

# PUBLIC SUBMISSION

<b>As of:</b> 2/4/19 10:14 AM <b>Received:</b> February 01, 2019 <b>Status:</b> Pending_Post <b>Tracking No.</b> 1k3-980e-g13j <b>Comments Due:</b> February 04, 2019 <b>Submission Type:</b> Web
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**Docket:** NRC-2018-0201

Elimination of Immediate Notification Requirements for Non-Emergency Events

**Comment On:** NRC-2018-0201-0002

Elimination of Immediate Notification Requirements for Non-Emergency Events

**Document:** NRC-2018-0201-DRAFT-0008

Comment on FR Doc # 2018-25273

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## Submitter Information

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## General Comment

See attached file for PSEG Nuclear Comments on Elimination of Immediate Notification Requirements for Non-Emergency Events

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## Attachments

LR-N19-0009 PSEG Nuclear Comments on Elimination of Immediate Notification Requirements for Non-Emergency Events



LR-N19-0009

February 1, 2019

Ms. Annette L. Vietti-Cook  
Secretary  
ATTN: Rulemaking and Adjudications Staff  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Salem and Hope Creek Generating Stations  
Renewed Facility Operating License Nos. DPR-70, DPR-75 and NPF-57  
NRC Docket Nos. 50-272, 50-311 and 50-354

Subject: NEI Petition to Amend 10 CFR 50.72, "Immediate notification requirements for operating nuclear power reactors" (PRM-50-116)

Dear Ms. Vietti-Cook:

By Federal Register (FR) notice (83 FR 58509) dated November 20, 2018, the Nuclear Regulatory Commission (NRC) requested comments on a petition for rulemaking by the Nuclear Energy Institute (NEI) to eliminate immediate notification requirements for non-emergency events. PSEG Nuclear, LLC (PSEG) is the operator of the Salem and Hope Creek Generating Stations and appreciates the opportunity to comment. In the FR notice, the NRC staff asked respondents to consider five specific questions when commenting on the petition. The attachment to this letter provides the PSEG responses to the five specific questions.

PSEG fully endorses NEI's petition and requests that the NRC initiate rulemaking to implement the proposed changes. The current immediate notification requirements for non-emergency events are redundant to the existing communications that currently take place between licensees and the onsite resident inspectors; and are not necessary for the NRC to fulfill its duties. In addition, PSEG respectfully requests that NRC take a broader view toward modernizing and reconsidering all reporting requirements.

The process of engaging site resources to evaluate potentially reportable non-emergency events with minimal nuclear safety consequence creates an unnecessary burden on PSEG and other NRC power reactor licensees. The actual time licensees expend on making or defending a §50.72 event notification (EN) decision exceeds the 30 minute estimate when the time to

prepare, vet, and validate the EN is included. The burden is further increased when licensees are required to defend a decision to not report under subjective criteria. Finally, non-emergency ENs distract the reactor control room staff from their primary responsibility to monitor and respond to plant conditions.

Reporting and daily publication of non-emergency events does not meet the original intent of the rule as indicated by statements of considerations in 48 FR 39046, dated August 29, 1983. The stated purpose of §50.72 is to allow the NRC 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. The stated purpose can be accomplished by reporting non-emergency events to resident inspectors or regional duty officers. Additionally, ENs generally lack adequate detail to allow a member of the public to understand the event significance. ENs contain less information than is concurrently provided to the site resident inspectors by licensees. The site resident inspectors have the knowledge and site experience to contextualize these events and to elevate discussions to NRC Regional management when necessary.

The remedies proposed by NEI are consistent with the NRC's Principles of Good Regulation. NEI's proposed change does not impinge on the independence of the agency. NRC openness is unaffected because subsequent §50.73 licensee event reports continue to be publicly available. The proposed change will improve efficiency for licensees and NRC, provide clarity regarding notification requirements, and will ensure any necessary agency actions will continue to be based on the best available information.

Finally, PSEG recommends that the NRC take a broader view to all reporting requirements. There are close to 300 different reports required by Title 10 of the code of federal regulations (CFR). Many of these no longer serve the intended purpose, meet the original intent or may no longer be necessary given current industry programs that serve all licensees such as the personnel access data system (PADS).

