

**Public Meeting:
Regulatory Basis for Changes to
Reporting Requirements for
Nonemergency Events at
Nuclear Power Plants**

December 13, 2022

Purpose

- Provide information to facilitate stakeholders' comments on the Regulatory Basis for Changes to Reporting Requirements for Nonemergency Events at Nuclear Power Plants
- The NRC is not collecting comments on the regulatory basis during this meeting, rather we will describe how to submit comments.

Agenda

- Welcome and Logistics
- Opening Remarks
- Background and Status
- Overview of the Regulatory Basis
- Questions and Discussion
- Preparing and Submitting Comments
- Adjourn / Closing

Logistics

- This meeting is being recorded
- During “Questions and Discussion” periods, please indicate your desire to speak by using the “Raise Hand” button in Teams (or press “*5” if participating by phone)
- Once your name has been called by the facilitator, you will need to unmute yourself (press “*6” if participating by phone)
- Chat feature is also enabled
- Presentation slides shown on the Microsoft Teams screen and in ADAMS at ML22342B163
- Phone attendees should e-mail george.tartal@nrc.gov for attendance record

Opening Remarks

Mike King

Deputy Director for Reactor Programs
Office of Nuclear Reactor Regulation (NRR)

Background and Status

- In the 1980s, NRC adopted requirements in 10 CFR 50.72(b) for licensees to immediately notify NRC of potentially significant nonemergency events.
- In 2018, NEI submitted petition requesting removal of the 10 CFR 50.72(b) requirements.
- In 2021, the Commission directed NRC staff to pursue rulemaking with following restrictions:
 - Do not shift responsibility for gathering, verifying, and communicating information on these events from licensees to resident inspectors
 - Discontinue rulemaking if not cost-justified or if changes would unacceptably degrade NRC's situational awareness.

Background and Status

- NRC staff developed a regulatory basis evaluating the requirements and guidance for these notifications and assessing whether the requirements present an undue reporting burden.
- The regulatory basis contains an analysis of whether reporting requirements can be modified or eliminated when they do not have a commensurate safety benefit.
- The regulatory basis concluded that 6 of the notifications could be eliminated and 2 would benefit from updated guidance.
- The regulatory basis also concluded that licensees could use an alternative reporting method for submitting nonemergency event notifications.

Screening Questions

- Would the NRC still be able to perform its mission without this report?
- Would eliminating this report degrade the NRC's ability to successfully execute its mission?
- Would eliminating this report significantly degrade the NRC's ability to track or trend data?
- Is this report duplicated by another regulation?
- Is this type of event reportable under 10 CFR 50.73 (Licensee Event Reports), and would that report meet the NRC's needs?

Analysis Considerations

- Impact of report elimination on internal and external communications
- Reactive inspections connected to event notifications
- Events reported under multiple criteria
- Event notifications that are subsequently retracted

Overview of Recommendations

10 CFR 50.72 Paragraph	Condition Requiring Notification	Recommendation
(b)(1)	Deviation from TS under 10 CFR 50.54(x)	No change
(b)(2)(i)	Plant shutdown required by TS	No change
(b)(2)(iv)(A)	System actuation (ECCS discharge)	Eliminate
(b)(2)(iv)(B)	System actuation (RPS actuation)	No change
(b)(2)(xi)	News release or notifications of other government agency	Eliminate
(b)(3)(ii)(A)	Degraded condition	Update NUREG 1022
(b)(3)(ii)(B)	Unanalyzed condition	Update NUREG 1022
(b)(3)(iv)	System actuation (valid or invalid actuation)	Eliminate
(b)(3)(v)	Event or condition that could have prevented fulfillment of a safety function	Eliminate
(b)(3)(xii)	Transport of a contaminated person offsite	Eliminate
(b)(3)(xiii)	Loss of EP capabilities	Eliminate
(a)(1)	Alternative reporting method	New

Summary of Costs and Benefits

	Net Benefits (2022 dollars)		
Description	Undiscounted	7% NPV	3% NPV
Industry Net Benefits	\$4,709,000	\$1,981,000	\$3,219,000
NRC Net Benefits	\$6,754,000	\$2,789,000	\$4,488,000
Total Net Benefits	\$11,463,000	\$4,770,000	\$7,707,000

- Industry benefits - elimination of some reporting requirements, guidance that will reduce event notification withdrawals, and a new voluntary reporting alternative
- Industry costs – implementation via procedures and training
- NRC benefits - reduced reviewing, processing, and acting on licensee reports due to fewer reports and the use of automation
- NRC costs - rulemaking

