

PUBLIC SUBMISSION

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Reporting Requirements for Non-Emergency Events

Comment On: NRC-2020-0036-0006
Reporting Requirements for Nonemergency Events at Nuclear Power Plants

Document: NRC-2020-0036-DRAFT-0013
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General Comment

Please see the attached file.

Attachments

January 6 2023 Comment on Draft Rule Final

January 6, 2023

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U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Comments on “Reporting Requirements for Nonemergency Events at Nuclear Power Plants” [Regulation Identifier Number RIN-3150-AK71; Docket ID NRC-2020-0036]

I. Introduction

I write on behalf of the Breakthrough Institute (BTI) to comment on the U.S. Nuclear Regulatory Commission (NRC) staff’s proposed changes to reporting requirements in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, specifically § 50.72(b) and associated guidance. As a preliminary matter, BTI is an independent 501(c)(3) global research center that identifies and promotes technological solutions to environmental and human development challenges. We advocate appropriate regulation for licensing and oversight of advanced nuclear reactors to enable the timely deployment of safe, innovative, and economically viable emerging nuclear technologies. We believe new and advanced reactors represent critical pathways to climate mitigation and deep decarbonization. BTI represents the public’s interests and does not receive funding from industry.

II. Comment

We commend the NRC for undertaking this proposed rule change in response to the Petition for Rulemaking, PRM-50-116. Immediate notification of **emergency** situations plays an important role in ensuring public health and safety as well as transparency and openness. As such, we appreciate the limited nature of this PRM to apply only to **non-emergency** conditions. In these cases, immediate notifications are a diversion from safe plant operation.

We also appreciate the NRC staff for kindly hosting a public meeting and providing an informative overview of this proposed rule change on December 13, 2022. During the meeting, the NRC staff confirmed that there is significant overlap between immediate notification requirements and 60-day license event report (LER) requirements, and that information would make its way to the public for long-term monitoring and trending by state officials and other interested stakeholders. As the NRC staff confirmed during the public meeting, LERs will continue to provide transparency and openness, consistent with the NRC’s Principles of Good Regulation.

As I mentioned during the December 13, 2022, meeting, I share the perspective of an industry stakeholder who described the regulatory burden of immediate reporting requirements for non-emergency events. As a former NRC resident inspector, I observed the significant effort expended by control room operators to evaluate indications and data against reporting criteria in § 50.72. Time pressure to report within 4 or 8 hours and thereby ensure that immediate reporting requirements were timely met would frequently result in conservative decisions to report, which resulted in many notifications being subsequently retracted once there was sufficient time to collect and duly consider all relevant information. For non-emergency conditions, these time-critical evaluations distracted control room operators from safe operation of the plant without any commensurate safety benefit.

We have reviewed the NRC staff's regulatory analysis, which provides a sound basis for the proposed rule change, and we agree with its conclusion:

The NRC staff concludes that there is sufficient basis to proceed with rulemaking, including revising existing guidance, to justify updates to nonemergency event notification requirements for nuclear power plants in 10 CFR 50.72(b), "Non-emergency events." A rulemaking would improve regulatory efficiency and reliability, continue to ensure the safety of the public, maintain appropriate NRC awareness of nonemergency events at operating commercial nuclear power plants, and support the NRC's Principles of Good Regulation.¹

This conclusion and the proposed rule change also are consistent with long-standing Commission policy and direction to NRC staff in 1999 to risk-inform its regulations. The Commission noted that this transition will take some time but must be done:

The transition to a risk-informed regulatory framework is expected to be incremental. Many of the present regulations are based on deterministic and prescriptive requirements that cannot be quickly replaced. Therefore, the current requirements will have to be maintained while risk-informed and/or performance-based regulations are being developed and implemented.²

¹ NRC ADAMS Accession No. ML22108A004

² [Staff Requirements Memorandum for SECY-98-144](#), "White Paper on Risk-informed and Performance-based Regulation," ADAMS Accession Number ML003753601

It has been *almost 25 years* since the Commission directed an overhaul of NRC's regulatory framework to focus NRC and licensee resources on matters most important to safety. While it is a step in the right direction toward regulatory reform, this rule change was initiated in response to PRM-50-116 rather than proactively and in furtherance of clear Commission direction to modernize in 1999. The time for incremental change has long passed; swift, proactive steps are necessary to mitigate substantive threats to the general welfare and national security.

III. Summary

In short, requirements for immediate reporting of non-emergency conditions detract from safety, and we agree that associated requirements in § 50.72(b) should be eliminated. External stakeholders will continue to receive information on non-emergency conditions (for tracking and trending over time) in the form of LERs and consistent with the Principles of Good Regulation. While this incremental rule change to modernize reporting requirements is commendable, it is neither proactive nor timely; nor is it sufficient to meet long-standing Commission policy and direction.

Sincerely,



Rani Franovich
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The Breakthrough Institute