represents an unanalyzed condition for an operating reactor). In these cases, modifying reporting requirements to reduce burden on licensee staff and NRC makes sense. However, these do represent significant deviations from the conditions analyzed in the licensing bases of the plants, failures or mis-operation of safety systems or other conditions directly related to the safety of the plant and, as such, eliminating all reporting is not consistent with a risk informed approach. In addition to promoting trust in regulatory agencies, public accountability does create results. During its review of correspondence, the Council has noted several cases of repeated § 50.72(b) reports being made by a licensee for the same piece of equipment. These trends have served as a basis for the Council to hold the NRC and licensee accountable for performance in public meetings. Examples include failures of turbine driven auxiliary feedwater pumps, emergency diesel generators, stack effluent radiation monitors, reactor coolant pump seals, and control building boundaries. The significance and frequency of events reported provides an important trend for safety significant issues.

002-3 ***The methodology used in the regulatory basis fails to analyze the importance of prompt communications for effective responses to public inquiries. The methodology should be modified to determine impact on the responses to public inquiries.*** Section 2.2.1 of the regulatory basis document notes that part of the original rule bases included, “[The] NRC has an important obligation to collect facts quickly and accurately about significant events, assess the facts, take necessary action, and inform the public about the extent of the threat, if any, to public health and safety. Not only must [the] NRC act promptly to

prevent or minimize possible injury to the public, it must also take appropriate action to alleviate fear or concern created as a result of such events.” However, the subsequent analysis does not assess the need to take any actions other than reactive inspections. In this regard, state, local, and tribal governments are the most impacted as members of the public are more likely to reach out to trusted state and local officials to understand the potential impacts of events including steam releases, issues in press releases, or reports of contaminated workers at a hospital. Absent receiving these public notifications, state and local officials must expend valuable time and resources to reach out to licensees and the NRC, thereby delaying response to the public.

The regulatory basis document fails to evaluate the potential impact of changes on Environmental Justice (EJ) communities. The NRC should conduct direct, in-person engagement near nuclear power plant communities to ensure effective engagement with the communities that bear the burden of these facilities. The Council notes that the NRC did not prepare an environmental impact statement or an environmental assessment for this regulatory basis based upon a categorical exclusion to the National Environmental Protection Act (NEPA). The Council also notes that, currently, the NRC only performs an Environmental Justice (EJ) review when it conducts a NEPA review. The NRC was not obligated to, and therefore did not, conduct EJ outreach, engagement, or review to ensure the proposed changes continue to protect the most vulnerable and do not disproportionately burden affect our EJ communities. There are two EJ communities within 5 miles of a nuclear power facility in Connecticut. A specific EJ impact review should be conducted including promoting EJ community awareness and empowering communities to participate in the rule making processes. This should include specific public meetings near nuclear power plants and engagement with Community Advisory Panels (CAPs) such as NEAC to ensure that the input of local stakeholders can be voiced and is addressed.

The cost benefit analysis fails to capture potentially significant fiscal impact to state and local stakeholders. The NRC should revise the basis to include detailed cost-benefit analysis to include impact on state, local and Tribal governments. While the regulatory basis document appears to have conducted a thorough review of cost savings for the industry and the NRC, it dismisses what it characterizes as “small incremental costs or benefits” to state, local or tribal governments. The NRC recognizes that these entities may have to alter their processes to account for the eliminated reports or extended reporting periods, but it assumes theses costs are negligible. At a minimum, it is reasonable to estimate that process changes at the state or local level are similar in scope and cost to those made by industry or the NRC. In some cases, these costs are more significant. For Connecticut, section 22a-134(b) of the General Statues provides “the department may require the reporting immediately or within such time period as the department may designate of any additional occurrence, incident or other abnormal circumstance which is not required to be reported within twenty-four hours or sooner to the Nuclear Regulatory Commission. The department shall adopt regulations, in accordance with chapter 54, to carry out the provisions of this subsection.” Thus, to “alter its process to account for eliminated reports,” Connecticut is required by statute to

adopt regulations. This is a significant effort that involves much more than the “small incremental costs” deemed “negligible” by the NRC.

In summary, the Council believes that the standard for “reasonable assurance of adequate protection” of public safety and the environment can only be achieved through meaningful engagement with those that live in the communities surrounding these facilities and those state and local officials that represent their interests. Our members have offered experiential comments that we believe provide this perspective. We respectfully request the Commission consider the input provided by state and local authorities and other stakeholders to ensure this guidance includes the meaningful input of those most directly affected by the operations of nuclear power facilities.

Thank you for your consideration of our comments.

Very Respectfully,



Representative Kevin Ryan
CT 139th District
NEAC Chairman

Copy to:

NEAC

Commissioner, DEEP

Office of Governor Lamont

Senator Richard Blumenthal

Senator Christopher Murphy

Congressman Joseph Courtney

State Senate President Pro Tem

State Senate Majority Leader

State Senate Minority Leader

State Speaker of the House

State House Majority Leader

State House Minority Leader

Co-Chairs State General Assembly Energy & Technology Committee

Attachment

State of CT Response Actions due to 10 CFR 50.72 Reports ¹			
Reported Pursuant to	Date	Description	State Action
50.72(b)(2)(xi) Event of Interest	8/26/2015	AMTRAK train knocked over pole for electrified line causing fire outside the PA but on the OCA. Offsite fire responded.	Notified PIOs as well as state and local EMDs that fire response did not affect nuclear reactors and there was no release
	1/2/2016	Fishkill reported	Referred to agency marine fisheries division. Notified local town EMDs of event.
	9/6/2017	Inspection identified the potential for small amounts of water containing tritium and secondary chemicals to be released to the ground within the plant Protected Area. The water met all permit limits for discharge to the normal discharge point. Groundwater tritium levels are well below reportable limits	<ul style="list-style-type: none"> - Sampled offsite public water system - Notified state DPH and local health departments of issue - Notified members of Nuclear Energy Advisory Council (NEAC, a statutory citizens advisory board²) - Notified members of New England Radiological Health Compact per the compact plan (NERHC is a mutual aid compact in statute for all 6 New England States³) - Agency follow-up with Licensee and NRC RI's to view tritium sampling results and ensure leak was repaired - Reviewed licensee annual environmental report to verify leak was included

¹ State of CT Department of Energy and Environmental Protection (DEEP) is required to be notified of “any occurrence, incident or other abnormal circumstance, unless it is immediately evident that such occurrence, incident or circumstance is not required to be reported within twenty-four hours or sooner to the Nuclear Regulatory Commission” pursuant to CT General Statute (CGS) section 22a-135(a)(3)

² Pursuant to CGS Sect. 16-11a NEAC reviews issues related to “issues relating to the safety and operation of the nuclear power generating facilities located in this state and to advise the Governor, the General Assembly and municipalities within a five-mile radius of any nuclear power generating facility in this state of such issues”

³ Pursuant to CGS Sect. 22a-159 each state shall “put into effect an intrastate radiation incident plan.”

