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Mr. Samuel J. Chilk
Secretary of the Commission
United States Nuclear Regulatory Commission
Washington, D. C. 20555

Attention: Docketing and Service Branch

Re: Immediate Reporting of Significant Events
at Operating Nuclear Power Reactors

Dear Mr. Chilk:

On February 29, 1980, the Nuclear Regulatory Commission amended its regulations to require licensees to immediately report to the NRC the occurrence of significant events at operating nuclear power reactors. 45 Fed. Reg. 13434 (Feb. 29, 1980). These new reporting requirements are contained in new 10 CFR section 50.72. Although the amendments were made immediately effective without prior public comment, the Commission's notice nonetheless invited public comment. As operator of Ginna Nuclear Power Plant, Rochester Gas and Electric Corporation ("RG&E" or "the Company") submits the following comments in response to the Commission's invitation.

The Company's comments are based upon the Commission's description of the new reporting requirements contained in the February 29th Federal Register notice; a briefing on the subject given RG&E personnel on March 4, 1980 by Messrs. Johnson and Raymond of NRC's Region I office; and a review of the other NRC reporting requirements to which RG&E is subject by regulation or by the terms of its Ginna license. On the basis of this review, we believe that the Commission must reconsider its promulgation of section 50.72, for the reporting requirements of that section either duplicate in essential part the requirements of other regulations or mandate the reporting of events which present no potential for radiation hazard to employees or the public.

GENERAL COMMENTS

The principal drawback of section 50.72 is that it superimposes new reporting requirements on top of an already well-established notification system. Existing reporting requirements include those contained in 10 CFR section 50.36, which directs that a facility's technical specifications provide for notification of the NRC if a safety limit is exceeded, if the automatic safety system fails to function as required, or when a limiting condition of

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operation is not met. 10 CFR §§ 50.36 (c)(1)(i)(A), (c)(1)(ii)(A), (c)(2) (1979). The other existing reporting requirement upon which new section 50.72 has been superimposed is 10 CFR section 20.403. That section specifies those incidents of radiological exposure or release which require either immediate or twenty-four hour reporting to the NRC by the licensee.

By interjecting the requirements of section 50.72 into the existing reporting structure, the Commission has created an unfavorable environment which invites duplication and confusion. Several of the events specified in new section 50.72 already trigger notification under the existing reporting requirements. For example, section 50.72 (a)(2) requires reporting of any exceedence of a Technical Specification Safety Limit. RG&E, however, already has a regulatory obligation to immediately report a safety limit exceedence pursuant to 10 CFR section 50.36 (c)(1)(i)(A), as implemented by section 6.7 of the Ginna Technical Specifications. Bad enough that these two requirements are duplicative in their purpose, but minor procedural differences dictate that one report be made to the Regional Office and the other to the NRC Operations Center. Further, one must be made "immediately" while the other must be made "within one hour."

Similarly, any event which must be reported to the Regional Office under section 20.403 now must also be reported to the NRC Operations Center pursuant to section 50.72 (a)(11). Section 50.72 requires that any section 20.403 event must be reported within one hour, while section 20.403 itself requires events listed in section 20.403 (a) to be reported immediately and events listed in section 20.403 (b) to be reported within twenty-four hours.

RG&E has no objection to the notification of the NRC if events which could jeopardize the public health and safety were to occur at the Ginna Plant. The Company does object, however, to requirements that it report the same event twice to different parts of the same agency within different time frames. As the Commission forces reactor licensees to become preoccupied with fulfilling overlapping and confusing reporting requirements, more licensee personnel will be tied up by these and other administrative duties, although their time could be better spent working to assure that the public health and safety is never threatened.

Instead of creating a new, yet essentially duplicative reporting scheme in its rush to respond to post-Three Mile Island criticisms, the Commission should have carefully and thoughtfully integrated what new requirements are truly important into the existing regulatory framework. We urge the Commission to undertake a deliberate review of the new reporting requirements, giving due consideration to the pre-existing regulations and comments submitted in response to the February 29th Federal Register notice.

Another concern of a general nature is raised by the section 50.72 requirement that the NRC be notified "in all cases within one hour. . . of the occurrence of any of the [specified events]." In many instances, it may take considerably more than an hour for a licensee to reach the conclusion that a reportable event in fact

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has occurred. If the decision has to be made within an hour of the occurrence, it likely will be made by control room personnel who may not have all the required background information and whose time can be better spent running the facility. To involve the personnel with the background required to assess the significance of a specific situation may require more than an hour. To eliminate the burden which the existing language places on plant personnel, the Commission might consider revising section 50.72 (a) to require notification of the NRC "in all cases within one hour. . . of determining that any of the following significant events has occurred. . ."