Other Considerations

- Regulatory efficiency and reliability
- Environmental impact considerations
- Small entities
- Backfitting
- State/local governments impacts

Conclusion

- Sufficient regulatory basis to proceed with rulemaking
- Better aligns requirements with current needs
- Focuses NRC resources
- Maintains openness
- Enhances regulatory stability, predictability, and clarity
- Addresses advances in technology
- Reduces burden on the NRC and licensees

Where to Find Information

The screenshot shows the Regulations.gov homepage. At the top left is the logo 'Regulations.gov' with the tagline 'Your Voice in Federal Decision Making'. At the top right is a 'SUPPORT' button. Below the header is a blue banner with the text 'Make a difference. Submit your comments and let your voice be heard.' In the center of the banner is a search bar containing the text 'NRC-2020-0036' and a green 'Search' button. Below the banner, on the left, is a 'Welcome to the new Regulations.gov' section with a description of the site's enhancements and two buttons: 'Read More' and 'Watch Our Introduction Video'. To the right of this is an 'Explore' section with a 'Comments Due Soon' table and a 'Posted Recently' section.

Comments Due Soon	
Today	78
Next 3 Days	104
Next 7 Days	178

Below the 'Explore' section is a 'What's Trending' section.

Go to <https://www.regulations.gov>
and search for docket ID **NRC-2020-0036**

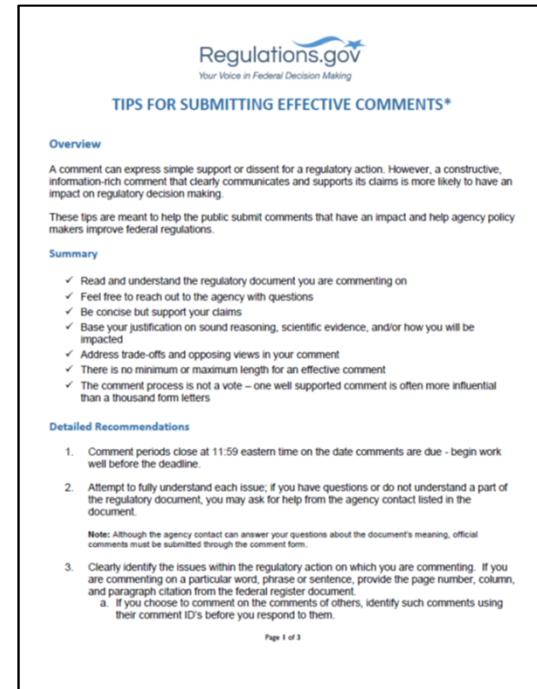
Submitting a comment

- **Ways You Can Submit Comments:**
 - **Regulations.gov:** [comment form](#) for the regulatory basis on docket NRC–2020–0036
or
 - **Email:** Rulemaking.Comments@nrc.gov
or
 - **Mail:** Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff
- **Frequently Asked Questions (FAQs)** on commenting are available at: <https://www.regulations.gov/faq>