State of CT Response Actions due to 10 CFR 50.72 Reports ¹			
Reported Pursuant to	Date	Description	State Action
	08/02/2018	Notified of a leak of tritiated water in excess of the NEI GWPI voluntary reporting levels	<ul style="list-style-type: none"> - Notified state DPH and local health departments of issue. Coordinated sampling and analysis of previous samples from public water systems - Notified private water systems owners near facility - Notified local EMDs and PIOs of issue. - Notified members of NEAC - Notified members NERHC per the compact plan - Agency follow-up with Licensee and NRC RI's to view tritium sampling results and ensure leak was repaired - Reviewed licensee annual environmental report to verify leak was included
50.72(b)(3)(iv)(A)	1/25/2016	Unit 3 reactor trip due to loss of B RCP	<ul style="list-style-type: none"> - Notified state and local EMDs and PIOs that trip occurred, no radiological release, and low risk for escalation - Notified energy division - Notified air monitoring division for potential increase in air emissions due to nuclear unit going offline - Notified members of NEAC - Notified members NERHC per the compact plan
	5/15/2016	Manual reactor trip due to hydrogen leak in main generator. This was followed by Unusual Event declaration	<ul style="list-style-type: none"> - Notified state and local EMDs and PIOs that trip occurred, no radiological release, and that there was some risk for escalation - Notified energy division - Notified air monitoring division for potential increase in air emissions due to nuclear unit going offline - Notified members of NEAC - Notified members NERHC per the compact plan

State of CT Response Actions due to 10 CFR 50.72 Reports ¹			
Reported Pursuant to	Date	Description	State Action
	6/12/2016	Reactor trip due to feedwater isolation (during shutdown process reported separately)	<ul style="list-style-type: none"> - Notified state and local EMDs and PIOs of reactor trip and steam release to environment - Initiated monitoring of containment parameters to assess risk for escalation - Initiated monitoring of site and off-site radiation monitors for indications of radiological release - Notified air monitoring division for potential increase in air emissions due to nuclear unit going offline - Notified members of NEAC - Notified members NERHC per the compact plan
	12/27/2019	Unit 2 Reactor trip	<ul style="list-style-type: none"> - Notified state and local EMDs and PIOs that trip occurred, no radiological release, and low risk for escalation - Notified energy division monitoring performance as part of contract for carbon free energy - Notified air monitoring division for potential increase in air emissions due to nuclear unit going offline - Notified members of NEAC - Notified members NERHC per the compact plan

State of CT Response Actions due to 10 CFR 50.72 Reports ¹			
Reported Pursuant to	Date	Description	State Action
	4/1/2020	Unit 3 Reactor trip also reported pursuant to 10CFR50.72(b)(3)(iv)(A) and 10CFR50.72(b)(3)(iv)(B) for actuation of the auxiliary feedwater system	<ul style="list-style-type: none"> - Notified state and local EMDs and PIOs that trip occurred, no radiological release, and low risk for escalation - Notified energy division monitoring performance as part of contract for carbon free energy - Notified air monitoring division for potential increase in air emissions due to nuclear unit going offline - Notified members of NEAC - Notified members NERHC per the compact plan
	4/13/2020	Unit 3 Reactor trip also reported pursuant to 10CFR50.72(b)(3)(iv)(A) and 10CFR50.72(b)(3)(iv)(B) for actuation of the auxiliary feedwater system. Steam being released to atmosphere.	<ul style="list-style-type: none"> - Notified state and local EMDs and PIOs that trip occurred, no radiological release, and low risk for escalation - Notified PIOS and EMDs that steam release is non-radioactive - Notified energy division monitoring performance as part of contract for carbon free energy - Notified air monitoring division for potential increase in air emissions due to nuclear unit going offline - Notified members of NEAC - Notified members NERHC per the compact plan
10 CFR 50.72(b)(3)(v)(D)	10/22/2018	Excessive in-leakage caused Loss of Safety Function for Control Room Envelope. TS action statement entered	<ul style="list-style-type: none"> - Notified NEAC

State of CT Response Actions due to 10 CFR 50.72 Reports ¹			
Reported Pursuant to	Date	Description	State Action
	11/24/2018	Excessive in-leakage caused Loss of Safety Function for Control Room Envelope. TS action statement entered	<ul style="list-style-type: none"> - Notified NEAC - Follow-up with NRC RI to follow-up repeat issue
	6/5/2020	Boundary door latch failure resulted in Loss of Safety Function for Control Room Envelope. TS action statement entered	<ul style="list-style-type: none"> - Notified NEAC
	10/2/2020	Blocked open door resulted in loss of safety function for Enclosure Bldg (secondary containment)	<ul style="list-style-type: none"> - Notified NEAC - Briefed dose assessment staff of incident
10CFR50.72(b)(2)(i)	6/12/2016	Notified of manual reactor shutdown due to excessive RCP seal leakage	<ul style="list-style-type: none"> - Notified state and local EMDs and PIOs of shutdown - Initiated monitoring of containment parameters to assess risk for escalation - Initiated monitoring of site and off-site radiation monitors for indications of radiological release - Notified air monitoring division for potential increase in air emissions due to nuclear unit going offline - Notified members of NEAC - Notified members NERHC per the compact plan

State of CT Response Actions due to 10 CFR 50.72 Reports ¹			
Reported Pursuant to	Date	Description	State Action
	12/17/2019	Initiation of TS required shutdown due to expiration of LCO for emergency diesel generator	<ul style="list-style-type: none"> - Notified state and local EMDs and PIOs of shutdown, no radiological release, and low risk for escalation - Notified energy division monitoring performance as part of contract for carbon free energy - Notified air monitoring division for potential increase in air emissions due to nuclear unit going offline - Notified members of NEAC - Notified members NERHC per the compact plan
10CFR50.72(b)(3)(v) and 50.72(b)(3)(vi)	4/9/2016	During mode 5 identified condition with secondary containment boundary that would prevent fulfillment of safety function	- Notified NEAC
	4/27/2016	Door to TDAFW room found open and unattended. Door closed upon discovery.	- Notified NEAC
	8/4/2020	High strainer d/p heavy debris impingement in the Intake due to Tropical Storm Isaias resulted in both trains of service water inoperable. System restored in 1 hour	<ul style="list-style-type: none"> - Notified NEAC - Briefed ERO staff of loss of safety function

PUBLIC SUBMISSION

Comment 003

As of: 1/10/23, 2:22 PM
Received: January 06, 2023
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Late comments are accepted
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Docket: NRC-2020-0036
Reporting Requirements for Non-Emergency Events

Comment On: NRC-2020-0036-0006
Reporting Requirements for Nonemergency Events at Nuclear Power Plants

Document: NRC-2020-0036-DRAFT-0013
Comment on FR Doc # 2022-24463

Submitter Information

Email: rani@thebreakthrough.org
Organization: The Breakthrough Institute

General Comment

Please see the attached file.

