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NUCLEAR REGULATORY COMMISSION

Title: Public Meeting to Discuss the Proposed
Rulemaking on Reporting Requirements for
Nonemergency Events at Nuclear Power Plants

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1 UNITED STATES OF AMERICA

2 NUCLEAR REGULATORY COMMISSION

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4 PUBLIC MEETING TO DISCUSS THE PROPOSED RULEMAKING ON

5 REPORTING REQUIREMENTS FOR NONEMERGENCY EVENTS AT

6 NUCLEAR POWER PLANTS

7 + + + + +

8 THURSDAY

9 DECEMBER 9, 2021

10 + + + + +

11 The Meeting convened via Video-conference,

12 at 2:00 p.m. EDT, Dan Doyle, Facilitator, presiding.

13 PRESENT:

14 DAN DOYLE, NMSS/REFS/RRPB

15 MIKE KING, NRR

16 CHRISTOPHER REGAN, NMSS/DFM

17 LISA REGNER, NRR/DRO/IOEB

18 GEORGE TARTAL, NMSS/REFS/MRPB

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1 ALSO PRESENT:

2 STEVE CATRON, NextEra Energy

3 DAVID CROWLEY, North Carolina Radiation

4 Protection Section Chief (Interim)

5 DAVID GULLOTT, Exelon Nuclear

6 ANTHONY LESHINSKIE, State of Vermont Nuclear

7 Engineer

8 JEFFREY SEMANCIK, Connecticut Department of

9 Energy and Environmental Protection

10 JAMES SLIDER, Nuclear Energy Institute

11 JUSTIN WEARNE, PSEG Nuclear

12 TONY ZIMMERMAN, Duke Energy Corporation

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

2:00 p.m.

MR. TARTAL: Good afternoon, everyone.

I'm George Tartal. I'm a senior project manager in the Office of Nuclear Material Safety and Safeguards and I'm the project manager for the rulemaking to consider changes to reporting requirements for nonemergency events at nuclear power plants.

Many of you in this meeting may recall our public meeting we held on this topic just last month, and that was November 4th, to be exact. We heard some great feedback from you on your views of the reporting requirements for nonemergency events and the related petition for rulemaking requesting the NRC to remove those requirements.

In today's meeting you'll once again have an opportunity to share your thoughts on this topic, but we have a few different items on the agenda.

So slide 2, please. The purpose of today's public meeting includes sharing the NRC's high-level evaluation criteria with -- for considering changes to individual reporting requirements, which is a new topic we didn't have in the November meeting. We'd also like to better understand the Nuclear Energy Institute's data collection effort which they

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1 mentioned briefly at our November meeting and
2 requested a follow-up meeting on that topic. And then
3 finally it's an additional opportunity for feedback
4 from members of the public on the rulemaking in
5 general and on the NRC's evaluation criteria or other
6 matters that are going to be discussed at this
7 meeting.

8 So I'd like to repeat something that I
9 said at the November meeting, and that is that the NRC
10 staff has not decided what to propose to do with the
11 nonemergency event notifications. We are open to any
12 and all suggestions, opinions, other feedback in this
13 meeting. What we hear in this public meeting as well
14 as from the November meeting will inform our
15 development of the regulatory basis that we're working
16 on. So I encourage you to provide your feedback to us
17 at the designated times. And note that we plan to
18 issue a meeting summary within 30 days.

19 Slide 3, please? So for our agenda today
20 we'll quickly run through some logistics for the
21 meeting and then we'll have some opening remarks.
22 We'll give you some background information and status
23 on the project. Then we'll discuss the evaluation
24 criteria that we're considering using in our
25 regulatory basis, which is the new topic we didn't

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1 have in the November meeting. Then we'll ask for
2 feedback from members of the public including the
3 Nuclear Energy Institute, who at our November meeting
4 requested the follow-up meeting to describe some
5 additional information they intend to provide to the
6 NRC on the basis for this rulemaking. And after that
7 we'll go over next steps for the project and then
8 we'll conclude the meeting.

9 So slide 4, please? Here are the
10 logistical items to go over that will help the meeting
11 go a little more smoothly. Please note that we're
12 recording this meeting. If you do not consent to
13 being recorded, you may disconnect at this time.

14 We're also creating a transcript of the
15 meeting which will become part of the rulemaking
16 record. We ask for your help in ensuring an accurate
17 transcript by speaking (audio interference). Please
18 identify yourself when you start speaking and please
19 speak clearly.

20 The presentation slides will be shown via
21 Microsoft Teams. If you connect using the link in the
22 meeting notice, then you should see the slides now.
23 You can also access the slides in our ADAMS system at
24 accession No. ML21337A345.

25 The slides have also been posted to the meeting notice

1 on the NRC's public website. We'll call out each
2 slide number as we advance the slides so that
3 attendees 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 your views on this topic, so
7 here's how that will work: All attendees have been
8 muted, but you have the ability to un-mute yourself.
9 To reduce unnecessary background noise please stay on
10 mute when you're not speaking.

11 When we get to the public input portion of
12 the meeting we'll ask you to raise your hand if you'd
13 like to speak and then we'll call on you and you can
14 un-mute yourself (audio interference) the hand icon in
15 Microsoft Teams. You should see that near the top of
16 the window. If you're joining us today by phone, you
17 can raise your hand by pressing *5. When we call on
18 you, you can un-mute by clicking on the microphone
19 button in Microsoft Teams.

20 If you're joining us by phone, you can un-
21 mute by pressing *6. You may also need to un-mute
22 your handset if you press the mute button there. So
23 for the participants, again that's *5 to raise your
24 hand and *6 to un-mute.

25 We won't be able to see the names of those on

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1 the phone, so we'll just identify you by the last four
2 digits of your number.

3 The chat feature is disabled in today's
4 meeting. Everything in this meeting will be done
5 verbally so it's captured in the transcript. Again
6 just raise your hand if you want to speak.

7 And then one more quick note: For those
8 of you who are on the phone, to include you on the
9 list of attendees I ask that you send an email to me,
10 the meeting contact, George Tartal. My email address
11 is george.tartal@nrc.gov just as you see it here on
12 the slide.

13 So let's go to slide 5, please? At this
14 time we have some opening remarks. I'd like to
15 introduce Mr. Mike King. He's the Deputy Office
16 Director for Reactor Safety Programs and Mission
17 Support in the Office of Nuclear Reactor Regulation.

18 Mike, take it away.

19 MR. KING: Great. Thanks, George.

20 Just like to welcome everybody to this
21 continuation of your discussion of the rulemaking on
22 50.72, nonemergency event reporting. If you've taken
23 a look at the rule, there are a lot of different
24 subcategories of nonemergency event reports. And
25 while we're not considering eliminating all types of

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1 nonemergency event reports, we are taking a hard look
2 at whether there are subcategories of reports which
3 either need to continue to be reporting as they are
4 today, or perhaps reduced frequency, or maybe we don't
5 need them at all. And so this meeting is important to
6 provide us external stakeholder perspectives on any
7 subcategory of reporting and where -- how we should
8 evaluate those.

9 So since we met last we felt it important
10 to have another public stakeholder engagement to share
11 with you kind of our preliminary thoughts on some
12 criteria that we could use to objectively evaluate
13 each of the different subcategories of nonemergency
14 reports. So what you're going to hear today is
15 preliminary thoughts that we have on that.

16 Since then we've developed some additional
17 criteria or questions we think might be helpful to
18 ask, so we'll share some of those as well. But I
19 encourage you to share with us your thoughts on are we
20 asking the right questions, or are there other
21 questions we should be asking, or should we not be
22 asking the question that we came up with? Your candid
23 feedback is an important part of this process. And
24 the reason we're here today is solely for that purpose
25 to ensure we do hear your feedback.

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1 And I understand also that NEI had some
2 information that they intended to gather, so a portion
3 of this meeting is intended towards capturing either
4 that information or whatever we can expect to receive
5 down the road and in enough detail where the staff can
6 understand as we make progress and develop on a reg
7 basis what information we could expect to receive.

8 So look forward to a good candid
9 discussion and productive meeting and thank you again
10 for everybody's participation. That's it.

11 MR. SLIDER: This is Jim Slider from NEI.
12 Can you hear me?

13 MR. TARTAL: Yes we can, Jim.

14 MR. SLIDER: Just a technical question.
15 I and several of my colleagues went to the Teams link
16 in the meeting announcement and -- only to find that
17 there was nobody on. Are you using that Teams link to
18 share slides or audio content or anything else?

19 MR. TARTAL: Yes, we are.

20 MR. SLIDER: Okay. Well, I'm not sure why
21 it didn't work for us. I'll try it again. Thank you.

22 MR. TARTAL: Is there anyone else out
23 there in members of the public having a similar
24 problem? Just curious.

25 MR. WEARNE: This is Justin Wearne from

1 PSEG Nuclear. Yes, we were -- I was on the Teams link
2 and could only see Mr. Slider and other members of
3 industry on there.

