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Proposed Rulemaking on Reporting
Requirements for Nonemergency Events
at Nuclear Power Plants

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

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PUBLIC MEETING TO DISCUSS THE PROPOSED RULEMAKING ON
REPORTING REQUIREMENTS FOR NONEMERGENCY EVENTS AT

NUCLEAR POWER PLANTS

+ + + + +

THURSDAY

NOVEMBER 4, 2021

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The meeting convened via videoconference,
at 2:00 p.m. EDT, Dan Doyle, Facilitator, presiding.

PRESENT:

DAN DOYLE, NMSS/REFS/RRPB

MIKE KING, NRR

LISA REGNER, NRR/DRO/IOEB

GEORGE TARTAL, NMSS/REFS/MRPB

1 ALSO PRESENT:

2

3 WILLIAM FREEBAIRN, S&P Global Platts

4 ANTHONY LESHINSKIE, State of Vermont Nuclear

5 Engineer

6 EDWIN LYMAN, Union of Concerned Scientists

7 BRIAN MAGNUSON, Exelon

8 ALYSE PETERSON, New York State Energy Research

9 and Development Authority

10 TOM PRICE, Environmental Review, Inc.

11 JEFFREY SEMANCIK, Connecticut Department of

12 Energy and Environmental Protection

13 JAMES SLIDER, Nuclear Energy Institute

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P-R-O-C-E-E-D-I-N-G-S

2:00 p.m.

MR. DOYLE: Good afternoon and welcome, everyone.

My name is Dan Doyle, and I will be supporting today's meeting as the facilitator.

Before I turn it over to the NRC Project Manager, George Tartal, I just have a few logistical items to go over to help the meeting go more smoothly.

Please note, first of all, that we're recording this meeting. If you don't consent to being recorded, you may disconnect at this time.

We are also creating a transcript of the meeting, which will become part of the record for this rulemaking activity. We ask for your help in ensuring an accurate transcript by speaking one at a time, and please identify yourself when you start speaking and try to speak clearly.

The presentation slides are being shown via Microsoft Teams. If you connected using the link in the meeting notice, then you should see the slides now that I'm sharing. You can also access the slides in our ADAMS system at Accession No. ML21295A293. That's ML21295A293. The slides have also been posted to the meeting notice, which is on the NRC's public

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1 website. We will periodically say the slide number
2 that we're on, so that attendees that aren't viewing
3 in Microsoft Teams can follow along more easily.

4 At the appropriate time during the NRC
5 staff presentation, we will open it up for members of
6 the public to share their views on this topic. So,
7 here's how that will work:

8 All attendees have been muted, but you do
9 have the ability to unmute yourself. To cut down on
10 background noise, please do try to stay on mute when
11 you're not speaking, or we may place you on mute.
12 But, again, you have the ability to unmute yourself.

13 When we do get to the public input portion
14 of the meeting, we'll ask you to raise your hand if
15 you'd like to speak, and then, we will call on you and
16 you can unmute yourself. To raise your hand, you can
17 click the hand icon in Microsoft Teams. You should
18 see that near the top of the window. If you're
19 joining us today by phone, then you can raise your
20 hand by pressing *5. When we call on you, you can
21 unmute by clicking the microphone button in Microsoft
22 Teams, or if you're on the phone, you can unmute by
23 pressing *6. You may also need to unmute your handset
24 if you pressed the mute button there.

25 So, again, just for callers, that's *5 to

1 raise your hand and *6 to unmute. You can remember
2 which one is which because the hand has five fingers;
3 *5 for the hand and *6 to unmute.

4 So, we won't be able to see your names,
5 for the people that are calling in on the phone. So,
6 we will just identify you by the last four digits of
7 your phone.

8 And the chat feature is disabled in
9 today's meeting. We want to be able to focus on the
10 person who is speaking. We'll be taking everything
11 verbally today, so it's captured in the transcript.
12 So, again, just please raise your hand to ask
13 questions or make comments as we go along.

14 And one more quick note. For those of you
15 on the phone, to be included in the list of attendees
16 today, or if you'd like to be included, please send an
17 email to the meeting contact, George Tartal. His name
18 is on the meeting notice and the email address is
19 george.tartal@nrc.gov, George, G-E-O-R-G-E, dot,
20 T-A-R-T-A-L @nrc.gov. If you could just provide your
21 name and if you have an affiliation that you'd like to
22 have listed there.

23 So, those are my opening remarks. Thank
24 you very much.

25 And I will now turn it over to George

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1 Tartal. Thank you.

2 MR. TARTAL: Thanks, Dan.

3 Can you go to slide 2, please?

4 Good afternoon, everyone.

5 I'm George Tartal. I'm a Senior Project
6 Manager in the Office of Nuclear Material Safety and
7 Safeguards. I'm the Project Manager for this
8 rulemaking, which will consider changes to reporting
9 requirements for nonemergency events at nuclear power
10 plants.

11 For our agenda, we'll start with the
12 purpose of the meeting. We'll have some opening
13 remarks. We'll give you some background information
14 on the project. We'll describe the status of the
15 rulemaking and give you a short description of the
16 rulemaking process. Then, we'll summarize the
17 questions that we would like to discuss in the
18 meeting, and then, we'll ask for members of the public
19 to provide feedback on those questions or on any
20 matter pertaining to nonemergency event notifications.

21 That's where we'll be spending the
22 majority of our time today, as this is largely a
23 listening session on our part and we want to hear from
24 you.

25 So, we plan to take a short break during

1 the public feedback portion of the meeting at an
2 appropriate time. And then, after that, we'll go over
3 next steps and high-level milestones for the projects,
4 and then, we'll conclude the meeting.

5 I'd like to add here that the NRC staff
6 has not decided yet what to propose to do with the
7 nonemergency event notifications. We're open to any
8 and all suggestions, opinions, or other feedback in
9 this meeting. What we hear in this public meeting
10 will inform our development of the regulatory basis
11 that we're working on, and we'll be describing that in
12 just a few minutes. So, we encourage you to provide
13 your feedback to us at the designated time, and thank
14 you in advance. And I note that we will issue a
15 meeting summary within 30 days.

16 Slide 3, please.

17 The purpose of this meeting is to provide
18 information to the public about this NRC rulemaking
19 activity that involves reporting requirements for
20 nonemergency events at nuclear power plants. And
21 we'll do that through the upcoming slides on
22 background, rulemaking process, and project status.

23 We'll provide an opportunity for the
24 public to express views on this topic, and that
25 opportunity is this public meeting, and to receive

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1 feedback on the topics and information presented and
2 other insights. As I mentioned on the last slide,
3 this is where we'll be spending the majority of our
4 time in this public meeting, and the feedback that we
5 receive will inform the staff's decisionmaking as we
6 go forward through the rulemaking process.

7 Slide 4, please.

8 And at this time, we have some opening
9 remarks. I'd like to introduce Mr. Mike King. He's
10 the Deputy Office Director for Reactor Safety Programs
11 and Mission Support in the Office of Nuclear Reactor
12 Regulation.

13 Mike?

14 MR. KING: Thanks, George.

15 And welcome, everybody, to this important
16 meeting. And the staff and myself look forward to
17 engaging with you to receive feedback from all
18 participants.

19 Hopefully, you recognize the NRC has been
20 working hard to become a more modern, risk-informed
21 regulator. And as part of that, this effort includes
22 reducing potentially unnecessary administrative
23 burden. So, this effort is the first phase of our
24 assessment of the requirements associated with
25 nonemergency reporting for nuclear power plants.

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1 So, the rule is intended to ensure the NRC
2 receives important nonemergency information that we
3 need to conduct our safety mission without unnecessary
4 and distraction to those who we regulate. So, to
5 achieve the important balance and provide transparency
6 in our rulemaking process, we can benefit from
7 everyone's input. So, we appreciate you taking the
8 time to provide the feedback here today to us.

9 So, as part of this effort, and with all
10 the things we do, we're committed to principles of
11 good regulation. And for those of you unfamiliar with
12 what they are, independence, openness, efficiency,
13 clarity, and reliability. Those five key aspects are
14 what we consider the principles of good regulation.