Attachments

January 6 2023 Comment on Draft Rule Final

January 6, 2023

George Tartal, Senior Project Manager
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Comments on “Reporting Requirements for Nonemergency Events at Nuclear Power Plants” [Regulation Identifier Number RIN-3150-AK71; Docket ID NRC-2020-0036]

I. Introduction

I write on behalf of the Breakthrough Institute (BTI) to comment on the U.S. Nuclear Regulatory Commission (NRC) staff’s proposed changes to reporting requirements in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, specifically § 50.72(b) and associated guidance. As a preliminary matter, BTI is an independent 501(c)(3) global research center that identifies and promotes technological solutions to environmental and human development challenges. We advocate appropriate regulation for licensing and oversight of advanced nuclear reactors to enable the timely deployment of safe, innovative, and economically viable emerging nuclear technologies. We believe new and advanced reactors represent critical pathways to climate mitigation and deep decarbonization. BTI represents the public’s interests and does not receive funding from industry.

II. Comment

We commend the NRC for undertaking this proposed rule change in response to the Petition for Rulemaking, PRM-50-116. Immediate notification of ***emergency*** situations plays an important role in ensuring public health and safety as well as transparency and openness. As such, we appreciate the limited nature of this PRM to apply only to ***non-emergency*** conditions. In these cases, immediate notifications are a diversion from safe plant operation.

We also appreciate the NRC staff for kindly hosting a public meeting and providing an informative overview of this proposed rule change on December 13, 2022. During the meeting, the NRC staff confirmed that there is significant overlap between immediate notification requirements and 60-day license event report (LER) requirements, and that information would make its way to the public for long-term monitoring and trending by state officials and other interested stakeholders. As the NRC staff confirmed during the public meeting, LERs will continue to provide transparency and openness, consistent with the NRC’s Principles of Good Regulation.

As I mentioned during the December 13, 2022, meeting, I share the perspective of an industry stakeholder who described the regulatory burden of immediate reporting requirements for non-emergency events. As a former NRC resident inspector, I observed the significant effort expended by control room operators to evaluate indications and data against reporting criteria in § 50.72. Time pressure to report within 4 or 8 hours and thereby ensure that immediate reporting requirements were timely met would frequently result in conservative decisions to report, which resulted in many notifications being subsequently retracted once there was sufficient time to collect and duly consider all relevant information. For non-emergency conditions, these time-critical evaluations distracted control room operators from safe operation of the plant without any commensurate safety benefit.

We have reviewed the NRC staff's regulatory analysis, which provides a sound basis for the proposed rule change, and we agree with its conclusion:

The NRC staff concludes that there is sufficient basis to proceed with rulemaking, including revising existing guidance, to justify updates to nonemergency event notification requirements for nuclear power plants in 10 CFR 50.72(b), "Non-emergency events." A rulemaking would improve regulatory efficiency and reliability, continue to ensure the safety of the public, maintain appropriate NRC awareness of nonemergency events at operating commercial nuclear power plants, and support the NRC's Principles of Good Regulation.¹

This conclusion and the proposed rule change also are consistent with long-standing Commission policy and direction to NRC staff in 1999 to risk-inform its regulations. The Commission noted that this transition will take some time but must be done:

The transition to a risk-informed regulatory framework is expected to be incremental. Many of the present regulations are based on deterministic and prescriptive requirements that cannot be quickly replaced. Therefore, the current requirements will have to be maintained while risk-informed and/or performance-based regulations are being developed and implemented.²

¹ NRC ADAMS Accession No. ML22108A004

² [Staff Requirements Memorandum for SECY-98-144](#), "White Paper on Risk-informed and Performance-based Regulation," ADAMS Accession Number ML003753601

It has been *almost 25 years* since the Commission directed an overhaul of NRC's regulatory framework to focus NRC and licensee resources on matters most important to safety. While it is a step in the right direction toward regulatory reform, this rule change was initiated in response to PRM-50-116 rather than proactively and in furtherance of clear Commission direction to modernize in 1999. The time for incremental change has long passed; swift, proactive steps are necessary to mitigate substantive threats to the general welfare and national security.

III. Summary

In short, requirements for immediate reporting of non-emergency conditions detract from safety, and we agree that associated requirements in § 50.72(b) should be eliminated. External stakeholders will continue to receive information on non-emergency conditions (for tracking and trending over time) in the form of LERs and consistent with the Principles of Good Regulation. While this incremental rule change to modernize reporting requirements is commendable, it is neither proactive nor timely; nor is it sufficient to meet long-standing Commission policy and direction.

Sincerely,



Rani Franovich
Senior Policy Advisor, Nuclear Energy Innovation
The Breakthrough Institute

PUBLIC SUBMISSION

Comment 004

As of: 1/25/23, 2:35 PM Received: January 24, 2023 Status: Pending_Post Tracking No. lda-q3bi-yji3 Comments Due: January 31, 2023 Submission Type: API

Docket: NRC-2020-0036
Reporting Requirements for Non-Emergency Events

Comment On: NRC-2020-0036-0008
Reporting Requirements for Nonemergency Events at Nuclear Power Plants

Document: NRC-2020-0036-DRAFT-0014
Comment on FR Doc # 2022-27979

Submitter Information

Email: pcoutur@entergy.com
Organization: Entergy

General Comment

See attached file(s)

Attachments

Entergy Comments on 50 72 Rulemaking

CNRO2023-00005

10 CFR 50.72

January 25, 2023

Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
ATTN: Rulemakings and Adjudications Staff

Submitted via Regulations.gov

Subject: Entergy Comments on the Regulatory Basis for Reporting Requirements for Nonemergency Events at Nuclear Power Plants (Docket ID: NRC-2020-0036)

Entergy Operations, Inc. (Entergy) appreciates the opportunity to comment on the regulatory basis for reporting requirements for nonemergency events at nuclear power plants (ML22108A004). Entergy agrees with the comments on the regulatory basis provided by the Nuclear Energy Institute. In addition, the following additional comments are provided for consideration:

- 004-1 Entergy encourages the staff to continue to explore ways that the reporting requirements that are not proposed for elimination in this regulatory basis could eventually be eliminated at some point in the future.
- 004-2 Regarding the estimated burden hours for each reporting requirement, Entergy appreciates that the staff assumed higher estimated burden hours than that assumed in NRC Form 361. Generally speaking, any potentially reportable event under 10 CFR 50.72 can involve several individuals from the utility site and, where applicable, corporate organizations in order to appropriately challenge the initial determination on whether the event in question was reportable or not. Many person-hours can be expended in these efforts, even when the event itself is determined not to be reportable. For those events that the licensee has determined to be reportable, additional person-hours, beyond the initial challenge of reportability determination, are often needed in order to develop, review and approve of the wording of the event report itself.

