

JAMES E. SLIDER
Technical Advisor, Regulatory Affairs

1201 F Street, NW, Suite 1100
Washington, DC 20004
P: 202.739.8015
jes@nei.org
nei.org



Submitted via Regulations.gov

May 6, 2020

Mr. Andrew G. Carrera
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Comments on the NRC's Retrospective Review of Administrative Requirements [85 FR 6103; Docket ID NRC-2017-0214]

Project Number: 689

Dear Mr. Carrera:

The Nuclear Energy Institute (NEI)¹, on behalf of its members, submits the following comments the U.S. Nuclear Regulatory Commission's (NRC's) Retrospective Review of Administrative Requirements (RROAR). We appreciate this opportunity to respond to the subject Federal Register Notice (FRN) soliciting public comments² on the application of the NRC's final evaluation criteria to the NRC's reporting and recordkeeping requirements. We are deeply grateful for the extension of the public comment period granted by the NRC in light of the challenges presented by the pandemic response.³

Our review of the NRC requirements was extensive, examining more than 300 reporting or recordkeeping requirements found in Title 10, Code of Federal Regulations, Parts 1-140. We compared these requirements to the five RROAR evaluation criteria and tallied the results in a large spreadsheet. In the process, several themes emerged which we address with recommendations in the enclosures to this letter. The major themes are as follows:

- 1. Burden is More than What Can Be Quantified:** The Federal Register Notice included questions seeking to elicit information on the burden of existing reporting and record-keeping requirements. In responding to these questions, we realized that the burden of administrative regulations often cannot be quantified or is small on a "per regulation" basis. Rather, the burden is the cumulative impact of the

¹ 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.

² 85 FR 6103

³ Noticed in Federal Register, Volume 85, page 18477, dated April 2, 2020.

hundreds of small burdens the individual regulations, one by one, impose on the licensee. The cumulative burden potentially distracts from the focus of licensee management and operators on the most safety significant aspects of their licensed operations. With this in mind, many of our recommendations suggest the NRC reconsider the value of regulations that might seem to be minimally burdensome individually. Pruning those that no longer add meaningful value to the NRC's mission helps to reduce clutter and administrative burden on the licensee.

2. **Consider the Maturity of the Industry and NRC:** Many of the regulations were established when the industry and the NRC were less mature. In some cases, it is obvious the regulation was intended to address a novel or emergent situation (e.g., regulations that specify submitting an initial report by a date that now is long past). In other cases, the regulation appears to be based on a presumption that the facilities or programs subject to the regulation would be developing new features to address new requirements. We recommend that the NRC review its regulations looking for opportunities to eliminate requirements for submitting initial reports by completion dates that are no longer relevant (e.g., Part 20.2207(h) requirement for a report of initial inventory of tracked sources due by January 31, 2009). In addition, we recommend that the NRC review its regulations for instances in which the maturity of the industry and its programs today obviates the need for the report or regulation or warrants a simplification or refocusing of the requirement (e.g., the Part 50.54(t)(2) requirement for a periodic review of emergency preparedness drills, exercises, capabilities, and procedures).
3. **Consolidate Related Requirements That Appear in Multiple Places:** There are instances in which multiple regulations address part or all of a given situation or address similar or related situations, sometimes in different ways. Overlap and inconsistency in these applicable regulations make it harder for the reader to determine what is required or how to meet the requirement in the most efficient manner possible. One example is the treatment of reporting personnel radiation exposures in Parts 19 and 20. We recommend that the NRC review these regulations and consider consolidating and streamlining Parts 19 and 20 to simplify the presentation of requirements for reporting dose to NRC and workers. There are other regulations in which similar reporting requirements appear in multiple places, which we believe could be consolidated for consistency and clarity.
4. **Reconsider Need for Submitting Reports When Onsite Inspection Would Suffice:** The regulations specify submitting numerous reports to the NRC. In some cases, we are unable to determine whether or how the NRC actually uses the reports we submit (RROAR Criterion 1). In other cases, submitting the reports does not actually seem to help the NRC do its job (e.g., we receive requests from inspectors for copies of reports previously submitted as required and available to NRC staff via ADAMS).⁴ We recommend that the NRC review all requirements for submitting written reports and determine whether the agency's needs can be met through other means. For example, licensees' corrective action process (CAP) and quality records systems have matured significantly since most of the reporting requirements were set in the regulations. The NRC has unfettered access to these systems, which should allow for NRC to reconsider whether a one-off or periodic report based on the contents of those systems is still essential. Eliminating the requirement for submittal of a written report

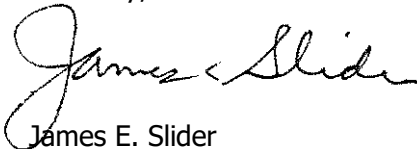
⁴ Contrary to NRC Inspection Manual Chapter 0620, "Inspection Documents and Records," Section 04.01.a, Effective January 28, 2019 (ADAMS ML 18254A020).

when inspection can meet the NRC's needs equally well would reduce the administrative costs the licensee bears for preparing and filing written reports on the docket.

5. **Unify Timing of Written Follow-up Reports:** The regulations specify a variety of time limits for the submittal of written follow-up reports. In our review of the regulations, it appears that none of the written follow-up reports is more significant to NRC oversight than the Licensee Event Report (LER), for which the NRC allows 60 days. We recommend that the NRC adopt a 60-day response time for the completion/submittal of all written follow-up reports. This uniform deadline would simplify licensees' management of the production of these reports to a common timeline.
6. **Eliminate Non-Emergency Prompt Notifications:** In NEI's Petition for Rulemaking (PRM) 50-116⁵, we proposed that NRC eliminate immediate notification requirements for non-emergency events currently required by 10 CFR Part 50.72. (This petition remains open with the NRC⁶ and remains an industry priority for relieving administrative burden.) The principles espoused in PRM-50-116 apply equally well to other regulations requiring licensees to notify the NRC "promptly" or "immediately." We recommend that the NRC review all of those regulations to determine which could be satisfied by licensee communications with their resident inspectors. Where notifying the resident inspector is a viable alternative to the current requirement to contact the NRC Headquarters or regional office, we would urge the NRC to adopt this as a standard approach to immediate notifications as much as practical. As explained in PRM-50-116, resident inspectors are most familiar with their plant and its circumstances. This makes notifications and follow-up communications with the resident inspector much more efficient and effective than through a watch officer in NRC Headquarters.

Details are provided in the enclosures. If you have questions in this matter, please contact either Justin Wearne at jmw@nei.org or (202) 739-8087, or me at jes@nei.org or (202) 739-8015.

Sincerely,



James E. Slider

Attachments (2)

c: Ms. Pamela Noto, NRC/NMSS

⁵ The petition was docketed on November 18, 2018 and published in the Federal Register on November 20, 2018 at 83 Fed. Reg. 58509.

⁶ Status from NRC website, <https://www.nrc.gov/reading-rm/doc-collections/rulemaking-ruleforum/active/PetitionDetails.html?id=26>, retrieved April 29, 2020.

Enclosure 1
Detailed Comments on the Retrospective Review of Administrative Requirements

In the tables below, NEI provides detailed comments and recommendations on NRC regulations subject to the agency’s Retrospective Review of Administrative Requirements (RROAR). The tables paraphrase the titles of the NRC’s five RROAR screening criteria and show the screening criteria which NEI judges to be most applicable to the regulations listed. The tables then summarize NEI responses to the five questions from NRC’s Federal Register Notice.

Questions on these comments should be directed to either Justin Wearne, jmw@nei.org, or Jim Slider, jes@nei.org.

Table 1: Radiological Dose Reporting in Parts 19 and 20

Applicable NRC RROAR Screening Criteria				
1 – SCREEN IN Not Used in Past 3 Years	2 – SCREEN IN Alternative Process	3 – SCREEN IN Consider Less Frequent	4 – SCREEN IN Burdensome	5 – SCREEN OUT Needed for External Users
X	X	X	X	
Questions in Federal Register Notice		NEI Response		
1. Which administrative regulations should the NRC consider changing? Include the 10 CFR part, section, and paragraph(s).		Applicable Regulations¹ § 19.13(a) & (b) – Annual report on radiation exposure of employees § 19.13(c) – Report on radiation exposure of former employees § 19.13(d) – Copy of report to NRC on individual radiation exposure § 19.13(e) – Report of radiation exposure of terminating employees § 20.1906(d) – Immediate report on surface contamination or external radiation levels above limits § 20.2201(a)(1)(i) – Immediate report on discovery of theft, loss or missing licensed material § 20.2201(a)(1)(ii) – 30-day report following discovery of theft, loss or missing licensed material § 20.2201(b) – 30-day report following telephone report on lost, stolen or missing licensed material		

¹ NEI has paraphrased the reporting and record-keeping requirements for display purposes.