15 So, our experts, as we're going through
16 and evaluating this rulemaking effort, will apply
17 these principles and the principles associated with
18 risk-informed decisionmaking in their assessment of
19 what it takes for the NRC as part of this effort. And
20 so, what sort of information do we need in the area of
21 nonemergency reporting?

22 So, along with your input from today's
23 meeting, the staff will prepare a Draft Regulatory
24 Basis that will be shared with the Commission and
25 yourself, the public, for comment sometime this spring

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1 or summer. So, it's a relatively tight timeline and
2 there's a lot of work that needs to be done between
3 now and then to develop the regulatory basis. So, the
4 staff is appropriately prioritizing the effort and we
5 appreciate your efforts to do the same, to provide us
6 timely input and feedback.

7 So, we're going to walk through what the
8 rulemaking process looks like. But you'll see this is
9 only the first stage of the rulemaking effort, and you
10 will have several opportunities to provide your input
11 to us and help us make an informed decisions on any
12 changes to the rule.

13 And we've heard you, or a subset of you,
14 during previous public meetings, that you have a
15 preference for a followup meeting perhaps in the
16 December timeframe. I just wanted to share the staff
17 is open to that, but we would like to understand if
18 you're still interested in that and what we could
19 expect to see in terms of the outcome of that followup
20 meeting.

21 So, with that, there's a lot to be
22 discussed in a short amount of time. So, I'll turn it
23 over. Thanks.

24 MR. TARTAL: All right. Thanks, Mike.

25 Slide 5, please.

1 The next two slides of background on this
2 topic will be presented by Lisa Regner. She's the
3 Chief of the Generic Communications and Operating
4 Experience Branch in the Division of Reactor Oversight
5 in the Office of Nuclear Reactor Regulation.

6 Lisa?

7 MS. REGNER: Thank you, George.

8 Good afternoon.

9 I'd like to provide a high-level overview
10 and background of the rule we're considering for this
11 effort. The regulation at 10 CFR 50.72(b) provides
12 requirements for operating nuclear power plants to
13 quickly report -- that is, within hours -- to the NRC
14 any significant nonemergency events.

15 The purpose of this rule is to ensure the
16 NRC has timely and accurate information to take
17 immediate action to protect public health and safety
18 and to respond to heightened public concern.

19 I'd like to emphasize, or reemphasize,
20 that what we are considering in this rulemaking are
21 potential changes to nonemergency reports. These are
22 only a portion of the event notifications that the NRC
23 receives. So, to be clear, any potential changes do
24 not include emergency reports or other reports covered
25 under different regulations, like security reports or

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1 fitness-for-duty reports.

2 So, as background, in 1980, following the
3 Three Mile Island accident, the NRC determined that
4 certain significant events were important for
5 monitoring nuclear safety and for the NRC's
6 situational awareness. Thus, the NRC added reporting
7 requirements for these events under 10 CFR 50.72.

8 In 1983, the NRC revised the reporting
9 requirements rule to separate emergency events in
10 paragraph (a) from nonemergency events in paragraph
11 (b). And paragraph (b) is what we are assessing.

12 The NRC last updated this regulation in
13 October 2000 to better align reporting requirements
14 with NRC needs and to reduce unnecessary reporting
15 burden, consistent with NRC needs. Examples of
16 changes we made then were to extend the required
17 initial reporting times for some of events and to
18 eliminate certain reporting requirements, like design
19 and analysis defects with little to no risk or safety
20 significance.

21 Slide 6, please.

22 More recently, in 2018, the Nuclear Energy
23 Institute, or NEI, submitted a Petition for Rulemaking
24 requesting the NRC remove the current requirements for
25 licensees to immediately report nonemergency events.

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1 As part of the NRC's review of the Petition for
2 Rulemaking, the NRC published the petition to The
3 Federal Register for public comments, and we received
4 16 comment submissions. Most were industry
5 commenters, generally agreeing with the petition;
6 others opposed, claiming the nonemergency events are
7 still significant information that NRC should know and
8 share with external stakeholders.

9 The NRC closed the petition in 2021 to
10 consider in its rulemaking process whether the current
11 nonemergency reporting requirements create an
12 unnecessary reporting burden without a commensurate
13 safety benefit. Ultimately, however, the NRC must
14 preserve the ability to maintain situational awareness
15 of significant events at nuclear power plants and the
16 visibility and openness of event notifications to
17 public stakeholders.

18 An important point that's worth repeating
19 is that the Commission directed the staff not to
20 consider any shift in reporting responsibilities to
21 the NRC Resident Inspectors. Their focus is to remain
22 on oversight of the operating reactor site to which
23 they are assigned.

24 Slide 7, please.

25 And back to you, George.

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1 MR. TARTAL: Thanks, Lisa.

2 The NRC staff is developing a Regulatory
3 Basis Document. A regulatory basis provides a sound
4 foundation for informed decisionmaking throughout the
5 rulemaking process. More specifically, it discusses
6 the regulatory issues and alternatives to resolve
7 those issues. In other words, describes what the
8 problem is that we're trying to solve and what
9 alternative solutions there are.

10 It considers legal policy and technical
11 issues related to the regulatory issue, and those are
12 straightforward.

13 It considers the costs and benefits of
14 each alternative that it's identified, not just to the
15 licensee, but also to the government, which could
16 include federal, state, or otherwise; to industry, and
17 to other members of the public, as applicable.

18 It identifies the NRC staff's recommended
19 alternative, which is based, in part, on the cost and
20 benefits of each.

21 For this rulemaking, some possible
22 alternatives might include:

23 Maintaining the status quo, and this is
24 the do nothing alternative that we include in most
25 rulemakings.

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1 It could include revising regulations.
2 And that could take on a lot of different forms,
3 including doing exactly as the petitioner requested by
4 removing all of the nonemergency event notifications,
5 or removing some of them, or modifying some, or
6 possibly changing the notification timeframes. There
7 are a number of possible alternatives here.

8 It could include revising guidance. Would
9 improving the guidance solve the problem without
10 changing the existing regulations?

11 And what other options might there be?
12 For example, could we consider using new technologies,
13 such as the Mission Analytics Portal, or MAP-X, to
14 reduce the regulatory burden for these notifications?

15 Slide 8, please.

16 On this slide, you see a typical
17 rulemaking process map. This map shows the four
18 phases for many rulemakings we do here at NRC, that
19 being: need for rulemaking; regulatory basis;
20 proposed rule, and final rule.

21 The need for rulemaking began with the
22 Petition PRM 50-116, and that was completed when the
23 Commission directed the staff to proceed with the
24 rulemaking and we closed the petition earlier this
25 year.

1 The regulatory basis is the phase that
2 we're in now. Should the regulatory basis show that
3 rulemaking is the preferred alternative, the staff
4 would proceed with developing a proposed rule. If the
5 Commission approves that proposed rule, and after a
6 formal public comment period, the staff would develop
7 a final rule. If the Commission approves the final
8 rule, those proposed amendments would become final and
9 effective regulations.

10 Note on this diagram that there are
11 several opportunities for public participation
12 throughout the rulemaking process, including
13 commenting on the petition, public meetings such as
14 today's meeting, commenting on the Draft Regulatory
15 Basis, and commenting on the proposed rule.

16 Slide 9, please.

17 And, Lisa, back to you.

18 MS. REGNER: Thank you, George.

19 As we deliberate and develop the
20 regulatory basis, your specific information on how
21 these event notifications are useful and used by you
22 and your organization is vital. For licensees, we're
23 interested in the specific hardships and costs
24 associated with required reporting. We publish
25 detailed questions in The Federal Register and in the

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1 public meeting notice on the nrc.gov website. Both
2 slides 9 and 10 paraphrase our interests.

3 For many of the nonemergency reporting
4 requirements criteria, there is an associated Licensee
5 Event Report that must be submitted in accordance with
6 10 CFR 50.73. These are more detailed reports, but we
7 do give the licensees 60 days to complete them.
8 What's the impact -- so, those in No. 2 here, we are
9 interested in whether these reports would be adequate
10 for your needs. What's the impact if you didn't
11 receive the event notifications or you didn't receive
12 the information in an LER, a Licensee Event Report,
13 for several weeks?

14 Slide 10, please.

15 It's been 21 years since we completed an
16 evaluation like this, and not only have there been
17 amazing advances in technology, as George mentioned,
18 but there have also been changes in the way we
19 communicate and do business. Let's leverage those
20 changes.

