



UNITED STATES
NUCLEAR REGULATORY COMMISSION
ADVISORY COMMITTEE ON REACTOR SAFEGUARDS
WASHINGTON, D. C. 20555

March 23, 1999

Dr. William D. Travers
Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Dr. Travers:

**SUBJECT: PROPOSED AMENDMENT TO 10 CFR 50.72, IMMEDIATE NOTIFICATION
AND 50.73, LICENSEE EVENT REPORTING SYSTEM**

During the 460th meeting of the Advisory Committee on Reactor Safeguards, March 10-13, 1999, we reviewed the proposed amendment to 10 CFR 50.72 and 50.73. During our review, we had the benefit of discussions with representatives of the NRC staff and the Nuclear Energy Institute (NEI), and of the document referenced.

CONCLUSIONS AND RECOMMENDATIONS

- The proposed amendment is a significant improvement over the current rule and should be issued for public comment.
- As noted by the staff, reports of equipment surveillance tests that are performed late are not needed provided that the equipment passes the test. The staff should amend the rule to this effect and not just revise the associated regulatory guide.
- We endorse the staff proposal to eliminate the requirement to report an unanalyzed condition that compromises plant safety because such a condition would be reported in accordance with other requirements.
- The staff should examine comprehensively the NRC reporting requirements to ensure that no unnecessary duplications or inconsistencies exist.
- We fully support the staff's position that licensees should report the actuation of risk-significant systems. Lists of such systems should be plant-specific and should be developed on the basis of probabilistic risk assessment (PRA) insights and individual plant designs. These lists should not be included in the rule.

DISCUSSION

While remaining consistent with the agency's reporting needs, the proposed amendment would reduce the reporting burden on licensees by modifying or eliminating requirements that do not provide needed data or that require data which are available through other reporting requirements. In the case of licensee event reports (LERs), extending the reporting due date from 30 to 60 days should enable licensees to complete a root-cause analysis and develop appropriate corrective actions. This change alone would reduce the number of supplemental LERs and thereby reduce the burden on both the NRC staff and licensees.

The staff has indicated that reports on events other than those classified as emergencies would be made within 8 hours. This class of reports would capture events where NRC actions may be required within the next 24 hours, such as initiating a special inspection or contacting a licensee to obtain a better understanding of the event. An advantage of this change is that it provides licensees the opportunity to submit a more detailed description of the event.

The staff has proposed eliminating the requirement to report an unanalyzed condition that significantly compromises plant safety because such a condition would be reported in accordance with other requirements. We agree that this requirement should be dropped.

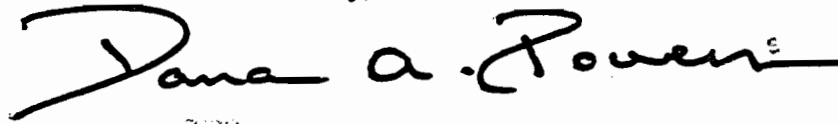
The staff has proposed eliminating reports about equipment surveillance tests that are performed late, provided that the equipment passes the test when it is performed. This is an improvement to the rule because these reports are not significant since the equipment remains operable during the period of time involved. The NRC's responses to excessively late surveillance testing and to repeated instances of late surveillance testing are covered by other regulations. The staff should amend the rule to effect this proposed change instead of revising the associated regulatory guide.

Reporting requirements for safety system actuations would be changed. Instead of relying on the term "engineered safety feature," the rule would contain a list of specific risk-significant systems. The staff has developed such a list utilizing insights from a small sample of representative PRAs consisting of three pressurized water reactors and two boiling water reactors. NEI noted that the proposed list would result in new reporting requirements for some licensees. We fully support the staff's position that licensees should report the actuation of risk-significant systems. Plant-specific lists of such systems should be developed on the basis of PRA insights and individual plant designs. These lists should not be included in the rule. The stakeholders' workshop being planned by the NRC staff will provide an opportunity to discuss how to develop and document these lists.

The changes contained in the proposed amendment may affect reporting requirements in other regulations. The staff has not completed a systematic review of all the regulations that have reporting requirements and has not assessed whether the various requirements satisfy the needs of the agency. For example, the staff must resolve the difference between the proposed 8 hour reporting requirement and the existing 4 hour reporting requirement in 10 CFR Part 20 regarding radioactive releases.

We have no objection to issuing the proposed amendment for public comment and would like the opportunity to review the proposed final amendment after reconciliation of public comments.

Sincerely,

A handwritten signature in black ink that reads "Dana A. Powers". The signature is written in a cursive style with a large initial "D" and a long horizontal stroke at the end.

Dana A. Powers
Chairman

Reference:

Memorandum dated February 19, 1999, from David B. Matthews, Office of Nuclear Reactor Regulation, to NRC Office Directors and Regional Administrators, Subject: Office Review and Concurrence on a Proposed Rule to Modify the Event Reporting Requirements for Power Reactors in 10 CFR 50.72 and 50.73.

