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Mr. David L. Meyer, Chief
 Regulatory Publications Branch
 Division of Freedom of Information
 and Public Services
 Office of Administration
 U.S. Nuclear Regulatory Commission
 Washington, DC 20555

Dear Mr. Meyer:

Haddam Neck Plant
 Millstone Nuclear Power Station, Unit Nos. 1, 2, and 3
Draft NUREG-1022, Revision 1 Comments

On October 7, 1991, the NRC issued for public comment a draft of Revision 1 to NUREG-1022, "Event Reporting Systems - 10 CFR 50.72 and 50.73, Clarification of NRC Systems and Guidelines for Reporting." The NRC Staff Event Reporting Task Group developed this document to clarify existing guidance related to the reporting of potentially safety significant events and conditions pursuant to 10 CFR 50.72 and 50.73. Connecticut Yankee Atomic Power Company (CYAPCO) and Northeast Nuclear Energy Company (NNECO), owners/operators of the Haddam Neck Plant and Millstone Unit Nos. 1, 2, and 3, respectively, commend the Staff for its continued efforts to refine its guidance in this area.

CYAPCO and NNECO consider this arena to be one of paramount importance in our day-to-day operation of our nuclear power reactors. We fully appreciate the expanding NRC expectations for us to provide information and reporting on issues that are important to the NRC and to ensure that you are kept fully informed on emerging issues. Over the past several years we have made increased efforts to implement a conservative reporting philosophy in reaching judgments on potentially reportable items. Also, due to our greatly increased design basis reconstruction work, we are finding design conditions particularly on our older units that require significant review, and we believe we are making an increasing number of reporting decisions to keep the NRC informed. NNECO and CYAPCO greatly appreciate the opportunity to provide our comments on the draft NUREG. It is noted that in addition to the comments contained within, CYAPCO and NNECO have contributed to the comments that are being separately submitted by the Boiling Water Reactor Owners Group, the Nuclear Management and Resources Council, and the law firm of Winston and Strawn. In general, we endorse those comments without repeating that

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voluminous information here, and limit our comments to the items of greatest significance.

We support the NRC Staff's efforts to consolidate existing guidance on reporting requirements under Sections 50.72 and 50.73. It is important to CYAPCO, NNECO, and the Staff that consistent interpretations of those provisions be applied. However, such guidance must also be consistent with the underlying regulatory provisions and intent of the Commission in adopting those provisions. Although portions of the proposed new reporting guidance appear to satisfy these principles, many other sections reflect positions that are either inconsistent with the regulations or constitute new or different NRC Staff positions that appear inconsistent with the original intent of these provisions. These changes would substantially increase the number of reports we would be obligated to submit. While we are prepared to report more items if there are valid reasons to do so, we are not aware that any meaningful purpose would be served for the examples discussed below.

The following discussion addresses areas of the revised NUREG that are of significant concern to CYAPCO and NNECO and offers recommendations for resolving the inconsistencies:

- Current regulations require the reporting of conditions outside the regulatory design basis of the plant. Contrary to this position, the new NRC Staff draft position in NUREG-1022, Revision 1, would expand these reporting obligations to include conditions outside the "engineering design basis" as well as the "licensing basis." The distinction between these standards is significant. Only the former, regulatory design basis (defined in 10 CFR 50.2) is embodied in existing reporting regulations. The other two elements are far more broad (regulatory design basis being a subset of each). This new position would significantly expand reporting obligations. For instance, it has been noted that individual weld anomalies would now be reportable, as would virtually any deviation from any provision of any industry code applied to any component, under a strict interpretation of the language in the draft revision.

NNECO and CYAPCO recommend the removal of any discussion suggesting a requirement to report events or conditions that are outside a structure, system, or component's engineering design basis and/or licensing basis from Section 3.2.4 of NUREG-1022, Revision 1.

- Current regulations require the reporting of conditions that adversely impact the plant or specific systems. Additionally, reporting of engineered safety features (ESF) actuations focuses on system actuation. The new positions described in draft NUREG-1022, Revision 1, would lower these thresholds to include conditions involving individual components. Similarly, reporting the movement (not actuation) of a single component of an ESF system would now be expected. Disturbingly, these "component-level" conditions may not have impacted the plant or the systems

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involved, in the manner dictated by current reporting requirements. These changes would substantially expand our reporting obligations under these provisions without commensurate benefit from our perspective.

CYAPCO and NNECO recommend the omission of component-level reporting from Sections 3.2.4 and 3.3.2.

- Contrary to prior guidance, draft NUREG-1022, Revision 1, could be read to obligate CYAPCO and NNECO to report every violation of administrative technical specifications; e.g., Section 6. NNECO and CYAPCO recommend that violations of administrative technical specifications should not be considered reportable unless the violation results in operation prohibited by the technical specifications.

In summary, significant elements of the draft NUREG revision would have the effect of exacerbating those conditions which the Staff intended to clarify and correct in the first place. In particular, several elements of the proposed guidance would significantly expand the scope of specific reporting obligations and direct CYAPCO and NNECO to report events or conditions in a manner that is beyond both the existing regulations themselves as well as the original Staff interpretations of those positions (as discussed in Supplements 1 and 2 to NUREG-1022). One result might be increased cases where events and conditions are reported as required by regulations, but perhaps do not satisfy the NRC guidance on what is expected. Absent further rule making, or some alternative means of complying with the backfit rule, these new Staff positions should not be implemented.

CYAPCO and NNECO believe that the constructive dialogue between the industry and the NRC should continue in order to develop a consensus reporting guidance document.

Sincerely,

NORTHEAST NUCLEAR ENERGY COMPANY
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