21 Would the online reporting format that
22 George mentioned be beneficial? What if we provided
23 more time for these initial notifications? And if you
24 think we haven't asked the right questions, please let
25 us know.

1 Slide 11, please.

2 And back to you, George.

3 MR. TARTAL: All right. Thank you.

4 So, this is the part of the meeting that
5 you all have been waiting for. It's your turn to tell
6 us what you think about the questions we've asked in
7 the previous slides or whatever input you have for us
8 on nonemergency event notifications.

9 Prior to the meeting, we were contacted by
10 a few individuals, as you see listed on slide 11, who
11 informed us that they wanted to provide some remarks,
12 and we're going to start with them and call on them
13 one at a time. Once those persons have had their
14 chance to speak, we'll ask who else wants to speak.

15 If you want to speak, please raise your
16 hand, as Dan indicated earlier in the meeting, using
17 either the "Raise Your Hand" button in the Microsoft
18 Teams application or by pressing *5, if you're calling
19 in using a phone line.

20 When called on to speak, unmute yourself
21 and begin your remarks. You can unmute yourself by
22 using the "Unmute" button in Teams or by pressing *6,
23 if you're calling in using the phone line. And please
24 mute your line when you've concluded your remarks.

25 In fairness to others at the meeting,

1 please keep your initial remarks to about five minutes
2 and no more than 10 minutes. If we have time at the
3 end, if you had more you wanted to say, we will come
4 back to you. We want to try to get to as many members
5 of the public as possible. So, thank you for your
6 cooperation.

7 As a reminder, we'll be taking a break at
8 approximately 3:15 p.m. Eastern Time, and we'll let
9 you know when it's time for that break.

10 So, without further ado, our first member
11 of the public who has asked to provide some views is
12 Mr. Jeffrey Semancik. He's the Director of the
13 Radiation Division, Bureau of Air Management,
14 Connecticut Department of Energy and Environmental
15 Protection. He is also the Chair of the Conference of
16 Radiation Control Program Directors' E-47 Committee on
17 Commercial Nuclear Power. Mr. Semancik previously
18 sent us slides that I think Dan is going to be showing
19 on the screen.

20 Mr. Semancik, you can unmute and begin
21 your remarks.

22 MR. SEMANCIK: Yes, I want to thank you,
23 thank the staff for their time and this opportunity to
24 address this topic of interest to our members, state
25 and local radiation control program officials.

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1 Next slide, please.

2 As state officials, we thank the NRC for
3 its oversight over the nation's nuclear power plants.
4 While we recognize the NRC has sole regulatory
5 authority for production and utilization facilities,
6 as the representatives of those who live near and
7 around the nuclear power plants across this country,
8 state officials share a vested interest in ensuring
9 the health and safety of the public and protection of
10 the environment. Our interests also include ensuring
11 regulatory matters are conducted in an open and
12 transparent environment.

13 Next slide, please.

14 CRCPD is a registered nonprofit
15 organization of state, local, and territorial
16 radiation control professionals. While we have
17 collaborated with the NRC in the past, we recently --
18 from feedback received by our Chairs in meeting with
19 the Commissioners -- formed a working group to explore
20 topics related to commercial nuclear power that may be
21 of interest to our members. This Committee has
22 explored the Petition for Rulemaking, as well as the
23 staff information, and would like to provide comments
24 as they relate to state officials.

25 Next slide.

1 Overall, the Committee identified that
2 prompt nonemergency reports required pursuant to
3 10 CFR Part 50.72(b) are important to states by
4 providing notification of potentially significant
5 events to offsite stakeholders, providing risk-
6 significant information that can inform offsite
7 officials, and by demonstrating a commitment to
8 transparency.

9 Next slide, please.

10 In the notice to this meeting, the NRC
11 requested responses to several additional questions,
12 which CRCPD would like to present from the state
13 program perspective.

14 Next slide.

15 You, first, asked whether organizations
16 regularly review these event notifications to describe
17 how information is used and to explain how the
18 elimination of all nonemergency event notification
19 requirements would affect the organization.

20 Many state radiation control and emergency
21 management organizations receive notifications
22 directly because state statute and/or regulation
23 requires state notification when a report is made to
24 the NRC, while others periodically review the event
25 pages. We do this in order to be informed about

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1 issues that may affect public health and safety of the
2 environment or that may inform our decisionmaking,
3 should a subsequent emergency event occur. We also
4 may take the opportunity to engage with the NRC
5 through Resident Inspectors or through the Liaison
6 Officers to express the interests of the state.

7 Moreover, many programs conduct
8 independent offsite environmental sampling, and
9 assessment of these results could be skewed by plant
10 events. Without the information, we would not have
11 the opportunity to take offsite actions, such as
12 surveys or sampling, or for meaningful engagement with
13 the NRC, such that action is taken.

14 Next, please.

15 Next, you asked if the public release of
16 Licensee Event Reports alone meets our needs. Because
17 we are using these reports to inform decisions, state
18 directors believe timeliness is important. Waiting 60
19 days denies us the opportunity to take offsite actions
20 that we may deem prudent to protect or reassure the
21 public, such as determining if we need to take
22 environmental samples or if the risks may be higher in
23 an event.

24 Next, please.

25 The petitioner asserts that the

1 nonemergency notifications create unnecessary burdens.
2 You requested information on particular reporting
3 aspects that may be deemed burdensome. CRCPD believes
4 the threshold for immediate reports is commensurate
5 with their safety significance. CRCPD also believes
6 that these represent rare events, such that reporting
7 does not representing a cumulative burden. In fact,
8 we believe that notification of the NRC, and thereby,
9 other entities, to be a nuclear safety obligation.

10 In my personal experience as a former
11 Senior Reactor Operator and Shift Manager who has made
12 these reports, the NRC has made communication of such
13 reports efficient with a single phone call to the
14 Headquarters Operations Officer, so that impact on
15 licensees is minimized. We do not see any excess
16 burden that is not justified by the safety
17 significance of the events.

18 Next, please.

19 In response to the proposal to notify
20 Resident Inspectors, we would like to emphasize that
21 any alternatives should ensure full transparency to
22 the public. In addition to promoting trust in
23 regulatory agencies, public accountability does create
24 results.

25 For example, one site reported multiple

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1 outages of an effluent radiation monitor as a
2 significant degradation of emergency response
3 capabilities. Public concerns and reactions were
4 articulated. In order to resolve the issue, the
5 licensee developed preplan backup means to classify
6 events based on releases. This resulted in both
7 increased public confidence as well as ensuring that
8 the site had the tools needed to properly classify
9 events in an emergency.

10 In another case, multiple reports were
11 issued for the loss of safety function related to
12 failures in a control room door. The licensee
13 modified station design to provide a diverse barrier
14 that maintained safety function when control room door
15 hardware failed. Again, this reduced the probability
16 of failure of the control building boundary; thus,
17 improving protection of the operations, while
18 enhancing both public trust and confidence.

19 Next, please.

20 I would also like to directly address one
21 of the petitioner's claims; specifically, that some
22 notifications, those related to press releases and
23 notification of other government agencies, are merely
24 courtesy calls. In viewing the language of this
25 particular reporting criteria, CRCPD notes that the

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1 immediate report, pursuant to Part 50.72, is only
2 required for those press releases or government
3 notifications related to health and safety of the
4 public or onsite personnel or protection of the
5 environment. The reporting guidance provides
6 examples, including inadvertent release of
7 radioactivity or fatality.

8 As state radiation control program
9 directors, we need timely notification of any
10 inadvertent release of radioactivity. We make
11 decisions through independent sampling or prepare
12 answers to questions from the concerned local
13 officials or the public. Likewise, fatalities
14 represent an immediate concern from the public which
15 state and local officials need to be prepared to
16 address. As such, we believe such reports are
17 commensurate with their safety significance and in the
18 best interest of the public health and safety.

19 Next slide, please.

20 Finally, CRCPD believes consideration of
21 any proposed alternatives to the petitioner's proposed
22 changes should be vetted through state and local
23 officials that use these reports and that are directly
24 accountable to the public to ensure that they can
25 realistically provide timely event information to the

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1 NRC, to state and local officials, and to the public.