Entergy commends the staff's efforts in publishing a thorough, well-prepared regulatory basis and are encouraged by the proposed changes that would enhance the safety focus of NRC's reporting requirements.

If you have any questions or require additional information, please contact me at 601-368-5102 or PCoutur@Entergy.com.

Respectfully,

Phil Couture

PC/chm



RS-23-036

January 30, 2023

Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Attention: Rulemakings and Adjudications Staff

Subject: Comments on the Regulatory Basis for Reporting Requirements for
Nonemergency Events at Nuclear Power Plants (Docket ID: NRC-2020-0036)

Reference: Letter from Tony Brown (Nuclear Energy Institute (NEI)) to Office of the
Secretary, U.S. Nuclear Regulatory Commission, "Industry Comments on the
Regulatory Basis for Reporting Requirements for Nonemergency Events at
Nuclear Power Plants (Docket ID: NRC-2020-0036)," dated January 30, 2023

Constellation Energy Generation, LLC (CEG), appreciates the opportunity to comment on the
Nuclear Regulatory Commission's (NRC's) Regulatory Basis for reporting requirements for
nonemergency events at nuclear power plants (ML22108A004), dated November 2022.

CEG has reviewed the Regulatory Basis and fully supports the comments provided by NEI in
the referenced letter. Additionally, CEG respectfully requests that the NRC make every effort to
expedite the rulemaking process as discussed in the referenced NEI letter.

There are no new commitments contained within this letter. If you have any questions or
require additional information, please do not hesitate to contact Mr. Mitchel Mathews at
(630)-657-2819.

Sincerely,

David M. Gullott
Director – Licensing,
Constellation Energy Generation, LLC

cc: George Tartal, NMSS, NRC
Brian Benney, NRR, NRC

PUBLIC SUBMISSION

Comment 006

As of: 1/31/23, 1:10 PM
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Reporting Requirements for Non-Emergency Events

Comment On: NRC-2020-0036-0008

Reporting Requirements for Nonemergency Events at Nuclear Power Plants

Document: NRC-2020-0036-DRAFT-0015

Comment on FR Doc # 2022-27979

Submitter Information

Email: atb@nei.org

Organization: Nuclear Energy Institute

General Comment

See attached file(s)

Attachments

01-30-23_NRC_NEI Comments on Regulatory Basis_Reporting Requirements for Nonemergency Events

January 30, 2023

Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
ATTN: Rulemakings and Adjudications Staff

Submitted via Regulations.gov

Subject: Industry Comments on the Regulatory Basis for Reporting Requirements for Nonemergency Events at Nuclear Power Plants (Docket ID: NRC-2020-0036)

Project Number: 689

Dear Rulemakings and Adjudications Staff:

006-1 The Nuclear Energy Institute (NEI),¹ on behalf of its members, appreciates the opportunity to comment on the Nuclear Regulatory Commission's (NRC) regulatory basis for reporting requirements for nonemergency events at nuclear power plants (ML22108A004). In general, we support the NRC staff's regulatory basis, which in our view, considers the impact of nonemergency notifications on plant operators and would limit notifications to safety significant events. This would enhance the safety focus of NRC's reporting requirements, consistent with the NRC's Principles of Good Regulation.

In the development of the regulatory basis, the NRC staff placed a priority on retaining requirements that involve potentially significant events or conditions that would require staff evaluation for prompt response. The NRC staff has also addressed openness and transparency by identifying other regulations and processes that exist to ensure all of its stakeholders can maintain awareness and access details associated with conditions of interest.

006-2 That said, we encourage the NRC staff to reconsider the overall rulemaking schedule and identify efficiencies in the process that could be leveraged to accelerate the schedule. As noted in the regulatory basis and on the NRC's web page, the target completion date to publish the proposed rule and final rule are November 15,

¹ The Nuclear Energy Institute (NEI) is responsible for establishing unified policy on behalf of its members relating to matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect and engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations involved in the nuclear energy industry.

January 30, 2022

Page 2

2024, and August 12, 2026, respectively. Considering the Petition for Rulemaking was submitted to the NRC on August 2, 2018 (ML18247A204), the current estimate would result in an eight-year schedule to address the petition and almost four years between publishing of the Regulatory Basis and the final rule. This timeline seems prolonged.

006-3 Finally, regarding the NRC staff's recommendation to update existing guidance for reporting degraded or unanalyzed conditions under 10 CFR 50.72(b)(3)(ii), we recommend the staff begin the process to revise NUREG-1022, "Event Report Guidelines 10 CFR 50.72 and 50.73," as soon as practical. We agree that clarifications of the document would be beneficial and recommend they be made independent of the rulemaking process, allowing for earlier implementation.

We commend the NRC staff's efforts in publishing a thorough, well-prepared regulatory basis and are encouraged by the proposed changes that would enhance the safety focus of NRC's reporting requirements. We request that the NRC staff pursue efficiencies in the rulemaking schedule and will do what we can to enable such an accelerated schedule.

If you have any questions or require additional information, please contact me at 202.739.8087 or mab@nei.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tony Brown', with a stylized flourish at the end.