Questions in Federal Register Notice	NEI Response
	<p>§ 20.2201(d) – 30-day report after learning of additional information on lost, stolen or missing licensed material</p> <p>§ 20.2202(a) – Immediate notification of event involving exposure or release of byproduct, source of special nuclear material</p> <p>§ 20.2205 – Copy of report to NRC on individual exceeding dose limits</p> <p>§ 20.2206(b) – Annual report on personnel exposure and monitoring</p>
<p>2. How should the NRC change the regulations? Can the regulation be made less burdensome, or should it be eliminated entirely? If possible, provide specific language showing how the regulatory text might be changed to reduce burden. Describe how the evaluation criteria would apply to the proposed change(s).</p>	<p>Recommendations</p> <ol style="list-style-type: none"> 1. Consolidate the reporting requirements above by moving Part 19 reporting of dose to NRC and workers into Part 20. 2. Change the timing on all written follow-up reports from 30 days to 60 days to align with the timing of LER submittals. 3. Recognize that information captured in the licensee’s Corrective Action Program (CAP) or QA records program is available for NRC inspection and can satisfy NRC’s need for information without requiring formal submittal of a report. 4. Eliminate prompt reporting via the NRC’s Event Notification System or Operations Center in favor of reporting promptly to NRC via the resident inspector, when applicable, as described in Petition for Rulemaking PRM-50-116.
<p>3. What is the basis for the proposed change? Provide a rationale for why the requirement might be obsolete or overly burdensome and any relevant supporting data.</p>	<p>Basis</p> <ol style="list-style-type: none"> 1. Radiological reporting requirements in Parts 19 and 20 are similar or overlapping. Consolidating them into one 10 CFR Part (we suggest Part 20) would ensure alignment and consistency of requirements and could improve efficiency. Having duplicative requirements with slightly different text creates uncertainty and inefficiency, contrary to the principles of good regulation. 2. Typically, a station’s CAP system is structured to complete necessary causal evaluations in time to support completing a Licensee Event Report (when needed) within 60 days. Similar timing should suffice

Questions in Federal Register Notice	NEI Response
	for follow-up written submittals required by Part 20 and many other regulations. 3. Resident inspectors have access to data maintained in plant records or in the CAP system, which allows for efficient and real time NRC access to this data. 4. Prompt event reporting through the NRC resident inspector, rather than to NRC Headquarters in Rockville, MD, allows for more efficient use of resources because the resident inspector is most familiar with the plant and its situation.
4. What burden is associated with the administrative requirements? Provide a quantitative basis for the burden in terms of costs or labor hours, if available.	Burden Consolidating reporting requirements of Parts 19 and 20 would give NRC opportunity to streamline, simplify and ensure consistency of requirements. This would make more efficient the licensees' application of the current Parts 19 and 20 to any given situation.
5. How would the suggested change reduce burden? Would it result in a onetime reduction in burden, a reduction in burden for multiple years, or an ongoing reduction in burden? Provide supporting justification.	Burden Reduction NEI believes it is in NRC's and the public interest to streamline radiological reporting requirements to ensure consistent and efficient interpretation and application of these regulations.

Table 2: Historical Reports That Are No Longer Relevant

Applicable NRC RROAR Screening Criteria				
1 – SCREEN IN Not Used in Past 3 Years	2 – SCREEN IN Alternative Process	3 – SCREEN IN Consider Less Frequent	4 – SCREEN IN Burdensome	5 – SCREEN OUT Needed for External Users
	X	X		
Questions in Federal Register Notice		NEI Responses		
1. Which administrative regulations should the NRC consider changing? Include the 10 CFR part, section, and paragraph(s).		Applicable Regulations § 20.2207(h) – Report initial inventory of tracked sources by January 31, 2009 § 50, Appendix E, Sec. IV.D.4 – Report alert and notification system design by June 24, 2013		
2. How should the NRC change the regulations? Can the regulation be made less burdensome, or should it be eliminated entirely? If possible, provide specific language showing how the regulatory text might be changed to reduce burden. Describe how the evaluation criteria would apply to the proposed change(s).		Recommendation These regulations reference historical requirements from the regulations’ implementation phase. They are no longer relevant and should be eliminated.		
3. What is the basis for the proposed change? Provide a rationale for why the requirement might be obsolete or overly burdensome and any relevant supporting data.		Basis The period of initial implementation has passed. References to outdated reporting requirements linked to the initial implementation period add clutter to the text. The text should present only what remains relevant for current readers and do so clearly and concisely.		
4. What burden is associated with the administrative requirements? Provide a quantitative basis for the burden in terms of costs or labor hours, if available.		Burden The continued presence of historical reporting requirements that are no longer relevant complicates the reading and understanding of the regulations. This presents the potential for increasing confusion and uncertainty when readers are trying to answer questions about current situations.		

Questions in Federal Register Notice	NEI Responses
5. How would the suggested change reduce burden? Would it result in a onetime reduction in burden, a reduction in burden for multiple years, or an ongoing reduction in burden? Provide supporting justification.	Burden Reduction Eliminating these now defunct requirements would simplify the text of the regulations and reduce the challenge that readers face in trying to identify the essential and relevant contents of a given regulation.

Table 3: Annual Reporting on Work Hours

Applicable NRC RROAR Screening Criteria				
1 – SCREEN IN Not Used in Past 3 Years	2 – SCREEN IN Alternative Process	3 – SCREEN IN Consider Less Frequent	4 – SCREEN IN Burdensome	5 – SCREEN OUT Needed for External Users
X	X	X	X	
Questions in Federal Register Notice		NEI Response		
<p>1. Which administrative regulations should the NRC consider changing? Include the 10 CFR part, section, and paragraph(s).</p>		<p>Applicable Regulations § 26.203(e)(1) – Annually report the use of waivers under which work was performed § 26.203(e)(2) – Annually report corrective actions resulting from analyses of fatigue data § 26.417(b)(2) – Annually submit fitness for duty (FFD) program performance reports § 26.717(e) – Annually submit FFD program performance data § 26.719(c)(1) – Within 30 days of discovering errors in drug and alcohol testing, submit a report on the incident and corrective actions taken or planned</p>		
<p>2. How should the NRC change the regulations? Can the regulation be made less burdensome, or should it be eliminated entirely? If possible, provide specific language showing how the regulatory text might be changed to reduce burden. Describe how the evaluation criteria would apply to the proposed change(s).</p>		<p>Recommendations The annual reports should be eliminated. The 30-day report should be made due in 60 days, like LERs.</p>		
<p>3. What is the basis for the proposed change? Provide a rationale for why the requirement might be obsolete or overly burdensome and any relevant supporting data.</p>		<p>Basis It is not apparent whether or how NRC uses these annual reports. If they are used, the agency should demonstrate that these reports add substantial, unique value to the NRC’s mission of protecting the public health and safety. The information required to be submitted to NRC in these reports is readily available onsite for NRC inspection. In addition, this information is routinely examined as part of NRC Inspection Procedure (IP) 71152 (Problem</p>		

Questions in Federal Register Notice	NEI Response
	<p>Identification and Resolution)² and IP 71130.08 (Fitness-for-Duty Program)³ inspections. Work hour compliance is given additional scrutiny through reactive inspections under IP 71153⁴, if an event occurs, and supplemental inspections under IP 95001, IP 95002 and IP 95003⁵, if a Greater-than-Green inspection finding or performance indicator arises. If a Part 26-related issue causes a reportable event, then the licensee will submit a Licensee Event Report (LER) and the LER would provide details that are more relevant and useful to NRC oversight when specific concerns arise.</p> <p>If the NRC needs information in the Part 26 annual reports occasionally for research purposes, then resident inspectors can retrieve the data from the licensees' CAP system or site records or the NRC can make a one-time request to licensees.</p>
<p>4. What burden is associated with the administrative requirements? Provide a quantitative basis for the burden in terms of costs or labor hours, if available.</p>	<p>Burden</p> <p>The burden of the current reporting requirements is estimated to be approximately 20 person-hours per year per plant.</p>
<p>5. How would the suggested change reduce burden? Would it result in a onetime reduction in burden, a reduction in burden for multiple years, or an ongoing reduction in burden? Provide supporting justification.</p>	<p>Burden Reduction</p> <p>If the stated reports were eliminated, the burden reduction would be ongoing.</p>

² See IP 71152, "Problem Identification and Resolution," Section 03.05, "Sample Selection Guidance," Paragraph n, "Fatigue-related issues identified through fitness for duty effectiveness reviews or licensee assessments reports, see 10 CFR 26.717(9)." (Issued February 26, 2015, ADAMS ML14316A042)

³ IP 71130.08, "Fitness-for-Duty Program," Issued October 22, 2018 (ADAMS ML17263A609)

⁴ IP 71153, "Follow-up of Events and Notices of Enforcement Discretion," Section 03.03, Personnel Performance Sample, "Review personnel performance during planned nonroutine plant evolutions. Determine whether personnel performance contributed to unplanned events and transients." Specific Guidance: "Review...working hour records to evaluate for fatigue..." (Issued November 13, 2019, ADAMS ML19197A110)