Proposed Rules		Federal Register Vol. 87, No. 216 Wednesday, November 9, 2022
<p>This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rule.</p>		
<p>NUCLEAR REGULATORY COMMISSION</p> <p>10 CFR Part 50 [Docket No. NRC-2020-0036] RIN 3150-AK71</p> <p>Reporting Requirements for Nonemergency Events at Nuclear Power Plants</p> <p>AGENCY: Nuclear Regulatory Commission.</p> <p>ACTION: Regulatory basis; request for comment.</p> <p>SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is requesting comment on a regulatory basis to support a rulemaking that would amend its regulations for nonemergency event notifications. The NRC is evaluating the current requirements and guidance for immediate notification of nonemergency events for operating nuclear power reactors and assessing whether the requirements present an unnecessary reporting burden. The regulatory basis contains an analysis of whether reporting requirements can be reduced or eliminated when they do not have a commensurate safety benefit.</p> <p>DATES: Submit comments by January 9, 2023. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received before this date.</p> <p>ADDRESSES: You may submit comments by any of the following methods:</p> <ul style="list-style-type: none"> • Federal rulemaking website: Go to https://www.regulations.gov and search for Docket ID NRC-2020-0036. Address questions about NRC dockets to Dawn Forder, telephone: 301-415-3407; email: Dawn.Forder@nrc.gov. For technical questions, contact the individual(s) listed in the FOR FURTHER INFORMATION CONTACT section of this document. • Email comments to: Rulemaking.Comments@nrc.gov. If you do not receive an automatic email reply confirming receipt, then contact us at 301-415-1677. • For additional direction on obtaining information and submitting comments, see "Obtaining Information and Submitting Comments" in the SUPPLEMENTARY INFORMATION section of this document. • FOR FURTHER INFORMATION CONTACT: George Tartal, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-0016; email: George.Tartal@nrc.gov; or Brian Benney, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2767; email: Brian.Benney@nrc.gov. <p>SUPPLEMENTARY INFORMATION:</p> <p>I. Obtaining Information and Submitting Comments</p> <p>A. Obtaining Information</p> <p>Please refer to Docket ID NRC-2020-0036 (formerly Docket ID NRC-2018-0201 for the associated petition for rulemaking) when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:</p> <ul style="list-style-type: none"> • Federal Rulemaking Website: Go to https://www.regulations.gov and search for Docket ID NRC-2020-0036 (or Docket ID NRC-2018-0201 for the associated petition for rulemaking). • NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly available documents online in the ADAMS Public Documents collection at https://www.nrc.gov/readingrm/adams.html. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the "Availability of Documents" section. • NRC's PDR: You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays. <p>B. Submitting Comments</p> <p>The NRC encourages electronic comment submission through the Federal rulemaking website (https://www.regulations.gov). Please include Docket ID NRC-2020-0036 in your comment submission.</p> <p>The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at https://www.regulations.gov as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information. If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.</p> <p>II. Discussion</p> <p>To facilitate early stakeholder engagement in the rulemaking process, the NRC is requesting comment on a regulatory basis to support a rulemaking that would amend Section 50.72, "Immediate notification requirements for operating nuclear power reactors," of Title 10 of the Code of Federal Regulations (10 CFR). The regulatory basis is developed as a precursor to a proposed rule and describes the NRC's preferred approach for resolving an issue raised in a petition for rulemaking (PRM), PRM-50-116, submitted by the Nuclear Energy Institute (NEI) on August 2, 2018. The petition requested the NRC to amend its regulations to remove all nonemergency notification requirements for operating nuclear power reactors. On August 12, 2021, the NRC published a notice in the Federal Register (86 FR</p>		

Commenter's Checklist on Regulations.gov

- Available from [Regulations.gov](https://downloads.regulations.gov/FS-2018-0053-0007/content.pdf) at:
<https://downloads.regulations.gov/FS-2018-0053-0007/content.pdf>
- This information is also available from the page for submitting comments on the proposed rule:
<https://www.regulations.gov/commenton/NRC-2016-0179-0072>



Next Steps

- Public comment period closes on January 9, 2023
- Consider public comments
- Develop proposed rule
- Proposed rule due to the Commission: May 2024
 - Public meeting(s)
 - Public comment period after Commission approval
- Final rule to the Commission: February 2026

Contacts

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References

Regulatory basis document (ADAMS Accession No. [ML22108A004](#))

Federal Register notice announcing availability of reg basis and request for public comment ([87 FR 67571](#); November 9, 2022)

PRM-50-116 (ADAMS Accession No. [ML18247A204](#))

SECY-20-0109 (ADAMS Accession No. [ML20073G004](#))

SRM-SECY-20-0109 (ADAMS Accession No. [ML21209A947](#))

PRM Closure FRN ([86 FR 44290](#); August 12, 2021)

NUREG-1022 Rev. 3 (ADAMS Accession No. [ML13032A220](#))

NUREG-1022 Rev. 3 Supp. 1 (ADAMS Accession No. [ML14267A447](#))

MD 8.3 (ADAMS Accession No. [ML18073A200](#))

[10 CFR 50.72](#) Immediate notification requirements for operating nuclear power reactors - Paragraph (b) Non-emergency events

Abbreviations, Acronyms and Initialisms

ADAMS	Agencywide Documents Access and Management System
CFR	Code of Federal Regulations
FRN	Federal Register Notice
MD	Management Directive
NEI	Nuclear Energy Institute
NRC	Nuclear Regulatory Commission
NRR	Office of Nuclear Reactor Regulation
PRM	Petition for Rulemaking
SECY	Document from the NRC staff to inform or seek decision from the Commission
SRM	Staff Requirements Memorandum

How did we do?

- The public meeting feedback form can be accessed on the meeting details page:

<https://www.nrc.gov/pmns/mtg?do=details&Code=20221205>