Tony Brown

cc: George Tartal, NMSS, NRC
Brian Benney, NRR, NRC

PUBLIC SUBMISSION

Comment 007

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Docket: NRC-2020-0036
Reporting Requirements for Non-Emergency Events

Comment On: NRC-2020-0036-0008
Reporting Requirements for Nonemergency Events at Nuclear Power Plants

Document: NRC-2020-0036-DRAFT-0016
Comment on FR Doc # 2022-27979

Submitter Information

Email: mary.emanuelson@xcelenergy.com
Organization: Xcel Energy

General Comment

See attached file(s)

Attachments

L.XE.23.002 Comments



414 Nicollet Mall
Minneapolis, MN 55401

January 31, 2023

L-XE-23-002
NRC-2020-0036

Ms. Brooke P. Clark
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

ATTN: Rulemakings and Adjudications Staff

Comments on the Regulatory Basis for Reporting Requirements for Nonemergency Events at Nuclear Power Plants (Docket ID: NRC-2020-0036)

By Federal Register (FR) notice dated November 9, 2022, (87FR67571), the NRC requested comments on a regulatory basis to support a rulemaking that would amend its regulations for nonemergency event notifications, evaluate the current requirements and guidance for immediate notification of nonemergency events for operating nuclear power reactors and assess whether the requirements present an unnecessary reporting burden. The comment period was subsequently extended to January 31, 2023, by FR notice dated December 27, 2022 (87FR79258).

By letter dated January 30, 2023, Nuclear Energy Institute (NEI) submitted comments on the Regulatory Basis for Reporting Requirements for Nonemergency Events at Nuclear Power Plants. These comments were developed by, and submitted on behalf of, the nuclear power industry. Northern States Power Company, a Minnesota corporation, doing business as Xcel Energy, operator of the Monticello and Prairie Island Nuclear Generating Plants, endorses the comments made by NEI dated January 30, 2023.

A handwritten signature in black ink, appearing to read 'Christopher P. Domingos', with a large, sweeping flourish at the end.

Christopher P. Domingos
Site Vice President, Monticello and Prairie Island Nuclear Generating Plants
Northern States Power Company – Minnesota

007-1

Comment 008

From: [Leshinskie, Anthony](#)
To: [RulemakingComments Resource](#)
Subject: [External_Sender] Docket NRC-2020-0036: Comment from the State of Vermont Department of Public Service
Date: Thursday, February 02, 2023 6:31:28 PM
Attachments: [NRC-2020-0036 Rulemaking State of Vermont Comments FINAL on Letterhead.pdf](#)

Gentlemen:

The attached PDF letter contains several comments for your consideration regarding proposed changes to Reporting Requirements for Nonemergency Events and Nuclear Power Plants.

Questions regarding these comments may be directed to their author, Mr. Anthony R. Leshinskie, the Vermont State Nuclear Engineer.

Best regards,

Anthony R. Leshinskie

Anthony R. Leshinskie

State Nuclear Engineer & Decommissioning Coordinator

Vermont Public Service Department

112 State St., 3rd Floor

Montpelier, VT 05620-2601

Office / Cell: (802) 272-1714

E-Mail: Anthony.Leshinskie@vermont.gov

A nomadic Vermont governmental function working from several remote New England locations

<https://publicservice.vermont.gov/electric/ndcap>

<https://publicservice.vermont.gov/content/vermont-yankee-decommissioning>

Updated (bivalent) COVID boosters and flu shots are now available! Stay up to date on your vaccines by contacting your pharmacy, doctor's office or visiting healthvermont.gov/MyVaccine for walk-in opportunities.

State of Vermont
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Drawer 20
Montpelier, VT 05620-2601
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February 2, 2023

Docket ID: NRC-2020-0036, “Reporting Requirements for Nonemergency Events at Nuclear Power Plants”

Gentlemen:

In response to the U.S. Nuclear Regulatory Commission’s (NRC’s) request for comments regarding proposed modifications to Reporting Requirements for Nonemergency Events at Nuclear Power Plants, the Public Service Department for the State of Vermont (PSD) offers the several general comments provided herein. Because there is no longer an operating power reactor within the State of Vermont, PSD’s interest in nuclear reactor regulation is focused on the decommissioning of the former Vermont Yankee Nuclear Power Station (VYNPS) and the management of its Spent Nuclear Fuel (SNF) inventory. More generally, this interest is limited to the regulation of decommissioning power reactors and “possession only” reactor licensees. The impact of the NRC’s proposed regulatory changes to such facilities is limited; the proposed changes are clearly intended for active power-generation facilities. Nonetheless, because decommissioning and possession only facilities still have NRC notification requirements, PSD determined it was prudent to provide general comments, which could be useful to any nuclear power plant facility, regardless of its operational state. .

Background: The U.S. Nuclear Regulatory Commission (NRC) has proposed relaxing some of its requirements for notifications from licensees for several categories of non-emergency events. The proposed changes would eliminate notifications when several types of plant support systems or plant operating procedures are activated. All proposed changes pertain to systems or procedures that currently require an NRC notification within either 1, 4 or 8 hours after activation. No changes to notifications for Reactor Protection System (RPS) actuations are proposed. NRC notifications for these non-emergency systems would still be reported either through the actuation reports for more critical systems, such as those for RPS functions, or through existing follow-up reporting requirements (e.g., one day or one week following an event occurrence). The NRC Regulatory Basis document for the proposed changes (**ML22108A004**) includes justification demonstrating that the proposed changes would not significantly impact the NRC’s ability to effectively regulate any nuclear power plant facility. However, discussion throughout this Regulatory Basis document also indicates that the proposed changes could impact notifications to State and Local Government agencies tied to NRC notifications from Licensees. The enclosed PSD comments discuss general concerns in this latter area.

Comment #1: VYNPS condition / event notifications to the Vermont PSD are largely governed by Memorandums of Understanding (MOUs) established in Vermont Public Utility Commission (VT-PUC)

008-1



cases pertaining to VYNPS. For example, VT-PUC Case #6545 establishes several daily reporting requirements to a PSD Designee, which has traditionally been the Vermont State Nuclear Engineer. One such requirement obligates VYNPS to notify the PSD Designee of any 1-hour and 4-hour notifications made to the NRC. Eliminating an NRC 1-hour or 4-hour notification runs the risk that the PSD Designee, and thus the State of Vermont, may not receive a timely notification of a specific condition at VYNPS. Very often, when Vermonters have questions regarding conditions or activities at VYNPS, the Vermont PSD is contacted to provide informed answers. Delayed notifications of any developing VYNPS condition, even non-emergency ones, delays Vermont PSD having an informed answer to a public question. Delays in answering public questions about VYNPS can exacerbate public concern, even when the issue is very minor.

Notification of non-emergency conditions is often a “catch all” for out of the ordinary issues than can arise at a nuclear power plant. While many potential conditions at an operating nuclear power plant have specific notification requirements, decommissioning nuclear power plants frequently experience conditions that are non-emergency, as well as out of the ordinary, compared to an operational plant. Eliminating a non-emergency reporting requirement increases the likelihood that an out of the ordinary condition at a decommissioning plant will not be reported to the NRC or State / Local Government agencies. Consequently, PSD urges the NRC to be very cautious when choosing to eliminate non-emergency notification requirements.

