



Tennessee Valley Authority, 1101 Market Street, Chattanooga, Tennessee 37402

CNL-19-025

February 4, 2019

83 FR 58509

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

ATTN: Rulemakings and Adjudications Staff

Subject: **Tennessee Valley Authority Comments on Petition for Rulemaking
PRM-50-116, "Elimination of Immediate Notification Requirements for
Non-Emergency Events" (Docket ID NRC-2018-0201)**

Reference: 83 FR 58509, "Elimination of Immediate Notification Requirements for
Non-Emergency Events," notice of docketing and request for comment dated
November 20, 2018

In the referenced Federal Register notice, the U.S. Nuclear Regulatory Commission (NRC) requested comments on the Petition for Rulemaking PRM-50-116, "Elimination of Immediate Notification Requirements for Non-Emergency Events."

Tennessee Valley Authority (TVA) endorses the petition for rulemaking. The enclosure to this letter provides TVA comments and clarifications in response to the five specific questions included in the notice of docketing and request for comment.

There are no new regulatory commitments made in this letter. Please address any questions regarding this correspondence to Chris Riedl at 423-751-3835.

Respectfully,

A handwritten signature in blue ink, appearing to read "E. K. Henderson", written over a horizontal line.

E. K. Henderson
Director, Nuclear Regulatory Affairs

Enclosure

cc: See Page 2

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Enclosure: TVA Comments on Petition for Rulemaking PRM-50-116, "Elimination of Immediate Notification Requirements for Non-Emergency Events" (Docket ID NRC-2018-0201)

cc: (Enclosure)

<http://www.regulations.gov>

Enclosure

TVA Comments on Petition for Rulemaking PRM-50-116, "Elimination of Immediate Notification Requirements for Non-Emergency Events" (Docket ID NRC-2018-0201)

TVA endorses the Nuclear Energy Institute (NEI) petition to amend 10 CFR 50.72 docketed as PRM-50-116 (NRC-2018-0201). NRC provided questions in the Federal Register (83 FR 58509) notice of docketing and request for comment to be considered when commenting on this petition. The NRC questions are provided below in italics. TVA's responses are in block text below the questions.

- 1. The NRC publishes the event notifications it receives from licensees on the NRC's public website every weekday. Do you or does your organization regularly review these event notifications? If so, please describe your use of this information and explain how the elimination of all non-emergency event notification requirements would affect you or your organization.*

The elimination of non-emergency event notifications would not adversely impact TVA because TVA does not formally review 10 CFR 50.72 event notifications (EN). TVA's primary use for NRC published event notifications is to evaluate how other licensees have reported similar situations for consideration in our own notifications. If the need to make notifications for these items is removed, there would be no impact to TVA from removal of the published reports.

Elimination of immediate non-emergency event reporting will not alter NRC's ability to collect facts quickly and accurately, to promptly assess the facts, take necessary action, and inform the public of a threat to public health and safety. NRC awareness of non-emergency events will still be achieved through regular communications between NRC resident inspectors and the licensees, NRC implementation of inspection procedures, and 10 CFR 50.73 reports. Information in non-emergency event notifications generally does not provide sufficient information to assess the potential for or consequences from the event at other plants, and knowledge of non-emergency events at other nuclear power plants is not generally relevant to the routine and proper operation of unaffected nuclear power plants.

The prompt reporting criteria for the Institute of Nuclear Power Operators (INPO) consolidated event system (ICES) operating experience sharing program comprise those items that licensees have reported to NRC under 10 CFR 50.72. While TVA would not be directly affected by elimination of all non-emergency event notification requirements, this element of the INPO industry operating experience reporting program will need to be evaluated and modified as necessary to assure that applicable events continue to be appropriately included in the experience database.

- 2. If all non-emergency event notification requirements were removed from § 50.72, the NRC would still receive licensee event reports within 60 days of discovery of the event as required by § 50.73 unless there is no corresponding § 50.73 report. These reports typically contain a more detailed account of the event and are released to the public in ADAMS after receipt. There is no corresponding § 50.73 report for § 50.72(b)(2)(xi) for a news release or notification to other government agencies, § 50.72(b)(3)(xii) for transportation of a radioactively contaminated person, and § 50.72(b)(3)(xiii) for major loss of emergency assessment capability. Would the public release of licensee event reports alone meet your needs? Please explain why or why not.*

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Licensee event reports (LERs) under 10 CFR 50.73 are also considered in the ICES operating experience database, and they are shared with sufficient detail in the operating experience program.

TVA would not be directly affected if 50.72(b)(2)(xi), 50.72(b)(3)(xii) and 50.72(b)(3)(xiii) notifications were not published, as TVA views these as being used to ensure NRC awareness and response, as appropriate. These items are also reported to ICES, and the effect of removing these reporting requirements must be evaluated to determine whether compensatory changes are needed in the INPO operating experience reporting program.

The LERs published by NRC are also often used by TVA to evaluate how other licensees have categorized and addressed similar events, and to evaluate together with inspection reports to prepare for NRC team inspections. TVA considers that the public release of licensee event reports without event notifications would provide sufficient information to support our needs for industry regulatory experience.

