

The public meeting on Retrospective Review of Administrative Requirements (RROAR) will begin shortly.

Audio for today's meeting is through telephone bridge line only.

You must call (888) 390-2141 and use passcode 9132558# to hear today's meeting.

(WebEx will show slides and NRC cameras; there is no audio through WebEx.)



Meeting Logistics

**Meeting audio is through telephone bridge line only:
Call (888) 390-2141, enter passcode 9132558#**

- Informal meeting with question and answer session.
- Send short questions via WebEx Chat to “All Panelists” - facilitator will read them aloud.
- These slides are available to download from ADAMS (Accession No. [ML21214A290](#)).
- RROAR Comment Evaluation Summary is available to download from ADAMS (Accession No. [ML21012A439](#)).
- List of questions for NRC staff is available to download from ADAMS – (Accession No. [ML21223A199](#)).





**Public Meeting
August 19, 2021**

Topics:

- **RROAR Timeline**
- **RROAR Comment Evaluation Process**
- **Q&A**



RROAR Timeline



- ❖ Commission approved the RROAR implementation strategy, including proposed evaluation criteria

**SRM-SECY-17-0119
(4/2018)**



- ❖ Published FRN for 60-day public comment period
- ❖ May 2018 Public meeting to request public comments on proposed evaluation criteria

**83 FR 19464
(5/2018)**



- ❖ Staff provided the revised evaluation criteria, based on public input, to the Commission for review and approval
- ❖ Commission approved the staff's evaluation criteria with changes

**SRM-COMSECY-18-0027
(10/2019)**



- ❖ NRC published final evaluation criteria
- ❖ Requested input on outdated or duplicative administrative requirements
- ❖ March 2020 public meetings to discuss the NRC's request

**85 FR 6103
(5/2020)**



- ❖ Received 100 unique comments from the public, industry, and NRC staff
- ❖ Recommended 54 comments to be addressed through 1) new rulemaking effort, 2) existing rulemaking effort, or 3) administrative corrections rule

**SECY-21-0056
(6/2021)**



- ❖ Provide rulemaking plan(s) to Commission for approval to initiate rulemakings
- ❖ If the Commission approves the rulemaking plan(s), the NRC will conduct further stakeholder engagement during the rulemaking process

TBD

**RROAR Evaluation Criteria Development
(9/2017 – 5/2020)**

**Staff's Evaluation
(6/2020 – 6/2021)**

**Rulemaking Plan(s)
(12/2021)**

RROAR COMMENT EVALUATION PROCESS

RROAR Comment Evaluation



Commission-Approved Evaluation Criteria



NRC Staff's Programmatic Experience



"Be riskSMART"
Decision-Making Framework



Process Simplification Transformation

RROAR COMMENT EVALUATION PROCESS



Comprehensive evaluation of the comments received



Consistency in the evaluation of the comments, including those with cross-cutting issues among different NRC programmatic areas and related projects



Narrowly focused vs. more broadly evaluated issues for rulemaking



ROAR Rulemaking Plan(s) (Late 2021)

 **Status Update**



Miscellaneous Corrections Final Rule (Published 86 FR 43397)

