



4300 Winfield Road  
Warrenville, IL 60555  
630 657 2000 Office

RS-19-016

10 CFR 50.72

February 4, 2019

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

Subject: Comments on Docket No. PRM-50-116; NRC-2018-0201, Elimination of Immediate Notification Requirements for Non-Emergency Events

In the November 20, 2018 Federal Register Notice (83 FR 58509), the Nuclear Regulatory Commission (NRC) requested comments on a petition for rulemaking submitted by the Nuclear Energy Institute (NEI) to eliminate the non-emergency immediate notification requirements of 10 CFR 50.72. Exelon Generation Company, LLC (EGC) supports the NEI petition for rulemaking (Docket No. PRM-50-116; NRC-2018-0201) and endorses the NRC moving forward with the rulemaking. It is EGC's position that events warranting non-emergency 10 CFR 50.72 notifications are communicated to the NRC through existing processes that are more efficient and timelier. Elimination of these notifications will not impact or hinder the NRC's ability to be informed, engage with a licensee, or take appropriate action to protect the health and safety of the public. Additionally, the limited information required in non-emergency 10 CFR 50.72 notifications does not provide the end users sufficient information to take action, and almost always follow-up communications or reports are required to fully understand the nature of the issue. EGC's experience is that the time and resources necessary to evaluate, prepare, and execute the non-emergency 10 CFR 50.72 notification is not commensurate with the limited value to the NRC or the public, and the time and resources should instead continue to focus on safe plant operation. EGC's responses to the specific questions presented in the Federal Register Notice are provided below.

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.

Yes, EGC personnel review the 10 CFR 50.72 information from the NRC website as part of the Operating Experience program. The primary purpose of this review is for awareness. The information required to be provided in a 10 CFR 50.72 notification is limited, does not provide a full understanding of the issue, and typically does not support further action. To effectively learn and develop actions from these non-emergency events, EGC personnel must review the associated Licensee Event Report (LER), NRC inspection reports, other NRC generic communications, and Institute of Nuclear Power Operators (INPO) Consolidated Event System (ICES) reports through our Operating Experience program.

For this reason, elimination of all non-emergency 10 CFR 50.72 notifications would not have an impact on EGC from an operating experience standpoint.

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.

The public release of LERs alone do not meet our needs in all cases. The required content of LERs is provided in 10 CFR 50.73 and NUREG-1022, "Event Report Guidelines 10 CFR 50.72 and 50.73", Revision 3. Depending on the scope and complexity of the issue, the LER itself may not provide all the relevant information for another licensee to completely analyze and develop actions. In these cases, the NRC inspection reports, other generic NRC communications, and INPO ICES reports are used to provide a more in-depth understanding of the issue and insights on the NRC's perspective relative to compliance and agency positions.

For events that do not have corresponding 10 CFR 50.73 LER requirements:

- 10 CFR 50.72(b)(2)(xi) the information related to these events is publicly available via the press release or from the other government agency. Inclusion of this requirement would result in the publishing of redundant and untimely information already contained in the news media.
- 10 CFR 50.72(b)(3)(xii) notifications for transportation of a radioactively contaminated person. Inclusion of this regulation as part of 10 CFR 50.73 would not provide any further additional timely information.
- 10 CFR 50.72(b)(3)(xiii) notifications for major loss of emergency assessment capability are typically made for NRC awareness and are site specific.

Therefore, elimination of these notification requirements would not have an impact on other licensees.

3. The petitioner asserts that the non-emergency 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.

The primary burden related to 10 CFR 50.72 notifications is the significant time and resources a licensee must devote to evaluate and comply with the reporting requirement. In most instances the evaluation and review of the event or issue involves a technical functional area (e.g. engineering, radiation protection), operating, and regulatory personnel working with incomplete information. For a fleet like EGC the evaluation of the issue and how the 10 CFR 50.72 requirements apply also involves corporate personnel. In many cases, the non-emergency 10 CFR 50.72 reporting requirements and associated NUREG-1022 guidance are subjective and do not lead to a clear conclusion regarding compliance. This often requires additional evaluation and research which distracts from safe plant operation.

This burden is magnified by the formal communication protocols that licensees have established with the NRC Senior Resident Inspector (SRI) and Resident Inspector (RI), as well as the NRC regional management. This formal communication protocol is more efficient and less resource intensive than the 10 CFR 50.72 notification protocol. In most cases the SRI or RI is notified of the issue and had the opportunity to engage with the licensee on the details of the issue prior to the 10 CFR 50.72 notification being completed. This prior NRC communication reduces the 10 CFR 50.72 notification to an administrative compliance activity with no impact or benefit to safety.

As state before, a licensee makes a notification of an issue with the limited information that is available at the time. Once all the information is known, a licensee may make the determination that the notification was not required. The licensee then must issue a retraction of the notification. Again, this requires licensees time for evaluation and review.

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.

Yes, EGC agrees with the petitioner’s assertion. As discussed above, with the formal communications protocol licensees have established with the SRI, RI and regional management, the non-emergency 10 CFR 50.72 notification often lags the NRC’s awareness and engagement during a plant event or issue. Therefore, the notification and communication intent of the current regulation are rendered administrative and of little value and do not inform the NRC’s response. The resources required to ensure compliance, especially in the technical and operations area, are better applied to evaluating plant impact and maintaining focus on safe operations.

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.

EGC is not aware of alternatives to the elimination of non-emergency 10 CFR 50.72 notification requirements that would address the duplicative and burdensome nature of this regulation. As described above, there is an alternative communications protocol currently in affect at EGC sites which is more efficient and timelier. However, without rulemaking to eliminate the non-emergency 10 CFR 50.72 requirements, the concerns raised by NEI will continue to exist regardless of alternative approaches because licensees must continue to comply with the current regulation.

If you have any questions about this information, please contact Lisa Zurawski at (630) 657-2816.

Respectfully,

A handwritten signature in black ink, appearing to read 'D. M. Gullott', with a long horizontal line extending to the right.

David M. Gullott  
Director – Licensing  
Exelon Generation Company, LLC

**From:** [Buan, Angelina](#)  
**To:** [Remsburg, Kristy](#); [Lewis, Antoinette](#); [Craver, Patti](#); [Sola, Clara](#)  
**Cc:** [Neely, Mary](#); [Repetto, John](#); [Broadnax, Tawanna](#); [Valencia, Jennifer](#); [Nguyen, Kenny](#)  
**Subject:** EIE E190204t042154 from ellen.gaynor@exeloncorp.com (SECY Doc.)  
**Date:** Wednesday, February 06, 2019 2:09:45 PM  
**Attachments:** [E190204t042154\\_RS-19-016b.pdf](#)

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Good afternoon,

This document received via EIE is being forwarded directly to you because DPC does not normally intercept **SECY** Information mail.

Thanks,

Angelina A. Buan  
Scan/Image inspection  
NRC-DPC