



Consumers
Power
Company

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May 29, 1980

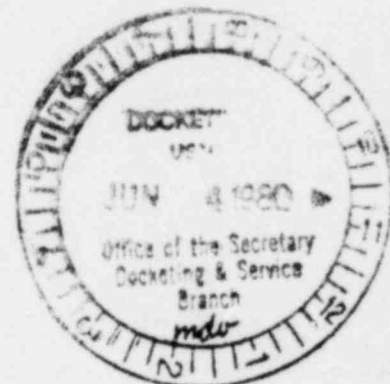
DOCKET NUMBER

RECORDING RULE

PR-20,50
(45 FR 13434)

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Secretary of the Commission
U S Nuclear Regulatory Commission
Att Docketing & Service Branch
Washington, DC 20555



The Nuclear Regulatory Commission published a change to 10 CFR 20 and 10 CFR 50 on February 29, 1980 (45 FR 13434). This change added a requirement that NRC be notified within one hour of the occurrence of "significant events" falling in one of twelve categories. This change was made effective immediately; however, comments were invited for possible reconsideration or modification of the rule. This letter provides Consumers Power Company's comments.

Consumers Power Company disagrees that the reporting requirements added by this rule were significant enough in all cases to justify immediate effectiveness. In support of its finding that good cause existed to waive the opportunity for public comment, the NRC cited, in part, (1) "the significance of these twelve types of events with respect to their ability to jeopardize the health and safety of the public, ... and (4) NRC's immediate need to know in order to act quickly". In fact, several of the event categories included in the rule involve no threat to public health and safety nor any need for NRC action. For example, Category 9 requires reporting of any personnel injury requiring transport to an offsite medical facility and Category 12 requires reporting of any strikes of operating employees or security guards. Industrial accidents occurring on site pose no threat to public health and safety, and operating licenses specify the operator complement required to operate the plant; neither of these event categories requires immediate action of NRC.

Consumers Power Company's concerns regarding the mixing of significant and non-significant events in the same reporting requirement extends beyond the improper use of immediately effective rulemaking discussed above. This mixing blurs the distinction between events of varying significance and is likely to lead to confusion on the part of the news media and the public, resulting in incorrect interpretations of the significance of operating events could lead to the type of public fear and apprehension which numerous studies have declared to be the principle health effect of the Three Mile Island accident.

Additional comments are provided as an attachment to this letter.

NRC Office of Inspection and Enforcement Information Notice 80-06 stated that this rule was being submitted to the General Accounting Office for review under the Federal Reports Act for permanent approval under NRC's existing GAO clearance for

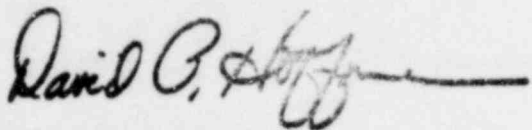
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Secretary of the Commission
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10 CFR 50 (clearance number R0071). Since many of the comments herein relate to the need for the required reports, and to their duplicative and ambiguous nature, a copy of these comments is being provided to GAO. Consumers Power Company requests that these comments be considered during the Federal Reports Act review.

A handwritten signature in black ink, appearing to read "David P. Hoffman", with a long horizontal flourish extending to the right.

David P Hoffman
Nuclear Licensing Administrator

CC U S General Accounting Office

DPH-66-80

ATTACHMENT

Additional Comments Regarding 10 CFR 20.403(d) and 10 CFR 50.72.

1. The imposition of a strict one hour time limit for reporting events in all categories of 10 CFR 50.72 imposes an unnecessary burden on shift management of nuclear power facilities. This limit necessitates inclusion of an administrative action, telephone reporting in the immediate actions necessary for plant emergencies. Certain events which would require reporting under 10 CFR 50.72 could involve significant disruption requiring greater than one hour to achieve stable plant conditions; requiring compliance with a one hour reporting requirement in these events could reduce safety by diluting the attention shift management can devote to emergency response.
2. The rule recognizes a distinction between certain categories with regard to significance in that only four of the twelve categories require maintenance of a continuous communications channel with the NRC Operations Center after initial reporting. The lack of such a requirement for the remaining eight channels implies no NRC action is needed, and that the initial report is merely a status report. These eight categories should be deleted from 10 CFR 50.72 if no action is indeed contemplated following initial reports addressed under other existing reporting requirements which are more appropriate for events not posing an immediate threat to public health and safety or necessitating prompt NRC action (eg, Technical Specifications requirements for notification within 24 hours with written followup).
3. The requirement to maintain an open and continuous communications channel for four of the twelve categories implies the need to dedicate an individual to this function. Under certain circumstances, especially on back shifts, this could require use of a member of the operating crew. NRC should assess the safety significance of this action; NRC should consider use of the Resident NRC Inspectors for providing the desired continuous communication to the NRC Operations Center.
4. The following categories of events should be deleted from the rule since they clearly pose no immediate threat to public health and safety. A requirement to report such events within one hour is unnecessarily burdensome.

