

# PUBLIC SUBMISSION

<b>As of:</b> 1/31/23, 1:10 PM <b>Received:</b> January 30, 2023 <b>Status:</b> Pending Post <b>Tracking No.</b> 1dj-2hdd-q86x <b>Comments Due:</b> January 31, 2023 <b>Submission Type:</b> Web
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**Docket:** NRC-2020-0036

Reporting Requirements for Non-Emergency Events

**Comment On:** NRC-2020-0036-0008

Reporting Requirements for Nonemergency Events at Nuclear Power Plants

**Document:** NRC-2020-0036-DRAFT-0015

Comment on FR Doc # 2022-27979

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## Submitter Information

**Email:** atb@nei.org

**Organization:** Nuclear Energy Institute

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## General Comment

See attached file(s)

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## Attachments

01-30-23\_NRC\_NEI Comments on Regulatory Basis\_Reporting Requirements for Nonemergency Events

January 30, 2023

Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
ATTN: Rulemakings and Adjudications Staff

*Submitted via Regulations.gov*

**Subject:** Industry Comments on the Regulatory Basis for Reporting Requirements for Nonemergency Events at Nuclear Power Plants (Docket ID: NRC-2020-0036)

**Project Number: 689**

Dear Rulemakings and Adjudications Staff:

The Nuclear Energy Institute (NEI),<sup>1</sup> on behalf of its members, appreciates the opportunity to comment on the Nuclear Regulatory Commission's (NRC) regulatory basis for reporting requirements for nonemergency events at nuclear power plants (ML22108A004). In general, we support the NRC staff's regulatory basis, which in our view, considers the impact of nonemergency notifications on plant operators and would limit notifications to safety significant events. This would enhance the safety focus of NRC's reporting requirements, consistent with the NRC's Principles of Good Regulation.

In the development of the regulatory basis, the NRC staff placed a priority on retaining requirements that involve potentially significant events or conditions that would require staff evaluation for prompt response. The NRC staff has also addressed openness and transparency by identifying other regulations and processes that exist to ensure all of its stakeholders can maintain awareness and access details associated with conditions of interest.

That said, we encourage the NRC staff to reconsider the overall rulemaking schedule and identify efficiencies in the process that could be leveraged to accelerate the schedule. As noted in the regulatory basis and on the NRC's web page, the target completion date to publish the proposed rule and final rule are November 15,

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<sup>1</sup> The Nuclear Energy Institute (NEI) is responsible for establishing unified policy on behalf of its members relating to matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect and engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations involved in the nuclear energy industry.

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2024, and August 12, 2026, respectively. Considering the Petition for Rulemaking was submitted to the NRC on August 2, 2018 (ML18247A204), the current estimate would result in an eight-year schedule to address the petition and almost four years between publishing of the Regulatory Basis and the final rule. This timeline seems prolonged.

Finally, regarding the NRC staff's recommendation to update existing guidance for reporting degraded or unanalyzed conditions under 10 CFR 50.72(b)(3)(ii), we recommend the staff begin the process to revise NUREG-1022, "Event Report Guidelines 10 CFR 50.72 and 50.73," as soon as practical. We agree that clarifications of the document would be beneficial and recommend they be made independent of the rulemaking process, allowing for earlier implementation.

We commend the NRC staff's efforts in publishing a thorough, well-prepared regulatory basis and are encouraged by the proposed changes that would enhance the safety focus of NRC's reporting requirements. We request that the NRC staff pursue efficiencies in the rulemaking schedule and will do what we can to enable such an accelerated schedule.

If you have any questions or require additional information, please contact me at 202.739.8087 or [mab@nei.org](mailto:mab@nei.org).

Sincerely,

A handwritten signature in black ink, appearing to read 'W. A. B.' followed by a long horizontal stroke.

Tony Brown

cc: George Tartal, NMSS, NRC  
Brian Benney, NRR, NRC