4 MR. TARTAL: I wonder what happened there.
5 Well, I apologize.

6 Someone else?

7 MR. ZIMMERMAN: Yes, this is Tony
8 Zimmerman from Duke Energy.

9 Jim, I'm not sure if the link in your
10 calendar appointment is the same as the one the NRC
11 had in their public meeting notice. I also joined the
12 link from the -- I believe the calendar appointment
13 that was shared with our group and went to a blank
14 screen. I logged out of that meeting and went -- used
15 the NRC's public meeting notice directly to click into
16 the Teams link and came into this venue and I can see
17 the slides and the speakers now.

18 MR. KING: So everybody should be -- if
19 you're having difficulty, go to the public meeting
20 notice version of the Teams meeting. Is that the
21 solution?

22 MR. ZIMMERMAN: That's correct, Mike.
23 Yes.

24 MR. SLIDER: Great. Thank you, Tony. And
25 for those of you online, apologize for any confusion

1 there. If you're having difficulty, please try to
2 pull up the public meeting link.

3 MR. TARTAL: Okay. Thanks. So let's go
4 to slide 6, please? And then these next few slides
5 are going to be presented by Lisa Regner, the Chief of
6 the Generic Communications and Operating Experience
7 Branch in the Division of Reactor Oversight in the
8 Office of Nuclear Reactor Regulation.

9 Lisa?

10 MS. REGNER: Thank you, George.

11 Good afternoon, everyone. I want to also
12 apologize for any technical issues. It sounds like
13 the best way to get into this meeting is directly from
14 our public meeting website. So lesson learned there.

15 I'm getting a good bit of feedback. Can
16 we all make sure we're muted? Thank you.

17 So the regulation -- and I will apologize
18 ahead of time. There is a good bit of information
19 from our -- if you did attend our November 4th public
20 meeting. We are going to be talking about some of the
21 same things and I will be reiterating many of the
22 points that Mr. Mike King also just made, so I'll
23 apologize ahead of time for the repeat of information.

24 As you know, the regulation at 10 CFR
25 50.72(b) provides requirements for operating nuclear

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1 power plants to report to the NRC any significant
2 nonemergency events within one, four, or eight hours.
3 The purpose of this rule is to ensure that the NRC has
4 timely and accurate information to take immediate
5 action to protect public health and safety, to respond
6 to heightened public concern, and to share information
7 with the public.

8 Note that this rulemaking considers
9 potential changes to nonemergency reports. To be
10 clear, any potential changes that we're considering do
11 not include those for emergency reports or other
12 reporting requirements under different regulations
13 like security reports.

14 As background, in 1980 following the Three
15 Mile Island accident the NRC determined that certain
16 significant events were important for monitoring
17 nuclear safety and for the NRC's situational
18 awareness. Thus, the NRC added these reporting
19 requirements for events under 10 CFR 52.

20 As you know, the NRC last updated this
21 regulation in October of 2000 to better align
22 reporting requirements with NRC needs and to reduce
23 unnecessary reporting burden; so we are due for
24 another update, which we are doing, and which was
25 initiated my recently by the Nuclear Energy Institute,

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1 or NEI, in 2018. They submitted a petition for
2 rulemaking requesting the NRC remove all of the
3 current requirements for licensees to immediately
4 report nonemergency events.

5 As part of the NRC's review of the
6 petition the NRC published the petition to the Federal
7 Register for public comments. We did receive several
8 comments. Most were industry commenters generally
9 agreeing with the petition, but there were others that
10 opposed claiming the nonemergency events are
11 significant information that the NRC should know and
12 share with external stakeholders.

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

21 And important point that the Commission
22 made in its staff requirements memorandum was that the
23 staff not consider any shift in reporting
24 responsibility to the NRC resident inspectors. Their
25 focus is to remain on oversight of the operating

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1 reactor site to which they are assigned.

2 Next slide? In an effort to be objective,
3 logical, and systematic in decision making the NRC
4 staff created evaluation criteria to inform its
5 development of the reporting basis. Its purpose is to
6 ensure each notification requirement will be reviewed
7 on a case-by-case basis with the intent of reducing
8 unnecessary burden and ensure a focus on nuclear
9 safety while preserving the NRC's ability to maintain
10 situational awareness, respond to events, provide
11 effective oversight, and notify the public. The
12 questions employ the principles of good regulation,
13 organizational values, and risk perspectives,
14 including data-driven decision making.

15 Only a sample is provided here. And I'd
16 like to note that this is a work in progress. We
17 continue to be open to your feedback on whether -- as
18 Mike said, whether we're asking the right questions.
19 And we appreciate and encourage your feedback and will
20 carefully consider it as we refine an objective means
21 to evaluate each of the reporting requirements.

22 So the questions start with potential
23 impacts to safety. There may be a benefit in focusing
24 licensee reporting on those events and conditions that
25 represent greater risk to public health and safety.

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1 Of course this must be balanced with the NRC's need to
2 assess operating experience information for events of
3 lower safety-significance.

4 The questions move into risk perspectives
5 and potential consequences of a degradation of the
6 NRC's situational awareness. Does elimination
7 unacceptably degrade effective oversight? What is the
8 risk in a delay of hours, days, or weeks? Right? The
9 timing aspects is considered -- is important for us to
10 consider. Do we need this information within hours or
11 can we accept days or weeks instead thus reducing the
12 overlap between event notifications that we're talking
13 about here and the licensee event reports as part of
14 10 CFR 50.73 that are reported 60 days later? And how
15 are external stakeholders impacted by this risk?

16 Next slide? For this public meeting we're
17 particularly interested in feedback from our federal
18 and state partners, local governments, emergency
19 responders related to specific actions taken because
20 of nonemergency reports. The questions in the
21 evaluation criteria consider both NRC and external
22 stakeholder actions that are initiated by these
23 reports. What specific actions are important to us?
24 And what are the consequences again of a delay in
25 receiving that information?

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1 As mentioned previously by George, we
2 received very valuable feedback from several
3 stakeholders at our November 4th meeting, like Mr.
4 Jeffrey Semancik, Ms. Elise Peterson and several
5 others. During this meeting they shared they
6 importance of event notifications, for example, for an
7 inadvertent release of radioactive materials that
8 would potentially result in an inspection or
9 assessment at the state level.

10 While this information is extremely
11 valuable and we are assessing it, additional details
12 if possible would also be helpful, specific
13 inspections or assessments initiated by an event
14 notification. This is just one example. And we're
15 interested in any organization, especially those here
16 today, willing to share specific dates, events, and
17 actions taken in response to an NRC notification.
18 This data is particularly valuable to the staff in the
19 development of the regulatory basis.

20 So we'll open the floor for comments in
21 just a minute after I finish this slide, but if you'd
22 rather contact us after the meeting, we welcome your
23 feedback. You can contact either George Tartal; he is
24 the meeting contact on the NRC website, or myself,
25 Lisa Regner. Again, we value your insights and

1 willingness to share.

2 You know, the questions discussed here:
3 What alternatives are available for this information?
4 What's unique about the burden associated with this
5 type of report? Do we need this information as
6 quickly? How can we utilize technology to enable or
7 enhance communications? Other questions include an
8 assessment of data such as how often reactive
9 inspections have resulted from an EN and how often
10 ENs; and those are -- ENs are event notifications --
11 how often they've been withdrawn.

12 It's important to understand however that
13 there are actions the NRC staff take because of
14 nonemergency reports that are not obvious to the
15 public. There's a strong desire for event knowledge
16 at all levels within the NRC and while external
17 stakeholders may not see these actions, there are
18 multiple activities associated with information
19 sharing.

20 For example, the headquarters operations
21 officers take several actions to communicate event
22 notifications immediately upon receipt. Briefings and
23 assessments take place for events like scrams or un-
24 analyzed conditions. Operating experience staff in
25 NRR and -- in the Office of Nuclear Reactor Regulation

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1 and the Office of Nuclear Research update data
2 dashboards and analyze for trends, adverse trends.
3 Risk assessments are conducted and some events are
4 shared internationally for potential action or in
5 response to queries from other regulatory agencies.

6 But back to the evaluation criteria: The
7 purpose is to provide a systematic look at each of the
8 criteria to help inform our regulatory basis. It's
9 not final. It's likely to be a living document that
10 evolves as we hear

11 -- as we continue to hear from stakeholders and get
12 deeper into the development of the regulatory basis.

13 So at this point I'll turn it over to you.
14 We're looking for feedback on whether we're asking the
15 right questions, need to modify questions, or if
16 you're willing to share specific actions in this
17 initiated by NRC event notifications. Thank you.
18 Please share.

19 George?

20 MR. TARTAL: Okay. So do we have any
21 members of the public with some feedback for NRC staff
22 on the draft evaluation criteria?

23 As a reminder, if you want to speak,
24 please raise your hand either using the hand icon in
25 Microsoft Teams or pressing *5 on your phone if you're

1 calling in. And then when called on to speak, un-mute
2 yourself and begin your marks. You can un-mute
3 yourself by using the microphone button in Microsoft
4 Teams or by pressing *6 if you're calling in on the
5 phone. And then please mute your line when you've
6 concluded your remarks.

7 And let's see who we have in the queue.
8 I'm not seeing any hands yet. We have a hand it looks
9 like from Mr. James Slider.

10 MR. SLIDER: George, yes, Jim Slider from
11 NEI. I don't want to jump the line ahead of any other
12 state or local or public stakeholders who want to
13 speak so I just wanted you to know I do have a
14 question when you've polled everybody else.

