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# PUBLIC SUBMISSION

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 ADD: Paul Laflamme, Brian  
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**Docket:** NRC-2024-0037  
 Event Reporting Guidelines

**Comment On:** NRC-2024-0037-0001  
 Draft NUREG: Event Report Guidelines

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Comment (3)  
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## Submitter Information

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## General Comment

June 17, 2024

RE: NRC-2024-0037, Revision to NUREG-1022

Good day,

These are my comments on the revision to NUREG-1022 to modify 10 CFR 50.72(b)(3)(ii) and 10 CFR 50.73(a)(2)(ii) guidance. My comments are shaped by 15 years as a Senior Reactor Operator making reportability decisions, my authorship of two LERs for unanalyzed conditions and 15 years in Design Engineering finding unanalyzed conditions and performing Operability Evaluations. I recognize my comments would certainly have been more helpful earlier in the revision process but I only became aware of the proposal when it was recently posted for comment.

Comment 1 - Corrective Action Process Entry:

Is it permissible to delay entry of the non-conforming condition into the corrective action program? Once entered into CAP, immediate and prompt operability decisions are required. Current guidance is 24 hours for immediate and 3 days for prompt operability. If a vendor finds a generic unanalyzed condition, there will be a line of licensees waiting for a determination of “significantly degrading”. What does the licensee tell the NRC resident inspector when they ask about operability on day 5 and the vendor has three more plants to analyze before they get to yours? In my experience, the reason this has not been a problem is that the vendor does not notify the licensee until the vendor has already completed the analyses to show the unanalyzed condition is acceptable; I do not agree with this approach. Even if it is related to a single plant, I have experienced a long iterative process as the we provided offsetting reduced conservatism inputs to the vendor and then waiting for acceptable results.

Consider an example. The thermal conductivity of interior coatings in containment is found to be non-

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exists should be promptly entered into CAP. It now must be evaluated for reportability and operability. Under the proposed change, the licensee can tell the resident inspector for reportability “We’re looking at it, we’ll get back to you”. The resident can then press on about operability where a “we’re looking at it” is not consistent with IMC

Suggested resolution: Make conforming changes to NRC guidance on operability.

#### Comment 2 – Relationship to 10CFR50.9

I saw quite a few unanalyzed conditions while in Operations and Design Engineering. As I tended to have a more conservative view than others I studied NUREG-1022 and the statements of consideration closely. I would also consider reportability under 10CFR50.9. I noted that the footnote in NUREG-1022 says

A licensee cannot evade the rule by never 'finding' information to be significant. The fact that a licensee considers information to be significant can be established, for example, by the actions taken by the licensee to evaluate that information.

I distinctly remember additional explanatory text saying that an example of significance would be having a vendor performing analyses (it may or not have included the word “extensive”, I don’t recall.) However, I am retired and no longer have access to this additional explanatory text.

The proposed change allows the need for vendor analyses to delay reportability. However, the need for vendor analyses could trigger reportability under 10CFR50.9.

Suggested Resolution – Explain when vendor analyses used for the proposed change rise to the level of of reportability under 10CFR50.9.

#### Comment 3 – Incorrect Reference:

The federal register reference in footnote 1 is incorrect. The proper volume is 52 , not 59.

Regards  
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