

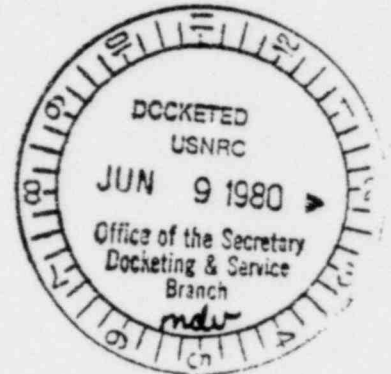


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PROPOSED RULE PR-20,50 (15)  
(45 FR 13434)

Mr. Samuel J. Chilk  
Secretary of the Commission  
U. S. NUCLEAR REGULATORY COMMISSION  
Washington, D. C. 20555



Dear Mr. Chilk:

COMMENTS ON 10 CFR 50.72  
NOTIFICATION OF SIGNIFICANT EVENTS

On February 29, 1980, the Nuclear Regulatory Commission published an immediately effective rule in the Federal Register concerning the immediate reporting of significant events at operating nuclear power reactors. Although the public and NRC licensees were not given the opportunity to comment on this rule before its promulgation, the accompanying Federal Register notice invited comments and viewpoints on the new rule to which we are herewith responding.

We have several questions concerning the information necessary to be reported under this rule and the Commission's interest in directing that certain events and information be reported. We believe the rules are far too broad and lead to confusion and misinterpretation. Paragraph (3), for example, requires reporting of any event that results in the nuclear power plant not being in a controlled or expected condition while operating or shut down. If a reactor shut-down occurs during operation for any non-scheduled reason, is that "not being in an expected condition"?

Paragraph (4) requires reporting of any act that threatens the safety of the nuclear power plant or site personnel. Does this mean acts of God such as thunderstorms or high winds which conceivably could cause injury to plant personnel? Again, more direction is needed.

Paragraph (7) requires notification of any event that results in manual or automatic actuation of engineered safety features, including the reactor protection system. Surely the deliberately initiated manual tripping of the reactor during the performance of startup or other testing should not be reported. However, without further guidance, verbatim compliance with this paragraph would appear to require such reporting.

L-4-117.2

acknowledged by card. 6/9/80. mdr.

Paragraph (8) should be revised to delineate a limitation on the size of an unplanned, accidental, or uncontrolled release which must be immediately reported. Such a limitation should be based on existing release limits already provided in the Technical Specifications for most operating nuclear power plants. Otherwise, any unplanned release, regardless of how trivial or whether or not it could even be measured outside of the plant, would have to be reported; this could result in unnecessary alarm to the public.

Paragraph (11) requires notification for any event meeting the criteria of 10 CFR Section 20.403. This section has two paragraphs. One paragraph requires immediate notification. The second paragraph specifies 24 notification requirements. The rule should be corrected to direct that, as originally intended by Section 20.403, only the incidents described in paragraph (a) require immediate notification.

We are also concerned about the interface of these immediate reporting requirements with other existing reporting requirements, which include 24-hour notification of reportable occurrences in accordance with plant Technical Specifications, the two-day notification required by 10 CFR Part 21, and daily communications with the site NRC resident inspectors. For example, we would assume that the immediate notification to the NRC Operations Center of exceeding a Technical Specification Safety Limit fulfills the 24-hour notice requirement for a 14-day Licensee Event Report; but this is not stated.

A consolidated listing of the diverse reporting requirements should be developed. Serious consideration should be given to the cancellation of obsolete and repetitious reporting requirements. NRC Regulatory Guide 10.1, which was last revised in 1977, presented a compilation of reporting requirements for all NRC licensees. An update of this guidance is needed as a minimum.

The additional administrative burden imposed by this rule has the potential for distracting plant operators from devoting full attention to the safe operation of the nuclear power reactors involved. The requirement for immediate notification (within one hour) requires that the plant management and operations staff must not only analyze, react to, and control off-normal situations, but also they must now evaluate whether the situation requires immediate NRC notification. The additional requirement for maintaining a continuous open communications channel for situations (1) through (4) requires the full-time involvement of someone whose time should be better spent appraising the developing situation and offering advice to the shift supervisor. If the continuous communication is of sufficient


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importance to the NRC, then one solution could be for the Licensee to notify one of the NRC Resident Inspectors who could report to the plant to assume this responsibility.

We are also concerned about the intended use of information supplied via this immediate notification chain. The rule prescribes no criteria, limitations, or requirements for the Commission's intended use of this information. The Federal Register notice states that the NRC must act promptly to prevent or minimize possible injury to the public and take appropriate action to alleviate fear or concern created as a result of such events. To do this, the Commission must have established criteria for screening and disclosing information received from this source to avoid creating premature or unreasonable reactions which can develop from preliminary, misunderstood, or trivial events. We believe the history of the Three Mile Island accident provides ample evidence of the need for pre-established criteria regarding dissemination of early information. These criteria should perhaps be established in a separate rule and should include technical agreement between the NRC and the Licensee as to the facts of what has occurred.

We appreciate this opportunity to comment on this new rule. However, we believe that comments should have been more appropriately solicited before the rule became effective. Ambiguities which are found in early drafts of regulations can be corrected by more careful drafting after learning of possible misinterpretation through the notice and comment process. Dispensing with notice and comment almost inevitably results in regulatory language that leads to confusion and uncertainty in its interpretation. We would appreciate your written response to our questions regarding these new requirements.

Very truly yours,

  
C. W. Fay, Director  
Nuclear Power Department