3. *The petitioner asserts that the nonemergency notifications under § 50.72 “create unnecessary burdens for both the licensee and the NRC staff, and should be eliminated.” What specific provisions in § 50.72, if any, do you consider to be especially burdensome (e.g., the timing requirements for submittal of event notifications, certain types of event notifications)? Please provide a supporting justification, as appropriate.*

TVA agrees with the petitioner that the immediate notification requirements for non-emergency events are unnecessarily burdensome, because they require specific evaluations at the same time the plant is dealing with an issue. The NEI estimate of 10 to 25 licensee staff hours to get to the notification is reasonable based on TVA experience, considering the number of licensee staff involved and the time taken within the reporting timeliness parameters to make the determination of applicability, to align on the appropriate description of the event, and to make necessary management and resident inspector notifications that we are about to make an event notification to NRC. In addition to the diversion of resources while responding to an issue, this amount of licensee staff effort repeated for each potential event is an unnecessary burden.

Preparing and approving non-emergency 10 CFR 50.72 ENs is not an efficient use of resources. Some EN criteria include subjective words as “significantly”, “seriously” and “could.” Subjectivity coupled with licensee desire to comply with all requirements can lead to over-reporting or too much time spent to determine whether an event should be reported. An inordinate effort is spent on administrative tasks, often after the NRC resident inspector has been informed of the non-emergency event.

Conversely, significant effort is often required to follow non-emergency events that are not reported under 10 CFR 50.72 because inspector challenges to subjective reportability decisions require rigorous justification of the licensee determination. Spending this effort when communication with resident inspectors can satisfy NRC information needs for non-emergency events is an undue burden.

4. *The petitioner asserts that § 50.72 non-emergency notifications are contrary to the best interests of the public and are contrary to the stated purpose of the regulation. Do you agree with this assertion? Please explain why or why not.*

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TVA agrees with the petitioner that the immediate notification requirements for non-emergency events are contrary to the best interests of the public for the reasons stated in the petition. These notifications require plant staff to make specific evaluations for non-emergency situations to determine whether or which criteria for notification are satisfied and to provide specified information to NRC within a short time, at the same time the plant is assessing and responding to the event. Non-emergency events rarely require any response from either NRC or the public. Additionally, the immediate reporting requirements for non-emergency events results in dissemination of incomplete, preliminary information, before much is known about an event, which can be misleading and raise undue concern for members of the public who are not familiar with or engaged in the event reporting and response process.

The inefficiency associated with the immediate notifications of non-emergency events is also contrary to public interest. The NEI estimate of 10 to 25 licensee staff hours to prepare, review and approve these notifications is reasonable based on TVA experience, considering the time to make the determination of applicability, to align on the appropriate description of the event, and to make necessary management and resident inspector notifications that we are about to make an event notification to NRC. This affects licensees not only for the events that are reported using the Emergency Notification System, but also for similar events that are evaluated and determined not to require the 10 CFR 50.72 notifications.

The purpose of 10 CFR 50.72 was to provide NRC with immediate reporting of significant events where immediate action to protect the public health and safety may be required or where NRC needs accurate and timely information to respond to heightened public concern. NRC did not draft 10 CFR 50.72 reporting to become a forum for sharing operating experience among nuclear power plant operators, and it was not intended to be and should not become a process for public dissemination of information regarding events at operating nuclear reactors.

5. *Are there alternatives to the petitioner's proposed changes that would address the concerns raised in the petition while still providing timely event information to the NRC and the public? Please provide a detailed discussion of any suggested alternatives.*

TVA endorses the Nuclear Energy Institute (NEI) petition to amend 10 CFR 50.72 docketed as PRM-50-116 (NRC-2018-0201). 10 CFR 50.73 reports should be sufficient for timely non-emergency event information for the public. 10 CFR 50.72 is not an appropriate mechanism to inform the public of non-emergency events when facts are not fully developed and plant resources are more effectively used to remedy the condition. Timeliness for notifying the public is appropriately addressed in emergency response procedures for those emergency events for which prompt public response is important.

TVA also agrees with the petitioner that communications with the NRC resident inspectors provide a more effective way of informing NRC regarding these non-emergency events. Effective regular and event-driven protocols are established and ongoing between resident inspectors and licensees, with varying degrees of structure and formality. As an alternative to non-emergency event reporting requirements, NRC should establish guidance for the resident inspectors to standardize these protocols and include appropriate guidance for non-emergency events. Reporting these events as required under 10 CFR 50.73 is sufficient to provide timely event information to NRC and the public, and assures more thorough development of the event description, consequences, cause, and licensee response before reporting these events.

From: [Edmondson, Carla](#)
To: [RulemakingComments Resource](#)
Cc: [Riedl, Christopher John](#)
Subject: [External_Sender] CNL-19-025 TVA Comments on PRM-050-116.pdf
Date: Monday, February 04, 2019 2:16:48 PM
Attachments: [CNL-19-025 TVA Comments on PRM-050-116.pdf](#)

Comments related to Docket ID NRC-2018-0201

On behalf of

Erin Henderson

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