15 MR. TARTAL: Okay. Thank you. So if you
16 want to go ahead and put your hand back down.

17 And let's see if we have anyone else.
18 Whoops. That was me raising my hand. Sorry about
19 that.

20 MR. DOYLE: George, I don't know if you
21 can see it. Mr. Jeff Semancik has his hand up.

22
23 MR. TARTAL: Yes, I just found it. Yes,
24 thank you.

25 Jeff Semancik, go ahead and un-mute your

1 line.

2 MR. SEMANCIK: Yes, thanks for the
3 opportunity. Jeff Semancik with the State of
4 Connecticut and the Conference of Radiation Control
5 Program Directors.

6 One note I would have on a discussion of
7 evaluation criteria, you said it was based on
8 principles of good regulation. I don't see anything
9 related to the principle of openness included in this,
10 and so I think that needs to be added to ensure we can
11 maintain transparency to all the public stakeholders.

12 Also I would also note that I think it's
13 important that you recognize that you need to separate
14 the burden of a report at the licensee level and the
15 NRC from the burden of the evaluation. So what I mean
16 by that is if there's -- the licensee is still bound
17 to do the technical evaluation if they're in un-
18 analyzed condition. They're still bound to do a
19 technical evaluation if they've lost the safety
20 function in a timely manner commensurate with the
21 risk. That should not be included in the burden of
22 doing the report because that burden of evaluation
23 still exists because those are what I would consider
24 safety-significant evaluations that need to be done in
25 a reasonable amount of time.

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1 And then my last comment was -- and
2 perhaps with some homework we could come up with
3 specific actions taken on specific events. I would
4 also say that state and local still also have the same
5 need for situational awareness, which is not
6 necessarily a specific thing especially with matters
7 related to emergency preparedness or other conditions
8 that may affect the public in our areas. And thank
9 you for that.

10 MR. TARTAL: Okay. Thank you for your
11 remarks.

12 I'm not seeing any other hands being
13 raised. Again, either use the Teams icon, the hand
14 icon to raise your hand or *5. I see a hand.

15 Steve Catron.

16 MR. CATRON: Yes, George. This is Steve
17 Catron with NextEra Energy, and I do appreciate the
18 staff's efforts in this matter. We do recognize that
19 there is a very valid need to maintain open
20 information flow and we do recognize that the NRC has
21 certain activities that they need to perform in a
22 timely manner based on some of the information that
23 does get reported.

24 So I do look forward to seeing a little
25 bit more specific detail on what is the criteria for

1 specific reports, how are they used, and how can we
2 make sure that the information is provided in a timely
3 manner, if it is necessary. I understand there are a
4 lot of other activities that occur as a result of
5 these notifications such as the operating experience
6 reviews. And I appreciate the consideration of the
7 fact that the LER associated with some of these events
8 may make the immediate notifications unnecessary
9 depending on the timeliness of the need.

10 So I appreciate the staff's openness and
11 in considering the requirements and the potential for
12 a rulemaking. And we do understand that there is a
13 good deal of effort and resources involved with any
14 rulemaking activity, however I would also offer that
15 there is a certain amount of burden that goes along
16 with the ongoing requirements for reporting. And it's
17 not just on individual reports. It's the constant
18 retraining that we have to do with operations and
19 engineering staff to make sure that people are aware
20 of all the different potential conditions that could
21 result in an immediate notification.

22 So understand that there's a lot of work
23 that still needs to be done and look forward to
24 working with the staff on considering those things.
25 Thanks.

1 MR. TARTAL: All right. Thank you for
2 your remarks.

3 We have another hand from Mr. David
4 Gullott. Please un-mute and begin your remarks.

5 MR. GULLOTT: Thanks, George. This is
6 George Gullott from Exelon. I just want to follow up
7 on something on the slides. It's something Lisa said.
8 She talked about actions that are not seen by the
9 public, what the NRC does with ENS reports. And on
10 slide 7 at the bottom it talks about NRC actions as
11 part of your criteria, and basically the question is
12 what actions are taken based on the reporting
13 requirement?

14 And my question is when a licensee makes
15 an ENS to the WHO; obviously I'm assuming there's an
16 NRC process for what happens with that, is that
17 process or procedure publically available? Are those
18 actions how the NRC responds to ENSs? Is that
19 publicly available? And if so, where is that process
20 discussed?

21 MS. REGNER: Well, in terms of the WHO
22 actions I don't believe that those actions are public.
23 I'm not sure if our WHO representative on the working
24 group is available. That's just one aspect. As I
25 discussed many of the actions

1 -- at least I can speak for my group in operating
2 experience.

3 We have an office instruction on the
4 Operating Experience Program and I'm almost positive
5 -- in fact I do know that that is public. We updated
6 that recently. And that does talk about the
7 assessments that we go through. It talks about the
8 clearing house where ENs and
9 -- the event notifications and the licensee event
10 reports are both significant data to us that we use in
11 assessing trends and taking potential actions, both
12 immediate and generic-communication type actions.

13 I do know, as I mentioned in my slides,
14 that there is a -- as part of the WHO's efforts there
15 are internal emails that go to all levels of
16 management including the EDO and the Commission, and
17 those are assessed for briefings and technical context
18 happen.

19 Now those types of informal
20 communications? No, those are not captured in any
21 kind of public document. This is all part of the
22 NRC's internal process to ensure we're aware and
23 appropriate internal and partners: federal, state,
24 local responders, are notified.

25 So while I will say there are some

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1 processes that are public, there are many informal
2 communications that are not public, although we do
3 have -- also have an NRR office instruction that does
4 discuss informal communications, and I'd have to look
5 and see if ENs are specifically pointed out in there.
6 So does that start touching on your question
7 or --

8 MR. GULLOTT: Yes, it helps. Just when I
9 hear informal communications, I don't know whether
10 that's something that you have built within your
11 processes or it's just more of a -- just a general way
12 of doing business. So that does help.

13 MS. REGNER: Sounds like Mike wants to
14 chime in and --

15 MR. KING: Yes, Lisa, you did a great job.
16 I just wanted to offer up there's a broader publicly-
17 available document, Management Directive 8.3, which
18 kind of lays out the process for which we evaluate any
19 sort of emergent condition at a site to determine
20 whether or not we need to do some sort of reactive
21 inspection activity.

22 And so that is -- ENs play a part of that
23 process. So as a -- if one of these nonemergency
24 reports get reported to the WHO, the NRC sees that and
25 we evaluate whether or not we're going to enter and

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1 screen that through our Management Directive 8.3
2 process. So that's one example of how they are used
3 that is publicly available in terms of the guidance.

4 MR. GULLOTT: Yes, Mike, thank you for
5 that. I'm very familiar with MD 8.3.

6 And I just -- our experience, my
7 experiences, does -- how does the ENS -- and this is
8 rhetorical really, just as part of your criteria.
9 Does the ENS play a critical role in driving the NRC
10 into the MD 8.3 process or is that something that's
11 going to happen organically regardless of -- because
12 there's a lot of events that -- some events that may
13 occur at a site that don't require an ENS but still
14 play into the MD 8.3. So would that happen with or
15 without the ENS is just something to think about.
16 Thank you.

17 MS. REGNER: Thank you, Mr. Gullott. That
18 is -- we are looking at that. We are pulling together
19 data. It is an important question. It is part of our
20 assessment. That's probably one of the more
21 significant data-driven, data-type collections that
22 may help us.

23 MR. GULLOTT: Okay.

24 MS. REGNER: So thank you for that.
25 Appreciate it.

1 MR. GULLOTT: Thank you for your response.
2 I appreciate it.

3 MR. TARTAL: Okay. We have Tony Zimmerman
4 with a hand up.

5 Tony, you can un-mute and start your
6 remarks.

7 MR. ZIMMERMAN: Great. Thank you. Can
8 you hear me okay?

9 MR. TARTAL: Yes, loud and clear.

10 MR. ZIMMERMAN: Okay. Excellent. Just to
11 add some additional clarity to Dave's comments on
12 Management Directive 8.3 and some of the maybe less-
13 formal or less-process-driven communication methods.
14 And this kind of gets back to burden on the resident
15 inspectors. And one of the things that we don't want
16 to do is add burden to the resident inspectors through
17 this petition for rulemaking.

18 And we already have identified -- and we
19 can share that information in our submittal, but -- as
20 part of the petition for rulemaking data, but there
21 are a number of activities or issues where resident
22 inspectors and licensees communicate regularly that
23 are below the level of 50.72 for plant events or
24 operational events. And a lot of times it's just
25 status. A lot of time it may be a parallel to a

1 50.72. In fact, most 50.72 notifications for events,
2 the licensees usually including language that the
3 resident inspector has been notified. And that's part
4 of our routine notification and off-normal
5 notification criteria for the residents.

6 What we were considering from an informal
7 process perspective was when the resident are notified
8 of those types of events is there something besides
9 the activities that the headquarters operations
10 officers are taking? Is there an NRC internal process
11 whereby the resident inspector takes the informal
12 communications or the process -- the communication as
13 part of these off-normal events that may not rise to
14 the 50.72 level and they still communicate those back
15 either to the region or the headquarters staff?

