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Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

PROPOSED RULES PR-20+50(2)
(45 FR 13434)

Gentlemen:

Recently the Commission published changes to 10 CFR Parts 20 and 50 addressing immediate reporting of significant events at operating nuclear power reactors. Although the rule was issued to have immediate effectiveness, we presume that comments received will be considered by the Commission and an early revision to the rules will be considered if significant comments are received.

It is recognized that in today's climate of public mistrust of the industry and the regulatory agencies, the NRC's need to know immediately of significant events is understood. We also believe that reasonable application of the rule may not be a significant problem for operating nuclear facilities. However, there are several comments and questions that we believe should be considered with a view toward reducing unnecessary calls, minimizing public alarm and clarifying the intent of the prompt notification requirement. The following Events Reportable Within One Hour are addressed to five of the specific events identified in 10 CFR 50.22:

1. Any event requiring initiation of the licensee's emergency plan or any section of that plan.

This event, previously not reportable at least for some plants, now requires the establishment and maintenance of an open communication channel with the NRC. Partial implementation of the emergency plan has been applied on several occasions during plant outages. A portion of the plan has been used to evacuate outage personnel from facility buildings during brief periods when radioactivity was present in spaces or during release of uncontaminated noxious fumes. These events did not affect public safety, and implementation of plant procedures based on portions of the emergency plan to ensure the safety of plant personnel does not appear to warrant prompt notification and maintenance of an open communication line. Is prompt notification required under these conditions?

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4. Any act that threatens the safety of the nuclear power plant or site personnel, or the security of special nuclear material, including instances of sabotage or attempted sabotage.

Do threatening phone calls to a facility require maintenance of an open communication channel?

8. Any accidental, unplanned or uncontrolled radioactive release. (Normal or expected releases from maintenance or other operational activities are not included).

As noted in item (1) portions of the emergency plan are often used to evacuate personnel from an affected building due to "Normal or expected releases from maintenance or other operational activities". It would appear that if a portion of the plan were implemented for these reasons, it would not require prompt notification. Clarification should be provided.

9. Any fatality or serious injury occurring on the site and requiring transport to an offsite medical facility for treatment.

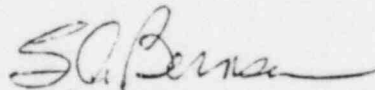
We question the need for reporting injuries unless they are related to severe radiation exposure requiring offsite treatment.

10. Any serious personnel radioactive contamination requiring extensive onsite decontamination or outside assistance.

We question the value of reporting any but the most serious contamination events. During plant outages there have been several cases of contamination that required decontamination by means of onsite showers. We question how these events affect general public safety and require immediate notification to the NRC.

From the preceding comments, it should be apparent that we are mainly concerned with the thresholds set for "immediate reporting". These thresholds should be set sufficiently high such that the frequency of reporting is not excessive so as to avoid under-reaction by the NRC staff or over-reaction by the public.

Very truly yours,



S.A. Bernsen.
Manager of Nuclear Engineering

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