2 The CRCPD Committee on Commercial Nuclear
3 Power or the Governor-appointed State Liaison Officers
4 are potential conduits to provide perspective from
5 their respective states and to ensure that actions do
6 not result in unintended consequences.

7 Last slide, please.

8 I thank you for listening to the states'
9 interests in this matter and look forward to working
10 with the NRC on these important issues. Thank you.

11 MR. TARTAL: Thank you very much for that.

12 Our next member of the public providing
13 views is Alyse Peterson, a Senior Advisor for Nuclear
14 Coordination and Radioactive Waste Policy, the New
15 York State Energy Research and Development Authority.

16 Ms. Peterson, you can unmute and begin
17 your remarks.

18 MS. PETERSON: Thank you.

19 And good afternoon to everyone.

20 In addition to the title that you very
21 accurately portrayed for me, I also serve as New
22 York's Designated State Liaison Officer with the NRC.
23 That's a title that Jeff referenced several times in
24 his remarks a few minutes ago.

25 I also just wanted to say, Jeff, those

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1 were excellent comments, very detailed, and I agree
2 with everything Jeff said, as usual.

3 But, moving on to my remarks, as a State
4 Liaison, any changes to communications, content,
5 pathways, or timely are of a great interest. This
6 rulemaking, in which NRC will assess possible
7 elimination of immediate notification requirements for
8 nonemergency events is no exception to that.

9 I'd like to thank NRC for its early
10 engagement of stakeholders in this initiative.
11 Efficient, timely, and clear information flow to
12 states and the public, whether it's about emergency or
13 nonemergency events, is vital, and any changes to
14 notification requirements deserve very close scrutiny.

15 The fact that an event doesn't rise to the
16 level of a formal emergency declaration does not mean
17 that the state and public have no interest or are
18 unaffected. Working together in the early stages of
19 consideration of any changes is key to ensuring that
20 the resulting product serves the needs of all
21 stakeholders.

22 Nonemergency events do have the potential
23 to change plant conditions and power output to the
24 electrical grid. Any nuclear power plant incident
25 with the potential to impact system reliability, plant

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1 emergency core cooling systems, and reactor protection
2 systems, or public safety in any way, is of great
3 interest to the state and local communities.

4 The nuclear industry is pushing for these
5 notifications to be made as part of NRC's License
6 Event Report process, which involves a 60-day delay in
7 notification of such events to the public. This is
8 simply unacceptable and would represent truly an
9 after-the-fact notification, rather than one which
10 enables us to develop our own independent
11 understanding of the ongoing conditions at the
12 facility and to appropriately respond to the event.

13 We do agree with NRC that these
14 notification requirements deserve a close look, as it
15 has been almost 20 years since the last meaningful
16 update. But industry has proposed a broad, sweeping
17 elimination of notifications that would severely
18 curtail public access to information on incidents at
19 the plants. While we agree with reconsideration of
20 truly duplicative or unnecessary notifications, we
21 urge NRC staff to guard against acquiescing to greater
22 reductions than would be prudent.

23 Additionally, the world is a very
24 different place than it was when the current
25 requirements were put in place decades ago. New York

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1 recommends that NRC staff consider including
2 additional notification requirements for physical and
3 cyber security, such as attempted intrusions;
4 telecommunications incidents which impact emergency
5 communications or plant operating systems; preparation
6 and response to increasing severe weather events, and
7 other new threats that were not considered previously.

8 We agree with the NRC position that the
9 burden of classifying notification requirements should
10 not be pushed to the NRC Resident Inspectors. This
11 should remain the responsibility of the licensee.
12 NRC's Resident Inspectors are certainly exemplary and
13 are clearly dedicated to their important roles at the
14 plants, but the current process that channels required
15 notifications through NRC's 24/7, on-duty staff
16 provides a stability and a certainty in communications
17 that may be lost if that is shifted to Resident
18 Inspectors. Late-hour and weekend notifications can
19 be received and processed far more efficiently by
20 NRC's on-duty staff than by an off-duty inspector.

21 We also agree with the NRC position that
22 informal, voluntary communications between NRC
23 Resident Inspectors and the licensee should not
24 replace the current required notification process.
25 NRC staff stated this quite effectively in its

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1 November 30th, 2020 Petition for Rulemaking saying,
2 "If the NRC relies on voluntary practices alone to
3 maintain awareness of nonemergency events, there is an
4 increased risk of loss of situational awareness and
5 the ability to make timely decisions with adequate
6 information. Voluntary practices can be changed or
7 eliminated by licensees without NRC awareness or
8 approval, and they cannot be enforced if not carried
9 out in accordance with their original intent.

10 In summation, this initiative by the
11 nuclear industry would, essentially, eliminate all
12 nonemergency event notifications made to the NRC.
13 Right now, these reports are made publicly available
14 by the NRC on its website and are the timeliest
15 information provided to the public about what's
16 happening at America's nuclear plants. Removing this
17 transparency works in direct opposition to NRC's
18 openness principles from its Principles of Good
19 Regulation which states, in part, "Nuclear regulation
20 is the public's business and it must be transacted
21 publicly and candidly. The public must be informed
22 about, and have the opportunity to participate in, the
23 regulatory processes, as required by law."

24 As proposed, the industry's requested
25 elimination of the event notification process would

1 prevent the public from being adequately informed
2 about nonemergency issues at nuclear power plants
3 until 60 days following the event. Publicly available
4 event notification reports serve as a window into the
5 operations of nuclear generation plants. That window
6 must be kept open.

7 Thank you very much for the opportunity to
8 speak.

9 MR. TARTAL: Thank you for your remarks.

10 The next member of the public providing
11 views is James Slider from the Nuclear Energy
12 Institute.

13 Mr. Slider, you can unmute and begin your
14 remarks.

15 MR. SLIDER: Thank you very much.

16 I would like to continue hearing from
17 other public stakeholders, if I may, and speak after
18 others have had a chance to speak. I appreciate the
19 remarks that have been shared so far, and I would love
20 to hear more from other stakeholders before we speak.

21 MR. TARTAL: Okay, Mr. Slider, we'll come
22 back to you a little later then.

23 MR. SLIDER: Thank you.

24 MR. TARTAL: Sure.

25 Next, we'll go with our next member of the

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1 public, who is going to be Tom Price from
2 Environmental Review, Incorporated.

3 Mr. Price, you can unmute and begin your
4 remarks.

5 MR. PRICE: Okay. Thank you very much.

6 The Nuclear Energy Institute, in its
7 petition to amendment 10 CFR 50.72, asserts that the
8 nonemergency notifications are contrary to the best
9 interest of the public. However, the petitioner
10 failed to present information that would support that
11 assertion and feed into the NRC's evaluation for a
12 regulatory basis to support their proposal.

13 It may be that there is some cost savings
14 perhaps to the consumers of energy. However, I feel
15 it's incumbent upon the petitioner to present a cost-
16 benefit analysis, if it's going to make this kind of
17 generalization and sweeping, unsupported assertion.

18 To answer the question posed by the NRC as
19 to, if I did not receive the information which was
20 required under the nonemergency notification
21 requirements, I would have concerns that the public
22 was not informed about specific situations which the
23 Nuclear Energy Institute failed to discuss in their
24 petition, including situations in
25 10 CFR 50.72(b)(2)(xi) related to health and safety of

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1 the public or onsite personnel or protection of the
2 environment; onsite fatalities, or release of
3 radioactive materials. Nor did they discuss specific
4 situations cited in 10 CFR 50.72(b) (3) (xiii) regarding
5 emergency assessment capabilities; offsite response
6 capabilities. Nor did they discuss
7 10 CFR 50.72(a) (1) (i) regarding situations involving
8 notifications to state and local officials. It's my
9 opinion that these public notifications are
10 significant and important, and should continue in the
11 interest of the health and safety of the public.

12 My second comment that I'd like to make is
13 that there is some redundancy that has been discussed.
14 Specifically, there are three kinds of notifications
15 required by 10 CFR 50.72 where there is no
16 corresponding requirement in 10 CFR 50.73. Those
17 involve 50.72 (b) (3) (xii) and (b) (2) (xi), including the
18 release of radioactive materials to the environment,
19 transport of radioactive-contaminated person, and news
20 releases to government agencies. My opinion is that
21 these are important reporting requirements that should
22 not be discontinued.