Comment #2: Elimination of some non-emergency reporting requirements could require State and Local Governments to amend or establish new reporting requirements with NRC Licensees. Some non-emergency notifications that may not be time-critical to the NRC may still be time-critical to State or Local Government agencies. While the NRC Regulatory Basis document for the proposed changes enumerates potential cost-savings to the NRC and NRC Licensees, whether these NRC Licensee savings would be realized if Licensees still provide similar notifications to State and Local Government agencies is not discussed. Re-establishing reporting requirements will require efforts from both NRC Licensees and the recipient State and Local Government agencies. The cost of these efforts could exceed any savings potentially realized in NRC or NRC Licensee budgets. Additionally, the State and Local Government agencies would likely use Federal funding while re-establishing the reporting procedures. As a result, any savings estimated in NRC budgets could merely transfer the required Federal budget for the reporting requirement to an agency within the Department of Homeland Security or the Environmental Protection Agency.

In particular, the NRC proposes to eliminate the 8-hour notification whenever a contaminated nuclear power plant worker is transported offsite. Delaying or eliminating this type of notification could delay mobilization of State or Local Government functions essential to treating the contaminated worker or the subsequent clean-up of the treatment facility. Delays in offsite facility clean-up following the treatment of a contaminated worker could extend the time that that the facility is unavailable to treat a victim of an unrelated hazardous materials accident. Keeping the current notification requirement would eliminate this delay.

008-2

008-3

Comment #3: Based on review of the NRC Regulatory Basis document and discussion during the NRC's December 13, 2022 public meeting for this rulemaking effort, it is unclear to Vermont PSD whether the proposed changes provide a significant regulatory relief to NRC Licensees. The Nuclear Energy Institute petition discussed in Section 2.0 of the NRC Regulatory Basis document requested elimination of all immediate non-emergency event notification requirements in current NRC regulations. The regulatory change effort determined that six of eleven notification categories could potentially be eliminated. While the Regulatory Basis document estimates savings for individual proposed changes, a comparison to the overall cost of the current notification regulations is not readily evident in this documentation. Accordingly, it is unclear whether the proposed regulatory changes provide a substantial relief to NRC Licensees, particularly if the eliminated reporting requirements must still be maintained separately to satisfy State and Local Government reporting requirements.

Thank-you for the opportunity to provide these comments regarding NRC Non-Emergency Event Notification requirements. Further details on these comments may be obtained by contacting the Vermont State Nuclear Engineer, Mr. Anthony R. (Tony) Leshinskie via the contact information included in the electronic signature of this letter.

Best regards,

/s/ Anthony R. Leshinskie

Anthony R. Leshinskie
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PUBLIC SUBMISSION

Comment 009

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Reporting Requirements for Non-Emergency Events

Comment On: NRC-2020-0036-0008

Reporting Requirements for Nonemergency Events at Nuclear Power Plants

Document: NRC-2020-0036-DRAFT-0017

Comment on FR Doc # 2022-27979

Submitter Information

Email: alyse.peterson@nyserda.ny.gov

Government Agency Type: State

Government Agency: NYSERDA

General Comment

New York State comment letter attached. Thank you for the opportunity to provide input. -- Alyse Peterson, State Liaison Officer - Designee

Attachments

NYS comments nonemergency events rulemaking 1-31-23



NYSERDA

KATHY HOCHUL
Governor

RICHARD L. KAUFFMAN
Chair

DOREEN M. HARRIS
President and CEO

January 31, 2023

U.S. Nuclear Regulatory Commission
Office of the Secretary
ATTN: Rulemakings and Adjudications Staff
Washington, DC 20555

Subject: Proposed Rulemaking Regulatory Basis NRC- 2020-0036

To all concerned:

The State of New York has reviewed the U.S. Nuclear Regulatory Commission's (NRC's) Regulatory Basis that was published in the Federal Register on November 9, 2022, for the rulemaking NRC-2020-0036 "Reporting Requirements for Nonemergency Events at Nuclear Power Plants". The proposed rule seeks to amend the NRC's regulations for nonemergency reporting requirements for power reactors and new reactors.

The New York State Energy Research and Development Authority (NYSERDA) and Department of Public Service (DPS) place a strong focus on nuclear safety and appreciate all opportunities to provide input to the NRC on initiatives affecting nuclear power plants in the State. We welcomed NRC's invitation to NYSERDA, as State Liaison Officer, to present the State's perspective during NRC's November 4, 2021 public meeting on this rulemaking and appreciate the opportunity to reiterate and expand upon those remarks.

As a State Liaison, any changes to communications content, pathways, or timing are of great interest. This rulemaking, in which NRC will assess possible elimination of immediate notification requirements for non-emergency events, is no exception. Efficient, timely, and clear information flow to states and the public, whether about emergency or non-emergency events, is vital and any changes to notification requirements deserve very close scrutiny. The fact that an event doesn't rise to the level of a formal emergency declaration does not mean the State and public have no interest or are unaffected.

The term 'non-emergency' can lend an erroneous connotation of non-importance or non-urgency to an event. To the contrary, non-emergency events still have the real potential to change plant conditions and power output to the electrical grid. Any nuclear plant incident with the potential to impact system reliability, plant emergency core cooling

New York State Energy Research and Development Authority

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systems and reactor protection systems, or public safety in any way is of great interest to the State and local communities. Effective communications are a key component in the State's ability to respond to these events and the importance of NRC's role in that information flow cannot, and should not, be underestimated or undervalued.

009-1 In its petition, the nuclear industry is pushing for these timely notifications to be made as a part of the NRC's Licensee Event Report (LER) process, which allows a 60-day delay in notification of such events to the public¹. This is simply unacceptable and would represent an 'after the fact' notification rather than one which enables State and local governments to develop an understanding of ongoing conditions at the facility and to appropriately respond to the event and the public in real time.

009-2 We do agree with NRC that these notification requirements deserve a close look, as it has been almost 20 years since the last meaningful update. But elimination of notifications that would severely curtail public access to information on incidents at the plants is unwise and counterproductive. While we agree with reconsideration of truly duplicative or unnecessary notifications, we urge NRC staff to guard against acquiescing to greater reductions than is prudent.

009-3 Additionally, the world is a very different place than it was when the current requirements were put in place decades ago. New York State recommends that NRC staff consider including additional notification requirements for new threats that were not considered previously. These include, but are not limited to, (1) physical and cyber security threats (such as attempted intrusions); (2) telecommunications incidents that impact emergency communications or plant operating systems; and (3) preparation for and response to increasingly-frequent severe weather events.

The proposed changes place additional burden on NRC Resident Inspectors and increase risk of plant issues "slipping through the cracks."

