

U.S. Nuclear Regulatory Commission Public Meeting Summary

Title: Reporting Requirements for Nonemergency Events at Nuclear Power Plants Rulemaking

Meeting Identifier: 20211475

Date of Meeting: December 9, 2021

Location: Webinar

Type of Meeting: Comment-Gathering Category

Purpose of the Meeting: The purpose of this meeting was to engage with the public regarding the issues to consider during the development of the “Reporting Requirements for Nonemergency Events at Nuclear Power Plants” rulemaking.

General Details: The U.S. Nuclear Regulatory Commission (NRC) staff conducted an online public meeting on December 9, 2021, to discuss issues related to the development of a regulatory basis for the “Reporting Requirements for Nonemergency Events at Nuclear Power Plants” rulemaking. This meeting was a follow-up to a public meeting on this same topic held on November 4, 2021 (meeting number 20211342). The meeting started at 2:00 p.m. ET and concluded at 3:45 p.m. ET. There were approximately 76 participants, including NRC staff and management, State representatives, Nuclear Energy Institute (NEI), nuclear power industry, and other members of the public.

George Tartal from the Office of Nuclear Material Safety and Safeguards started the meeting by welcoming all attendees and describing the purpose, agenda, and meeting logistics. He stated that the purpose of the meeting was to share the NRC’s high-level evaluation criteria for considering changes to the reporting requirements, to understand NEI’s data collection effort, and to provide an additional opportunity for members of the public to express their views on the topic. Mike King from the Office of Nuclear Reactor Regulation (NRR) provided opening remarks for the meeting and welcomed attendees. In addition to the purpose topics that Mr. Tartal stated, Mr. King added that the NRC is interested in external stakeholder perspectives on what subcategories of reporting requirements should be evaluated for remaining as-is, reducing the frequency of reporting, or eliminating.

Lisa Regner from NRR presented background on the history of nonemergency event notification regulations and the related petition for rulemaking submitted by NEI. She also presented a brief status of the rulemaking, as the NRC is developing a regulatory basis document. Ms. Regner presented a high-level version of the NRC’s draft evaluation criteria that could be applied to each of the current reporting requirements. The draft evaluation criteria would consider the effect of a change on overall safety, whether a change would involve specific risks, what NRC actions are taken when a report is provided, and how those actions would be impacted by a change to the requirement, how a change would impact external stakeholder awareness, and what available alternatives exist if the requirement is changed.

Mr. James Slider of NEI provided a brief summary of NEI’s efforts to provide some relevant information on this topic to the NRC in early January 2022. That information may include a

depiction of the sequence of communications that takes place between the plant personnel and resident inspectors when an event happens, some quantitative or qualitative judgment of the risk significance of the circumstances depicted in the Title 10 of the *Code of Federal Regulations* (10 CFR) 50.72 event notification criteria, a graphical depiction of the connection between those notifications and subsequent NRC action, the impact of the evaluation process and the notification process on industry stakeholders and their associated burdens, and the various ways in which plants communicate with State and local stakeholders.

Mr. Tartal then described the NRC's next steps, which include the NRC's plan to issue for public comment a draft regulatory basis document in June 2022.

Public Participation Themes:

States:

Mr. Semancik: The evaluation criteria need to address the NRC principle of openness, which he did not see in the draft criteria. These requirements need to maintain transparency to public stakeholders. It is also important to separate the burden of reporting the event from any required subsequent analysis of the event. State and local officials still have a need for situational awareness, especially for matters that affect the public. Every State has varying statutory requirements, and Connecticut has a statutory requirement to implement NRC's reporting requirements. If the NRC removes these requirements, it could become very complicated to continue requiring these notifications.

Mr. Leshinsky: It is difficult to ascertain how a delay would affect the end users who receive this information, such as State liaison officers. However, based on experience, such events can result in needing to relay information to the governor or the rest of the State in a short amount of time. He recommended additional outreach to the Agreement States and State liaison officers. He added that when the NRC considers changing reporting requirements, it is typical for the public to assume the NRC is reducing its openness, so please recognize the importance of openness. Also, based on past experience of such a nonemergency notification in his State, he was getting questions within minutes of passing along the reported event information to the State. If Vermont gets information from the licensee that the NRC does not have, this could complicate consulting with the NRC on that matter. Having the NRC drive the notification process makes for more efficient communication.

