

U.S. Nuclear Regulatory Commission Public Meeting Summary

Title: Reporting Requirements for Nonemergency Events at Nuclear Power Plants Rulemaking

Meeting Identifier: 20211342

Date of Meeting: November 4, 2021

Location: Webinar

Type of Meeting: Comment-Gathering Category

Purpose of the Meeting: The purpose of this meeting was to engage with the public regarding the issues to consider during the development of the “Reporting Requirements for Nonemergency Events at Nuclear Power Plants” rulemaking.

General Details: The U.S. Nuclear Regulatory Commission (NRC) staff conducted an online public meeting on November 4, 2021, to discuss issues related to the development of a regulatory basis for the “Reporting Requirements for Nonemergency Events at Nuclear Power Plants” rulemaking. The meeting started at 2:00 p.m. ET and concluded at 3:30 p.m. ET. There were approximately 100 participants, including NRC staff and management, congressional staff, State representatives, Nuclear Energy Institute (NEI), nuclear power industry, Union of Concerned Scientists (UCS), and other members of the public.

Dan Doyle from the Office of Nuclear Material Safety and Safeguards (NMSS) started the meeting by welcoming all attendees and describing the meeting logistics. George Tartal from NMSS then provided a quick overview of the agenda and stated that the purpose for the meeting was to provide an opportunity for members of the public to express their views on the topic and any other insights. Mike King from the Office of Nuclear Reactor Regulation (NRR) provided opening remarks for the meeting, welcoming attendees, and describing the NRC’s goal of risk-informing its regulations and minimizing regulatory burden, while also providing transparency in its rulemaking process by conducting public meetings and listening to public input. Mr. King also stated that the staff plans to request public comments on the draft regulatory basis in spring or summer of 2022. Mr. King noted a previous request for a follow-up meeting, perhaps in December 2021.

Lisa Regner from NRR presented background on the history of nonemergency event notification regulations and the related petition for rulemaking (PRM) submitted by NEI. Mr. Tartal described the status of the rulemaking activity by describing the purpose of a regulatory basis document. Mr. Tartal then provided a brief overview of the rulemaking process, including the several opportunities for public participation throughout the process. Ms. Regner presented seven questions as topics for discussion, which covered how organizations use event notifications, what is burdensome about event notifications, and whether other alternatives such as changing timing requirements or guidance could potentially resolve the petition concerns.

Eight attendees presented feedback on the presented material: Jeff Semancik of the State of Connecticut; Alyse Peterson from the State of New York; Tom Price of Environmental Review,

Inc.; Brian Magnuson; Ed Lyman of UCS; William Freebairn of Platts; Anthony Leshinskie of the State of Vermont; and James Slider of NEI.

Public Participation Themes:

States:

Mr. Semancik, Ms. Peterson, and Mr. Leshinskie each provided the views of their respective States on the need to retain the requirements for nonemergency event notifications. They stated that States share a vested interest in ensuring the health and safety of the public and protection of the environment. They added that these notifications are important and of great interest to States, as they provide notification of potentially risk-significant information that can inform offsite officials. These events are an important part of a State liaison's duties, and any changes to these requirements make the liaison job more difficult. States need to be informed about issues that may affect public health and safety or the environment or that may inform decision making, should a subsequent emergency event occur. This is especially true with an incident that affects system reliability, plant emergency core cooling systems, reactor protection systems, or public safety in any way. Without such notifications, States would not have the opportunity to take offsite actions or meaningfully engage with the NRC. The State representatives added that the timeliness of these notifications is important, and that waiting 60 days for a license event report is unacceptable and denies the States of the opportunity to take actions they deem prudent. States also added that because these represent rare events, that reporting does not represent a cumulative burden, but rather is a nuclear safety obligation. Such notifications can result in increased public confidence. Any change to these requirements requires close scrutiny. Ms. Peterson added that the NRC staff should consider including additional notification requirements for events such as physical and cybersecurity and other new threats that were not considered previously.