Category 5 - "Any event requiring initiation of shutdown of the nuclear power plant in accordance with Technical Specification Limiting Conditions for operation." Technical Specification LCO requirements are established to conservatively assure public health and safety; compliance with these requirements thus cannot be of significant concern.

Category 7 - "Any event resulting in manual or automatic actuation of Engineered Safety Features, including the Reactor Protection System." This requires reporting of normal, conservative operation of plant safety systems, including all plant trips. Since the safety systems are designed on a conservative basis to assure public health and safety, their proper performance cannot be of significant concern. In addition,

a strict interpretation of this category would require immediate reporting of intentional system actuations for routine surveillance testing.

Category 8 - "Any accidental, unplanned, or uncontrolled radioactive release." A radioactive release on the order of microcuries would require immediate reporting even though it would have no effect on public health and safety. As a minimum, this requirement should be revised to include a de minimus quantity related to the limits of 10 CFR 20 or 10 CFR 100.

Category 9 - "Any fatality or serious injury occurring on the site and requiring transport to an offsite medical facility for treatment." The principle event which would require reporting under this paragraph is an industrial injury. This event has absolutely no effect on public health and safety.

Category 10 - "Any serious personnel radioactive contamination requiring extensive onsite decontamination or outside assistance." This event, while possibly of significant consequence to the involved individual, would not have an effect on public health and safety. In addition, use of terms such as "serious" and "extensive" make this requirement ambiguous and difficult to administrate.

Category 12 - "Strikes of operating employees or security guards, or honoring of picket lines by these employees." Such events, by themselves, have no effect on public health and safety. Technical Specification requirements specify the minimum complement required for plant operation; a strike resulting in inability to maintain this complement would necessitate plant shutdown thereby assuring public health and safety.

5. In addition to being of minor safety significance as discussed in 4 above, the following categories unnecessarily duplicate other reporting requirements.

Category 5 - Plant shutdown dictated by a Limiting Condition for Operation is required to be reported, in writing, within 30 days by Technical Specifications.

Category 8 - Reporting requirements for releases of significant quantities of radioactivity are contained in 10 CFR 20.403. As noted above, release of insignificant quantities should not require a report within one hour.

The following categories, not specifically addressed in 4 above, also duplicate existing reporting requirements.

Category 6 - Personnel or procedural errors affecting safety systems are required to be reported by Technical Specifications. Two

report categories exist; significant events must be reported within 24 hours with written followup in 14 days while events of lesser significance must be reported within 30 days. Since no NRC action need be taken for this category (as implied by the lack of a requirement for a continuous communication channel), the Technical Specifications requirements are adequate.

Category 11 - The sole purpose of this category is to require duplicative reporting of events already required to be reported by 10 CFR 20.403.

6. NUREG-0610, "Draft Emergency Action Level Guidelines for Nuclear Power Plants" specifies a large number of event types for which the emergency plan must be activated. Assuming such activation occurs, report categories 4, 7 and 8 will be fully addressed by Category 1 requirements. Category 4 reporting also duplicates reporting requirements of proposed 10 CFR 73.71(c).
7. Many of the event types for which NUREG-0610 would require activation of the site emergency plan are anticipatory in nature (eg, a fire lasting more than ten minutes, any tornado near the site, turbine failure) and do not, of themselves, pose any threat to public health and safety. Reporting of these events within one hour is unnecessarily burdensome; Category 1 should be refined to include a prioritization which would eliminate this unnecessary requirement.