⁵ IP 95001, "Supplemental Inspection Response to Action Matrix Column 2 Inputs," Issued August 24, 2016 (ADAMS ML15223B348); IP 95002, "Supplemental Inspection for One Degraded Cornerstone or Any Three White Inputs in a Strategic Performance Area," (Issued February 9, 2011, ADAMS ML1002020532); IP 95003, "Supplemental Inspection for Repetitive Degraded Cornerstones, Multiple Degraded Cornerstones, Multiple Yellow Inputs or One Red Input," (Issued December 18, 2015, ADAMS ML15188A400)

Table 4: Prompt Notifications on Work Hours

Applicable NRC RROAR Screening Criteria				
1 – SCREEN IN Not Used in Past 3 Years	2 – SCREEN IN Alternative Process	3 – SCREEN IN Consider Less Frequent	4 – SCREEN IN Burdensome	5 – SCREEN OUT Needed for External Users
	X			
Questions in Federal Register Notice		NEI Response		
<p>1. Which administrative regulations should the NRC consider changing? Include the 10 CFR part, section, and paragraph(s).</p>		<p>Applicable Regulations</p> <p>§ 26.417(b)(1) – Call the Ops Ctr within 24 hours after discovering an act that casts doubt on integrity of the FFD program and any programmatic failure that might permit undetected [violations of the FFD program]</p> <p>§ 26.719(b) – Call the Ops Ctr within 24 hours after finding significant FFD policy violations and programmatic failures listed</p> <p>§ 26.719(c)(2) – Notify NRC within 24 hours after discovery of a false positive error on a blind test sample</p> <p>§ 26.719(c)(3) – Notify NRC within 24 hours after discovery of a false negative error on a QA check of validity screening tests</p>		
<p>2. How should the NRC change the regulations? Can the regulation be made less burdensome, or should it be eliminated entirely? If possible, provide specific language showing how the regulatory text might be changed to reduce burden. Describe how the evaluation criteria would apply to the proposed change(s).</p>		<p>Recommendation</p> <p>These non-emergency prompt notifications should be eliminated.</p>		

Questions in Federal Register Notice	NEI Response
<p>3. What is the basis for the proposed change? Provide a rationale for why the requirement might be obsolete or overly burdensome and any relevant supporting data.</p>	<p>Basis It is not clear whether or how the NRC utilizes the information conveyed in the Part 26 prompt notifications listed above. We have not found an example of the NRC taking immediate action, such as commencing a reactive inspection, based on the 24-hour notifications prescribed in Part 26.</p> <p>As noted in PRM-50-116 and elsewhere, we believe that routine communications with onsite resident inspectors, including the residents’ daily review of plant condition reports, obviate the need for non-emergency notifications to NRC headquarters. Thus, we believe that eliminating the non-emergency 24-hour notifications prescribed in the Part 26 sections listed above would not impair the NRC’s ability to protect the public health and safety.</p>
<p>4. What burden is associated with the administrative requirements? Provide a quantitative basis for the burden in terms of costs or labor hours, if available.</p>	<p>Burden Quantitatively, the burden of these non-emergency Part 26 notifications is not high. The more important burden of these non-emergency notifications involves the time and attention of management and operators that would be better spent on matters of greater importance to safety. In the interest of protecting the licensee’s focus on safety, the NRC should consider eliminating the Part 26 non-emergency notifications.</p>
<p>5. How would the suggested change reduce burden? Would it result in a onetime reduction in burden, a reduction in burden for multiple years, or an ongoing reduction in burden? Provide supporting justification.</p>	<p>Burden Reduction Eliminating the identified requirements would reduce the administrative and management burden for the licensee on an ongoing basis.</p>

Table 5: Immediate Notifications and Written Follow-up Reports in Part 37

Applicable NRC RROAR Screening Criteria				
1 – SCREEN IN Not Used in Past 3 Years	2 – SCREEN IN Alternative Process	3 – SCREEN IN Consider Less Frequent	4 – SCREEN IN Burdensome	5 – SCREEN OUT Needed for External Users
	X	X		
Questions in Federal Register Notice		NEI Response		
<p>1. Which administrative regulations should the NRC consider changing? Include the 10 CFR part, section, and paragraph(s).</p>		<p>Applicable Regulations Immediate Notifications § 37.57(a) – Licensee immediately notify LLEA after determining that unauthorized entry resulted in actual or attempted theft, sabotage or diversion of Cat. 1 or 2 rad material. <u>Notify NRC Ops Ctr within four hours after LLEA.</u>⁶ § 37.57(b) – Licensee assess and notify LLEA of any suspicious activity related to theft, sabotage, or diversion of Cat. 1 or 2 rad material. <u>Notify NRC Ops Ctr within four hours after LLEA.</u> § 37.81(b) – Shipping licensee notify NRC Ops Ctr within four hours of determining that a shipment of Cat. 2 material is lost or missing. If still missing after 24 hours, <u>immediately notify NRC Ops Ctr.</u> § 37.81(c) – Shipping licensee notify LLEA along shipment route ASAP upon discovery of actual or attempted theft or diversion or suspicious activities related to same for Cat. 1 material. <u>ASAP after notifying LLEA, licensee shall notify NRC Ops Ctr.</u> § 37.81(d) – Shipping licensee to <u>notify NRC Ops Ctr ASAP</u> upon discovering actual or attempted theft of Cat. 2 quantity of radioactive material § 37.81(e) – Shipping licensee to <u>notify NRC Ops Ctr and LLEA ASAP</u> upon recovery of lost or missing Cat. 1 quantity of radioactive material § 37.81(f) – Shipping licensee to <u>notify NRC Ops Ctr ASAP</u> upon recovery of lost or missing Cat. 2 quantity of radioactive material Follow-up Written Reports</p>		

⁶Regulations are paraphrased for display purposes; underlining is added by NEI for emphasis.

Questions in Federal Register Notice	NEI Response
	<p>§ 37.57(c) – <u>File written report with NRC within 30 days</u> after notifying NRC Ops Ctr in 57(a) or (b) above.</p> <p>§ 37.81(g) – Send <u>written report to NRC within 30 days</u> of calling NRC IAW subsections (a) through (d) above except for “suspicious activities” reported IAW subsections (c) & (d)</p> <p>§ 37.81(h) – After submitting written report, <u>report to NRC any additional substantive information within 30 days</u> after learning such information</p>
<p>2. How should the NRC change the regulations? Can the regulation be made less burdensome, or should it be eliminated entirely? If possible, provide specific language showing how the regulatory text might be changed to reduce burden. Describe how the evaluation criteria would apply to the proposed change(s).</p>	<p>Recommendations</p> <ol style="list-style-type: none"> 1. Eliminate immediate non-emergency notifications to the NRC Operations Center in favor of promptly notifying NRC (via call to resident inspector), as described in PRM-50-116. 2. Eliminate requirement to submit follow-up written reports listed in Part 37, recognizing that the information contained in those reports is commonly retained in licensee records available for NRC inspection. 3. Allow 60 days for preparation of follow-up reports when necessary, to align with the 60-day schedule for preparation of LERs required by Part 50.73.
<p>3. What is the basis for the proposed change? Provide a rationale for why the requirement might be obsolete or overly burdensome and any relevant supporting data.</p>	<p>Basis</p> <ol style="list-style-type: none"> 1. When prompt reporting is truly needed by NRC, the prompt report should be made through the NRC resident inspector, when feasible. This allows for more efficient use of resources because the resident inspector is familiar with the plant and situation. Reactor licensees commonly communicate first with their site Resident Inspectors before calling the NRC Operations Center. This makes the call to the Operations Center redundant. 2. Typically, the licensee’s CAP system is structured to complete necessary causal evaluations in time to support completing an LER (when needed) within 60 days. Similar timing should suffice for written follow-up required by Part 37. 3. Information currently required to be provided in written follow-up reports is available onsite in the CAP system or other site records available for inspection by NRC. In addition, Part 37 written reports might

Questions in Federal Register Notice	NEI Response
	contain safeguards information or information sensitive to local law enforcement which should be restricted from public disclosure.
4. What burden is associated with the administrative requirements? Provide a quantitative basis for the burden in terms of costs or labor hours, if available.	Burden As explained previously, the burden associated with notifying the NRC through the Operations Center is greater than through the resident inspectors. Aligning on a common schedule of 60-days for all written follow-up reports simplifies the licensee’s administrative processes for completing reports and submittals on a consistent schedule. The information NRC needs is readily available for inspection in site records. Thus, eliminating submittal of written reports that are redundant to site records would reduce the administrative burden and distraction imposed on the licensee.
5. How would the suggested change reduce burden? Would it result in a onetime reduction in burden, a reduction in burden for multiple years, or an ongoing reduction in burden? Provide supporting justification.	Burden Reduction The burden reduction would be ongoing.