SPECIFIC COMMENTS

Section 50.72 (a)(1): The requirement that a licensee notify the NRC whenever any portion of its emergency plan* is initiated should be eliminated as duplicative of other section 50.72 requirements. For example, a section of the emergency plan might be initiated by the occurrence of the events listed in sections 50.72 (a)(8), (9), (10) and (11), events which themselves trigger notification to the NRC. Any events which would require emergency plan initiation but not trigger any other section 50.72 requirement would be so minor in nature as to be undeserving of a report within one hour. No report should be required, for example, of the sounding of an auxiliary building radiation monitor alarm as a result of an equipment malfunction, although the mere sounding of the alarm initiates certain acts under RG&E's radiation emergency plan.

Section 50.72 (a)(2): As noted heretofore, this requirement is duplicative of an existing regulatory requirement.

Section 50.72 (a)(3): It has been intimated that the NRC may deem anything less than steady-state 100 percent power as an "uncontrolled" or "unexpected" condition. Licensees should be given some credit for being capable of expecting and controlling power levels of less than 100 percent. Valid commercial reasons exist for not being at 100 percent (e.g., valve tests, pump tests, condenser inspections, heater repairs, load demands). Notifications for these commercial concerns that are planned and authorized in advance by utility management should not be required. Further, minor load reductions, even if unplanned, should not be reportable unless accompanied by more significant circumstances.

Section 50.72 (a)(4): This section appears to be aimed principally at acts of sabotage or attempted sabotage, but its sweep is so broad as to literally require a licensee to report the creation by one employee of a hazard in the shop to one or more of his fellow employees. Clearly, limiting language must be added to this requirement.

* We assume that by "emergency plan," the Commission means the plan required by 10 CFR Part 50, Appendix E.

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Section 50.72 (a)(5): This section duplicates the requirements of section 6.9.2.b(2) of the Ginna Technical Specifications.

Section 50.72 (a)(6): The events described in this subsection currently are addressed in section 6.9.2.a of the Ginna Technical Specifications, which requires prompt (within twenty-four hours) notification followed by a written report within thirty days. These existing deadlines have proven to be perfectly adequate and should not be changed, particularly in view of the time required to perform the necessary analysis of the effect of the error on safety systems. Moreover, many of the errors described in subsection (6) are correctable and in fact will be corrected promptly upon discovery. Once corrected, the need for "immediate" notification dissolves.

Section 50.72 (a)(7): Including all instances of manual activation of the Reactor Protection System within this subsection's category of events requires the licensee to immediately notify the NRC whenever the unit goes off line, even if only for its annual refueling. Use of the manual trip button to activate the Reactor Protection System for planned outages should not be a reportable event. Inasmuch as any event which would result in an automatic or an unplanned manual activation of an Engineered Safety Feature ought to fall within that class of events covered by section 50.72 (a)(3) (clarified in accord with our earlier comment), section 50.72 (a)(7) should be deleted.

Section 50.72 (a)(8): Some minimum level of off-site release should be established as the reporting threshold for this subsection. The 10 CFR Part 20 standards, as implemented by plant technical specifications, may be appropriate for this purpose.

Section 50.72 (a)(9): The occurrence of a fatality or injury at the site, if unrelated to operation of the reactor, should not be of concern to the NRC. Language should be added to require reporting only when the fatality or injury bears some relationship to the operational or physical security of the reactor and thereby to the protection of workers or the public from radiological hazards.

Section 50.72 (a)(11): This section creates the paradoxical situation where the occurrence of a 5 rem exposure at a nuclear power reactor is significant enough to merit a report to NRC within one hour while the occurrence of the same exposure at any other licensed facility only requires notification within twenty-four hours. This illogical discrepancy cannot be justified. In addition, the duplicative reporting requirements resulting from the coexistence of this section and section 20.403 should be rectified by the elimination of one or the other.

Section 50.72 (b): Some further definition needs to be given to the "open and continuous communication channel" requirement of this section. For example, can this telephone be adapted for a headset with microphone and speaker, or must a standard telephone handset be used? What are the consequences of unilaterally closing the communication channel for a few seconds to assist in accident assessment or otherwise provide technical or operational assistance?

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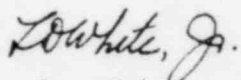
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What are the NRC criteria for closing this channel? Will these conversations be taped or transcribed? What will assure the licensee that the NRC Operations Center accurately understands the communications? Is the dedicated red telephone in the Control Room open and continuous as it exists, or must it be off the hook and in an individual's hands?

Because of the deficiencies discussed above, RG&E recommends that the Commission suspend the effectiveness of section 50.72 until such time as it is prepared to come forth with reporting requirements which do not duplicate existing notification requirements and which are limited to those events which have a potential to present a radiation hazard to employees or the public. In the meantime, the existing regulatory structure will assure that the NRC is adequately notified of any such events.

We appreciate the opportunity to present our views on this subject and trust that these comments will be helpful to the Commission.

Very truly yours,



L. D. White, Jr.

LDW:lj

cc: Boyce H. Grier
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