**Information Webpage for ROAR
(In Progress)**

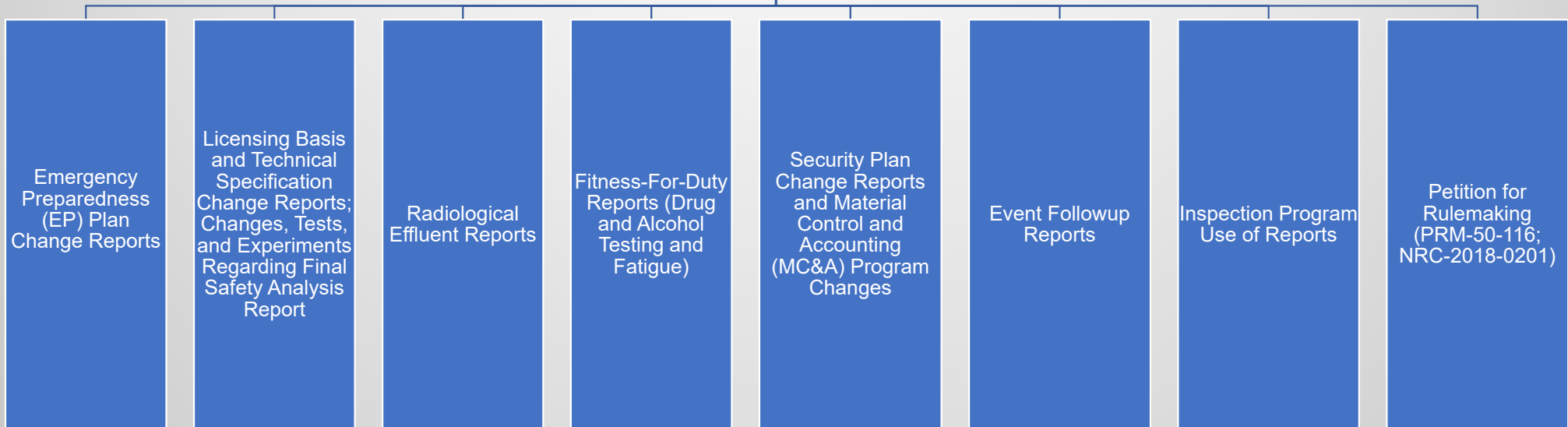


Q&A





Programmatic Evaluation of RROAR Comments



EP PLAN CHANGE REPORTS

Questions for NRC Staff:

Item #4 (10 CFR 50.54(q)(5)) - The staff analysis says this report is used for inspection planning. Please explain how. Licensees receive requests for the report on emergency plan (EP) changes during EP inspections, as if submittal of the report is of no value to the staff. Also, why is it necessary to submit this report within 30 days, but a similar report under 10 CFR 72.44(d)(3) (Item 14) is given 6 months for submittal?

Item #11 (10 CFR 70.32(i)) - Same questions as Item #4.

Item #16 (10 CFR 72.44(f)) - Same questions as Item #4.



EP PLAN CHANGE REPORTS (CONTINUE)

Key Messages:

NRC incident response duties require updated emergency plans to be readily available.

Updates allow NRC project managers and project inspectors to maintain awareness of changes at the site since the last inspection.

Updates also allow the inspectors to focus limited resources on the most significant changes.



LICENSING BASIS CHANGE REPORTS AND TECHNICAL SPECIFICATION REPORT UPDATES

Questions for NRC Staff:

Item #1 (10 CFR 50.36(c)(1)) - The staff analysis says this report is used for event response and inspection planning. Please explain how this report is used in these ways.

Item #2 (10 CFR 50.36(c)(2)) - The staff analysis says this report is used for event response and inspection planning and for maintaining a record of conformance with the facility licensing basis. Please explain how the report is used in these ways.

Item #5 (10 CFR 50.73) - The staff analysis says this report is used for event response and inspection planning and for maintaining a record of conformance with the facility licensing basis. Please explain how the licensee event report is used in event response and maintaining a record of conformance with the facility licensing basis.

Item #18 (10 CFR 72.48(d)(2)) - Staff analysis says the 10 CFR 72.48 report is used for inspection planning. Please explain how it is so used.



LICENSING BASIS CHANGE REPORTS AND TECHNICAL SPECIFICATION REPORT UPDATES (CONTINUE)

Questions for NRC Staff:

Item #21 (10 CFR 72.75(g)) - We support the agency's desire to be open and transparent with the public. The staff analysis says the public interest in these reports is at a high level. Please share the data that indicates that high level of public interest is in these reports and tell us how many such reports there have been since this requirement was established.



LICENSING BASIS CHANGE REPORTS AND TECHNICAL SPECIFICATION REPORT UPDATES (CONTINUE)

Key Messages:

These licensee reports facilitate timely communications of significant events in standardized formats to help ensure clear understanding of the events. Reports are also made available to external stakeholders on the NRC public website to ensure the visibility and openness of the reporting process.

