



[7590-01-P]

## NUCLEAR REGULATORY COMMISSION

[NRC-2011-0237]

### Event Reporting Guidelines

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** NUREG; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing NUREG-1022, Revision 3, Supplement 1, "Event Reporting Guidelines: 10 CFR 50.72(b)(3)(xiii)." This final NUREG-1022, Revision 3, Supplement 1 endorses the Nuclear Energy Institute (NEI) 13-01, "Reportable Action Levels for Loss of Emergency Preparedness Capabilities," dated July 2014. NEI 13-01 provides specific guidance for reporting to the NRC any event that results in a major loss of emergency assessment capability, offsite response capability, or offsite communications capability.

**DATES:** The final NUREG is effective on [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

#### SUPPLEMENTARY INFORMATION:

##### I. Obtaining Information and Submitting Comments.

###### A. Obtaining Information.

Please refer to Docket ID **NRC-2011-0237** when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this action by the following methods:

- **Federal Rulemaking Web Site:** Go to <http://www.regulations.gov> and search for Docket ID **NRC-2011-0237**.

- **NRC's Agencywide Documents Access and Management System (ADAMS):**  
You may obtain publicly-available documents online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "[ADAMS Public Documents](#)" and then select "[Begin Web-based ADAMS Search](#)." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The final NUREG-1022, Revision 3, Supplement 1 is available in ADAMS under Accession No. ML14267A447. NEI 13-01, dated July 2014, is also available in ADAMS under Accession No. ML14197A206.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

## II. Background.

The NRC staff issued a *Federal Register* notice on May 2, 2014 (79 FR 25158), that requested comments on a draft NUREG-1022, Revision 3, Supplement 1. The NRC received one public comment from the Nuclear Energy Institute (NEI). A disposition of the comments may be found in Appendix A of NUREG-1022, Revision 3, Supplement 1. The final NUREG-1022, Revision 3, Supplement 1 will become effective immediately.

NUREG-1022, Revision 3, "Event Reporting Guidelines: 10 CFR 50.72 and 50.73," (ADAMS Accession No. ML13032A220) contains guidelines that the NRC considers acceptable for use in meeting the requirements of §§ 50.72 and 50.73 of Title 10 of the *Code of Federal Regulations* (10 CFR). The NRC uses the information reported under 10 CFR 50.72 and

10 CFR 50.73 in responding to emergencies, monitoring ongoing events, confirming licensing bases, studying potentially generic safety problems, assessing trends and patterns of operational experience, monitoring performance, identifying precursors of more significant events, and providing operational experience to the industry. Sections 1 and 2 of NUREG-1022, Revision 3 contain general guidance applicable to all event reports. Section 3 of NUREG-1022, Revision 3 contains guidance for each of the specific reporting criterion found within the rule. Section 4 of NUREG-1022 Revision 3 contains additional general guidance applicable to reports submitted under 10 CFR 50.72. Section 5 of NUREG-1022, Revision 3 contains additional general guidance applicable to reports submitted under 10 CFR 50.73.

Section 3.2.13 of NUREG-1022, Revision 3 provides guidance for reporting to the NRC the events listed under 10 CFR 50.72(b)(3)(xiii): any event that results in a major loss of emergency assessment capability, offsite response capability, or offsite communications capability. Although some of the guidance is specific, much of the guidance is general in nature. In many areas, the decision to report under 10 CFR 50.72(b)(3)(xiii) involves a licensee's use of engineering judgment. A licensee's use of engineering judgment can result in inconsistent application. During public meetings conducted on April 3, 2013 (ADAMS Accession No. ML13100A390), and on May 7, 2013 (ADAMS Accession No. ML13109A228), the NRC discussed with external stakeholders, including the NEI, what specific considerations might be evaluated against when the NRC determines if acceptable engineering judgment was applied by a licensee. NEI 13-01, "Reportable Action Levels for Loss of Emergency Preparedness Capabilities," (ADAMS Accession No. ML13281A794) was then drafted with the purpose of providing a detailed uniform approach to reporting under 10 CFR 50.72(b)(3)(xiii). By letter dated October 8, 2013 (ADAMS Accession No. ML13281A780), NEI requested NRC's endorsement of NEI 13-01.

On May 2, 2014 (79 FR 25158), the NRC proposed to endorse NEI 13-01 dated October 2013 via a Draft for Comment NUREG-1022, Revision 3, Supplement 1 (ADAMS Accession No. ML14114A384). The NRC received five comments from NEI (ADAMS Accession No. ML14149A243). On July 3, 2014, a public meeting was held to discuss the comments (ADAMS Accession No. ML14192B164). A summary of how the five comments were dispositioned is found in Appendix A of NUREG-1022, Revision 3, Supplement 1.

NEI 13-01 was then revised to reflect the discussions held on July 3, 2014. By letter dated July 16, 2014 (ADAMS Accession No. ML14197A205), NEI requested NRC endorsement of NEI 13-01 dated July 2014 (ADAMS Accession No. ML14197A206). NEI 13-01 provides more specific guidance for reporting under 10 CFR 50.72(b)(3)(xiii) and, as a result, reduces the need for engineering judgment. It should also be noted that some of the specific guidance found in NEI 13-01 differs from certain specific positions found in Section 3.2.13 of NUREG 1022, Revision 3.

NUREG-1022, Revision 3, Supplement 1, "Event Reporting Guidelines: 10 CFR 50.72(b)(3)(xiii)" (ADAMS Accession No. ML14267A447) endorses NEI 13-01, "Reportable Action Levels for Loss of Emergency Preparedness Capabilities," dated July 2014, as an acceptable alternative to guidance found in Section 3.2.13 of NUREG-1022, Revision 3, for reporting considerations associated with 10 CFR 50.72(b)(3)(xiii).

Since Sections 1, 2, and 4 of NUREG-1022, Revision 3 contain general guidance for event reporting that would still be applicable to reports submitted under 10 CFR 50.72(b)(3)(xiii), these sections are not considered superseded by licensee adoption of NEI 13-01.

### **III. Backfitting and Issue Finality.**

NUREG-1022, Revision 3, Supplement 1, provides guidance on the method that the NRC staff finds acceptable for a licensee to meet the information and collection requirements of 10 CFR 50.72(b)(3)(xiii). The issuance of this guidance is not backfitting, as the term is defined in 10 CFR 50.109, or inconsistent with the issue finality provisions on 10 CFR part 52, because information collection and reporting requirements are not included within the scope of the NRC's backfitting protections or part 52 finality provisions.

Dated at Rockville, Maryland, this 24th day of September 2014.

For the Nuclear Regulatory Commission.

Scott A. Morris, Director,  
Division of Inspections and Regional Support,  
Office of Nuclear Reactor Regulation.