23 It is important to note that the Nuclear
24 Energy Institute in its petition failed to spell out
25 those situations that included release of radioactive

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1 materials to the environment. Since there are
2 currently no other reporting requirements for these
3 situations under 10 CFR 50.73 for these situations,
4 it's my opinion that these reporting requirements
5 should continue.

6 I'd also like to make an additional
7 statement regarding the redundancy of these reporting
8 requirements. It's important to note that safety
9 systems, in general, have built-in engineering
10 controls that include redundancy. And so, I would
11 like to pose a question to the NRC to evaluate the
12 intention of the framers of these regulations if those
13 redundancies were intentionally built in as a safety
14 measure. And if those purposes are identified and are
15 considered significant, it's my opinion that they
16 should continue.

17 My third comment is that I'd like to
18 address the question which is a new question that NRC
19 posed, or I should say the followup questions
20 regarding the public comment period questions,
21 regarding, specifically, what change of notifications
22 -- if there was a change in immediate notifications to
23 a change to 24 hours, what impact that would have.
24 And I personally disagree that a delay of 24 hours
25 should be approved because that would put the NRC

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1 response time 24 hours behind schedule and could make
2 it more difficult to address important topics,
3 including plant shutdown; deviation from authorized
4 activities under the license; notification of degraded
5 conditions, for example, safety barriers and system
6 actuation; for example, boiling water, pressurized
7 water reactors, emergency feedwater, containment
8 spray, emergency electric systems, system isolation
9 status. It is important that these notifications
10 continue because the seriousness of some conditions
11 may not be readily apparent, and it is important to
12 document an unanalyzed situation. Therefore, it's my
13 opinion that immediate notifications should continue
14 and should not be postponed for 24 hours.

15 That's all I have for you today. Thank
16 you.

17 MR. TARTAL: Okay. Thank you for your
18 remarks.

19 The next member of the public that is not
20 on this slide, but let us know this morning that he
21 would like to provide some views is Mr. Brian
22 Magnuson. And I see he has his hand up as well.

23 So, Mr. Magnuson, you can unmute and begin
24 your remarks at this time.

25 MR. MAGNUSON: Hi. This is Brian, Brian

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1 Magnuson. I am a Lead Emergency Management Specialist
2 at Exelon Corporation and a former Shift Manager at
3 Quad Cities Nuclear Power Plant. I am speaking
4 expressly as a member of the public.

5 To begin, I echo what the other public
6 speakers said. I am not in favor of changing any of
7 the reporting requirements, and as I put in my public
8 comments, I think it's important for everybody to
9 understand --

10 I'm getting a lot of feedback on this
11 phone. I don't know if somebody can help me with
12 that.

13 MR. DOYLE: Mr. Magnuson, this is Dan
14 Doyle.

15 I just went ahead and muted all of the
16 attendees. If you could just please unmute yourself.
17 Press *6, please, and see if that sounds better.

18 MR. MAGNUSON: Is that any better?

19 MR. DOYLE: Yes, I can hear you.

20 MR. MAGNUSON: Okay. I think it's
21 important to understand the difference between
22 emergency reporting and nonemergency reporting. As a
23 few of these speakers have stated, the nonemergency
24 are still rather significant events -- significant
25 events that it's important for stakeholders and the

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1 public to know.

2 The NRC brought up -- and I think these
3 speakers brought up -- transparency. And I think
4 that's the key when we are looking at this particular
5 regulation because it is how the public gets
6 information from the nuclear industry, one of the
7 primary methods and one of the first notifications.

8 With that said, this regulation, it's been
9 stated several times it has not been changed, but the
10 NUREG-1022 is, basically, how this regulation is
11 implemented. That document has been revised, and I
12 couldn't tell you when, but I was involved when it was
13 being revised at Quad Cities. You know, I think it
14 was within the last 10 years. So, changes have been
15 made -- and some of them have been worthwhile changes
16 to minimize the impact to stations -- just going
17 through the NUREG-1022, as opposed to changing the
18 regulation.

19 With that said, I think the transparency
20 and the other stated reasons for having the immediate
21 notification, I think it stands for themselves. If
22 you go back to NUREG-1022, Rev. 1, it expounds upon it
23 a little bit more, better than I can.

24 I believe it was Jeff that mentioned, in
25 the NEI petition, it says, 10 CFR 50.72, "Nonemergency

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1 notifications distract key plant staff when they are
2 addressing events." Okay?

3 As I stated, I was a former Shift Manager,
4 and likewise, made similar calls. This assertion
5 appears misleading at best. If a four-hour or eight-
6 hour notification truly distracts key staff when they
7 are addressing nonemergency events, what assurance is
8 there that licensees can make one-hour notifications,
9 required by 10 CFR 52, without distracting key plant
10 staff when they are addressing emergency events with
11 minimum staffing?

12 So, I think this is a key. In an actual
13 emergency event, if you have a loss of offsite power,
14 if you have a containment failure, any number of
15 actual accident scenarios, the site, the station EROs
16 can perform the state and local notifications within
17 15 minutes and the NRC notification within one hour.
18 And that is tested and evaluated at each site multiple
19 times a year. So, it's contradictory to say that the
20 staff, the operating staff at the plant, would be
21 distracted during a nonemergency event and would not
22 be during an emergency event. That's a contradiction.

23 In fact, NEI published a document. It's
24 called Assessment of On-Shift Emergency Response
25 Organization Staffing and Capabilities, NEI-10-05,

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1 Rev. 0, which describes the methods that may be used
2 to comply with 10 CFR 50.47, Appendix E to Part 50,
3 and other requirements that relate to 10 CFR 72.

4 So, it's a contradiction to say, "I can't;
5 I'm distracted or our station would be distracted in
6 making a four-hour or an eight-hour call," when, in
7 all likelihood, even if it was minimum staffing in the
8 middle of the night, they would bring other resources
9 into the plant and have sufficient time to do it.
10 It's just a contradictory statement to say that it's
11 a distraction in four hours, but, no, they're required
12 to do it in one hour and they can't.

13 Furthermore, NRC asserts "are contrary to
14 the principles of good regulation; contrary to the
15 best interest of the public, and contrary to the state
16 approved of the regulation." Somebody else mentioned
17 this.

18 If you look at NRC Inspection Manual 9000,
19 Operations, Safety, and Compliance, it says, "Safety
20 is a fundamental regulatory objective, and compliance
21 with NRC requirements plays a fundamental role in
22 giving the NRC," and the public -- I'm adding that --
23 "confidence that safety is being maintained. NRC
24 requirements, including technical specifications,
25 other license conditions, orders, and regulations,

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1 have been designed to ensure adequate protection --
2 which corresponds to 'no undue risk to public health
3 and safety' -- through acceptable design,
4 construction, operation, maintenance, modification,
5 and quality assurance measures."

6 "Adequate protection is presumptively
7 assured by compliance with NRC requirements."

8 Immediate notification of nonemergency
9 events described in NUREG-1022, Rev. 3, specifically
10 applies to design, construction, operation,
11 maintenance, modifications, and quality assurance of
12 nuclear plants that are unacceptable and noncompliant
13 with NRC requirements.

14 So, when you're not in compliance,
15 obviously, these events specifically affect the health
16 and safety of the public, and the requirements for the
17 immediate notification would, obviously, be in the
18 best interest of the public.

19 Then, to touch on, one of the speakers
20 talked about redundancy. In nuclear power, we talk
21 about defense-in-depth. If you go on the NRC website,
22 defense-in-depth, there's more than one component. It
23 is lines of redundancy, such that, you know, a single
24 failure will not result in an accident or unsafe
25 conditions.

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1 In NUREG-0578, "TMI-2 Lessons Learned Task
2 Force," they brought recommendations here that are
3 applicable to 10 CFR 50.72. So, "The accident at
4 TMI-2 emphasized a previously recognized need to
5 significantly increase operations reliability. The
6 undetected existence of closed isolation valves in the
7 aux feedwater system us exemplary of a kind of human
8 error in reactor operations that must be prevented.
9 Among the many human or operational errors annually
10 reported by the 70 plants now in operation, there are
11 only a few comparable in significance to the defeat of
12 an entire safety function." In this case, it was the
13 loss of aux feed. "The fact that operational errors
14 of this magnitude continue to occur at other plants
15 emphasizes the need for improvement. The Task Force
16 recommends prompt action to significantly change the
17 trend of reactor operating experience in this area."