The reports inform the NRC's Operating Experience Program, which may result in updated inspection procedures, guidance for inspectors, and generic communications for the industry. The reports also inform the NRC's Accident Sequence Precursor Program, which is used for gaining industry and oversight program risk insights and for monitoring agency performance against the agency's strategic safety goals and objectives.

The analysis of, and trends ascertained from, these reports results in timely dissemination of information and insights and may result in updated guidance for technical and inspection staff, as well as potential generic communications with industry. The reports facilitate risk insights for NRC oversight programs and help to keep external stakeholders informed.



CHANGES, TESTS, AND EXPERIMENTS REGARDING FINAL SAFETY ANALYSIS REPORT

Questions for NRC Staff:

Item #27 (10 CFR 50.59(d)(2)) - Please explain how this report is used for inspection planning and event response, as stated in the staff analysis.



CHANGES, TESTS, AND EXPERIMENTS REGARDING FINAL SAFETY ANALYSIS REPORT (CONTINUE)

Key Messages:

10 CFR 50.59(d)(2) – “The licensee shall submit ... a report containing a brief description of any changes, tests, and experiments, including a summary of the evaluation of each.” This provides the bases for the determination that the change, test, or experiment does not require a license amendment. “A report must be submitted at intervals not to exceed 24 months.” This publicly available report ensures all stakeholders (not just NRC inspectors at a specific facility) are informed of possible changes that might affect the basis for licensing the facility.

The 10 CFR 50.59(d)(2) report is used for inspection planning for NRC inspection procedure IP 71111, Attachment 18, “Plant Modifications,” and Attachment 17T, “Evaluations of Changes, Tests, and Experiments,” which are used to verify compliance with 10 CFR 50.59, including 10 CFR 50.59(d)(2).

This 10 CFR 50.59(d)(2) report is used for event response in that it is available for use by all stakeholders (e.g., local, state, federal, and other reactor licensees) to assist with understanding changes implemented by the licensee related to the specific systems, structures, and components involved with an event.



RADIOLOGICAL EFFLUENT REPORTS

Questions for NRC Staff:

Item #15 (10 CFR 72.44(d)(3)) - Staff analysis indicates the NRC is considering burden reductions. (a) What burden reductions is the staff considering? (b) How many of these reports to date have indicated that there was any release of liquid or gaseous effluents? (c) Why isn't it sufficient to make a non-emergency notification to the NRC under 10 CFR 72.75? (We will discuss PRM-50-116 as it relates to RROAR later in the meeting.)

Item #61 (10 CFR 70.59) - a) Does the NRC have any data indicating the public interest in these reports is at a "high level"? (b) These reports appear to meet RROAR Criterion 3 (could be modified to result in a reduced burden). (c) The requirement for a semi-annual effluent report was first proposed in October 1974 and became effective in December 1975 (more than 46 years ago). Milling, conversion, and fuel cycle facilities have become significantly more stable since then, and their effluent releases and public doses are nearly unchanged for over a decade. (d) If the report cannot be eliminated, it could certainly be considered for less frequent reporting (i.e., from semi-annual to annual). Both 10 CFR Parts 50 and 72 licensees are only required to provide annual effluent reports per technical specifications and 10 CFR 72.44(d)(3). There is no basis for mills, conversion, and fuel cycle facilities to report semi-annually.



RADIOLOGICAL EFFLUENT REPORTS (CONTINUE)

Key Messages:

These effluent reports are needed to support the agency's openness and transparency objectives given the high level of public interest in the reports.

The intent is for them to be available to the public in ADAMS.

The NRC has numerous public comments containing questions and concerns about effluent data in the reports.

The 6-month reporting frequency is appropriate because it provides the public with data concerning the licensee's compliance with annual public dose limits halfway through the year while there is still time for problem identification and corrective action. The report at the end of the year confirms whether the licensee complied with the annual public dose limit.



FITNESS-FOR-DUTY REPORTS – DRUG AND ALCOHOL TESTING

Questions for NRC Staff:

Item #58 (10 CFR 26.719(c)(1)) - Can you share data indicating how many of these reports are submitted and how significant would be the impact of submitting these at 60 days rather than 30 days? Please explain the connection between the 30-day report and continuing laboratory errors. Note that corrective actions proceed independently of the timing of reporting on the problem.

