

**From:** [Leshinskie, Anthony](#)  
**To:** [RulemakingComments Resource](#)  
**Subject:** [External\_Sender] Docket NRC-2020-0036: Comment from the State of Vermont Department of Public Service  
**Date:** Thursday, February 02, 2023 6:31:28 PM  
**Attachments:** [NRC-2020-0036 Rulemaking State of Vermont Comments FINAL on Letterhead.pdf](#)

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Gentlemen:

The attached PDF letter contains several comments for your consideration regarding proposed changes to Reporting Requirements for Nonemergency Events and Nuclear Power Plants.

Questions regarding these comments may be directed to their author, Mr. Anthony R. Leshinskie, the Vermont State Nuclear Engineer.

Best regards,

Anthony R. Leshinskie

**Anthony R. Leshinskie**

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February 2, 2023

**Docket ID: NRC-2020-0036, “Reporting Requirements for Nonemergency Events at Nuclear Power Plants”**

Gentlemen:

In response to the U.S. Nuclear Regulatory Commission’s (NRC’s) request for comments regarding proposed modifications to Reporting Requirements for Nonemergency Events at Nuclear Power Plants, the Public Service Department for the State of Vermont (PSD) offers the several general comments provided herein. Because there is no longer an operating power reactor within the State of Vermont, PSD’s interest in nuclear reactor regulation is focused on the decommissioning of the former Vermont Yankee Nuclear Power Station (VYNPS) and the management of its Spent Nuclear Fuel (SNF) inventory. More generally, this interest is limited to the regulation of decommissioning power reactors and “possession only” reactor licensees. The impact of the NRC’s proposed regulatory changes to such facilities is limited; the proposed changes are clearly intended for active power-generation facilities. Nonetheless, because decommissioning and possession only facilities still have NRC notification requirements, PSD determined it was prudent to provide general comments, which could be useful to any nuclear power plant facility, regardless of its operational state. .

Background: The U.S. Nuclear Regulatory Commission (NRC) has proposed relaxing some of its requirements for notifications from licensees for several categories of non-emergency events. The proposed changes would eliminate notifications when several types of plant support systems or plant operating procedures are activated. All proposed changes pertain to systems or procedures that currently require an NRC notification within either 1, 4 or 8 hours after activation. No changes to notifications for Reactor Protection System (RPS) actuations are proposed. NRC notifications for these non-emergency systems would still be reported either through the actuation reports for more critical systems, such as those for RPS functions, or through existing follow-up reporting requirements (e.g., one day or one week following an event occurrence). The NRC Regulatory Basis document for the proposed changes (**ML22108A004**) includes justification demonstrating that the proposed changes would not significantly impact the NRC’s ability to effectively regulate any nuclear power plant facility. However, discussion throughout this Regulatory Basis document also indicates that the proposed changes could impact notifications to State and Local Government agencies tied to NRC notifications from Licensees. The enclosed PSD comments discuss general concerns in this latter area.

Comment #1: VYNPS condition / event notifications to the Vermont PSD are largely governed by Memorandums of Understanding (MOUs) established in Vermont Public Utility Commission (VT-PUC)



cases pertaining to VYNPS. For example, VT-PUC Case #6545 establishes several daily reporting requirements to a PSD Designee, which has traditionally been the Vermont State Nuclear Engineer. One such requirement obligates VYNPS to notify the PSD Designee of any 1-hour and 4-hour notifications made to the NRC. Eliminating an NRC 1-hour or 4-hour notification runs the risk that the PSD Designee, and thus the State of Vermont, may not receive a timely notification of a specific condition at VYNPS. Very often, when Vermonters have questions regarding conditions or activities at VYNPS, the Vermont PSD is contacted to provide informed answers. Delayed notifications of any developing VYNPS condition, even non-emergency ones, delays Vermont PSD having an informed answer to a public question. Delays in answering public questions about VYNPS can exacerbate public concern, even when the issue is very minor.

Notification of non-emergency conditions is often a “catch all” for out of the ordinary issues than can arise at a nuclear power plant. While many potential conditions at an operating nuclear power plant have specific notification requirements, decommissioning nuclear power plants frequently experience conditions that are non-emergency, as well as out of the ordinary, compared to an operational plant. Eliminating a non-emergency reporting requirement increases the likelihood that an out of the ordinary condition at a decommissioning plant will not be reported to the NRC or State / Local Government agencies. Consequently, PSD urges the NRC to be very cautious when choosing to eliminate non-emergency notification requirements.

Comment #2: Elimination of some non-emergency reporting requirements could require State and Local Governments to amend or establish new reporting requirements with NRC Licensees. Some non-emergency notifications that may not be time-critical to the NRC may still be time-critical to State or Local Government agencies. While the NRC Regulatory Basis document for the proposed changes enumerates potential cost-savings to the NRC and NRC Licensees, whether these NRC Licensee savings would be realized if Licensees still provide similar notifications to State and Local Government agencies is not discussed. Re-establishing reporting requirements will require efforts from both NRC Licensees and the recipient State and Local Government agencies. The cost of these efforts could exceed any savings potentially realized in NRC or NRC Licensee budgets. Additionally, the State and Local Government agencies would likely use Federal funding while re-establishing the reporting procedures. As a result, any savings estimated in NRC budgets could merely transfer the required Federal budget for the reporting requirement to an agency within the Department of Homeland Security or the Environmental Protection Agency.

In particular, the NRC proposes to eliminate the 8-hour notification whenever a contaminated nuclear power plant worker is transported offsite. Delaying or eliminating this type of notification could delay mobilization of State or Local Government functions essential to treating the contaminated worker or the subsequent clean-up of the treatment facility. Delays in offsite facility clean-up following the treatment of a contaminated worker could extend the time that that the facility is unavailable to treat a victim of an unrelated hazardous materials accident. Keeping the current notification requirement would eliminate this delay.

Comment #3: Based on review of the NRC Regulatory Basis document and discussion during the NRC's December 13, 2022 public meeting for this rulemaking effort, it is unclear to Vermont PSD whether the proposed changes provide a significant regulatory relief to NRC Licensees. The Nuclear Energy Institute petition discussed in Section 2.0 of the NRC Regulatory Basis document requested elimination of all immediate non-emergency event notification requirements in current NRC regulations. The regulatory change effort determined that six of eleven notification categories could potentially be eliminated. While the Regulatory Basis document estimates savings for individual proposed changes, a comparison to the overall cost of the current notification regulations is not readily evident in this documentation. Accordingly, it is unclear whether the proposed regulatory changes provide a substantial relief to NRC Licensees, particularly if the eliminated reporting requirements must still be maintained separately to satisfy State and Local Government reporting requirements.

Thank-you for the opportunity to provide these comments regarding NRC Non-Emergency Event Notification requirements. Further details on these comments may be obtained by contacting the Vermont State Nuclear Engineer, Mr. Anthony R. (Tony) Leshinskie via the contact information included in the electronic signature of this letter.

Best regards,

/s/ Anthony R. Leshinskie

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