



**Global Nuclear Fuel**

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Division of Fuel Management  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission

ATTN: Document Control Desk

Subject: Global Nuclear Fuels – Americas (GNF-A) Request for Clarification on Reporting Requirement in 10 CFR 70 Appendix A(c)

References: 1) NRC License SNM 1097, Docket 70-1113  
2) NRC FCSS Interim Staff Guidance-12, Revision 1, “10 CFR Part 70, Appendix A – Reportable Safety Events”, September 2018

Dear Sir or Madam:

Global Nuclear Fuel – Americas (GNF-A) requests a clarification of the concurrent reporting requirement in 10 CFR 70 Appendix A(c) for situations that require notification to a local county official for routine maintenance activities. GNF-A believes these types of notifications do not meet NRC concurrent reporting criteria because they are excluded as described in NRC FCSS Interim Staff Guidance -12 (Reference 2).

The attachment to this letter provides GNF-A’s evaluation of the clarification request.

Please contact me if you have any questions or would like to discuss this matter further.

Sincerely,

  
Scott P. Murray, Manager  
Facility Licensing

Attachment: Evaluation for 10 CFR 70 Appendix A(c) Reporting Clarification

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**Global Nuclear Fuel**

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Attachment

**Clarification Request**

GNF-A requests a clarification to the NRC concurrent reporting requirement in 10 CFR 70 Appendix A(c) for situations that require notification to a local government official for routine maintenance activities on State code required fire suppression systems. GNF-A believes these types of notifications do not meet NRC concurrent reporting criteria thresholds because they are similar to excluded examples described in NRC FCSS ISG-12, Rev 1.

**Evaluation**

At various frequencies, GNF-A staff conducts routine inspection, test and maintenance activities on required fire suppression systems. These activities typically are completed in less than 24 hours and during this time compensatory measures such as limiting combustibles in the affected area and posting a fire watch are enacted. The fire suppression system is not a licensee identified item relied on for safety (IROFS).

Per existing mutual aid agreements, New Hanover County (NHC) would respond to any requests for fire support by the Emergency Response Organization on the GNF-A site. To satisfy the State of NC Fire Code, the NHC Deputy Fire Marshall has requested a routine notification from GNF-A whenever a fire system is impaired for more than four hours and when the impaired system is restored to service after the required test or maintenance is complete. GNF-A is seeking clarification on whether these types of routine notifications require a concurrent NRC report every time a notification to the Deputy Fire Marshall is made.

NRC FCSS-ISG-12, Rev. 1, Section 3.5 provides guidance on concurrent NRC reports and Section 3.5.2 provides several examples of events that generally do not need to be reported to NRC.

**3.5.2 Other Government Notifications**

For reporting purposes, the phrase "other government agencies" in Paragraph (c) of Appendix A refers to local, State or other Federal agencies. Notifying another agency does not relieve the licensee of the requirement to report to the NRC.

Licensees generally do not have to report media and government notifications to the NRC unless they are related to the health and safety of the public or on-site personnel, or protection of the environment. For example, the NRC does not generally need to be informed under this criterion of the following, even if these events may require notification to another regulatory agency:

- minor deviations from sewage or chlorine effluent limits
- minor non-radioactive, onsite chemical spills that do not affect the safety of NRC-license material
- minor oil spills
- problems with plant stack or water tower aviation lighting
- peaceful demonstrations
- routine reports of effluent releases to other agencies

The examples in Attachment C of this guide provide additional guidance on the reportability of events under Paragraph (c) of Appendix A.

Like the examples in Section 3.5.2, Attachment C has two additional examples where NRC notification is not needed.

#### Routine Agency Notifications

- A licensee notified the U.S. Environmental Protection Agency (EPA) that a liquid effluent exceeded the release permit limit for biological oxygen demand. This event was caused by an unexpected loss of a circulating water pump at the site sanitary waste treatment facility. NRC notification was not needed because these events are routine and don't directly involve NRC-licensed material.
- A licensee notified the State, EPA, U.S. Coast Guard and Department of Transportation that 15 gallons of diesel fuel oil had spilled onto gravel-covered ground inside the controlled area. The spill has minor environmental impact and was cleaned up by removing the gravel and dirt. NRC notification was not needed because these events are routine and don't directly involve NRC-licensed material.

GNF-A believes routine inspection, test and maintenance activities of the fire suppression system do not meet the criteria for a concurrent report to NRC because they are not related to the health and safety of the public or on-site personnel, or protection of the environment, and are similar to several excluded examples described in NRC FCSS ISG-12, Rev 1. However, this particular example is not specifically called out in Section 3.5.2, "Other Government Notifications," or Attachment C and thus is open to interpretation and uncertainty.

For the last several years, GNF-A has taken a conservative response to notify the NRC Headquarters Operations Center for every instance when a fire system maintenance activity occurs, and the local Deputy Fire Marshall is notified. For example, in 2019 NRC received a total of 21 fuel cycle licensee event reports. Of these, licensees made a total of 8 concurrent reports pursuant to 10 CFR 70 Appendix A(c) and GNF-A made 7 of these related to fire system maintenance activities. So far in 2020, GNF-A has made 9 similar concurrent reports. For these types of reports, NRC staff seldom requests any additional information or follow-up activities.

In addition, 10 CFR 70.74(b) also requires GNF-A to submit a follow-up written report to NRC within 60 days that includes the information described in 10 CFR 70.50(c)(2) for each of these conservative concurrent notifications.

#### **Conclusion**

Based on the above, GNF-A concludes that it is not a necessary or an appropriate use of licensee and NRC resources to provide a concurrent event notification with written follow-up report for routine fire system maintenance activities and requests NRC concurrence.