16 Lisa, you mentioned email communications
17 that happen. That's what our NEI working group was
18 curious about is the -- maybe the level below it which
19 the headquarters operations officer is communicating
20 but there still are NRC internal communications
21 happening in response to a notification from plant
22 staff that some event, whether it's 50.72-related or
23 not, has occurred.

24 MS. REGNER: Yes, I'm sorry. I'm not sure
25 -- was there a question in there, Tony? I think I

1 missed it.

2 MR. ZIMMERMAN: Well, the question is --
3 it's just -- I'm trying to ask an additional level of
4 detail beyond what Dave was asking. You said you all
5 were looking at your internal processes to see where
6 the communication is flowing and I would just ask that
7 -- because like I said, we don't -- we're not
8 proposing something that would add burden to the
9 resident inspectors, that we're trying to make the
10 resident inspectors do what used to happen through
11 50.72s. I'm just curious if there are already
12 communications happening between the resident
13 inspectors back to the regions or to headquarters in
14 a response to the informal communications that happen
15 quite routinely between licensee staff and --

16 MS. REGNER: Oh, absolutely. Yes, you hit
17 the nail on the head, and we all realize that. I
18 mean, of course there are communications every day.
19 And a lot of the existing burden on the resident
20 inspectors is who do I tell about this? When
21 licensees call them they need to make sure that
22 they're appropriately notifying the right people in a
23 timely manner.

24 But the stopgap here is the fact that they
25 are not always on duty. We can't expect be them to be

1 on duty 24/7. They have families. They live in the
2 communities, in the sites of the plant, and they are
3 not a 24/7 -- they are not 24/7 oversight like the
4 WHO.

5 And so the big problem that we face is
6 with the idea of eliminating one of these criteria can
7 we live with a two-day weekend delay in certain
8 events, right? If you've got an inspector that leaves
9 Friday afternoon and something happens Friday night,
10 are we comfortable waiting for two or three days for
11 that inspector to show back up on site? Because while
12 it might be part of your process now to immediately
13 notify the resident inspector, if it's not a
14 regulation, we cannot rely on it, right? It becomes
15 voluntary.

16 And so the bottom line is that is going to
17 put an additional burden on the resident inspector if
18 we eliminate that and say well, the resident inspector
19 is going to now share that information and we'll get
20 it in two days, three days, a week.

21 So it's a good question. It's part of our
22 questions. I appreciate the feedback, but what we run
23 up against is removing a requirement like this, it's
24 now voluntary. And so we -- can we live without out
25 it? That's what we have to ask ourselves.

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MR. ZIMMERMAN: Thank you very much. I appreciate the response.

MR. TARTAL: This is some great feedback. Keep it coming.

The next one up is a guest named Justin. You can un-mute and start your remarks.

MR. WEARNE: Hey, this is Justin Wearne from PSEG Nuclear. Can you hear me okay?

MR. TARTAL: Yes.

MR. WEARNE: Thanks. Lisa, I've got a simple question for you: Dave had asked for examples of like what NRC procedures cover this. He mentioned MD 8.3. I also heard you mention an office instruction. Can you share the office instruction number with that?

I think you're on mute, Lisa.

MS. REGNER: Darn it, I'm in the front.

MR. WEARNE: Every time.

MS. REGNER: It had to be somebody so, it might as well be me. That's the first time that's happened.

Yes, I absolutely can look that up for you and see if, if I can't get it before the meeting, get to it before the meeting ends, we'll definitely put

1 that in the meeting summary. Or if you want to send
2 me an email, I can absolutely share that with you.
3 It's just lisa.regner@nrc.gov.

4 MR. WEARNE: Okay. Thanks, Lisa.

5 MS. REGNER: Yes.

6 MR. WEARNE: And I did, I appreciated all
7 your comments on what the WHO and the Staff does when
8 the 50.72s come in. And this is a (audio
9 interference) --

10 MS. REGNER: Uh-oh, did he lock up for
11 everybody?

12 PARTICIPANT: Yes.

13 PARTICIPANT: Yes, he did.

14 MS. REGNER: Justin, I lost you for just
15 a minute.

16 MR. WEARNE: Can hear me?

17 MS. REGNER: For about the last 20 seconds
18 or --

19 MR. WEARNE: Can you hear me now?

20 MS. REGNER: I can hear you, but I'm a
21 little worried you're about to go away, your video is
22 gone.

23 MR. WEARNE: Yes, I did that on purpose,
24 just to --

25 MS. REGNER: Oh, okay. Great.

1 MR. WEARNE: Lisa, the description of what
2 goes on behind the curtain when the 50.72 comes in and
3 what Staff does with that is helpful. And a lot of it
4 just kind of has made logical sense and kind of was
5 stuff that we talked about previously.

6 One of the webs that you mentioned was,
7 say a briefing on, and you actually used the example
8 of an unanalyzed condition. And maybe even sharing
9 this with internationals.

10 And I don't, and recognize this was just
11 an example, but it just seems like that would be
12 something that would be more appropriate for the 50.73
13 and how you would have enough details out of a 50.72
14 that could hold a briefing with international (audio
15 interference) surprising to me as all the other ones
16 that you mentioned that were so kind of obvious to me.
17 Could you qualify that a little bit more?

18 And I recognize it was just an example,
19 but could you talk about that a little bit?

20 MS. REGNER: I can. And it is just an
21 example. I have been in this position two years, so
22 can I give you a recent example?

23 Not one initiated necessarily by an EN.
24 There have been a few situations of NCFSI, right,
25 nonconforming, counterfeit of suspect materials.

1 There are times where if it's significant
2 we do have a rapid sharing system where I will share
3 with my international counterparts.

4 And understand that it's only informant,
5 it has nothing to do, there is no tie to plant
6 information. And we do very carefully assess sharing
7 any of this information publicly. It's not just my
8 decision.

9 But we did also have an issue with, that
10 was shared fairly rapidly. During the initial phases
11 of COVID where there were cleaners, vapor cleaners
12 used in electrical systems causing shorts. And so,
13 that was another example that we shared fairly
14 rapidly.

15 So, I don't have a long history, but it is
16 an example of potential information sharing where all
17 plant information would be redacted. But if it's
18 deemed to be safety significant for the international
19 community, we may assess and discuss communicating
20 that information.

21 MR. WEARNE: Yes, thanks for sharing, that
22 was really helpful, Lisa. Greatly appreciate that,
23 thanks.

24 MS. REGNER: Okay.

25 MR. TARTAL: Okay, thank you, Justin, you

1 can put your hand down. Do we have anyone else?

2 Any other members of the public with some
3 feedback on the draft evaluation criteria?

4 Okay. Well, hearing none, Jim Slider you
5 said you wanted to go last, so this looks like this is
6 your opportunity.

7 MR. SLIDER: Well, I hope it won't be
8 last, I hope others will want to speak up as well. We
9 certainly have benefitted from the feedback we've
10 heard today. And appreciate the opportunity to talk
11 with you.

12 Lisa, you said the evaluation criteria are
13 a work in progress, and I know that my team would be
14 interested in reflecting further on these criteria and
15 offering additional feedback. And I'm wondering what
16 your timing is for that.

17 I know you've impressed on us previously.
18 You're on an aggressive schedule for composing the
19 draft reg basis, so could you tell me a little bit
20 more about timing on the maturing of these evaluation
21 criteria?

22 MS. REGNER: Right. Absolutely. So at
23 this point we do have some more, we have more internal
24 stakeholders that we want to get feedback from.
25 Specifically regional.

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1 We want additional regional perspectives.
2 So while I think it is very well developed, and I do
3 plan to share, share it publicly through the meeting
4 summary, that's probably the time frame in terms of
5 sharing the evaluation criteria is with the public
6 meeting summary. Again, that should be early January.

7 And your, I think you had a second
8 question. I should have written it down, sorry.

9 MR. SLIDER: That's okay. So, the one
10 question was on the timing of, if we were to get you
11 some additional feedback on these criteria as we see
12 them today, how soon would be soon enough for that?

13 MS. REGNER: Well, I guess I turn the
14 question back to you, Jim. What is your schedule for
15 submitting the data that you've talked about?

16 And we're very interested in the types of
17 data that you plan to give us. The types of
18 information and feedback.

19 MR. SLIDER: Right.

20 MS. REGNER: Your schedule and, you know,
21 because our evaluation criteria should not impact your
22 schedule at this point.

23 MR. SLIDER: Right. I agree. I agree.
24 I just wanted to be as constructive as we could be.
25 Now that you've given us some criteria to think about,

1 which is very helpful and I do appreciate it, we
2 wanted to take advantage of that to offer our
3 perspective on them.

4 And as for our supplemental information,
5 our goal is to get that into you in early January at
6 the latest. My personal target is on or before
7 January 10th.

8 Lisa, I do have a couple of questions on
9 the criteria that you've presented today.

10 MS. REGNER: Okay.

11 MR. SLIDER: The first question I have is
12 on the, it's actually on one of the criteria that's on
13 screen now, which is, what risks are associated with
14 eliminating or modifying the reporting requirement?

15 And I'm just wondering, how you're
16 thinking you will describe those risks?

17 Are you thinking of just enumerating a
18 list of consequences or quantifying something? Just
19 looking for some idea how you would apply that.