Item #62 (10 CFR 26.719(c)(2)) - Why is a report required within 24 hours after discovery in this case, but in a case (10 CFR Part 21 reports) that could similarly affect other licensees, the NRC allows 60 days for reporting?



FITNESS-FOR-DUTY REPORTS - DRUG AND ALCOHOL TESTING (CONTINUE)

Key Messages:

The laboratory and fitness-for-duty (FFD) program condition reports are necessary to timely inform all stakeholders of laboratory and program failures that could impact multiple licensees and/or multiple individuals (worker protection), and in case of the laboratory reports, other federally-mandated drug testing programs.

We share laboratory reports with the U.S. Department of Health and Human Services to enable review by the National Laboratory Certification Program. We aggregate the reports into the NRC's FFD performance report. We inform NRC inspection, and we proactively share FFD operating experience with the industry and public.

The reports risk-inform FFD inspections and policy decisions, facilitate common practices across the industry, enable reviews and corrective actions for similar problems in other FFD programs, and enhance public confidence of regulatory oversight efforts.

The staff intends to risk inform the FFD reporting requirements to require reporting of those issues that represent FFD program failures of regulatory significance or public interest.



FITNESS-FOR-DUTY REPORTS – FATIGUE

Questions for NRC Staff:

Item #70 (10 CFR 26.203(e)(1)) - The detailed explanation offered by the staff is helpful to our understanding. How does the staff use these reports to assess program effectiveness and inform inspection and policy decisions? How does the staff share the results of its assessments with the industry and other external stakeholders? How can we obtain copies of the reports on drug and alcohol testing that the NRC sends to “a responsible agency”?



FITNESS-FOR-DUTY REPORTS - FATIGUE (CONTINUE)

Key Messages:

The staff has periodically analyzed the data from annual reports on fatigue management to monitor both industrywide and licensee/site-specific trends.

This data has been used to inform inspection planning and assessment of potential fatigue-related concerns, as well as to inform briefings for NRC Commissioners.

NRC staff has not previously developed/published a consolidated digest/assessment of the industrywide fatigue-management-related data. This data is not reported out in the same way that Drug & Alcohol testing data is.

The burden on licensees from annually generating the electronically submitted reports is considered to be relatively insubstantial, given that licensees are required to maintain records of the associated information regardless of the reporting requirements.



SECURITY PLAN CHANGE REPORTS AND MC&A PROGRAM CHANGES

Questions for NRC Staff:

Item #25 (10 CFR 72.186(b)) - Please explain what burden reductions the staff is considering.

Item #28 (10 CFR 70.32(c)(2)) - As noted earlier, when the NRC prepares for inspections, the inspectors request current documents to support the inspection. This indicates either that the staff is not utilizing the report submitted per this requirement or the report is redundant to the request for provision of the documents prior to the inspection. Please explain.

Item #29 (10 CFR 70.32(d)) - Same question as Item #28.

Item #30 (10 CFR 50.54(p)(2)) - Please explain how this report is used in inspection planning and event response, as stated in the staff analysis.

Item #41 (10 CFR 72.44(e)) - Please explain how this information is used in inspection planning and event response.



SECURITY PLAN CHANGE REPORTS AND MC&A PROGRAM CHANGES (CONTINUE)

Key Messages:

The reports are necessary to ensure that the NRC has a current record of the facility licensing basis and any changes.

These reports are for:

- planning or conducting inspection activities, including force-on-force; MC&A, and other security-related inspections;
- event response, including actions necessary in the Operations Center during incident response; and
- to answer any questions related to the current licensing basis of the facility for instances that include amendment processing and license renewal.



EVENT FOLLOW-UP REPORTS

Questions for NRC Staff:

Item #12 (10 CFR 37.57(c)) - The staff analysis says the report is needed for event follow-up. How does a report submitted 30 or more days later contribute to “quickly and accurately” responding to the event?