In the Nuclear Energy Institute's (NEI) petition to request the NRC eliminate certain nonemergency reporting requirements¹, NEI states that licensees' internal procedures already include notification of the NRC resident inspectors when any of the required formal notifications are made to the NRC. However, this is on a voluntary basis and at the discretion of the licensee. Any requirement deemed "voluntary" can be easily removed from an internal plant

¹Petition for Rulemaking (PRM-50-116), Nuclear Energy Institute (NEI), August 2, 2018. [ML18247A204](#)

procedure. If the NRC reporting requirements are eliminated, the licensee may change their internal procedures and remove notification to the NRC Resident Inspectors and NRC may not even know that this has occurred. NRC staff stated this quite effectively in its November 30, 2020 Petition for Rulemaking, saying:

If the NRC relies on voluntary practices alone to maintain awareness of nonemergency events..., there is an increased risk of loss of situational awareness and the ability to make timely decisions with adequate information. Voluntary practices can be changed or eliminated by licensees without NRC awareness or approval, and they cannot be enforced if not carried out in accordance with their original intent.

This gap in communication works against the best interests of not only state and local stakeholders but also the NRC itself.

We strongly agree with NRC staff's position, as stated in the November 2022 Regulatory Basis, that changes which shift the responsibility for gathering, verifying, and communicating information on nonemergency events from licensees to resident inspectors should not be pursued. That position echoes the Commission's direction to NRC staff in its July 2021 Staff Requirements Memo (SECY-20-0109), which states:

Changes that shift the responsibility for gathering, verifying, and communicating information on non-emergency events from licensees to resident inspectors should not be pursued.

009-4 However, many of NRC's proposed changes would do exactly that. The proposed changes would eliminate any requirement for licensees to notify NRC resident inspectors within the same day an issue arises. Absent notification from the licensee, the NRC resident inspector is expected to "catch" all issues written in the plant corrective action process, thus burdening the NRC resident inspector with the additional responsibility to recognize issues and determine whether NRC follow-up, or a special or augmented inspection team is warranted. The current process that channels

required notifications through NRC's 24/7 on-duty staff provides a stability and a certainty in communications that may be lost if that is shifted to resident inspectors. Late-hour and weekend notifications can be received and processed far more efficiently by NRC's on-duty staff than by an off-duty inspector.

Further, NRC inspectors will be required to track Licensee Event Report (LER) due dates and appropriately report when an LER is not provided in the 60-day timeframe during their Problem Identification and Resolution (PI&R) inspections. The elimination for these immediate notification requirements unduly burdens the NRC resident inspectors while also removing important plant information from the public eye.

Specific Feedback Regarding Reporting Requirements Proposed to be Eliminated:

- 009-5 • 10 CFR 50.72 (b)(2)(iv)(A) requires the licensee to report within four hours of any event that results or should have resulted in emergency core cooling system (ECCS) discharge into the reactor coolant system as a result of a valid signal except when actuation results from and is part of a pre-planned sequence during testing or reactor operation.
 - New York State takes issue with the elimination of this reporting requirement. NRC references the existence of a duplicate reporting requirement, 10 CFR 50.72 (b)(3)(iv), as justification. However, that reporting requirement is also proposed for elimination (*see third bullet below*). If both 10 CFR 50.72 (b)(2)(iv)(A) and 10 CFR 50.72 (b)(3)(iv) are eliminated, there will not be any notification requirements for this type of event.
- 009-6 • 10 CFR 50.72 (b)(2)(xi) requires the licensee to report within four hours of any event or situation, related to the health and safety of the public or onsite personnel, or protection of the environment, for which a news release is planned or notification to other government agencies has been or will be made, which may include an onsite fatality or inadvertent release of radioactively contaminated materials.

- To best demonstrate the negative impact of this change, it is important to understand the information currently available to the public. As an example, if an onsite fatality occurs, this is currently reported to the NRC and is posted publicly (and in a timely manner) via an Event Report. If a news story (or perhaps even a local rumor) exposed the event, that formal Event Report provides publicly available, accurate information for local citizens, state, local or tribal governments to use in confirming/denying information reported by the media. Uncertainty regarding a nuclear power plant's safe operation is likely to result in both confusion and fear among local residents and government entities. Without ready, timely access to prompt and accurate information from the licensee, everyone except the NRC and licensee is at an unfair disadvantage in addressing the concerns of the public.

- 10 CFR 50.72 (b)(3)(iv) requires the licensee to report within eight hours of any event or condition that results in valid actuation of the Reactor Protection System (RPS), containment isolation signals, Emergency Core Cooling Systems (ECCS), boiling water reactor (BWR) reactor core isolation cooling/ isolation condenser system/feedwater coolant injection system, pressurized water reactor (PWR) auxiliary or emergency feedwater systems, containment heat removal systems, or emergency alternating current electrical power systems.
 - Removing this reporting requirement eliminates any way of effectively tracking inadvertent actuations. Inadvertent actuations of important plant safety systems are a key indicator to declining performance at a nuclear power plant. The NRC wrongly assumes that NRC is the only organization with a stake in the safe operation and performance of our nuclear power plants. Without timely and public information on inadvertent actuations of plant safety systems, state, local, and tribal governments along with interested citizens will lose yet another window into our nuclear power plants.

- 10 CFR 50.72 (b)(3)(xii) requires the licensee to report within eight hours of any event requiring the transport of a radioactively contaminated person to an offsite medical facility for treatment.
 - As stated earlier, any news coverage involving nuclear power plant issues may cause confusion and fear among residents that the state, local, and tribal governments must manage. Lack of prompt access to

accurate public information from the licensee puts states and local governments at a severe disadvantage in addressing the concerns of the public.

- 10 CFR 50.72 (b)(3)(xiii) requires the licensee to report within eight hours of any event that results in a major loss of emergency assessment capability, offsite response capability, or offsite communications capability.
 - While the loss of emergency assessment, offsite response, or offsite communications capabilities may not, in itself, represent an emergency event, these are integral components in emergency event response. If this reporting requirement is eliminated, state, local, and tribal governments and offsite response agencies may not be made aware of issues with emergency communications and response capabilities at a plant. This is highly problematic and could delay timely offsite response actions to actual emergency events.

In closing, this initiative requested by the nuclear industry will eliminate many prompt event notifications made to the NRC. Right now, these event reports are made publicly available by the NRC on its website and are the timeliest source of information provided to the public about what's happening at America's nuclear plants. Removing this transparency works in direct opposition to NRC's "Openness" principle from its own Principles of Good Regulation, which notes that:

Nuclear regulation is the public's business, and it must be transacted publicly and candidly. The public must be informed about and have the opportunity to participate in the regulatory processes as required by law.