Should you have any questions or comments regarding the submittal, please contact Mr. Justin M. Wearne, Station Compliance Manager, at 856-339-1351.

There are no regulatory commitments contained in this letter.

Sincerely,



Justin M. Wearne

Station Compliance Manager

Attachment

cc: Document Control Desk  
Commitment Coordinator, Hope Creek Generating Station  
Commitment Coordinator, Salem Generating Station  
Corporate Commitment Coordinator, PSEG Nuclear, LLC

## **Attachment**

PSEG Response to Specific NRC 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 PSEG operating experience (OE) process does not formally utilize 10 CFR 50.72 event notifications (EN). NRC publications used in the OPEX program include Information Notices (IN), Regulatory Issue Summary (RIS), and Smart Sample (OpESS). Daily event reports (EN) are used to identify issues for future review but do not provide detail sufficient to understand the issue or implications for PSEG. The backbone of the PSEG OE process is the Institute of Nuclear Power Operators (INPO) consolidated event system (ICES) and incident event report (IER) system.

Elimination of immediate non-emergency event reporting will not alter the 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. These information needs can be satisfied by reporting non-emergency events to resident inspectors or regional duty officers. 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.

- 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.**

As with §50.72 ENs, the PSEG OE process does not formally utilize 10 CFR 50.73 licensee event reports (LER) because they are not sufficiently detailed to completely understand an event and its implications for PSEG. LERs contain only the information required by 10 CFR 50.73 which has been relatively static since inception. INPO's ICES reports contain additional information including the licensee's cause determination report. INPO reviews the content of ICES reports biennially to ensure the system meets industry needs.

As stated in the NRC request for comment (83 FR 58509) on NEI's petition for rulemaking to eliminate immediate notification requirements for non-emergency events, most non-

emergency §50.72 reports have corresponding §50.73 reports. However, the resident inspector is notified of non-emergency events including the three events (news release or notification to other governmental agency, transportation of a radioactively contaminated person or major loss of emergency assessment capability) that do not have corresponding §50.73 reports. Resident inspectors will also learn of these events from corrective action program (CAP) entries. Therefore, eliminating these reports will not cause a change from current practice.

The purpose of §50.72 was to provide the NRC with immediate reporting of significant events where immediate action to protect the public health and safety may be required or where the NRC needs accurate and timely information to respond to heightened public concern. Use of §50.72 or §50.73 reporting was not intended to be and should not become a forum for sharing operating experience among nuclear power plant operators. Similarly, use of §50.72 or §50.73 reporting was not intended to be and should not become a process for public dissemination of raw information regarding events at operating nuclear reactors.

- 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.**

Preparing and approving non-emergency §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. An inordinate effort is spent on administrative tasks, often after the NRC resident inspector has been informed of the event. Conversely, significant effort is often required following non-emergency events that are not reported under §50.72 because inspector challenges to subjective reportability decisions require rigorous justification.

All but three non-emergency §50.72 reports are redundant to §50.73 reporting requirements. None of the non-emergency §50.72 reports are of sufficient urgency to require immediate reporting. Communication with resident inspectors or regional duty officers can satisfy NRC information needs for non-emergency events. Developing an immediate non-emergency §50.72 EN diverts attention and resources from the operation and operational oversight of the nuclear power plant. In particular, the shift manager, who is the senior most person licensed by the NRC to operate the reactor controls, is required to develop and make the report in a short time frame while managing the circumstances that gave rise to the non-emergency EN requirement.

- 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. Notification of non-emergency events by means of an emergency reporting process is contrary to the best interests of the public because it diverts the finite resources of both the licensee and the NRC. Licensee resources should be better used recovering from the event. NRC resources should be better used inspecting plant and organizational issues and remaining abreast of current plant status.

- 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.**

PSEG endorses the Nuclear Energy Institute (NEI) petition to amend 10 CFR 50.72 docketed as NRC-2018-0201 (PRM-50-116).