Item #13 (10 CFR 37.81(g)) - Same question as Item #12

Item #14 (10 CFR 37.81(h)) - Same question as Item #12

Item #17 (10 CFR 70.72(d)(3)) - If we must keep this report, having it due 60 days after the end of the calendar year would be helpful, but it would be even more helpful to move it to the end of Q-1 or Q-2. After the first year, it would still be updated annually. It would help spread some of the annual load out so that so much regulatory burden is not due at the same time.

Item #20 (10 CFR 70.50) - If an event requires prompt NRC follow-up, the NRC will follow up prior to receiving the 30-day report. The situational awareness the NRC needs for significant events will not be helped by 30- or 60-day follow-up reports. Any urgent needs will have passed and nothing prevents the NRC from requesting additional information of the event when a need arises.



EVENT FOLLOW-UP REPORTS (CONTINUE)

Questions for NRC Staff:

Item #22 (10 CFR 20.2201(a)(1)(ii)) - Please explain how the 30-day report contributes to timely inform carriers on potential contamination.

Item #23 (10 CFR 20.2201(b)) - Please explain how the 30-day report contributes to timely inform carriers on potential contamination.

Item #24 (10 CFR 20.2201(d)) - Please explain how the 30-day report contributes to timely inform carriers on potential contamination.

Item #39 (10 CFR 72.212(b)(2)) - Please explain how the NRC uses this report.

Item #40 (10 CFR 72.212(b)(4)) - Please explain how the NRC uses this report.



EVENT FOLLOW-UP REPORTS (CONTINUE)

Key Messages:

Reportable events are significant events that may require a prompt NRC response. Initial reports (within 24 hours) typically lack a complete and accurate understanding of the root causes.

Followup reports are needed to provide licensee investigation results in a timely manner and support prompt NRC response actions. Prompt response actions may include reactive inspections, press releases, or communications to inform other licensees of generic issues.

NRC uses a graded response strategy to event follow-up. Some events may not necessarily require immediate analysis and evaluation, and thus, a 30-day written report is a timely review of the event (for the purposes we note on the slide).



INSPECTION PROGRAM USE OF REPORTS

Key Messages:

Inspectors request reports for a variety of reasons, including to assist in risk-informing inspection sample selection, as a succinct outline of the licensee's current progress regarding items of interest, as a separate verification of what has been documented by licensees elsewhere, or to gain insights into potentially related issues.

Inspectors may use reports to help understand the context of an issue within the licensee's internal programs and procedures, to gain high-level insights into the licensee's identified causes and corrective actions, to give context to related samples, and as a separate verification of information documented by the licensee elsewhere.

The use of licensee reports by inspectors results in more risk-informed inspection samples, more focused document reviews, and more effective inspection preparation. They also help to ensure inspectors follow up on any potentially significant events by requiring inspector follow-up of Licensee Event Reports via Inspection Procedure 71153 with closeouts documented in inspection reports.



PRM-50-116; NRC-2018-0201

Questions for NRC Staff:

Item #8 (10 CFR 72.75(b)) - The staff analysis here and in several other items refers to PRM-50-116, which was recently voted out by the Commission. We would like to know more about the relationship between the staff analysis of Item 8 and the staff recommendations in PRM-50-116. We would like to retain the right to ask further questions about Item 8 once we see the NRC's response to PRM-50-116.

Item #9 (10 CFR 72.75(c)) - Same question as Item #8

Item #10 (10 CFR 72.75(d)) - Same question as Item #8

Item #15 (10 CFR 72.44(d)(3)) - Why isn't it sufficient to make a non-emergency notification to the NRC under 10 CFR 72.75?

Item #68 (10 CFR 37.57) - The explanation offered by the staff is detailed and helpful to our understanding. The staff's response appears to compel excluding these notifications from the relief requested in PRM-50-116. Is this the staff's intention?



PRM-50-116; NRC-2018-0201 (CONTINUE)

Key Messages:

Coordinated efforts to ensure consistency in the RROAR evaluation and staff's recommendations in PRM-50-116

Staff will coordinate implementation of the Commission's direction in SRM-SECY-20-0109

Lessons learned from rulemaking to revise 10 CFR 50.72 would be applied to RROAR-related rulemaking(s)