20 MS. REGNER: Yes, both actually. I mean,
21 we're trying to use whole data and use data driven
22 decision making as much as we possibly can.

23 Specific risks provided by our external
24 stakeholders in these meetings are particularly
25 important and will drive this, this discussion.

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1 And the risks associated with not only the
2 public not receiving this information on a timely, in
3 a timely manner, but also our management and our
4 processes discussed earlier. You know, for example,
5 the MD 8.3 discussion.

6 How quickly are MD 8.3 decisions
7 initiated, and should that be a factor in our decision
8 making. Initiated following the receipt of an event
9 notification. Okay.

10 So, I think, is there going to be a list
11 of risks, potentially. Potentially, yes.

12 MR. SLIDER: Okay. The last item on this
13 page, what actions are taken based on the reporting
14 requirement. You've enumerated some of those today.

15 And I would just encourage, as you write
16 the reg basis, if you would include in the reg basis
17 a full description of what those internal NRC actions
18 are, that would be I think important to document for
19 posterity, and for other stakeholders, so that we all
20 can appreciate what goes on behind the scenes.

21 MS. REGNER: Okay.

22 MR. SLIDER: On the next page of the
23 evaluation criteria, George --

24 MS. REGNER: There's a previous page.

25 MR. SLIDER: Oh, is it? Let's see. Well,

1 anyway. On this page, yes.

2 On the first criterion, does the reporting
3 requirement initiate external stakeholder action?

4 Just hypothetically, if there was one
5 outside stakeholder who took some action, I understand
6 in reality there is more, but if you found one of
7 those notification criteria that triggered only one
8 external stakeholder to take some action, would that
9 be sufficient, in your minds, to retain that?

10 I'm wondering, is there a threshold here
11 of external stakeholders taking action that would
12 enter into your evaluation of that criteria?

13 MS. REGNER: Sure. The first example that
14 comes to mind is, during the previous meeting we
15 received information that there are state statutory
16 requirements that liaison officers receive ENS
17 directly. Others go to the EN website and review ENS
18 periodically.

19 So that would certainly meet, to me, state
20 statutory or regulatory requirement that ENS are so
21 important that their control officers need this
22 information immediately. To me that's going to
23 receive much larger, much more, a much closer look by
24 us. And more communications on that with those
25 stakeholders.

1 So it does depend on what that one action
2 is. That, as you all know, the actions of one person
3 can drive, you know, drive a significant event in the
4 right direction or the wrong direction.

5 So yes, there is definitely threshold.
6 Can I give you a specific threshold? No, but I think
7 some of the examples I have given are why public
8 feedback is important.

9 MR. SLIDER: Yes. Yes. Thank you. That
10 helps me understand the importance of that criteria to
11 your evaluation.

12 I would, on the last criterion on this
13 page, under available alternatives, what technology
14 can be used to improve the flow of information for
15 this requirement?

16 I think that's an important question to
17 ask, but I would hope, and I wanted to test my hope
18 against your intent, that that question comes only
19 after you've decided a criterion will be retained.
20 Yes, you're nodding your head?

21 MS. REGNER: Yes. Yes. I think it makes
22 sense that we decide, at first, whether or not it's
23 going to be retained and then determine if there are
24 alternatives. Yes. Yes, I think that's a fair
25 assessment.

1 MR. SLIDER: Thank you.

2 MS. REGNER: Alternatives I think play
3 into the discussion, but ultimately the previous
4 questions will help drive a retention or a
5 modification or elimination. Yes.

6 MR. SLIDER: Okay, thank you. The last
7 question is really just to amplify what you've heard
8 from others. We don't want, definitely don't want to
9 add to the burdens presently placed on the resident
10 inspectors.

11 And I heard loud and clear your
12 hypothesizing about a weekend where the residents
13 would not be on site and couldn't be counted on to
14 perform some sort of mediation between the site and
15 NRC region or headquarters. But the reality --

16 MS. REGNER: I will clarify that, however,
17 that it's not a matter of counting on the resident
18 inspectors, it's more a matter of counting on
19 licensees to immediately report this if it's not a
20 requirement. So I'd kind of like to make that
21 distinction. It's not a matter of not relying on
22 residents it's, you know.

23 MR. SLIDER: I take your point.

24 MS. REGNER: Okay.

25 MR. SLIDER: My point, Lisa, was just to

1 say that the reality of current, for current
2 licensees, is that the residents are routinely looped
3 in on what's going on in the plant when there is any
4 sort of a significant evolution or change in plant
5 status and so forth.

6 And it was against that backdrop that our
7 petition was framed and conveyed to you. And that's
8 just the reality.

9 So the thought that they might be out of
10 the loop for a whole weekend just doesn't comport with
11 our understanding of how communications take place
12 routinely though plant staff and the residents.

13 MS. REGNER: Right. Understood. And it's
14 routine, but it's voluntary, it's not required.
15 Therefore it cannot be counted on.

16 We cannot count on licensees doing this
17 forever. You can say that, Exelon can say that. All
18 the licensees can say, sure, we'll keep reporting to
19 residents, until they don't. And we will have no leg
20 to stand on to turn this around.

21 MR. SLIDER: I hear you loud and clear,
22 Lisa. And it wasn't my intent to provoke you at all,
23 I just wanted to make sure that everyone on this call
24 understands that operational environment the way our
25 licensees are engaged in it.

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1 But I understand you're referencing back
2 to the regulations and what the licensees are
3 obligated to. And we my colleague, Dave Gullot said
4 on this call, and I think on the November call, it's
5 typical for the residents and the licensees to
6 negotiate a set of criteria for other events below the
7 threshold of 50.72 notification, that they will
8 routinely communicate about.

9 And that's just the modern age where we
10 need to communicate profusely with the residents. And
11 that's just important for context for everyone
12 involved to understand.

13 MS. REGNER: Yes, I do agree that normally
14 in a good relationship with the licensee residents
15 have frequent and in-depth communications. But that's
16 not always the case across the fleet.

17 And I think it looks like maybe one of our
18 residents wants to jump in and speak.

19 MR. SLIDER: Thank you, Lisa.

20 MS. REGNER: And that wasn't meant to cut
21 you off, Jim, that was more, he may be responding to
22 helping in the response to that, that query.

23 MR. SLIDER: I welcome that. And I don't
24 feel cut off, Lisa, but I appreciate your point.
25 Thank you.

1 MS. REGNER: Thank you.

2 MR. WEARNE: Lisa, this is Justin Wearne,
3 I'm the compliance manager at PSEG Nuclear. And I
4 hundred percent hear what you're saying, that it's not
5 a regulation.

6 The times that we haven't, and our process
7 is a little bit less formal than the Exelon process
8 with it being formalized in a procedure. It's kind of
9 a scribble sheet for us.

10 And the times that we haven't meet one of
11 those, or even the times where it was something that
12 wasn't included on the list, the inspectors, 50.9
13 covers right acts of omission and acts of co-mission,
14 right?

15 So by not telling the inspectors that I
16 did a significant evolution, I'm precluding their
17 ability to inspect that activity. And we take 50.9
18 very, very seriously.

19 So, I don't want to say that we don't
20 report one of these non-50.72 type of events that
21 we're guilty of 50.9, but that's as seriously as we
22 take it, Lisa.

23 MS. REGNER: Yes, I appreciate that. And
24 while I am not a lawyer and not qualified to interpret
25 regulations, my understanding of 50.9 is for written

1 submittals.

2 So I can be corrected, but I think it
3 would be a stretch to call not reporting something
4 like that to a resident inspector as withholding
5 information, because it is still available to them.
6 Unless you start fettering access. And I'm not sure
7 that's going to apply here.

8 MR. WEARNE: I agree. And trust me, I'm
9 a compliance manager, I would argue that it would not
10 be a 50.9 violation. But that's the way we treat it
11 at the station.

12 MS. REGNER: Well good.

13 MR. WEARNE: We tell the residents
14 everything.

15 MS. REGNER: Right.

16 MR. WEARNE: And if they're not available,
17 we call their branch chief.

18 MS. REGNER: Thank you.

19 MR. WEARNE: And so, and because we don't
20 want to be accused of it inhibiting the regulatory
21 process.

22 MS. REGNER: Right.

23 MR. WEARNE: And there are, if we define
24 something as not reportable, and not 50.72 reportable,
25 we are going to call the residents and explain it to

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1 them anyway because he has to explain to his
2 management why it's not 50.72 reportable.

3 And so, these are all, as you say,
4 voluntary initiatives that are not enforceable. But
5 we do live in an age of instant communication where we
6 can contact --

7 MS. REGNER: Yes.

8 MR. WEARNE: -- a lot of people very
9 rapidly through our cell phones. And very, very
10 substantial coverage.

11 Not talking internationally, but at least
12 in the United States we can get a hold of people
13 pretty rapidly. So, I do hear what you're saying,
14 Lisa, but I just wanted to offer that perspective for
15 you.

16 MS. REGNER: Yes, I appreciate your
17 comment. I --

18 MR. WEARNE: Thank you.

19 MS. REGNER: -- definitely do. Thank you.
20 Yes.

21 And we do consider that. There is a good
22 bit of good communication that goes on. But the
23 bottom line decision is, do we need it. And if we
24 need it, we can't eliminate it.