Non-Governmental Organizations:

Dr. Lyman of UCS agreed with the comments from prior speakers during the meeting. He added that the PRM should have been denied, and that there is no compelling reason to go forward with this action. Dr. Lyman stated UCS uses the event notification on a daily basis. He agrees that nonemergency events can have potentially significant safety consequences and that the members of the public in the vicinity of those plants should be aware. Dr. Lyman shares these notices on social media and sees significant public interest in the information. Anything of relevance to public health and safety should be reported in a timely way, and members of the public can then make their own decisions about how significant these events are and respond accordingly.

Other Members of the Public:

Mr. Price stated that NEI failed to present a cost-benefit analysis to support the assertion in its PRM that there would be cost savings to consumers of energy. Mr. Price also stated that he would be particularly concerned if the NRC no longer required notifications related to health and safety of the public or onsite personnel, protection of the environment, onsite fatalities, or release of radioactive materials. These public notifications are important and should continue. He added that the NRC should not delay these notifications to 24 hours (rather than the current reporting time requirement).

Mr. Magnuson opposes changing the reporting requirements. He stated that the assertion that these nonemergency notifications distract key plant staff appears misleading at best. If such a 4- or 8-hour notification for a nonemergency event is distracting, what assurances are there that the licensee can make a 1-hour notification for an emergency event? This is a contradiction. The proposal is contrary to the principles of good regulation and to the stated purpose of the regulation.

Mr. Freebairn, a journalist in the nuclear business, looks at these event reports daily in trying to cover nuclear news responsibly. These reports provide useful, important information that they publish on their website and in subscriber publications.

Nuclear Industry:

Mr. Slider of NEI stated he appreciated the content of others' remarks, including how important these notifications are to them and the opinions to retain the requirements. He added that the PRM was submitted in the spirit of transformation and focusing on the most safety-significant items. He also added that the rule was promulgated for the purpose of timely notification of items that were of potential safety significance, and that based on the 40 years of experience since that time, prompt notification of the nonemergency events is insignificant from a safety point of view. Mr. Slider stated that over the last 3 years, it appears to be relatively uncommon for any prompt NRC follow-up to nonemergency event notifications, which reinforces the perspective that they do not rise to the level of safety-significance assumed in the initial development of the rule. Mr. Slider also added that it is common practice for licensees to reach out to State and local representatives regardless of the NRC process. He stated that NEI is not proposing to shift burden to resident inspectors. Rather, it is common practice for plant staff to reach out to resident inspectors to apprise them of the situation in parallel with the process of formal NRC notification, if required. In some cases, the licensee will communicate with the resident inspectors, as well as NRC regional office staff.

Mr. Slider then addressed earlier remarks regarding a near-future follow-up public meeting. He proposed further discourse on the following topics:

- the impact of the decision-making process that precedes formal NRC notification
- the relationship between nonemergency event notification and subsequent NRC actions
- the unfortunate consequences of nonemergency notification to the public by unduly alarming the public for risk-insignificant items

Next Steps:

The NRC plans to issue a draft regulatory basis document for comment in June 2022. The staff also noted that the NRC will consider the request for a near-term follow-up meeting.

Attachments:

- 11/04/2021 Public Meeting Notice - Notice of Public Meeting to Discuss the Proposed Rulemaking on "Reporting Requirements for Nonemergency Events at Nuclear Power Plants," October 15, 2021 (ADAMS Accession No. ML21288A427)

- 11/04/2021 - NRC Presentation for Public Meeting Re: Reporting Requirements for 10 CFR 50.72(b) Nonemergency Events at Nuclear Power Plants, November 4, 2021 (ADAMS Accession No. ML21295A293)
- 11/04/2021 – Public Meeting Presentation from Conference of Radiation Control Program Directors Committee on Commercial Nuclear Power Comments on Proposed Rulemaking, “Reporting Requirements for Nonemergency Events at Nuclear Power Plants,” November 4, 2021 (ADAMS Accession No. ML21307A101)
- Transcript of 11/04/2021 Public Meeting to Discuss the Proposed Rulemaking on Reporting Requirements for Nonemergency Events at Nuclear Power Plants December 7, 2021 (ADAMS Accession No. ML21341B451)