Table 6: Duplication of Requirements in Part 50, Emergency Plan, and Reporting Rules

Applicable NRC RROAR Screening Criteria				
1 – SCREEN IN Not Used in Past 3 Years	2 – SCREEN IN Alternative Process	3 – SCREEN IN Consider Less Frequent	4 – SCREEN IN Burdensome	5 – SCREEN OUT Needed for External Users
X	X	X		
FRN Question		NEI Response/Recommendations		
<p>1. Which administrative regulations should the NRC consider changing? Include the 10 CFR part, section, and paragraph(s).</p>		<p>Applicable Regulations</p> <p>§ 50.36(c)(1) – If safety limit is exceeded, licensee notify the NRC per 50.72 and submit LER per 50.73. Retain record of event review for three years after issuing the LER</p> <p>§ 50.36(c)(2) – If an LCO is not met, notify the NRC per 50.72 and submit LER per 50.73. Retain record of event review for three years after issuing the LER</p> <p>§ 50.36a(a)(2) – Effluent Report: Licensee submit annual report to NRC that specifies quantity of each principal radionuclide released during the previous 12 months</p> <p>§ 50.72(a)(1)-(3): Notify NRC Ops Ctr via ENS or phone for: (i) declaring specified emergencies; (ii) declaring specified non-emergencies within three years of date of discovery; or within one hour after notifying state or local agencies</p> <p>§ 50.72(a)(4) – Activate the ERDS within one hour after declaring an emergency</p> <p>§ 50, Appendix E, Sec. IV.D.3 – Notify state and local agencies within 15 minutes of declaring an emergency.</p> <p>§ 50, Appendix E, Sec. VI – Various requirements for the ERDS installation, maintenance, and configuration control</p> <p>§ 72.75(a) – Part 72 licensee to notify Ops Ctr upon declaration of emergency</p>		
<p>2. How should the NRC change the regulations? Can the regulation be made less burdensome, or should it be eliminated entirely? If possible, provide specific language showing how the regulatory text might be</p>		<p>Recommendation</p> <p>These regulations duplicate requirements in the site emergency plan, technical specifications, or Parts 50.72/50.73 and can be eliminated.</p>		

FRN Question	NEI Response/Recommendations
<p>changed to reduce burden. Describe how the evaluation criteria would apply to the proposed change(s).</p>	
<p>3. What is the basis for the proposed change? Provide a rationale for why the requirement might be obsolete or overly burdensome and any relevant supporting data.</p>	<p>Basis The requirements cited above duplicate similar requirements found in reactor technical specifications, the station emergency plan, or Parts 50.72 and 50.73. Consequently, individuals seeking to identify and understand the complete set of requirements that apply to a situation to which the regulations or technical specifications or emergency plan or reporting requirements might apply must sort out the duplications and conflicts. These duplicative requirements should be revised to eliminate overlap and conflicts. This could be done by eliminating the regulations cited above and cleaning up the parallel requirements in the subordinate documents that apply.</p>
<p>4. What burden is associated with the administrative requirements? Provide a quantitative basis for the burden in terms of costs or labor hours, if available.</p>	<p>Burden Duplication of requirements creates uncertainty as to what the correct regulatory change process is. This uncertainty adds time and risk of error to the research necessary to answer questions about applicable requirements.</p>
<p>5. How would the suggested change or reduce burden? Would it result in a onetime reduction in burden, a reduction in burden for multiple years, or an ongoing reduction in burden? Provide supporting justification.</p>	<p>Burden Reduction Having all requirements in one place or one governing document reduces the risk of error in use and maintenance of the requirements.</p>

Table 7: Reporting of Items Available in CAP or Site Records

Applicable NRC RROAR Screening Criteria				
1 – SCREEN IN Not Used in Past 3 Years	2 – SCREEN IN Alternative Process	3 – SCREEN IN Consider Less Frequent	4 – SCREEN IN Burdensome	5 – SCREEN OUT Needed for External Users
X	X	X	X	
FRN Question		NEI Response/Recommendations		
<p>1. Which administrative regulations should the NRC consider changing? Include the 10 CFR part, section, and paragraph(s).</p>		<p>Applicable Regulations</p> <p>§ 50.36(c)(1) – If safety limit is exceeded, licensee notify the NRC per 50.72 and submit LER per 50.73. Retain record of event review for three years after issuing the LER</p> <p>§ 50.36(c)(2) – If an LCO is not met, notify the NRC per 50.72 and submit LER per 50.73. Retain record of event review for three years after issuing the LER</p> <p>§ 50.36a(a)(2) – Effluent Report: Licensee submit annual report to NRC that specifies quantity of each principal radionuclide released during the previous 12 months</p> <p>§ 50.46(a)(3)(ii) (See also Part 50, Appendix K) – Annually report effects of changes or errors in ECCS evaluation models. If change or error is significant, provide report within 30 days. Change or error not meeting criteria in section (b) [PCT, oxidation, hydrogen, geometry, long term cooling] is a reportable event per §50.55e, §50.72, and § 50.73</p> <p>§ 50.54(a)(3) – Changes in QA program description</p> <p>§ 50.54(p)(2) – Maintain records of changes in security plans listed in Section (p)(1) for three years after and submit a report within two months after</p> <p>§ 50.54(q)(5) -Retain record of each change to the emergency plan made without prior NRC approval for three years and submit a report on each change within 30 days of making it effective</p> <p>§ 50.54(w)(3) – Report to NRC on April 1 of each year the current levels of insurance and its sources</p> <p>§ 50.59(d)(2) – Submit a report on changes, tests and experiments at least every 24 months</p> <p>§ 50.61(b)(1) – Update the assessment of projected Reference Temperatures whenever there is a significant change in projected values of RT-PTS or</p>		

FRN Question	NEI Response/Recommendations
	<p>upon a request for a change in the expiration date for operation of the facility</p> <p>§ 50.66 – Submit a report describing the plan for thermal annealing at least three years before the limiting fracture toughness criteria would be exceeded</p> <p>§ 50.71(b) – Submit annual financial report</p> <p>§ 50.71(e) – Submit updated FSAR periodically</p> <p>§ 50.73 – Submit LERs for specified events.</p> <p>§ 55.46(d)(3) – Make results of any uncorrected simulator performance test failures available for NRC review before each operating test or requalification program inspection</p> <p>§ 70.32(c)(2) – Licensees to keep records of changes in the MC&A program made without prior NRC approval for five years and submit a report describing each change within two or six months of the change (depending on fissile isotopes and enrichments).</p> <p>§ 70.32(d) – Licensees to keep records of changes in the physical protection plan for material in transit made without prior NRC approval for three years and submit a report describing the changes within two months of the change.</p> <p>§ 70.32(e) – Licensees to keep records of changes in the security plan made without prior NRC approval for three years and submit a report describing the changes within two months of the change.</p> <p>§ 70.32(g) – Licensees to keep records of changes in the safeguards contingency plan made without prior NRC approval for three years and submit a report describing the changes within 60 days of the change.</p> <p>§ 70.32(i) – Licensees to submit a report of changes in the emergency plan made without prior NRC approval within six months of the change.</p> <p>§ 70.38 – This section specifies a number of documents on decommissioning plans and milestones that are to be submitted to NRC</p> <p>§ 70.50 – This section specifies immediate and 24-hour reports for a number of occurrences, and written follow-up reports in 30 days.</p>

FRN Question	NEI Response/Recommendations
	<p>§ 70.72(d)(3) – For all changes that affect the Integrated Safety Analysis summary, the licensee shall submit to NRC annually, within 30 days after the end of the calendar year, revised ISA summary pages⁷</p> <p>§ 72.44(e) – Furnish a report describing each change to the physical security plan within two months after the change is made; keep records of the changes for three years</p> <p>§ 72.44(f) – Submit a report of EP plan changes to NMSS within six months of the change</p> <p>§ 72.48(d)(2) – Submit a report on changes, tests and experiments to NMSS at least every 24 months</p> <p>§ 72.70(c)(6) – Submit updates to the ISFSI FSAR every 24 months</p> <p>§ 72.75(g) – Submit written follow-up report within 60 days of the initial notification</p> <p>§ 72.186(b) – Keep records of changes to ISFSI security plan, guard training plan, and safeguards contingency plan for three years and submit a report on each change within two months after making the change</p> <p>§ 72.212(b)(2) – By letter to NMSS and copy to regional office, register use of each cask within 30 days after using cask to store spent fuel</p> <p>§ 72.212(b)(4) – By letter to NMSS and copy to regional office, register each loaded cask subject to changes authorized by an amended Certificate of Compliance</p> <p>§ 74.13(a) – Submit Material Balance Reports for March 31 and September 30 of each year within 30 days after the end of the period</p> <p>§ 74.15 – This section specifies the conditions under which a licensee is to submit nuclear material transaction reports to NRC Headquarters.</p> <p>§ 74.17(a) – If subject to 74.31 or 74.33, submit SNM physical inventory summary report within 60 days of starting the inventory required by 74.31(c) or 74.33(c)(4)</p>

⁷ In SECY-2016-009, "Recommendations Resulting from the Integrated Prioritization and Re-Baselining of Agency Activities," dated January 31, 2016, Enclosure 1, Item 113, the NRC staff stated that these reports will no longer be reviewed at NRC Headquarters; therefore, the NRC should eliminate the annual reporting requirement (ADAMS ML16028A212).