As proposed, the proposed elimination of prompt event notification processes would prevent the public from being adequately and accurately informed about many issues at nuclear plants until 60 days following the event, which is an eternity in today's culture of rapid media communications. Publicly available event notification reports serve as a window into the operations of nuclear generation plants. That window must be kept open.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Alyse Peterson". The script is cursive and fluid, with the first name "Alyse" and last name "Peterson" clearly distinguishable.

Alyse Peterson, P.E.

State Liaison Officer - Designee

Senior Advisor for Nuclear Coordination & Radioactive Waste Policy

cc: Doug Tifft, State Liaison Officer, NRC

PUBLIC SUBMISSION

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Comment 010

Docket: NRC-2020-0036
Reporting Requirements for Non-Emergency Events

Comment On: NRC-2020-0036-0008
Reporting Requirements for Nonemergency Events at Nuclear Power Plants

Document: NRC-2020-0036-DRAFT-0018
Comment on FR Doc # 2022-27979

Submitter Information

Name: Anonymous Anonymous

General Comment

010-1 The regulatory basis includes a recommendation in section 22.9 to eliminate the 50.72(b)(3)(xiii) reporting requirement for a major loss of emergency assessment capability, offsite response capability, or offsite communications capability. A loss of offsite communications capability is likely to result in an emergency report, but the other two categories have no emergency report. Though the NRC requires and inspects compensatory measures, there may be cases where compensatory measures cannot be implemented effectively and the inspection program only reviews emergency preparedness on a biennial schedule. Since there are no other requirements for reporting or documenting these events, there could potentially be a major loss of assessment or offsite response capability that goes unreported for a long time.

The NRC could consider another alternative: Developing reporting criteria that would ensure events that constitute a significant degradation in emergency preparedness are reported as an LER. This alternative was considered for at least one of the other reporting criteria. Requiring licensees to report events that result in a significant degradation in emergency preparedness such as a major loss of emergency assessment or offsite response capability as an LER would provide awareness of these events while still reducing the burden on licensees.

PUBLIC SUBMISSION

Comment 011

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Comment On: NRC-2020-0036-0008
Reporting Requirements for Nonemergency Events at Nuclear Power Plants

Document: NRC-2020-0036-DRAFT-0019
Comment on FR Doc # 2022-27979

Submitter Information

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General Comment

011-1

Do it now

PUBLIC SUBMISSION

Comment 012

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Reporting Requirements for Non-Emergency Events

Comment On: NRC-2020-0036-0008
Reporting Requirements for Nonemergency Events at Nuclear Power Plants

Document: NRC-2020-0036-DRAFT-0023
Comment on FR Doc # 2022-27979

Submitter Information

Name: Daniel Mills
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Oak Harbor, OH, 43449
Phone: 240-706-4795

General Comment

Regarding the NRC's regulatory basis for modifying 10 CFR 50.72, I disagree with eliminating reporting requirements for the following reasons:

As a Senior Resident Inspector, I believe the proposed changes may further burden myself and the RI/SRI corps because the reporting requirements as currently set forth include conditions that must be known in a timely manner for the resident staff to properly do our job. I spoke to the licensee I work with and the major concern was not to eliminate the reporting requirements, but rather to extend the reporting time such that timelines are not as burdensome. For instance, the difference between an 8 hr and 24 hr reporting period means that two shifts can be engaged and that licensee personnel may not have to spend the early morning hours preparing an NRC report.

In order to maintain situational awareness, I believe it is an imperative of my job to know of the currently reportable conditions to inform my situational awareness and inform my management. Without clear reporting requirements, inspectors will have to either rely on the licensee to voluntarily report these conditions to us, or devote more of our inspection time to plant status. I am concerned that inspectors will further be burdened by the need (or informal expectation) to timely notify NRC management of these conditions without the benefit of a requirement for licensees to notify NRC.

Regarding the NRC staff recommendation to eliminate SECTION 50.72(B)(3)(XII) – TRANSPORT OF A CONTAMINATED PERSON OFFSITE, I respectfully disagree with the NRC staff recommendation. Eliminating this requirement will reduce the NRC's situational awareness with no associated benefit. This reporting requirement describes a rare situation in which a contaminated person has to be transported offsite. This is only done when someone is injured onsite in a contaminated area and has to be transported offsite immediately for medical reasons. There is no decision-making burden on the licensees because this is a clear-cut reporting requirement. The staff states: "NRC Headquarters staff members, including emergency operations personnel, may remain unaware of these conditions until they are made aware by other means, such as through inspectors" which indicates that inspectors will likely be further burdened to ensure that NRC situational awareness is maintained. I suggest that a better alternative would be to further

evaluate alternative 2 and extend the reporting time to something like 24 hours.

012-3 Regarding the NRC staff recommendation to modify SECTION 50. 72(B)(3)(XIII) – MAJOR LOSS OF EMERGENCY ASSESSMENT, OFFSITE RESPONSE, OR OFFSITE COMMUNICATIONS CAPABILITY, I respectfully disagree with the staff recommendation. This notification goes directly to the heart of NRC situational awareness and readiness. I believe this modification to 50.72 would have the most negative impact on NRC's ability to perform primary mission essential functions (PMEF). The NRC PMEFs require the ability for the NRC to establish two-way communications with each licensee within a very short time frame. As one example, an aircraft threat or hostile action requires prompt NRC action with a timeline as short as 10-15 minutes, regardless of system failures or other difficulties. If the NRC is unable to reach a licensee in a short time frame, the consequences could result in a failure of the NRC mission and failure of licensee preparations for an aircraft impact. For the NRC to be able to meet this timeline during a communications failure would require knowledge of the failure so that compensatory measures could be implemented.

012-4 More generally, a gap appears to exist in the current revision of 10 CFR 50.72 because while licensees are required to report a loss of outbound communications (ability to notify) they are not currently required to notify NRC of a loss of inbound communications. In 2020, a failure was reported to me as a courtesy by the licensee (see Davis-Besse inspection report 05000346/2020004 for more information). For communications issues that are known by both the licensee and the NRC, both can take compensatory actions, but for those failures that are not reported, no compensatory measures can be put into place. I recommend modifying 10 CFR 50.72 to require notification of the NRC for any loss of communications capability (both inbound or outbound). In order to ensure timely implementation of compensatory measures, I recommend shortening the notification timeframe. As to the use of alternate means of communication as proposed by the staff, I may be in favor of this change if licensees are required to notify NRC for both incoming and outgoing communications failures.