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**To:** [Carrera, Andrew](#)  
**Cc:** [WEARNE, Justin \(PSEG\)](#)  
**Subject:** [External\_Sender] RROAR Discussion Items  
**Date:** Monday, August 09, 2021 4:10:23 PM

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Andy,

In response to your request for input on items for discussion at the planned August 19 public meeting on the Retrospective Review of Administrative Requirements, we provide the list below. Our Item numbers below are the Item numbers provided in the first column of the tables listing the NRC staff response to comments on RROAR in Enclosure 1 to SECY-21-0056.

- Item 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. 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 4. The staff analysis says this report is used for inspection planning. Please explain how. Licensees receive requests for the report on E-Plan 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 72.44(d)(3) (Item 14) is given six months for submittal?
- Item 5. 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 LER is used in event response and maintaining a record of conformance with the facility licensing basis.
- Item 8. 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. Same response as Item 8.
- Item 10. Same response as Item 8.
- Item 11. See Item 4 above.
- Item 12. 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: Same question as on Item 12 above.
- Item 14: Same question as on Item 12 above.
- Item 15: 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 72.75 (see Item 8 above)?

- Item 16: See similar entry for Item 4 above.
- Item 17: 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 didn't come due at the same time.
- Item 18: Staff analysis says the 72.48 report is used for inspection planning. Please explain how it is so used.
- Item 20: 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.
- Item 21: 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 in these reports and tell us how many such reports there have been since this requirement was established.
- Item 22: Please explain how the 30-day report contributes to timely inform carriers on potential contamination.
- Item 23: Please explain how the 30-day report contributes to timely inform carriers on potential contamination.
- Item 24: Please explain how the 30-day report contributes to timely inform carriers on potential contamination.
- Item 25: Please explain what burden reductions the staff is considering.
- Item 27: Please explain how this report is used for inspection planning and event response, as stated in the staff analysis.
- Item 28: 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: See Item 28 above.
- Item 30: Please explain how this report is used in inspection planning and event response, as stated in the staff analysis.
- Item 34: We laud this effort to bring NRC communications into the 21<sup>st</sup> century. We hope the RROAR staff are involving EMBARK in the transformation of such communications.
- Item 39: Please explain how the NRC uses this report.
- Item 40: Please explain how the NRC uses this report.
- Item 41: Please explain how this information is used in inspection planning and event

response.

- Item 51: We understand this was overtaken by the Direct Final Rule effective February 1, 2021. We hope the staff will be able to act quickly via DFR on other changes.
- Item 52: We understand this was overtaken by the Direct Final Rule effective February 1, 2021. We hope the staff will be able to act quickly via DFR on other changes.
- Item 58: Can you share data indicating how many of these reports are submitted each 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 60: Please explain the “programmatic needs and regulatory efficiency” mentioned in the staff analysis, and how this report leads to detecting loss, theft or diversion.
- Item 61: (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 Part 50 and 72 licensees are only required to provide annual effluent reports per tech specs and 72.44(d)(3). There is no basis for mills, conversion and fuel cycle facilities to report semi-annually.
- Item 62: Why is a report required within 24 hours after discovery in this case, but in a case (Part 21 reports) that could similarly affect other licensees, the NRC allows 60 days for reporting?
- Item 65: How many such reports does the NRC receive annually? Why is 30-days essential for this report?
- Item 66: How many such reports does the NRC receive annually?
- Item 68: 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?
- Item 70: 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”?
- Item 72: The explanation offered by the staff is detailed and helpful to our understanding.
- Item 73: The explanation offered by the staff is detailed and helpful to our understanding.
- Item 76: The explanation offered by the staff is detailed and helpful to our understanding. Can the staff make publicly available the database of package usage? This would be helpful to

the industry.

- Item 88: The explanation offered by the staff is detailed and helpful to our understanding.
- Item 89: The explanation offered by the staff is detailed and helpful to our understanding.
- Item 91: At least one licensee has noted that the NRC is inconsistent in issuing such notifications. Why not eliminate this rule or clarify that the NRC will notify the licensee only when the decision is not to withhold?
- Item 99: Please explain the staff response to this item.

If you have any questions, please let me know.

Best regards,

Jim



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