18 And their recommendation was, "Require
19 that the Technical Specifications for each reactor
20 provide that the reactor be placed in a hot
21 shutdown...within 8 hours or in a cold shutdown...by
22 the licensee within 24 hours of any time that it is
23 found to be or have been in operation with a complete
24 loss of safety function."

25 So, the NRC did not implement that

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1 recommendation. But the important part here is, a
2 loss of safety function is a nonemergency reporting
3 event currently, and it should stay that way.

4 And I think what the people, particularly
5 the public, ought to look at, a loss of safety
6 function is, essentially, a loss of defense-in-depth,
7 such that in a particular accident -- and this is just
8 my perspective -- in a particular accident, if you've
9 lost a safety function, you, essentially, have no
10 design basis success path, which, obviously, could
11 result in a severe accident and a release to the
12 public and to the environment.

13 So --

14 MR. TARTAL: Mr. Magnuson, you're over 10
15 minutes. If you could conclude your remarks? Then,
16 we'll come back to you, if we have time later. Thank
17 you.

18 MR. MAGNUSON: Okay. Certainly.

19 So, I'll just finish by saying I second
20 the other public comments, and mine should be on the
21 website to read.

22 Thank you.

23 MR. TARTAL: Thank you very much.

24 So, just as a reminder, if you want to
25 speak, please raise your hand, either using the "Raise

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1 Your Hand" button in Microsoft Teams or by pressing
2 *5, if you're calling in using the phone line.

3 We're going to continue on with at least
4 a few more speakers at this time.

5 And the next speaker that I see with a
6 hand raised is Ed Lyman.

7 Ed, you can unmute and begin your remarks.

8 DR. LYMAN: Yes. Hi. Thank you.

9 How do I sound?

10 MR. TARTAL: Perfect.

11 DR. LYMAN: Great.

12 This is Edwin Lyman, Director of Nuclear
13 Power Safety at the Union of Concerned Scientists.

14 I can hardly add to the very cogent
15 comments from the other speakers. I think they've
16 really said everything I was planning to say. So, I'd
17 just like to compliment that.

18 UCS believes the petition should have been
19 denied. We see no compelling reason for moving
20 forward with this, and therefore, we think no action,
21 at a minimum, is the correct outcome of this process.

22 In response to the question about how
23 organizations use this information, I'd say that we
24 refer to the event notifications on a daily basis;
25 that it provides an extremely useful and timely way to

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1 take the temperature of various nuclear plants, sites
2 around the country; that it is clear that, even on
3 emergency events, as the previous speaker just made
4 clear, that those nonemergency events can have
5 potentially significant safety consequences in
6 degrading defense-in-depth. And that is something
7 that the public in the vicinity of those plants simply
8 should be aware of.

9 So, we review those reports and I
10 circulate them on social media, and there is, very
11 often, a significant public interest in these reports.
12 For instance, one example is the Limerick
13 unavailability of HPCI, which occurred in September.
14 There was significant public interest in the
15 unavailability of that emergency core cooling system,
16 and it's something people should really know about in
17 real time.

18 And so, again, we shouldn't pretend what
19 this effort is really all about. It's about the
20 industry wanting less transparency, wanting to cloak
21 its mishaps and worse, to shield them from public
22 scrutiny. And that is exactly the wrong direction
23 that the NRC should be going in.

24 So, again, I concur with the previous
25 commenters opposing this rulemaking and would put in

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1 an additional plea on behalf of the public to make
2 sure that anything of relevance for public safety with
3 the nuclear fleet should be reported in a timely way,
4 so that the public can make their own decisions about
5 how significant these events are and respond
6 accordingly.

7 Thank you.

8 MR. TARTAL: Okay. Thank you, Mr. Lyman,
9 and you can unraise your hand at this time.

10 I don't see any other members of the
11 public with their hand raised.

12 Once again, please raise your hand if
13 you're interested in making some remarks.

14 Oh, Mr. Magnuson, you're back. Do you
15 want to continue on with your remarks?

16 MR. MAGNUSON: This is Magnuson. Can you
17 hear me?

18 MR. TARTAL: Yes. Yes, we can.

19 MR. MAGNUSON: I, basically, finished my
20 statements.

21 For those interested, you can look at them
22 posted on the NRC website, and I believe my email is
23 on there also. Feel free to contact me.

24 That's it. Thank you.

25 MR. TARTAL: Okay. Thank you very much.

1 Other members of the public who would like
2 to speak, please raise your hand.

3 William Freebairn, you were first. Please
4 unmute and begin your remarks.

5 MR. FREEBAIRN: Thank you.

6 I'm William Freebairn. I'm a Senior
7 Managing Editor at Platts, where we run a series of
8 nuclear-power-related publications.

9 And while our company doesn't have any
10 official position on any rulemaking or regulatory
11 action that NRC might take, I do feel that, as a
12 journalist, I'm compelled to say, personally, the
13 public disclosure of some of this information is
14 entirely useful for us, and just to communicate to the
15 NRC that these documents and these event reports are
16 great fodder for journalists who are trying to cover
17 the nuclear beat responsibly, and that's what we do.

18 I have a team of reporters who look at
19 these reports on a daily basis, and they provide
20 important information which we subsequently publish,
21 both on our website and in our subscriber
22 publications.

23 And so, just to expand upon the idea of
24 who uses these reports and for what purpose, I just
25 wanted to mention that.

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1 And that's all I have to say. Thank you.

2 MR. TARTAL: Thank you very much.

3 I see another hand raised by Anthony
4 Leshinskie. I hope I'm pronouncing that correctly.

5 You can unmute and begin your remarks.

6 MR. LESHINSKIE: Okay. Yes, you did
7 pronounce it correctly. I hope you folks can hear me.

8 MR. TARTAL: Yes, we hear you fine.

9 MR. LESHINSKIE: Okay. Terrific. Thank
10 you.

11 My name is Tony Leshinskie. I am the
12 State of Vermont Nuclear Engineer and I am Vermont's
13 State Liaison Officer Designee. And I just have a few
14 quick comments here.

15 First of all, I would like to note my
16 support of the comments made by my counterparts in
17 Connecticut and New York earlier in this session.
18 Both Jeff Semancik and Alyse Peterson did provide
19 comments that I fully support.

20 And as I've been listening to this, I've
21 been really considering the notifications that I
22 receive from Vermont Yankee on a regular basis. And
23 what I just want to emphasize here is that, even the
24 nonemergency notifications -- and recognize that,
25 since I am focused on a decommissioning plant, many of

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1 the notifications I'm receiving right now really are
2 not emergency-related anymore. But, still and all,
3 these notifications do require some action on my part.
4 It may just simply be a brief, five-minute followup
5 with one of my points of contact, but, nonetheless,
6 these notifications, these nonemergency notifications
7 are a significant part of my daily duties. And any
8 changes to that notification process makes my job more
9 difficult.

10 I would note that the nonemergency
11 notifications, these still take time for the
12 notifications to get to offsite organizations. So,
13 you know, relaxing the times just makes my job harder.

14 And what can happen in the interim on this
15 is that there are other offsite organizations that can
16 find out that, hey, something's happening at Vermont
17 Yankee or some other nuclear facility. And if my
18 notifications are coming at a slower pace, the
19 questions from them are not coming at a slower pace.
20 And I may not have a forthright answer for them, which
21 is a problem for me, and ultimately, it makes the
22 NRC's job more difficult.

23 Because if I don't have an answer, I have
24 to go back to the utility -- well, Vermont Yankee --
25 and I have to go to my NRC contacts. So, if I'm

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1 notified upfront, hey, your job is done. But if I
2 have to start finding you guys, I may not select the
3 proper channel for the proper communication right
4 away. So, that's more work for you; that's more work
5 for the utility. It's not a good situation.