FRN Question	NEI Response/Recommendations
	<p>§ 74.17(b) – If subject to 74.41(a), submit SNM physical inventory summary report within 60 days of starting the inventory required by 74.43(c)(7)</p> <p>§ 75.34 – This section specifies when and how licensees are to submit inventory change reports to NRC Headquarters.</p> <p>§ 75.35 – This subject specifies when and how licensees are to submit material status reports no later than 30 days after the start of a physical inventory or at least every 12 months, depending on circumstances.</p>
<p>2. How should the NRC change the regulations? Can the regulation be made less burdensome, or should it be eliminated entirely? If possible, provide specific language showing how the regulatory text might be changed to reduce burden. Describe how the evaluation criteria would apply to the proposed change(s).</p>	<p>Recommendations</p> <p>These requirements should be revised from “submit report” to “maintain as a record.” Where the requirement for submitting a report must be retained in the regulations, the timing for submittal of that report should be set to 60 days, if it is currently less than 60 days, to align with the response time expected for the preparation of LERs. Where feasible, immediate and 24-hour notifications should be made through the facility resident inspector, rather than through the NRC Operations Center, as described in PRM-50-116.</p>
<p>3. What is the basis for the proposed change? Provide a rationale for why the requirement might be obsolete or overly burdensome and any relevant supporting data.</p>	<p>Basis</p> <p>These reports appear to be duplicative of inspection activities in many cases. Much of the information to be submitted per the above requirements is available for inspection onsite. Onsite inspection, in lieu of reporting, should suffice for data that is not needed urgently or not changing rapidly. The NRC should scrutinize all of its regulations for submittal of reports to determine whether NRC’s way of doing business today still requires the licensee to compose and transmit that formal report, or can NRC meet its needs through onsite inspection of the site records, as we suggest.</p> <p>Even after submitting formal reports per the above regulations, licensees are sometimes asked to provide copies of those reports as part of inspectors’ requests for licensee documents relevant to an upcoming inspection.⁸</p>

⁸ NRC Inspection Manual Chapter 0620, Section 04.01.a.2, says that “Inspectors should not normally request documents that already exist as NRC official records in ADAMS.” [Issue date January 28, 2019, ADAMS ML18254A020]

FRN Question	NEI Response/Recommendations
	<p>This suggests that the effort made by the licensee to prepare and submit the reports to NRC, and efforts by NRC to make those reports available to NRC staff through their document control system, do not actually make a material difference in the NRC's ability to access the information provided in those reports. If so, formal submittal of these reports should not be required.</p>
<p>4. What burden is associated with the administrative requirements? Provide a quantitative basis for the burden in terms of costs or labor hours, if available.</p>	<p>Burden The burden of submitting reports that are not actually needed by the NRC falls on the licensee in the form of staff time to prepare the reports and management time and attention to review and approve the reports for formal submittal to NRC.</p>
<p>5. How would the suggested change reduce burden? Would it result in a onetime reduction in burden, a reduction in burden for multiple years, or an ongoing reduction in burden? Provide supporting justification.</p>	<p>Burden Reduction Replacing the listed reporting requirements with a requirement to keep the information on file for NRC inspection is estimated to reduce onsite burden by approximately 630 person-hours annually at power reactor sites.</p>

Table 8: Reporting of Effluent Data versus Retain in Records

Applicable NRC RROAR Screening Criteria				
1 – SCREEN IN Not Used in Past 3 Years	2 – SCREEN IN Alternative Process	3 – SCREEN IN Consider Less Frequent	4 – SCREEN IN Burdensome	5 – SCREEN OUT Needed for External Users
X				
FRN Question		NEI Response/Recommendations		
1. Which administrative regulations should the NRC consider changing? Include the 10 CFR part, section, and paragraph(s).		<p>Applicable Regulations</p> <p>§ 50.36a(a)(2) – Effluent Report: Licensee submit annual report to NRC that specifies quantity of each principal radionuclide released during the previous 12 months.</p> <p>§ 70.59 – Effluent monitoring reports due within 60 days after January 1 and July 1 of each year.</p> <p>§ 72.44(d)(3) – Annually submit report specifying principal radionuclides released in liquid and gaseous effluents</p>		
2. How should the NRC change the regulations? Can the regulation be made less burdensome, or should it be eliminated entirely? If possible, provide specific language showing how the regulatory text might be changed to reduce burden. Describe how the evaluation criteria would apply to the proposed change(s).		<p>Recommendations</p> <p>These requirements should be revised from “submit report” to “maintain as a record.” Where timing of the report is less than 60 days from the end of the reporting period, it should be set to 60 days to align with the response time expected for the preparation of Licensee Event Reports.</p>		
3. What is the basis for the proposed change? Provide a rationale for why the requirement might be obsolete or overly burdensome and any relevant supporting data.		<p>Basis</p> <p>The information is available in site records accessible for NRC inspection.</p>		
4. What burden is associated with the administrative requirements? Provide a quantitative basis for the burden in terms of costs or labor hours, if available.		<p>Burden</p> <p>Submitting documents to the NRC adds administrative burden to the licensee.</p>		

FRN Question	NEI Response/Recommendations
5. How would the suggested change reduce burden? Would it result in a onetime reduction in burden, a reduction in burden for multiple years, or an ongoing reduction in burden? Provide supporting justification.	Burden Reduction Replacing the listed reporting requirements with a requirement to keep the information on file for NRC inspection would reduce onsite burden on an ongoing basis.

Table 9: Treatment of Current Licensing Basis Information

Applicable NRC RROAR Screening Criteria				
1 – SCREEN IN Not Used in Past 3 Years	2 – SCREEN IN Alternative Process	3 – SCREEN IN Consider Less Frequent	4 – SCREEN IN Burdensome	5 – SCREEN OUT Needed for External Users
X	X	X	X	
FRN Question		NEI Response/Recommendations		
<p>1. Which administrative regulations should the NRC consider changing? Include the 10 CFR part, section, and paragraph(s).</p>		<p>Applicable Regulations</p> <p>§ 50.54(a)(3) – Changes in QA program description</p> <p>§ 50.54(p)(2) – Maintain records of changes in security plans listed in Section (p)(1) for three years after and submit a report within two months after</p> <p>§ 50.54(q)(5) -Retain record of each change to the emergency plan made without prior NRC approval for three years and submit a report on each change within 30 days of making it effective</p> <p>§ 50.59(d)(2) – Submit a report on changes, tests and experiments at least every 24 months</p> <p>§ 50.71(e) – Submit updated FSAR periodically</p> <p>§ 72.44(e) – Furnish a report describing each change to the physical security plan within two months after the change is made; keep records of the changes for three years</p> <p>§ 72.44(f) – Submit a report of EP plan changes to NMSS within six months of the change</p> <p>§ 72.186(b) – Submit a report of changes in the physical security plan, guard training plan or safeguards contingency plan within two months of the change</p>		
<p>2. How should the NRC change the regulations? Can the regulation be made less burdensome, or should it be eliminated entirely? If possible, provide specific language showing how the regulatory text might be changed to reduce burden. Describe how the evaluation criteria would apply to the proposed change(s).</p>		<p>Recommendations</p> <ol style="list-style-type: none"> 1. Reconsider which of these reports is still adding value to the NRC’s mission sufficient to require formal submittal to the NRC. If onsite inspection of the information contained in any of these reports is sufficient to meet NRC’s mission, consider eliminating the formal submission to NRC. 2. For formal submissions that remain essential to the NRC’s mission, consider setting a common frequency (e.g., every two years) or deadline for the submittal to NRC (e.g., the 60-day interval allowed for completing a Licensee Event Report). 		