25 So, there is a lot that goes into that

1 question of, do we need it. And we've tried to
2 capture that. And this feedback does help us.

3 And, Mr. Leshinskie, you've been so
4 patient. Thank you. Can I help you?

5 MR. LESHINSKIE: You're welcome, Lisa.
6 Yes, Lisa. Yes, my name is Tony Leshinskie and I am
7 the state liaison officer designee for the State of
8 Vermont. I am also the state's nuclear engineer.

9 So, I found listening to the discussion
10 between when I raised my hand and now to be rather
11 interesting. And it reminded me just how much of the
12 nuclear power plants operations perspective that I
13 simply do not have a background in because prior to
14 taking this position with the state I worked for a
15 reactor vendor for most of my career and was not
16 involved in day-to-day operations.

17 So, I understand, I recognize that many of
18 the people on this call are here because the changes
19 in these reporting requirements reflect their day-to-
20 day job.

21 What I would like to remind everyone
22 though is that there is, there are end users of this
23 information. And I am one of them. In that I am a
24 state official who eventually will receive much of the
25 information that gets filed in these reports.

1 And I have to admit that I am struggling
2 with how a delay in some of this information would
3 affect my day-to-day job. I would like to say that it
4 would have little to no impact, but the reality is
5 there are some examples in my experience base where a
6 very nonemergency type of condition at a plant, or
7 really involving a nuclear power plant, suddenly
8 became a big issue that I needed information on in
9 very short order to keep my governor and the rest of
10 my state informed on what was happening.

11 So, with that in mind, I'll note that,
12 yes, I'm seeing that most of the people here are
13 licensee representatives. I'm not getting any
14 indication that there are a lot of state or local
15 government stakeholders in on this meeting right now.

16 I mean, I know Jeff Semancik is here, and
17 I thank Jeff. Again, my counterpart from Connecticut
18 for making some very eloquent points in all of this
19 process.

20 But what I would finally like to say on
21 this is just to remind all of you at the NRC working
22 on this concept that recognize that there should be
23 some additional outreach to the agreement states and
24 the state liaison officers for this effort.

25 Simply because not all of the state

1 liaison officers have a strong nuclear operations
2 background. I mean, I have a nuclear background, but
3 as I said, I don't have a power plant operations
4 background. So, some of the points that Jeff Semancik
5 made earlier, I would not even think of because I just
6 don't have that experience.

7 And what I know the state liaison
8 officers, is that some of them are emergency
9 management people, some of them are health physicists
10 and some of them just got assigned the job because the
11 state governments didn't know where else to assign the
12 job. So please bear that in mind that make an effort
13 to reach out the state liaison officers.

14 I would suggest reach out to the agreement
15 state organization as well, to just make sure that
16 these, this potential pool of end users understands
17 that this is coming. And that you do need feedback
18 from them as well.

19 The other caveat I would point out, and I
20 think this echos what Jeff had, Jeff Semancik had
21 stated earlier, is that be careful about openness.
22 There are many members of the public that as soon as
23 they see that the NRC is talking about changing
24 reporting requirements they immediately jump to the
25 conclusion that this is a scale back on openness.

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1 So, in whatever you do on this, do keep in
2 mind that openness is important. And be prepared to
3 explain how openness is preserved in whatever you
4 ultimately come up with.

5 Just one very last item. I did speak
6 during the November meeting and I cited an example of
7 a nonemergency notification that did become very high
8 profile in the State of Vermont. It involved a truck
9 rollover accident.

10 A truck that was delivering a brand new
11 radioactive waste shipment container to Vermont
12 Yankee, and it was involved in a rollover accident,
13 probably about 30 miles from the power plant site.

14 And because of the notifications of,
15 notification requirements that are in place now for
16 such a nonemergency event, I received notification
17 within several hours of the accident. And actually
18 when, about the same time that ultimately the canister
19 did make it to the Vermont Yankee site.

20 At the time I noted that the accident had
21 occurred in June 2019, I just need to correct myself
22 on item, is that the accident actually occurred in
23 June of 2020. And I will just reiterate again that
24 within, literally within hours of my notification that
25 this occurred, and within, well, really within minutes

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1 of completing passing on this information to the
2 several points in Vermont government that needed to
3 know this information, we were beginning to get
4 inquiries from the public on this matter.

5 So, do keep that in mind that it may not
6 be an emergency to you, but someone else will consider
7 that. So, it is an emergency to someone else.

8 So, thank you very much for the
9 opportunity to speak on this again. And I'll look
10 forward to the next steps coming out in early January
11 on this. And that's all.

12 MS. REGNER: Thank you. Super helpful
13 comments, Mr. Leshinskie. And I appreciate your
14 patience once again.

15 I don't know if George wants me to take
16 over as the host here, but, George.

17 MR. TARTAL: Well, you don't have to, but
18 I see Chris Regan has some thoughts on this.

19 MS. REGNER: Yes.

20 MR. REGAN: Yes. So thanks. My name is
21 Chris Regan, I'm the acting director for the division
22 of reactor oversight.

23 And I appreciate all the comments and
24 feedback that we have been receiving, Mr. Leshinskie.
25 And I hope I did pronounce that correctly.

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1 Yes, some really good insight on to how
2 the information is being used by folks external to the
3 agency. And we have heard some of that already, but
4 it's always good to hear some examples of some more
5 details.

6 And I think the key takeaway, at least for
7 me, and hopefully for our group that are working on
8 this, this is one of the questions that we're asking
9 in our analysis is exactly like, who, who are we
10 collecting the information for, what's the intended
11 target of the information that we have these
12 regulatory requirements for. And that's part of the
13 process that we're working through.

14 So, understand how folks use the
15 information outside the agency is important to help us
16 make that, conduct that analysis. But that is one of
17 the fundamental questions of the OE, who are we really
18 collecting the information for.

19 So, appreciate the comments and the
20 feedback. And we'll then, I'll turn it back over to
21 George. Thank you for letting me comment.

22 MR. TARTAL: Okay, thanks, Chris. We have
23 one more commenter from David Crowley. You can unmute
24 and start your remarks.

25 MR. CROWLEY: Hey, good afternoon

1 everyone. So I'm Dave Crowley, I'm the current
2 appointee for the State of North Carolina. A governor
3 appointee SLO program.

4 As well as the acting radiation protection
5 chief and past chair for the organization of agreement
6 states. The organization that Anthony referred to
7 that represents the agreement state programs.

8 So, first of all, thank you to all the
9 discussion. The varied perspectives that we've heard
10 so far today. Especially from both Jeff and Anthony
11 just a minute ago.

12 And just reflecting kind of on the whole
13 discussion. The main thing is, these non-event, or
14 nonemergency event reports, who uses that information
15 the most. And as Anthony suggested, it probably is
16 those within the SLO programs.

17 People appointed for state community,
18 state region. Maybe people in and around the local
19 communities, around the power plants. Emergency
20 managers. People of that nature.

21 But those are the individuals, and I'll
22 just say, that are trusted, or entrusted, by the state
23 and by the community to try to determine what is
24 important for them as a citizen, as someone in the
25 community around the power plants. What is important

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1 that they need to know about, be aware of for their
2 own safety. And that could be these emergencies or
3 nonemergencies.

4 At the point in time in which something
5 happens, the only source of information, if it's
6 coming from the utility, we know that people aren't
7 always willing to trust that whole holly, but want to
8 go to those other appointed individuals to really
9 verify and gain confidence that, yes, this is an okay
10 situation.

11 So, it goes to some of the situational
12 awareness for those appointed individuals to be able
13 to do their job, to speak on an event, to answer
14 whatever media inquiries, the governor's office, you
15 know, whoever might be asking those questions. And it
16 can come up.

17 And so, I think as Lisa was saying, and
18 I've talked to some of my utility folks in the state
19 as well and it's like, well, we have a good line of
20 communication and we do kind of bring you up to speed
21 on certain things when it's important and all of that.

22 But as Lisa mentioned, that's voluntary.
23 And it's all good now. We have a good relationship
24 right now. We have that line of communication. But
25 it's not required.

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1 And what if six months from now, or two
2 years from now, people change over. You kind of have
3 some missteps.

4 So, I would very much caution removing the
5 requirement. Some of these things may not seem super
6 significant.

7 But again, kind of in the spirit of
8 openness and transparency, especially those members of
9 the public who might be fearful or hesitant to embrace
10 nuclear power, they might see getting rid of these
11 type of reporting criteria as the industry trying to
12 obscure these situations where instead we really want
13 to represent that the industry is a good community
14 partner, that nuclear is a great option. That's the
15 safe and probably best option for the fight against
16 climate changes moving forward.

17 So, I don't, for the little bit of extra
18 burden, and I think Jeff mentioned this, it's like the
19 evaluations are happening regardless. The activities
20 at the power plant should be happening regardless.

21 So really, how much extra burden is that
22 to show that you're a good community partner
23 communicating with your regulators to those people who
24 are entrusted so that everyone has that situational
25 awareness and can respond appropriately.

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1 So, didn't have prepared remarks, but
2 Anthony, I just wanted to let you know that there are
3 some other state folks on. At least myself.