6 Now I've been trying to think of, well,
7 what was a truly nonemergency situation that I've had
8 to deal with recently? And the only thing I can think
9 of is, back in May 2019 or so, we had a case where a
10 brand-new radioactive material transfer canister was
11 being transferred to Vermont Yankee. It was in an
12 auto accident. It was in a rollover accident. There
13 was no radioactive materials involved. And it didn't
14 even occur at the site.

15 But, still, this was something that,
16 because it occurred, Vermont Yankee was required to
17 notify the NRC and they were required to notify me as
18 well. And this is something that getting all of the
19 information took several hours.

20 In the meantime, the State Police were
21 aware that this occurred because, hey, it was an auto
22 accident. Because it was an auto accident, and it
23 went out, I guess, on mobile scanners, whatever,
24 websites, whatever, we got press interest right away.

25 So, this is something it was a "No, never

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1 mind" really. It was like, okay, it was a rollover
2 accident. We just make sure that the canister is
3 still usable. But, still, it was something that I
4 spent several hours working on, on a weekend, because,
5 you know, the information was out there. And the only
6 reason that I didn't spent much more time on it was
7 that I had prompt notifications.

8 So, please, keep the notifications as
9 prompt as they are. Echoing what Jeff Semancik said
10 every early on, the way the notification process is
11 set up, I don't see how this is overly burdensome to
12 any licensee at this point.

13 Thank you very much.

14 MR. TARTAL: Thank you for those remarks.

15 I still don't see anyone else with their
16 hand raised.

17 Again, we're largely in listening mode
18 here from the NRC's perspective. This is your
19 opportunity to tell us what you think and how you feel
20 about the proposal.

21 So, I have another taker from Mr.
22 Freebairn. You want a second?

23 You can unmute.

24 MR. FREEBAIRN: No. No, I don't. I don't
25 have anything.

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1 MR. TARTAL: Oh, sorry about that.

2 Well, seeing no other hands raised, Mr.
3 Slider from NEI, you wanted to wait until a number of
4 others got their chance to speak and come back to you.
5 Is this an appropriate time for you?

6 MR. SLIDER: It is, George, and I
7 appreciate you letting me go last. It has been very
8 helpful for me to hear the level of energy expressed
9 by the other commenters, as well as the content of
10 their remarks. I can appreciate how important these
11 notifications are to them and how much they want to
12 retain, want the NRC to retain the status quo.

13 When we submitted the petition in 2018, at
14 that time, the NRC was exploring, was in the early
15 stages of exploring transformation and was looking for
16 ways to ensure that the efforts put into reactor
17 operations and regulation were focused on the most
18 safety-significant items. And it was in that spirit
19 that we submitted the original petition, with the
20 understanding that this rule was originally founded
21 for the purpose of ensuring the plants timely notified
22 the NRC of items that were of potential safety
23 significance.

24 And it was our belief, based on the 40
25 years of experience since that rule was first

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1 proposed, that the items that we were asking the
2 agency to eliminate from notification requirements,
3 prompt notification requirements, were insignificant
4 from a safety point of view. So, we were very much
5 grounded in the original intent of the rule. And I
6 would also note that at that time, in 1980, the NRC
7 did not have a website for posting of these
8 notifications.

9 And what I hear in the remarks expressed
10 today, and have seen in other comments on the
11 petition, is that a stakeholder group has developed
12 over the years that depends on these notices being
13 posted on the NRC website. And I can understand from
14 the energy that was expressed today how people have
15 found that to be very useful.

16 From our perspective, however, the rule is
17 grounded in the initial intent of the rule to ensure
18 NRC was timely notified of items of safety
19 significance, and that, potentially, required some
20 prompt NRC action. And when we have looked at the
21 records of NRC actions following these nonemergency
22 notifications over the last three years, we see that
23 it's relatively uncommon for there to be any evidence
24 in ADAMS of a prompt NRC followup to these
25 nonemergency notifications, which, from our point of

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1 view, reinforces the perspective that these
2 nonemergency notifications are not -- they don't rise
3 to the level of safety significance that was
4 originally supposed when the rule was initially
5 developed.

6 That having been said, I very much
7 appreciate hearing the remarks from others who have
8 spoken today, and I am very grateful for hearing their
9 perspective.

10 So, we harken back to the original purpose
11 of the rule, and that was the context in which our
12 petition arose. There have been a number of detailed
13 remarks made today, and I can't even begin to address
14 all of them.

15 But I noted, particularly in Mr.
16 Leshinskie's remarks, he mentioned that in that
17 particular example of the rollover accident, that
18 there was both an NRC notification as well as, if I
19 heard him correctly, a notification directly to him
20 from the plant. And that's one of the pieces here
21 that has not been addressed explicitly.

22 And that is what the power plants
23 typically label as their good neighbor policy, where
24 they do make those courtesy calls to especially local
25 officials, but in some cases, also, state officials,

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1 to ensure that they maintain proper situational
2 awareness for state and local response, and so forth.
3 So, I would note that they do have that common
4 practice to reach out, regardless of what the NRC
5 notification process is.

6 The other critical thought I would add for
7 consideration is that we are not proposing to shift
8 burden to the Resident Inspectors. The reality of the
9 way the plants conduct business today is that, when
10 one of those potentially notifiable situations arises,
11 the plant staff, typically, besides handling whatever
12 that situation is, as soon as possible, they speak to
13 the Resident Inspectors and bring the Resident
14 Inspectors onboard with the circumstances that are
15 being addressed or evaluated, and so forth.

16 So, that begins a series of interactions
17 with the Residents that will proceed, in parallel with
18 the operations staff, addressing whatever that
19 emergent situation is. And our point in the petition
20 was that, given that the Residents are part of that
21 prompt communications protocol that the plants follow,
22 it seemed to us that it would be a simple matter for
23 that to be considered, notifying the NRC.

24 So, we begin that prompt involvement with
25 the Residents, and then, once the situation reaches

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1 that point where the licensee feels that notification
2 is necessary in order to comply with the notification
3 requirements, that call to the NRC Operations Center
4 is, basically, a followup to a rich stream of
5 communications back and forth with the Residents,
6 sometimes with the NRC Regional Offices, and so forth.
7 So, it's a notice that follows rather than starts the
8 communications and interactions with the NRC. So,
9 that was our point.

10 And I would, respectfully, but very
11 strongly, disagree with Mr. Lyman's characterization
12 that the purpose of the petition was to hide industry
13 activities from the public. That's not at all the
14 case. And I would refer back to what I said a moment
15 ago regarding the courtesy notifications that are made
16 to state and local officials.

17 But no intent whatsoever to hide
18 notifications from the public, but simply to ask the
19 NRC to revisit the purpose of the rule, as we
20 understood it, and as we understand it today, and to
21 recalibrate the list of items that require prompt
22 notification of nonemergency events to reflect that
23 original intent of notifying the NRC of items that are
24 of safety significance, and so on.

25 So, that's my quick remarks on what I've

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1 heard today. And I genuinely appreciate the remarks
2 of the other speakers. They're very helpful, and I
3 can appreciate the energy with which they spoke and
4 their sincerity and their desire to see the
5 notification requirements remain as is. I do
6 understand that.

7 And I would just say we are looking for a
8 rebalancing that reflects the 40 years of experience
9 since the notification requirements were first
10 promulgated.

11 I would also like to add that, in answer
12 to Mike King's remarks at the beginning, what we would
13 hope to bring to a December or early January second
14 meeting is additional information to paint a more
15 vivid picture for you on this question of the impact
16 of the decisionmaking process that precedes making the
17 formal notification.

18 Yes, as other speakers have said, we can
19 walk and chew gum at the same time, and we can do
20 these evaluations and manage the underlying events
21 safely. There's no question about that.

22 But, in this period in which we are all,
23 both NRC and industry are, striving to ensure a proper
24 balancing of focusing resources where they can do the
25 most good from a risk perspective, we think it's time

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1 and timely to evaluate these notification requirements
2 and, as I said earlier, to fully understand what the
3 benefit of them is -- and we've heard some of that
4 today -- as well as the real-world impact that it has
5 on plant resources, and so forth. I think that's a
6 further conversation worth having, and we would like
7 to bring additional information on that to a second
8 public meeting.