SUMMARY OF NOVEMBER 4, 2021, PUBLIC MEETING TO DISCUSS REPORTING REQUIREMENTS FOR NONEMERGENCY EVENTS AT NUCLEAR POWER PLANTS RULEMAKING

DISTRIBUTION:

PUBLIC

RidsOpaMail

GTartal, NMSS

DDoyle, NMSS

IBerrios, NMSS

LRegner, NRR

RidsNmssRefs

ADAMS Accession Nos.: ML21341B452 (Meeting Summary) ML21341B449 (Package)

OFFICE	NMSS/REFS/MRPB/PM	NMSS/REFS/MRPB/RS	NMSS/REFS/RRPB/BC	NRR/DRO/IOEB/BC
NAME	GTartal	LRonewicz	IBerrios	LRegner
DATE	12/07/2021	12/07/2021	12/09/2021	12/13/2021

OFFICIAL RECORD COPY

MEETING ATTENDANCE

PUBLIC MEETING TO DISCUSS PROPOSED RULEMAKING ON “REPORTING REQUIREMENTS FOR NONEMERGENCY EVENTS AT NUCLEAR POWER PLANTS”

WEBINAR

NOVEMBER 4, 2021, 2:00 P.M. – 3:30 P.M. (Eastern Time)

U.S. Nuclear Regulatory Commission	
Jo Ambrosini	Victoria Mityng
James Anderson	Sara Mroz
Howard Benowitz	Caty Nolan
Peter Boguszewski	John Pelchat
Scott Burnell	Jenifer Phyllis
Mat Burton	Bo Pham
Caroline Carusone	Christopher Regan
Daniel Collins	Lisa Regner
David Cullison	Eric Schrader
Dan Doyle	Christian Scott
Dawn Forder	Diane Screnci
Russell Felts	Muzammil Siddiqui
James Gaslevic	Rebecca Sigmon
Antonio Gomez	Micheal Smith
John Grasso	Chris Speer
John Hughey	Andrew Siwy
Phyllis Jenifer	John Tappert
Catherine Kanatas	George Tartal
Mike King	Shakur Walker
Paul Laflamme	Doug Tift
Bill Maier	Jenny Weil
Philip McKenna	

Public

Name	Affiliation (if provided)
DA Adams	
Patrick Joseph Asendorf	
Ernest F. Bates	
Jerry Bingaman	
Patrick Blake	DPS
Danielyn Bock	
Stephen J. Burdick	
Steve Catron	
Allegra Chilstrom	Neal R. Gross & co. (Court Reporter)
Caleb Cobb	Sen. Cornyn
Charlene N. Chotalal	DEV Generation – 3

Enclosure

John Conly	Certrec Corporation
Phil Couture	
Luis Falcon	
Havillyn Felder	
William Freebairn	
Bridget Frymire	DPS
Adam Goodman	
David M. Gullott	Exelon Nuclear
Clarence Gum	Dominion Energy Services
William Jeffries	
Anthony Leshinskie	Vermont PSD
Edwin Lyman	
Brian Magnuson	
Nicholas Malatesta	Hassan
Neil Moseman	
Martin C. Murphy	Xcel Energy
Mary Owen	CRUZ
Hannah E. Pell	
Gary Peters	FRA-CORP
Alyse L. Peterson	NYSERDA
Tom Price	
Stephenie Pyle	
Deann Raleigh	
Tim Riti	
Kate Rohrer	Coons
Brad Schexnayder	
Jeff Seiter	Entergy Regulatory Assurance
Jeffrey Semancik	
Geri Shapiro	
Carlos Sisco	Winston & Strawn LLP
James Slider	NEI
Grace VanDeGrift	
Jessica Walker	
Roger C. Wink	
Tony Zimmerman	
Jason C. Zorn	Exelon Nuclear

Note: Attendance list based on Microsoft Teams participant list. This list does not include individuals who did not provide their last name either in registering for the meeting or by a follow-up email.