4 Hopefully I didn't ramble there too much,
5 but great discussion, and a lot of things to think
6 about moving forward. So, thank you, all.

7 MS. REGNER: Thank you, Mr. Crowley.
8 David. Those are tremendously helpful. I have taken
9 notes. And I appreciate you stepping in and making
10 your voice heard, it's worthwhile to us. Thank you.

11 MR. TARTAL: We have another second from
12 Justin. Go ahead, Justin.

13 MR. WEARNE: Thanks. Can you hear me
14 okay?

15 MR. TARTAL: Yes.

16 MR. WEARNE: Thanks. I just wanted to
17 point out, just kind of for clarity, that the PRM and
18 the rulemaking effort that's underway is just related
19 to nonemergency 50.72 reports.

20 So there is a plethora of other reports
21 involving shipments of radioactive materials, other
22 radiological type events that are covered under
23 various other reporting requirements. And the PRM and
24 the current rulemaking effort is just focused on
25 50.72. It's not intended to capture those other

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1 radiological or shipping events. Just a comment there
2 for you, Lisa.

3 MS. REGNER: Perfect. Yes, thank you.
4 That is absolutely true.

5 MR. TARTAL: Yes. And we also mentioned
6 that at the November meeting as well, that this is
7 only about the nonemergency event reports.

8 Okay, so I saw Jim Slider's hand up next.
9 Jim, you have some additional comments on this topic?

10 MR. SLIDER: I just have a question for
11 David Crowley. His remarks were very informative and
12 they provoked a question in my mind, which perhaps any
13 of the other state representatives on this call might
14 feel free to answer.

15 And that question is, I've never worked in
16 your role so I don't know what you need to do your
17 job. I'm wondering, just hypothetically, if the NRC
18 was to devolve any of these nonemergency notification
19 criteria, in other words, decide to eliminate them,
20 would it be a burden on you and your state level job
21 for you to promulgate whatever reporting requirements
22 your state thinks are appropriate for the nuclear
23 licensees in your jurisdiction?

24 Just a hypothetical question about
25 devolving any of these reporting requirements where

1 NRC can satisfy itself that it doesn't need the
2 information, but it also doesn't need to be the middle
3 man to collect this information to serve state level
4 interests.

5 MS. REGNER: And I do want to just jump in
6 real quick and say that this is an NRC Staff meeting
7 and so, while Mr. Slider is welcome to ask the
8 question none of the state liaison officers, or
9 members of the public, have any, should feel any
10 compulsion to answer this question. That is strictly
11 voluntary.

12 This is a meeting between stakeholders and
13 the NRC, so do not feel that you need to respond.
14 This is a comment --

15 MR. SLIDER: Yes.

16 MS. REGNER: -- and we can take it as
17 such. So thank you.

18 MR. SLIDER: Lisa, thank you for the
19 process correction, you're absolutely right. And the
20 question really stems from thinking about the criteria
21 in light of Mr. Crowley's comments. I don't see that
22 option as part of what you're evaluating. But thank
23 you, you're absolutely right on process.

24 MR. CROWLEY: And I'd be happy to speak to
25 that, that's fine. But, Lisa, thank you again for

1 clarifying.

2 So, to that point, can a state promulgate
3 their own rules to the reporting criteria that they
4 want. I would say, each state would be challenged to
5 come to, in various ways, to pass something on that
6 order and to justify it.

7 Especially if the NRC deems that it's not
8 a necessary reporting criteria. So a lot of the
9 rules, probably 95 percent of the regulatory rules
10 that we have in our agency, lean heavily on the fact
11 that the NRC has passed an equivalent type rule.

12 So, kind of going through our rulemaking
13 processes and saying, well, it's not important in a
14 federal level, I think it just adds a little bit of
15 barrier there.

16 And also, some states have, each state has
17 a dramatically different radiation agency and
18 presence. You know, I believe it's Illinois, they
19 have one of the most robust programs, I think, out
20 there. In evening having like their own resident
21 inspectors that have a direct line of awareness of
22 what's happening in their utilities, plants and the
23 facilities.

24 We don't have that option necessarily in
25 North Carolina so we rely entirely on the NRC's

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1 resident inspectors. But I do, most of the time when
2 I get those kind of nonemergency reports from the NRC
3 Staff, you know, they're forward them partly because
4 of these requirements that are in place now, most of
5 the time what do I do with that information, I read
6 it, I digest it. Do I have questions, do I have
7 concerns, yes or no.

8 Typically it doesn't really go much
9 further than that. But there can be situations where,
10 whether it be someone at the plant, member of the
11 public, something gets out, maybe social media,
12 suddenly it becomes this wildfire kind of situation
13 and people are looking for the answers.

14 If they come to me at that point in time
15 and I have zero awareness of the situation, it doesn't
16 inspire confidence, right, and it doesn't say, hey,
17 there is this open line of communication and
18 transparency between the utility and the state and
19 those that need to know about it.

20 So, that relationship and that confidence
21 is something that I want to absolutely ensure we have
22 moving forward, no matter how this rulemaking effort
23 goes.

24 And it looks like I've talked long enough
25 that Jeff has also put his hand up, so I'm going to

1 let him jump in. But thank you for that.

2 MR. TARTAL: Thank you, that's very
3 helpful.

4 MR. SEMANCIK: Yes, and I would just add
5 in, Jim, that it could be, David hit the nail on the
6 head, that it's going to vary state-to-state. That's
7 going to be one of the complications.

8 MR. CROWLEY: Yes.

9 MR. SEMANCIK: For Connecticut, it's a
10 statutory requirement to implement regulations for
11 reporting, which we reference to the 50.72. But
12 that's as of an effective date. So it would open
13 rulemaking for us to have to do that.

14 And that could go either way, right. It
15 could go with, to reincorporate the new reference, or
16 it could invoke other stakeholders to engage in
17 increased rulemaking reporting requirements.

18 So it's just hard to say, once you open
19 rulemaking that way and get it into that sector,
20 because we intend to have a very, you know, this is
21 certainly a very engage stakeholder community that may
22 require more. And we have implemented that in the
23 past too.

24 So, it could complicate things on the
25 licensee. And because it could, my regulations could

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1 reference 50.72 circa 2000 and then the federal
2 regulations are as amended and now the licensee still
3 has to do, to evaluate those both.

4 So it can be complicated, depending on the
5 state. So you just need to have a full appreciation
6 for that.

7 MR. SLIDER: Yes. And for that reason I
8 really appreciate what you said, Jeff, as well as what
9 Dave Crowley had to say. Thank you.

10 MR. TARTAL: Okay, Tony Leshinskie, you
11 have your hand up again. And then after this I think
12 we'll turn to the next agenda item.

13 MR. LESHINSKIE: Yes. I just want to
14 reiterate points that have already been made that,
15 yes, this is going to vary from state-to-state.

16 And I will note that in my circumstance,
17 because the State of Vermont has agreements with,
18 well, Vermont Yankee ownership that actually predate
19 the nuclear regulatory commission.

20 Much of what I know regarding Vermont
21 Yankee actually comes directly from the licensee. But
22 what I will say though is that Vermont Yankee still
23 has reporting requirements to the NRC.

24 And if there comes a point, and it has
25 occurred some times, that I receive a notification

1 that maybe the NRC does not get. It rarely happens.

2 But that, that does make my job more
3 difficult in that if I need, if I find that I need to
4 consult with the NRC on something, it's up to me
5 initially to bring them up to speed. And then they
6 have to go back to the licensee.

7 So, having the NRC notification channel
8 short circuits all of that and just makes for more
9 efficient communication. And that's all I have.

10 MR. TARTAL: Okay, thank you. You can
11 lower your hand. I just wanted to pause here and say,
12 wonderful discussion and great questions from
13 everyone. I'm very appreciative of the flow of
14 information here. Very good stuff.

15 So, let's switch to Slide 9, Dan. So, on
16 this slide we had intended to allow stakeholders some
17 time to make presentations, however, we got no
18 requests for presentation.

19 But we did hear from Jim Slider at NEI at
20 the last public meeting that there were some efforts
21 that they are working on in collecting data or some
22 other information related to this topic. So, Jim, I'd
23 like to turn to you and speak on this topic.

24 MR. SLIDER: Sure, George. There are
25 several types of information that we are developing

1 and plan to share with the NRC.

2 As I said earlier in this call, no later
3 than early January in order to hopefully fit within
4 your time frame for development of the draft reg
5 basis.

6 One of the things we want to do is give
7 you a thorough depiction of the sequence of
8 communications that take place. I've alluded to some
9 of that in my earlier comments today, but we just want
10 to make sure that that typical kind of rich back and
11 forth between the plant and the resident inspectors
12 and other parts of NRC is shared with you and
13 documented in ADAMS for all to see.

14 In addition, we are looking at how to
15 assess, either quantitatively or qualitatively, our
16 judgement about the risk significance of the
17 circumstances that are depicted in the 50.72
18 nonemergency notification criteria. So we're working
19 on that.

20 And I noticed that was part of the
21 criteria that were shown to us in the presentation by
22 the Staff today.

23 We also mentioned in our November remarks
24 that we are developing, from our review of
25 nonemergency notifications over the past several

1 years, we're developing, again, a graphic depiction of
2 what we see as the connection between those
3 notifications and subsequent NRC action.