Mr. Crowley: Those within the State liaison officers program use the nonemergency event information the most, as well as people who live within and around the plant community. The public has more confidence in information coming from a State official than if it comes from the licensee, and hence, the importance to require these notifications. How much extra burden is it to provide these notifications when the evaluations are happening at the plant regardless? This situational awareness is important.

Nuclear Industry:

Mr. Catran: There is a need to maintain open information flow. The NRC has certain activities it needs to perform in a timely manner when a report is received. He would like to see more detail on how the NRC uses this information and if it is being provided in a timely manner. The licensee event report associated with some of these events may make the immediate report

unnecessary, depending on timeliness needs. While this rulemaking requires a fair amount of effort and resources, there is a certain amount of burden that the licensees bear in reporting these events, including coordinating with operations and engineering staff.

Mr. Gullette: Is there a publicly-available process or procedure for what happens when a licensee makes a report to the NRC headquarters operations officer (HOO)? (The NRC staff replied that Management Directive (MD) 8.3, "NRC Incident Investigation Program," describes the process for emerging conditions at a site.) How does the notification play into the MD 8.3 process, as some events at a site do not require a notice but do play into MD 8.3? (The NRC responded that that kind of data is important to our assessment.)

Mr. Zimmerman: There are a number of activities where the licensee and resident inspectors communicate regularly that do not require a 10 CFR 50.72 report. Many of such reports include language that the resident inspectors have been notified. What is the process whereby a resident inspector takes information from the licensee and informally communicates it back to the region or headquarters when a 50.72 notice is not required? (The NRC responded that the problem is that resident inspectors are not always available, and if an event happens and there is no reporting requirement, there may be a significant delay in getting that information to the NRC.)

Mr. Waring: Can the NRC provide the office instruction regarding how the NRC handles event data? (The NRC staff agreed to provide the office instruction number.) Can the NRC clarify when such an event would involve an international briefing, which might be more appropriate under 50.73 with more information, but how would that work under 50.72? (In response, the NRC staff provided a recent example.) Mr. Waring clarified that the only reporting requirements under consideration in this rulemaking are those of nonemergency events under 50.72.

Mr. Slider: As the NRC's evaluation criteria are draft, what is the NRC's timeliness goals for completing the evaluation criteria? (The NRC staff responded that its goals are to make it available in the summary for this public meeting in early January 2022.) What would the NRC's goal be for receiving feedback on the draft evaluation criteria? (The NRC staff responded that it should accompany NEI's data collection efforts on this topic.) On risks of modifying or eliminating a reporting requirement, would there be a list of consequences or some quantification? (The NRC staff responded yes to both, and that it is trying to use data-driven decision-making as much as possible.) On actions taken as a result of the reporting requirement, the NRC should fully describe such actions in its regulatory basis. On initiation of external stakeholder actions, what is the threshold for number of external stakeholders' actions to retain the requirement? (The NRC staff responded that, for example, State statutory or regulatory requirements are very important, and those liaison officers need that information immediately. However, it could vary depending on the requirement and action.) On available alternatives to improve the flow of information, does that alternative imply that the NRC would have already decided to maintain the requirement? (The NRC staff confirmed.) We do not want to add to the burdens placed on resident inspectors; however, regardless of whether an event is required to be formally noticed to the NRC, resident inspectors are routinely looped into any significant evolution or change in plant status. (The NRC staff responded that the current situation may not be true in the future if these notices are no longer required.) Mr. Slider reiterated that licensees and resident inspectors continue to have open dialogue on plant conditions whether or not a 50.72 reporting requirement is involved. (The NRC staff responded that is not always the case across the entire fleet.) Would it be a burden for States to

promulgate their own requirements if the NRC decides to remove these requirements? (A State representative replied that it would be a burden and may be difficult to justify if the NRC needs it to be unnecessary. They estimated that 95 percent of their rules lean on the NRC's rules.)

Mr. Waring: Section 50.9 of 10 CFR covers acts of omission and commission; could that regulation apply to non-50.72 events where the licensee did not inform the NRC? (The NRC staff responded that its understanding of 50.9 is that it covers written submittals.)

Non-Governmental Organizations:

No non-governmental organizations made remarks during this public meeting.

Other Members of the Public:

No other members of the public made remarks during this public meeting.