FRN Question	NEI Response/Recommendations
	<p>3. Eliminate the 10 CFR 50.59 reporting requirement as duplicative of the requirement to update the UFSAR and the NRC’s 50.59 inspection (IP 71111.17).</p> <p>4. Revise the requirements that allow the licensee to make <u>no</u> changes that decrease effectiveness in administrative plans (e.g., QA, EP, Security) to allow the licensee to make changes that present <u>no substantial</u> decrease in effectiveness. This would provide more flexibility for licensees to find innovative solutions on a risk-informed basis.</p>
<p>3. What is the basis for the proposed change? Provide a rationale for why the requirement might be obsolete or overly burdensome and any relevant supporting data.</p>	<p>Basis</p> <p>With the maturity of the licensee programs subject to these regulations, the NRC should consider means to encourage innovation and efficiency improvements that serve both the NRC and licensee. One means of doing so is to encourage the use of risk-informed approaches in determining the threshold of program changes the licensee is allowed to make without prior NRC approval. For the programs mentioned above, a risk-informed approach could allow the licensee to make changes that present no substantial decrease in effectiveness. For example, SECY-18-0060, “Achieving Modern Risk-Informed Regulation,” highlights the potential value of risk-informing 10 CFR 50.59. The Executive Director of Operation’s response to SECY-19-0036 (Application of the Single Failure Criterion to NuScale Power LLC’s Inadvertent Actuation Block Valves), “Implementing Commission Direction on Applying Risk-Informed Principles in Regulatory Decision Making,” dated November 18, 2019 (ADAMS ML1931919C832), further discusses the importance of using risk-informed approaches to review of plant changes. The principles discussed there should be considered in other areas as well.</p> <p>With inspectors routinely asking for copies of reports submitted by licensees, even though they are available to the NRC staff in ADAMS, it appears that routinely submitting this information to the NRC is redundant and unnecessary.</p>

FRN Question	NEI Response/Recommendations
4. What burden is associated with the administrative requirements? Provide a quantitative basis for the burden in terms of costs or labor hours, if available.	Burden Typical of the above requirements, the 50.59 reporting requirement leads sites to generate a 50.59 summary document for the annual report. Additionally, the sites must track the timing of plant changes to ensure they comply with the "report within..." deadlines.
5. How would the suggested change reduce burden? Would it result in a onetime reduction in burden, a reduction in burden for multiple years, or an ongoing reduction in burden? Provide supporting justification.	Burden Reduction Allowing more flexibility through risk-informed decision-making would reduce burden while focusing on matters of the highest risk significance.

Table 10: Financial Reporting

Applicable NRC RROAR Screening Criteria				
1 – SCREEN IN Not Used in Past 3 Years	2 – SCREEN IN Alternative Process	3 – SCREEN IN Consider Less Frequent	4 – SCREEN IN Burdensome	5 – SCREEN OUT Needed for External Users
X	X	X	X	
FRN Question		NEI Response/Recommendations		
<p>1. Which administrative regulations should the NRC consider changing? Include the 10 CFR part, section, and paragraph(s).</p>		<p>Applicable Regulations</p> <p>§ 50.54(w)(3) – Report to NRC on April 1 of each year the current levels of insurance and its sources</p> <p>§ 50.71(b) – Submit annual financial report</p> <p>§ 50.75(e)(3) – COL holder to submit certification of financial assurance for decommissioning at least 2 years before and 1 year before fuel loading.</p> <p>§ 50.75(f)(1)-(2) – Power reactor licensees report every two years on the status of decommissioning funds</p> <p>§ 50.82(a)(8)(v) – After submitting its DCE, Licensee must submit annually a financial assurance status report, current through the end of the previous calendar year</p> <p>§ 72.30(b) & (c) – ISFSI licensee must submit decommissioning funding plan and submit adjustments to it at least every three years</p> <p>§ 72.30(g)(3) – ISFSI licensee must report replenishments of its decommissioning funds within 30 days if necessary</p> <p>§ 72.80(b) – ISFSI licensee must furnish its annual financial report unless it already submits a Form 10-Q to the Securities and Exchange Commission.</p>		
<p>2. How should the NRC change the regulations? Can the regulation be made less burdensome, or should it be eliminated entirely? If possible, provide specific language showing how the regulatory text might be changed to reduce burden. Describe how the evaluation criteria would apply to the proposed change(s).</p>		<p>Recommendations</p> <ol style="list-style-type: none"> 1. Consolidate financial report requirements as much as possible. 2. Align reporting requirement frequencies as much as possible. 		

FRN Question	NEI Response/Recommendations
3. What is the basis for the proposed change? Provide a rationale for why the requirement might be obsolete or overly burdensome and any relevant supporting data.	Basis Seeking simplicity, convenience, and a holistic view of financial requirements and reporting.
4. What burden is associated with the administrative requirements? Provide a quantitative basis for the burden in terms of costs or labor hours, if available.	Burden Simplifying and consolidating financial reporting requirements would make it easier to take a holistic view of them.
5. How would the suggested change reduce burden? Would it result in a onetime reduction in burden, a reduction in burden for multiple years, or an ongoing reduction in burden? Provide supporting justification.	Burden Reduction Result would be an ongoing burden reduction.

Table 11: IAEA Reporting Requirements

Applicable NRC RROAR Screening Criteria				
1 – SCREEN IN Not Used in Past 3 Years	2 – SCREEN IN Alternative Process	3 – SCREEN IN Consider Less Frequent	4 – SCREEN IN Burdensome	5 – SCREEN OUT Needed for External Users
	X	X		X
FRN Question		NEI Response		
<p>1. Which administrative regulations should the NRC consider changing? Include the 10 CFR part, section, and paragraph(s).</p>		<p>Applicable Regulations</p> <p>§ 50.78(a) – Upon request, applicant or recipient of a license shall submit facility information on Form N-71 and Form AP-A</p> <p>§ 50.78(b) – As required by the Additional Protocol, applicant or licensee shall submit location information per Part 75.11 on Form AP-1</p> <p>§ 75.7 – Licensee must inform NRC before beginning an activity subject to the US-IAEA Safeguards Agreement or within 30 days of beginning an activity subject to the Additional Protocol</p> <p>§ 75.10(a) – Applicant or licensee subject to Part 75 shall submit facility information in response to notification from NRC within the period specified by NRC</p> <p>§ 75.10(c) – Licensee subject to this Part shall submit to NRC information on any modifications affecting response provided in Part 75.10(a) at least 180 days before the mod is to be started</p> <p>§ 75.11(a) – Applicant or licensee shall submit location information specified in DOC/NRC Form AP-1</p> <p>§ 75.11(c) – Submit information on DOC/NRC Form AP-1 annually; submit a “No change” report if the information has not changed; notify NRC when the activity is no longer performed.</p>		
<p>2. How should the NRC change the regulations? Can the regulation be made less burdensome, or should it be eliminated entirely? If possible, provide specific language showing how the regulatory text might be changed to reduce burden.</p>		<p>Recommendations</p> <p>The burden of these requirements falls disproportionately on the few facilities selected for reporting to IAEA. The information required by these regulations is available to the NRC through license amendment requests submitted to NRC, site records or CAP entries available for NRC inspection, and through resident inspector observations and oversight of their assigned facilities. It is not apparent that the paperwork required by these</p>		

FRN Question	NEI Response
<p>Describe how the evaluation criteria would apply to the proposed change(s).</p>	<p>regulations contributes to public health and safety of the United States. The NRC should reevaluate its approach to submitting the information owed to the IAEA and find a less burdensome way to meet the treaty obligations without imposing the weight of the obligation on the selected licensees.</p>
<p>3. What is the basis for the proposed change? Provide a rationale for why the requirement might be obsolete or overly burdensome and any relevant supporting data.</p>	<p>Basis The NRC should seek a more efficient, more equitable way to share the burden of meeting IAEA obligations of the United States government.</p>
<p>4. What burden is associated with the administrative requirements? Provide a quantitative basis for the burden in terms of costs or labor hours, if available.</p>	<p>Burden The burden lies in the amount of effort and the timing of the special IAEA-negotiated reports required by the NRC. As official submittals to the NRC, these reports must go through the licensees' process for data collection, report writing, review and validation, and formal concurrence process. The resources spent in this process detract from those available to support other projects that contribute more significantly to public health and safety.</p>
<p>5. How would the suggested change reduce burden? Would it result in a onetime reduction in burden, a reduction in burden for multiple years, or an ongoing reduction in burden? Provide supporting justification.</p>	<p>Burden Reduction Result would be an ongoing burden reduction.</p>

Table 12: Supplemental Responses

Applicable NRC RROAR Screening Criteria				
1 – SCREEN IN Not Used in Past 3 Years	2 – SCREEN IN Alternative Process	3 – SCREEN IN Consider Less Frequent	4 – SCREEN IN Burdensome	5 – SCREEN OUT Needed for External Users
X	X			
FRN Question		NEI Response/Recommendations		
1. Which administrative regulations should the NRC consider changing? Include the 10 CFR part, section, and paragraph(s).		<p>Applicable Regulations</p> <p>§ 21.21(e) – NRC may require those subject to Part 21 to supply additional information related to a defect or failure to comply.</p> <p>§ 50.73(c) – NRC may require licensee to submit material to supplement an LER.</p>		
2. How should the NRC change the regulations? Can the regulation be made less burdensome, or should it be eliminated entirely? If possible, provide specific language showing how the regulatory text might be changed to reduce burden. Describe how the evaluation criteria would apply to the proposed change(s).		<p>Recommendations</p> <p>The NRC should consider replacing such regulations as these with a Request for Additional Information (RAI) process like that used in licensing submittals. Replacing the regulations in question with the use of an RAI-like process would enable licensees to simplify their procedures.</p>		
3. What is the basis for the proposed change? Provide a rationale for why the requirement might be obsolete or overly burdensome and any relevant supporting data.		<p>Basis</p> <p>We believe the NRC and licensees would benefit from adopting a standard practice for exchange of follow-up information that is similar to that followed in licensing submittals with the use of Requests for Additional Information.</p>		
4. What burden is associated with the administrative requirements? Provide a quantitative basis for the burden in terms of costs or labor hours, if available.		<p>Burden</p> <p>The burden of the current approach is in maintaining procedures and administrative controls tailored to the contents, schedules, and delivery requirements associated with each regulation.</p>		
5. How would the suggested change reduce burden? Would it result in a onetime reduction in burden, a		<p>Burden Reduction</p> <p>Result would be an ongoing burden reduction.</p>		

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FRN Question	NEI Response/Recommendations
reduction in burden for multiple years, or an ongoing reduction in burden? Provide supporting justification.	