9 And in addition, we would like to talk
10 further about the relationship between these
11 nonemergency notifications and subsequent NRC actions,
12 as I summarized a moment ago. And we are also
13 exploring the risk significance of the criteria that
14 trigger these nonemergency notifications, trying to
15 develop, from a risk practitioner's point of view,
16 what is the safety significance of the underlying
17 events.

18 And in addition, we'd like to address the
19 issue that has been spoken about in terms of what are
20 the unfortunate consequences of these nonemergency
21 notifications to the public. And that was the basis
22 for our earlier language about "contrary to the public
23 interest." And that is that, it is our view that some
24 of these nonemergency notifications unduly alarm the
25 public for what are, in fact, risk-insignificant

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1 items. And we'd like to explore that further in a
2 December meeting with the NRC in a public setting.

3 MR. TARTAL: Okay. Mr. Slider, you're
4 over 10 minutes. If you could conclude, please?

5 MR. SLIDER: Thank you. I just did. So,
6 thank you very much for the opportunity, and I really
7 do appreciate what others have had to say and look
8 forward to continuing the discussion. Thank you.

9 MR. TARTAL: All right. Well, thank you
10 for those remarks.

11 At this time, I only see one more hand
12 being raised. This is about the time that I wanted to
13 take a short break, if we have a number of other
14 members of the public who are interested in providing
15 their remarks.

16 If you are interested in providing
17 remarks, either now or after a break, if we take a
18 break, then could you please raise your hand at this
19 time -- again, either using the "Raise Your Hand"
20 function on Teams or pressing *5 on your phone? So,
21 I can gauge how many more members of the public are
22 interested in speaking.

23 Thus far, I only have one more hand.

24 Okay. Well, I don't want too much dead
25 air here in this public meeting.

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1 Let's continue on with Mr. Semancik. You
2 have some followup remarks that you would like make.

3 And I think if we have no other members of
4 the public who would want to speak, we'll just go
5 through the rest of the slides at that time.

6 MR. SEMANCIK: Yes, I appreciate it. I
7 just want to follow up on one of the comments Mr.
8 Slider made.

9 He talked about the burden of making a
10 decision to report. I would just comment that it's
11 not a decision to report. It's a decision on whether
12 you meet a safety-significant criteria. In other
13 words, you're trying to decide whether you've lost
14 safety function. You're trying to decide whether
15 you're in an unanalyzed condition. You need to know
16 that. As soon as you know that, then the decision to
17 report is simple. So, I would just contend, for his
18 consideration, that, really, the decision you're
19 making is on whether you have a safety-significant
20 situation that needs to be corrected.

21 Thank you.

22 MR. TARTAL: Okay. Thank you.

23 And one more chance for members of the
24 public to raise your hand, if you want to make some
25 remarks.

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1 And seeing none, I think we'll continue on
2 with the presentation, and then, conclude.

3 So, Dan, if you could switch to slide 12,
4 please?

5 So, this slide talks about next steps in
6 the rulemaking process. You've heard we're developing
7 a Regulatory Basis Document and our current target for
8 publication of that Regulatory Basis Document is June
9 of 2022. We'll have a formal request for public
10 comments with a public meeting to describe the
11 regulatory basis and facilitate your providing public
12 comments on the document.

13 After receipt of the public comments on
14 the regulatory basis, and if the recommended option is
15 rulemaking, then the staff would develop a proposed
16 rule. Our current target for providing the proposed
17 rule to the Commission is April 2023. We would plan
18 to have one or more public meetings during the
19 development of the proposed rule and/or during the
20 public comment period. The public comment period
21 would happen after Commission approval of the proposed
22 rule and assuming that they approve.

23 After the public comment period on the
24 proposed rule, the staff would consider the public
25 comments in development of a final rule. Our current

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1 target for providing the final rule to the Commission
2 is April 2024.

3 Note that these are estimated dates and
4 they may change as the project progresses.

5 Slide 13, please.

6 This slide shows you how to find more
7 information on this rulemaking. If you go to this
8 website, <https://www.regulations.gov>, and search for
9 Docket ID NRC-2020-0036, you'll find a number of
10 different documents, including Federal Register
11 notices, public meeting notices and summaries, public
12 comments, Commission papers, and more. You'll find
13 more information in here as the rulemaking progresses.
14 So, I encourage you to check back occasionally for
15 updates.

16 And also note that, if you're looking for
17 information on the Petition for Rulemaking that
18 initiated this rulemaking, you should search for
19 PRM-50-116. Those are two separate dockets in
20 regulations.gov.

21 Slide 14, please.

22 This slide contains a list of references
23 to documents that are relevant to this rulemaking.
24 You'll see here the PRM, the Commission papers, the
25 FRN Closure Notice, guidance documents, and the

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1 regulation. We've added these in this slide for your
2 convenience.

3 Slide 15, please.

4 And as we do with all public meetings,
5 we're going to ask you to tell us how we did. On this
6 slide, you see the QR code you could use to get to the
7 public meeting feedback form. You can also find the
8 form on the meeting notice at the meeting details
9 page. You can access it and submit it at your
10 convenience, and thank you in advance.

11 Slide 16, please.

12 This final slide is a set of acronyms that
13 were used throughout the slides for your convenience
14 as well.

15 And that's the end of our prepared slides
16 for this public meeting.

17 Dan you can stop presenting now.

18 And I'd like to say thank you to all of
19 those who attended today, including members of the
20 public and the NRC staff and management.

21 And a special shoutout to Dan Doyle who's
22 been working the meeting behind the scenes. Thanks,
23 Dan.

24 And as a second reminder for those who are
25 participating by phone line, please send an email to

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1 me at george.tartal@nrc.gov. That's G-E-O-R-G-E, dot,
2 T-A-R-T-A-L @nrc.gov. So, we can include your name
3 and business affiliation, as applicable, in the
4 meeting summary. You can also find my email address
5 in the meeting notice.

6 And before we adjourn, Lisa Regner has
7 some final remarks.

8 Lisa?

9 MS. REGNER: Thank you, George.

10 I do want to express my thanks --
11 actually, before we continue, I see that Mr. Slider's
12 hand is back up.

13 Mr. Slider, did you want to provide any
14 concluding remarks?

15 MR. SLIDER: Yes, just a request. Lisa,
16 I didn't see Mr. Semancik's slides in the meeting page
17 on the website. I just want to ask if you could put
18 them up. I'd appreciate it.

19 MS. REGNER: Yes, sir. Those will be
20 referenced in our meeting summary that both George and
21 Dan talked about, yes.

22 So, again, thank you to those that
23 attended and those that provided feedback.

24 The information that we received today is
25 exactly what we're looking for. You provided well-

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1 reasoned and strong arguments, and you provided
2 several ideas today that the working group will
3 consider.

4 Also, we heard you request for additional
5 outreach efforts to consider data that NEI, the
6 Nuclear Energy Institute, is gathering, and we'll take
7 an action to consider your request.

8 Mike, would you like to make any
9 concluding remarks?

10 MR. KING: No. I just wanted to echo your
11 comments. This is an important part of any rulemaking
12 effort. So, appreciate your candid thoughts on how
13 the things being considered would impact you. Some
14 really good remarks there. We'll definitely take
15 those for consideration.

16 And we have an IOU to consider a followup
17 discussion in December. So, we're going to follow up
18 after this meeting here and talk about that meeting in
19 December and potential impacts to the schedule. We
20 shared with you the timeline is a bit tight. I think
21 June is the original goal for getting the draft reg
22 basis. So, introducing another opportunity for public
23 engagement could potentially impact that. So, we need
24 to regroup and understand what that would look like.

25 But it is very important to us to ensure

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1 we're having thoughtful and transparent engagement all
2 along the way here. So, I'm confident we can work a
3 December opportunity in for a followup meeting, but
4 we'll confirm that and get back, and make sure we
5 appropriately notice the meeting, if it occurs.

6 So, that's it. Thanks, everybody.

7 MS. REGNER: Dan, did you want to conclude
8 the meeting? Do you want me to or are we --

9 MR. DOYLE: I didn't have anything else.

10 MS. REGNER: Okay.

11 MR. DOYLE: So, no. Any other closing
12 remarks that you have. Thank you.

13 MS. REGNER: Thank you, everyone. Have a
14 wonderful evening.

15 (Whereupon, at 3:29 p.m., the meeting was
16 concluded.)

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