4 I think it's important for all
5 stakeholders to see that relationship. And we want to
6 portray that as graphically as we can to make it as
7 clear and well understood we possible.

8 We also are looking at the impact of the
9 evaluation process and the notification process on our
10 industry stakeholders. And thus ratifying and
11 confirming the burden communications that we put in
12 our petition originally.

13 So, we may or may not convey that to you,
14 but for our own edification we want to make sure that
15 the burden that we're talking about that animated the
16 original petition, that those estimates still remain
17 valid today.

18 And then, in addition to all the above, we
19 want to talk further about the various ways in which
20 plants communicate formally and informally with the
21 state and local stakeholders, such as we've heard from
22 today.

23 So those are the broad areas in which
24 we're planning to provide additional information. And
25 trust the staff will give it a fair evaluation and use

1 it where appropriate in looking at the draft reg
2 basis.

3 So that's what we have. And again, just
4 to reiterate, our plan is to get as much of that
5 information into you as we can, by no later than early
6 January. My personal target it no later than January
7 10th. That's it, George.

8 MR. TARTAL: Okay. Well, thank you. Let
9 me pause here and let me see if there are any
10 questions from the Staff on what you just heard.

11 MS. REGNER: Well, I can start. Thanks
12 for that, Jim. Are you, the data collection that you
13 are looking at, how, are you going to present that
14 data with us as well, what your sources are, so that
15 we can verify the types of information that you're
16 giving us?

17 How can we evaluate the accuracy of the
18 data you're going to provide to us, in other words?

19 MR. SLIDER: Yes. Well, Lisa, I was
20 expecting that we would put this in writing for you.
21 And my writing style, in communicating with the NRC,
22 is heavy use of footnotes and other citations exactly
23 for that purpose so you can retrace our footsteps in
24 whatever analysis we submit.

25 MS. REGNER: Great. Thank you, Jim, very

1 much appreciate that.

2 MR. SLIDER: Appreciate your question.

3 MR. TARTAL: Other questions from the
4 Staff? Not seeing any hands.

5 Okay, so at this point we'll open up the
6 meeting to hear from other members of the public. You
7 can provide us, at this point, feedback on the
8 rulemaking itself, the nonemergency event notification
9 requirements.

10 We can go back to the discussion of the
11 draft evaluation criteria, or other information you've
12 heard at this meeting. So, if anyone wants to make
13 some additional remarks, please raise your hand. Jeff
14 Semancik, go ahead.

15 MR. SEMANCIK: Yes, thanks. Just a
16 general comment for the NRC Staff to consider with the
17 industry information. I think it might be helpful to
18 understand the utility processes for notification of
19 their senior management.

20 And why I say that is, where that deviates
21 from any, that would have maybe help distinguish the
22 burden, you know, is there an additional burden or
23 absent, the reporting requirement, would this not get
24 the analysis, notifications and all the other
25 attention. So from that point of view it just may be

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1 helpful, so thanks.

2 MR. TARTAL: Okay, thank you. Any others?
3 Thoughts on this topic in general? Okay.

4 Well, hearing none I think we'll go to the
5 final slides.

6 MS. REGNER: Can I quick jump in, George?
7 I just wanted to mention --

8 MR. TARTAL: You can quick jump in. Go
9 ahead.

10 MS. REGNER: -- it doesn't to be now, it
11 could be in a minute or two. I'll let you finish up
12 your slides.

13 But I do have a slide with the requested
14 information earlier on the links or the ADAMS
15 accession numbers to prior management directive,
16 office instruction, a couple other helpful links. And
17 if you will let me share that I can just put it up on
18 the screen at the end of the meeting if you like.

19 MR. TARTAL: Okay. So I'll rip through
20 these next few slides and then I'll --

21 MS. REGNER: Nope, nope, don't rush.

22 MR. TARTAL: -- turn it back over to you.

23 MS. REGNER: Don't rush. I'm just sharing
24 the information.

25 MR. TARTAL: Got you. Got you. Okay, so

1 the next slide is about next steps in the rulemaking
2 process.

3 We mentioned we're developing a regulatory
4 basis document. Our target for the regulatory basis
5 publication, right now, is June 2022. We'll have a
6 formal request for public comments, with the public
7 meeting to describe the reg basis and to facilitate
8 your providing public comments on the document.

9 After receipt of the public comments on
10 the regulatory basis, and if rulemaking is the
11 recommended options, option, the Staff would develop
12 a proposed rule. Our current target for providing the
13 proposed rule to the Commission I April 2023.

14 And we would have, plan to have one or
15 more public meetings during the development of the
16 proposed rule and or during the public comment period.
17 Public comment period would happen after Commission
18 approval of the proposed rule, assuming they approve.

19 And then after the public comment period
20 on the proposed rule, staff would consider the public
21 comments and the development of a final rule. Our
22 current target for providing the final rule to the
23 Commission is April of 2024. Note please that these
24 are estimated dates, they may change as the project
25 progresses.

1 Slide 11. This slide shows how you find
2 more information on the rulemaking. If you go to
3 regulations.gov and search for Docket ID NRC-2020-0036
4 you will find a number of different documents, federal
5 register notices, public meeting notices, et cetera.

6 You'll find more information in here as
7 the rulemaking progresses, so check back occasionally
8 for updates. Also note, if you're looking for
9 information on the petition for rulemaking that
10 initiated this rulemaking, you should search for PRM-
11 50-116. Those are two separate documents, or dockets,
12 in regulations.gov.

13 Slide 12. This slide contains a lists of
14 references to documents relevant to this rulemaking.
15 You will see the PRM, Commission papers, federal
16 register closure notice, guidance documents, et
17 cetera. And we've added these in this slide for your
18 convenience.

19 Slide 13 please. As we do with all public
20 meetings, we ask you to tell us how we did. On this
21 slide you see the QR code you could use to get to the
22 public meeting feedback form. You can also find the
23 form on the meeting notice at the meeting details
24 page. You can access it and submit it (audio
25 interference) --

1 MS. REGNER: We lost George I think.
2 George, are you still there?

3 MR. TARTAL: Yes. Sorry, I lost
4 connectivity for a second.

5 MS. REGNER: Okay.

6 MR. TARTAL: Okay. Let's see, where are
7 we at now. Slide 14, right, the acronyms. A set of
8 acronyms used throughout the slides for convenience.

9 And then that's the end of the prepared
10 slides for the public meeting. So, Lisa, you wanted
11 us to turn back to you.

12 MS. REGNER: Yes. Thank you, George, I
13 appreciate that. I have to say, I am extremely
14 pleased with the discussion in this public meeting.
15 I do want to thank everyone, again, for their
16 willingness to participate.

17 I am going to quick share a slide here.
18 Let me know if you are seeing information on our
19 management directive. And this was asked for --

20 MR. TARTAL: Yes, I see it.

21 MS. REGNER: Good. Okay. So this was
22 asked for earlier in the discussion. These are some
23 of the procedures used by the NRC related to the use
24 of event notifications.

25 So the management directive is the agency

1 level guidance on the operating experience program.
2 Then we have the next lower level is an NRR, right,
3 the Office of Nuclear Reactor Regulation, Office
4 Instruction.

5 The management directive 8.3 used in the
6 oversight program. That's a significant process used
7 in terms of assessing the significance of these
8 events.

9 Okay. And then there is also a link to
10 our public management directive page. So hopefully
11 you guys find this helpful.

12 We do also have some inspection manual
13 chapter and processes on operating experience. And if
14 that is also public and significant we can include
15 that in the public meeting summary.

16 And hopefully, George, you're willing to
17 include this in the public meeting summary as well for
18 our stakeholders.

19 So the final note I --

20 MR. TARTAL: I think we're going to have
21 to now.

22 MS. REGNER: Sorry. I think it's good
23 information though, so, the final note that I did want
24 to make is the external stakeholder feedback, as I've
25 mentioned many, many times, is important.

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1 Add while we were hoping to complete
2 receipt of feedback at this time, and move forward
3 with the regulatory basis, we do want to be open. We
4 do welcome more feedback.

5 And I understand from Mr. Slider, we will
6 get information from the Nuclear Energy Institute on
7 January 10th. We will likely need to assess impacts
8 to our rulemaking timeline, but at the same time we
9 want to balance our desire to be timely.

10 So, I appreciate your willingness to
11 provide information as soon as you possibly can so
12 that we can assess it and include it in our regulatory
13 basis. And that goes to everyone. So, again, thank
14 you.

15 Mike, Chris, do you guys want to provide
16 any closing remarks?

17 MR. KING: No. Just to echo in your
18 appreciation for everybody's participation.

19 Really great engagement. I thought the
20 discussions back and forth on the different topics
21 were really insightful and helpful, and will really
22 help us make a better informed decision on this. So
23 thank you so much, again.

24 MR. REGAN: I can't really add much to
25 that, but I appreciate everyone's participation and

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1 look forward to any potential future engagement as
2 well. Thank you. And thanks, Lisa, and thanks,
3 George. Nice job.

4 MR. TARTAL: You're welcome. And our
5 meeting is adjourned. Thank you all.

6 (Whereupon, the above-entitled matter went
7 off the record at 3:44 p.m.)
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