Table 13: Reporting on Operator Licenses

Applicable NRC RROAR Screening Criteria				
1 – SCREEN IN Not Used in Past 3 Years	2 – SCREEN IN Alternative Process	3 – SCREEN IN Consider Less Frequent	4 – SCREEN IN Burdensome	5 – SCREEN OUT Needed for External Users
X	X			
FRN Question		NEI Response		
<p>1. Which administrative regulations should the NRC consider changing? Include the 10 CFR part, section, and paragraph(s).</p>		<p>Applicable Regulations</p> <p>§ 50.74 – Licensed facility to notify the regional administrator within 30 days of (a) permanent reassignment of an operator from the position for which the license was needed; (b) termination; (c) Permanent disability or illness described in Part 55.25</p> <p>§ 55.25 – Licensed operator to notify NRC within 30 days of learning of diagnosis of a permanent physical or mental condition that causes the operator to fail to meet medical conditions of license</p> <p>§ 55.53(g) – Licensed operator to notify NRC within 30 days about conviction for a felony.</p>		
<p>2. How should the NRC change the regulations? Can the regulation be made less burdensome, or should it be eliminated entirely? If possible, provide specific language showing how the regulatory text might be changed to reduce burden. Describe how the evaluation criteria would apply to the proposed change(s).</p>		<p>Recommendations</p> <p>The NRC should consider ways to simplify the reporting requirements governing licensed operators to reflect the reality that the operator’s Part 55 license is tied to the facility licensed under Part 50 for which the operator works. While it is understandable that NRC would want the regulations to enforce notification obligations on the licensed individual, it should suffice for the obligation of the licensed individual to be to notify the employer of the specified occurrences.</p>		
<p>3. What is the basis for the proposed change? Provide a rationale for why the requirement might be obsolete or overly burdensome and any relevant supporting data.</p>		<p>Basis</p> <p>The proposal seeks to reduce individual reporting directly to the NRC, given the reality that the individual is accountable to the facility employing him or her.</p>		

FRN Question	NEI Response
4. What burden is associated with the administrative requirements? Provide a quantitative basis for the burden in terms of costs or labor hours, if available.	Burden The burden on the individual is small due to the infrequency of such obligatory reports.
5. How would the suggested change reduce burden? Would it result in a onetime reduction in burden, a reduction in burden for multiple years, or an ongoing reduction in burden? Provide supporting justification.	Burden Reduction Result would be an ongoing burden reduction.

Table 14: Cask Use

Applicable NRC RROAR Screening Criteria				
1 – SCREEN IN Not Used in Past 3 Years	2 – SCREEN IN Alternative Process	3 – SCREEN IN Consider Less Frequent	4 – SCREEN IN Burdensome	5 – SCREEN OUT Needed for External Users
X	X			
FRN Question		NEI Response/Recommendations		
1. Which administrative regulations should the NRC consider changing? Include the 10 CFR part, section, and paragraph(s).		<p>Applicable Regulations Identified</p> <p>§ 71.17(c)(3) – Holder of a general license for an NRC-approved package shall submit in writing before first use of NRC-approved package the licensee’s name, license number and package identification number.</p>		
2. How should the NRC change the regulations? Can the regulation be made less burdensome, or should it be eliminated entirely? If possible, provide specific language showing how the regulatory text might be changed to reduce burden. Describe how the evaluation criteria would apply to the proposed change(s).		<p>Recommendations</p> <p>NRC should reexamine the need for this submittal and explain why this information is still essential to the NRC’s mission.</p>		
3. What is the basis for the proposed change? Provide a rationale for why the requirement might be obsolete or overly burdensome and any relevant supporting data.		<p>Basis</p> <p>It is unclear whether or how the NRC uses this information today.</p> <p>If the information submitted with the specified report is not actually used by the NRC to further the agency’s mission, the report should be eliminated.</p>		
4. What burden is associated with the administrative requirements? Provide a quantitative basis for the burden in terms of costs or labor hours, if available.		<p>Burden</p> <p>The burden on the licensee is associated with research to determine whether the “first use” obligation applies to the specific package in question and then preparing and submitting the required report to the NRC if it does apply.</p>		
5. How would the suggested change reduce burden? Would it result in a onetime reduction in burden, a		<p>Burden Reduction</p> <p>The result would be an ongoing burden reduction.</p>		

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FRN Question	NEI Response/Recommendations
reduction in burden for multiple years, or an ongoing reduction in burden? Provide supporting justification.	

Table 15: Non-Emergency Notifications for ISFSI Facilities

Applicable NRC RROAR Screening Criteria				
1 – SCREEN IN Not Used in Past 3 Years	2 – SCREEN IN Alternative Process	3 – SCREEN IN Consider Less Frequent	4 – SCREEN IN Burdensome	5 – SCREEN OUT Needed for External Users
X	X			
FRN Question		NEI Response/Recommendations		
1. Which administrative regulations should the NRC consider changing? Include the 10 CFR part, section, and paragraph(s).		Applicable Regulations Identified § 72.75(b)-(d) – Licensee to notify NRC within four, eight or 24 hours of events specified in these parts.		
2. How should the NRC change the regulations? Can the regulation be made less burdensome, or should it be eliminated entirely? If possible, provide specific language showing how the regulatory text might be changed to reduce burden. Describe how the evaluation criteria would apply to the proposed change(s).		Recommendations Non-emergency notifications should be made through the resident inspector, if applicable, as explained in PRM-50-116.		
3. What is the basis for the proposed change? Provide a rationale for why the requirement might be obsolete or overly burdensome and any relevant supporting data.		Basis As explained in PRM-50-0116, the resident inspectors are most familiar with the facility and its circumstances. This makes it more efficient and effective for the licensee to communicate primarily through their resident inspectors on site, rather than through the NRC Operations Center in Rockville, Maryland. Eliminating non-emergency notifications would support keeping management attention on matters of greater safety significance.		
4. What burden is associated with the administrative requirements? Provide a quantitative basis for the burden in terms of costs or labor hours, if available.		Burden The burden on the licensee lies in the time and attention given by management and operators to determining and making the specific non-emergency notifications.		
5. How would the suggested change reduce burden? Would it result in a onetime		Burden Reduction Result would be an ongoing burden reduction.		

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FRN Question	NEI Response/Recommendations
reduction in burden, a reduction in burden for multiple years, or an ongoing reduction in burden? Provide supporting justification.	

Table 16: Vessel Coupon Reporting

Applicable NRC RROAR Screening Criteria				
1 – SCREEN IN Not Used in Past 3 Years	2 – SCREEN IN Alternative Process	3 – SCREEN IN Consider Less Frequent	4 – SCREEN IN Burdensome	5 – SCREEN OUT Needed for External Users
X	X			
FRN Question		NEI Response		
1. Which administrative regulations should the NRC consider changing? Include the 10 CFR part, section, and paragraph(s).		Applicable Regulations § 50, App. H – Submit summary technical report on test results for each capsule within one year of capsule withdrawal		
2. How should the NRC change the regulations? Can the regulation be made less burdensome, or should it be eliminated entirely? If possible, provide specific language showing how the regulatory text might be changed to reduce burden. Describe how the evaluation criteria would apply to the proposed change(s).		Recommendations NEI recommends relaxing the 12-month deadline for reporting test results. We understand the staff has proposed relaxing this requirement to 18 months, per NRC staff presentation April 30, 2019 (slide 9), retrieved from www.regulations.gov, docket NRC-2017-0151, file 0010.		
3. What is the basis for the proposed change? Provide a rationale for why the requirement might be obsolete or overly burdensome and any relevant supporting data.		Basis It can be difficult to obtain capsule test results and submit them to NRC within the specified 12 months.		
4. What burden is associated with the administrative requirements? Provide a quantitative basis for the burden in terms of costs or labor hours, if available.		Burden The burden of capsule testing and reporting is both technical and administrative.		
5. How would the suggested change reduce burden? Would it result in a onetime reduction in burden, a reduction in burden for		Burden Reduction Result would be an ongoing burden reduction.		