Next Steps:

The NRC plans to issue a draft regulatory basis document for comment in June 2022.

Attachments:

- 12/09/2021 Public Meeting Notice - Notice of Public Meeting to Discuss the Proposed Rulemaking on "Reporting Requirements for Nonemergency Events at Nuclear Power Plants," November 19, 2021 (ADAMS Accession No. ML21323A177)
- 12/09/2021 - NRC Presentation for Public Meeting Re: Reporting Requirements for 10 CFR 50.72(b) Nonemergency Events at Nuclear Power Plants, December 3, 2021 (ADAMS Accession No. ML21337A345)
- 12/06/2021 – Supplemental Slide for Public Meeting to Discuss the Proposed Rulemaking on "Reporting Requirements for Nonemergency Events at Nuclear Power Plants," December 16, 2021 (ADAMS Accession No. ML21350A033)
- Transcript of 12/09/2021 Public Meeting to Discuss the Proposed Rulemaking on Reporting Requirements for Nonemergency Events at Nuclear Power Plants, December 15, 2021 (ADAMS Accession No. ML21350A035)
- "Assessment of 10 CFR 50.72(b) Reporting Criteria," March 2, 2022 (ADAMS Accession No. ML22061A242)

SUMMARY OF DECEMBER 9, 2021, PUBLIC MEETING TO DISCUSS REPORTING
REQUIREMENTS FOR NONEMERGENCY EVENTS AT NUCLEAR POWER PLANTS
RULEMAKING

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ADAMS Accession Nos.: ML21350A033 (Meeting Summary) ML21350A029 (Package)

OFFICE	NMSS/REFS/MRPB/PM	NMSS/REFS/MRPB/RS	NMSS/REFS/RRPB/BC	NRR/DRO/IOEB/BC
NAME	GTartal	LRonewicz	IBerrios (DAndrukat)	LRegner
DATE	12/16/2021	12/16/2021	12/26/2021	1/05/2022

OFFICIAL RECORD COPY

MEETING ATTENDANCE

PUBLIC MEETING TO DISCUSS PROPOSED RULEMAKING ON “REPORTING REQUIREMENTS FOR NONEMERGENCY EVENTS AT NUCLEAR POWER PLANTS”

WEBINAR

DECEMBER 9, 2021, 2:00 P.M. – 3:45 P.M. (Eastern Time)

U.S. Nuclear Regulatory Commission	
Jo Ambrosini	Angel Moreno
James Anderson	Tony Nakanishi
Howard Benowitz	Caty Nolan
Ilka Berrios	William Orders
Peter Boguszewski	Bo Pham
Kathryn Brock	Christopher Regan
Michael Brown	Lisa Regner
Jason Carneal	Christian Scott
Dan Collins	Neil Sheehan
Lloyd Desotell	Jill Shepherd
Dan Doyle	Rebecca Sigmon
Dawn Forder	Chris Speer
Trish Holahan	Mary Spencer
Mike King	George Tartal
Paul Laflamme	Shakur Walker
Brian Lin	Duncan White
Mike McCoppin	Brian Wittick
Philip McKenna	

Public

Name	Affiliation (if provided)
Cliff Acosta	LDEQ
Ernest Bates	
Hannah Benson	
Jana Bergman	
Bernard Bevill	
Rodney Brown	
Chelsea Butler	CDPH
Steve Catron	NextEra Energy
Allega Chilstrom	Court Reporter
John Conly	Certrec Corporation
David Crowley	State Liaison Officer – North Carolina
Catherine Goggins	
Adam Goodman	
David Gullott	Exelon Nuclear
Anthony Leshinskie	State Liaison Officer - Vermont

Enclosure

Bob Murrell	
Kurt Myers	
Ton Ostrander	
Pasquale Razzano	
Mark Reese	ODOE
Daniel Rose	
Sydney Scavuzzo	
Jeff Semancik	CCP (Connecticut)
Carlos Sisco	Winston & Strawn LLP
James Slider	NEI
Richard Stadtlander	
Derrick Stanley	
Adam Stein	Breakthrough Institute
Jessica Walker	
Justin Waring	PSEG Nuclear
Theodore Wentworth	EGLE
Roger Wink	
Tony Zimmerman	Duke Energy

Note: Attendance list based on Microsoft Teams participant list. This list does not include individuals who did not provide their last name either in registering for the meeting or by a follow-up email.