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FRN Question	NEI Response
multiple years, or an ongoing reduction in burden? Provide supporting justification.	

Table 17: Letters Approving Proprietary Withholdings

Applicable NRC RROAR Screening Criteria				
1 – SCREEN IN Not Used in Past 3 Years	2 – SCREEN IN Alternative Process	3 – SCREEN IN Consider Less Frequent	4 – SCREEN IN Burdensome	5 – SCREEN OUT Needed for External Users
	X		X	
FRN Question		NEI Response		
1. Which administrative regulations should the NRC consider changing? Include the 10 CFR part, section, and paragraph(s).		Applicable Regulations § 2.390(c)(1) – If the NRC grants the request of an entity to withhold information from public disclosure per Part 2.390, the Commission will notify the submitter of its determination to withhold the information from public disclosure.		
2. How should the NRC change the regulations? Can the regulation be made less burdensome, or should it be eliminated entirely? If possible, provide specific language showing how the regulatory text might be changed to reduce burden. Describe how the evaluation criteria would apply to the proposed change(s).		Recommendations NRC should stop sending confirmation letters affirming that the licensee submittal will be withheld from public disclosure. NRC should send a letter only when it disagrees with the licensee’s request to withhold from public disclosure (per 2.390(c)(2)).		
3. What is the basis for the proposed change? Provide a rationale for why the requirement might be obsolete or overly burdensome and any relevant supporting data.		Basis Among the affected licensees, particularly the fuel cycle and materials licensees, the confirmation letters become official records required to be retained for the life of the facility. This creates an incremental additional burden for the licensee’s records management program.		
4. What burden is associated with the administrative requirements? Provide a quantitative basis for the burden in terms of costs or labor hours, if available.		Burden The burden for the NRC is the staff time and attention needed to prepare and issue the letter. For the licensee, the burden is processing and retaining the letter following receipt.		
5. How would the suggested change reduce burden? Would it result in a onetime reduction in burden, a		Burden Reduction Result would be an ongoing burden reduction.		

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FRN Question	NEI Response
reduction in burden for multiple years, or an ongoing reduction in burden? Provide supporting justification.	

Table 18: Medical Requirements for Research and Test Reactor Operators

Applicable NRC RROAR Screening Criteria				
1 – SCREEN IN Not Used in Past 3 Years	2 – SCREEN IN Alternative Process	3 – SCREEN IN Consider Less Frequent	4 – SCREEN IN Burdensome	5 – SCREEN OUT Needed for External Users
	X		X	
FRN Question		NEI Response		
<p>1. Which administrative regulations should the NRC consider changing? Include the 10 CFR part, section, and paragraph(s).</p>		<p>Applicable Regulations § 10 CFR 55.33(a) – “The Commission will approve an initial application for a license pursuant to the regulations...if it finds that (1) the applicant’s medical condition and general health will not adversely affect the performance of assigned operator job duties or <u>cause operational errors endangering public health and safety.</u>” [Emphasis added by NEI.]</p>		
<p>2. How should the NRC change the regulations? Can the regulation be made less burdensome, or should it be eliminated entirely? If possible, provide specific language showing how the regulatory text might be changed to reduce burden. Describe how the evaluation criteria would apply to the proposed change(s).</p>		<p>Recommendations This requirement should be modified to allow for alternate means for operator medical qualification at non-power utilization facilities (NPUFs), in order to 1) better align with the Atomic Energy Act of 1954, as amended, which dictates “minimum regulations” be imposed upon NPUFs and 2) align with their inherently low risk-profile. One alternative is to incorporate ANSI/ANS Standard 15.4, Section 7.3, which NRC has previously endorsed. It permits in 7.3.1(3), “Certification from Level 2 indicating that the individual can safely perform his or her assigned duties.” 10 CFR 55.33 could incorporate a new part (c) which states: “Medical qualification for facilities licensed under 104(a), (b), or (c) of this part may be justified at the time of initial application and subsequent renewal by having a valid U.S. driver’s license, by consent of the Level 2 individual, or in accordance with the established Requalification Plan. An operator shall obtain written statement from a licensed physician, physician’s assistant, or nurse practitioner stating the individual can reasonably be expected to perform operations consistent with those necessary to operate a commercial motor vehicle.”</p>		

FRN Question	NEI Response
3. What is the basis for the proposed change? Provide a rationale for why the requirement might be obsolete or overly burdensome and any relevant supporting data.	Basis The basis is explained in full in Enclosure 2.
4. What burden is associated with the administrative requirements? Provide a quantitative basis for the burden in terms of costs or labor hours, if available.	Burden The burden for NPUF licensees can be quite significant and excessive considering the low risk profile of their facilities and operations. See Enclosure 2.
5. How would the suggested change reduce burden? Would it result in a onetime reduction in burden, a reduction in burden for multiple years, or an ongoing reduction in burden? Provide supporting justification.	Burden Reduction Result would be an ongoing burden reduction, as explained in Enclosure 2.

Enclosure 2

Detailed Comments on Medical Requirements for Operators of Research and Test Reactors

Non-power Utilization Facilities (NPUFs) carry inherently lower risk portfolios than their industrial counterparts. The largest test reactor currently licensed in the United States has a thermal power rating 1/150th of a full-scale facility while most research reactors are a further 1000-times lower in rating. The active staffing of the research and test reactor fleet tends to range from three to 20 people who may have other responsibilities such as teaching and technical analysis. Any reduction in administrative overhead would immediately provide relief to these licensees.

As part of the Retrospective Review of Administrative Requirements Federal Register Notice (FRN) dated February 4, 2020, the Nuclear Regulatory Commission seeks to identify those requirements that may be obsolete or unnecessarily burdensome. The burden may come in the form of labor or costs.

We urge the NRC to consider revision to Title 10 Code of Federal Regulations, Part 55.33(a) (10 CFR 55.33(a)) to specify alternate means of operator medical qualification at NPUFs. This would reduce the medical burden on licensees and significantly reduce verification requirements by the regulator to validate reported compliance. This change would impact all current and future NPUFs and significantly lessen the initial application process.

The FRN outlined five criteria for evaluating potential changes to administrative regulations. The third of these called for "Requirements for reports or records that could be modified to result in reduced burden without impacting programmatic needs, regulatory efficiency, or transparency, through: ...(d) implementing another mechanism that reduced burden for collecting or retaining information."

Regulation 10 CFR 55.33(a) states, "The Commission will approve an initial application for a license pursuant to the regulations...if it finds that (1) the applicant's medical condition and general health will not adversely affect the performance of assigned operator job duties or cause operational errors endangering public health and safety." (Emphasis added).

Without exception, the research reactor fleet is built to be inherently safe and does not rely on the intervention of an operator to perform or initiate protective actions. Safety Analysis Reports for these facilities demonstrate the overwhelmingly low risk from their operation and the maximum hypothetical accident does not pose a significant risk to the health and safety of the public. Because a lack of action from an operator simply cannot cause "operational errors endangering public health and safety" (quoted from §55.33(a)(1)), this unnecessary requirement is a strong candidate for exemption among NPUFs. Further supporting the call for this removal, in the Atomic Energy Act of 1954, as amended, Congress directed the Commission to "impose only such minimum amount of regulation of the licensee as the Commission finds will permit the Commission to fulfill its obligations under this Act to promote the common defense and security and to protect the health and safety of

the public and will permit the conduct of widespread and diverse research and development.” Minimal health certification is needed to ensure the operation of research reactors is not inimical to public health and safety.

This requirement should be modified for NPUFs to allow alternate means of medical qualification and certification of reliable performance of assigned operator job duties. ANSI/ANS Standard 15.4, Section 7.3, which has been previously endorsed, permits in §7.3.1(3), “Certification from Level 2 indicating that the individual can safely perform his or her assigned duties.” These alternate means of qualification should be commensurate with the level of reliability required by the task at hand, a determination which should be made by facility personnel. We suggest the addition of part (c) to 10 CFR 55.33 which states:

“Medical qualification for facilities licensed under 104(a), (b), or (c) of this part may be justified at the time of initial application and subsequent renewal by having a valid U.S. driver’s license, by consent of the Level 2 individual, or in accordance with the established Requalification Plan. An operator shall obtain written statement from a licensed physician, physician’s assistant, or nurse practitioner stating the individual can reasonably be expected to perform operations consistent with those necessary to operate a commercial motor vehicle.”

As the regulation currently stands, a 10-kW pool-type reactor located in the heart of a college campus must meet the same medical standards that a 3,000-MW power reactor achieves. This regulation constitutes an undue and unnecessary burden on the research and test reactor community. These research facilities share staff among their universities and the reporting requirements, medical evaluation costs, and other administrative overhead consumes a disproportionate amount of time and resources. Through removal of these requirements, the Commission will ensure it meets its 1954 call from Congress to permit the conduct of widespread and diverse research, as well as furthering the goals of the RROAR Initiative.