

POWER AUTHORITY OF THE STATE OF NEW YORK

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TRUSTEES

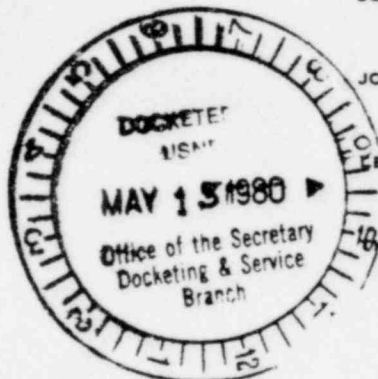
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Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Attention: Docketing and Service Branch

Subject: Comments on Final Rule
10 CFR 50.72

Dear Sir:

Pursuant to IE Information Notice
No. 80-06 the Power Authority of the State of
New York has the attached comments to the subject
final rule.

We appreciate your consideration in
this matter.

Very truly yours,

Charles M. Pratt
Assistant General Counsel

cc: Dudley Thompson
Office of Inspection and Enforcement
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

ACKNOWLEDGED BY CARD 5/13/80 mdv...

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COMMENTS OF THE POWER AUTHORITY
OF THE STATE OF NEW YORK TO 10 CFR 50.72
NOTIFICATION OF SIGNIFICANT EVENTS

Paragraph (a) requires notification of certain events as soon as possible but no less than one hour after occurrence. The following items require clarification:

Item 1

This item requires immediate notification of any event requiring initiation of the licensee's emergency plan or any section of that plan. Site emergency plans presently set forth notification requirements based upon procedures contained therein. Item 1 negates the concept of an all-inclusive emergency plan which dictates actions to be taken. Conflicting notification requirements can only serve to confuse planning for emergencies. In addition the reporting of routine, expected activation of portions of the site emergency plan (e.g. the routine withdrawal of TIP System Directors causing TIP room Area Radiation Monitors ("ARM") to alarm or routine transfer of cleanup system filter sludge to radwaste causing an ARM in the reactor building to alarm) will burden both the plant staff and the NRC Staff in the performance of work required for safe operation of the nuclear facility. Item 1 should be revised to read:

- (1) Any event requiring [initiation of the licensee's emergency plan or any section of that plan] immediate notification pursuant to the requirements of the site emergency plan. Deletion in brackets. Additions underscored.

Item 3

"Not being in an expected condition" is an ambiguous measure. For example, anytime a component fails to function exactly as designed, the plant is not in an expected condition for some finite time until some corrective action is taken. The failure may not result in an uncontrolled condition or lessen plant safety. The ambiguous nature of this measure could lead to an inundation of NRC Staff by insignificant notifications. The result would be to lessen the NRC's ability to identify and deal with significant safety-related events.

For the reasons stated above and due to the fact that the other items listed more than cover this ambiguous "event", notification of not being in "an expected condition" should be deleted from Item 3.

Item 4

This item is vague in that many acts which threaten the safety of site personnel have no effect on plant safety. This item should be revised to read:

"Any act that threatens the safety of the nuclear power plant or the safety of personnel in the performance of duties necessary for the safe operation of the nuclear plant, or the security...
(additions underscored).

Item 7

This item requires reporting the manual actuation of engineered safety features without regard to the reason for the actuation. Without clarification (or interpretation by the licensee), the NRC Operations Centers would be notified for each actuation of any part of any engineered safety feature as a result of surveillance testing. The reporting of those actuations which are a result of surveillance testing required by the Technical Specifications hampers the effectiveness of the notification system. The paragraph should be revised to indicate that such actuations as a result of required surveillance testing are not subject to report.

Item 8

This item requires immediate notification of any accidental, unplanned, or uncontrolled radioactive release except normal or expected releases from maintenance or other operational activities. This item requires clarification. For example, release of radioactive material from the fuel to reactor coolant as a result of fuel clad perforation can be considered as an unplanned release. In addition, the perforation is not expected and cannot be considered normal. In a similar manner, the release of contaminated water from piping systems to the floor or any other portion of the buildings due to a minor personnel error could be considered an accidental release. Clearly, neither of the examples above is an accidental, unplanned or uncontrolled release directly to the environment outside the plant. This sub-section should be revised to clearly indicate that those releases to the outside environment require a report and that those releases to the plant environment do not require a report unless they threaten the safety of site personnel or the safe controlled operation of the facility.

Item 8 should be revised to read:

Any accidental, unplanned, or uncontrolled radioactive release to the environment outside the plant or any release threatening the safety of site personnel or the safe controlled operation of the plant. (Normal expected releases from maintenance or other operational activities are not included.)

Item 9

This item requires notification for any fatality or serious injury occurring on site and requiring transport to an off-site facility for treatment. As a matter of clarification it should be noted that minor injuries may require off-site treatment but are nevertheless not subject to reporting requirements.

As noted in the summary statement accompanying this rule, its purpose is to aid the NRC to collect facts quickly and accurately about significant events, assess the facts, take necessary action, and inform the public about the extent of the threat, if any, to public health and safety.

Item 9 notification should therefore be geared to reflect this purpose and not a general survey of site occupational and non-occupational safety.

Item 9 should be revised to read:

- (9) Any fatality or serious injury occurring on the site as a result of plant operation or effecting the safe controlled operation of the plant and requiring transport to an off-site medical facility for treatment. [(Off-site treatment alone will not determine the serious nature of the injury)]

Item 10

This item requires notification of any serious personnel radioactive contamination requiring extensive on-site decontamination or outside assistance. Words such as "serious" and "extensive" leave the meaning of this item vague. To more clearly define the event described, item 10 should be revised to read:

"Any serious personnel radioactive contamination requiring extensive on-site decontamination or outside assistance. (Normal or expected decontamination from maintenance or other operational activities are not included.)"

Item 11

The requirement of immediate notification of any event meeting the criteria of 10 CFR §20.403 conflicts with the 24-hour reporting requirements for certain events described in 10 CFR §20.403. Determination of events set forth in paragraph (a) of §20.403, i.e. measurement of radioactive material concentration over a period of time or damage assessment, would be beyond the scope of a Shift Supervisor's immediate knowledge.

Item 11 should be clarified to read:

"Any event meeting the criteria of 10 CFR §20.403(a) for immediate notification."

The requirement to "maintain an open, continuous communication channel with the Nuclear Regulatory Commission Operations Center" with regard to items (2)(3) and (4) is too restrictive. During the early stages of an event this would in all probability be counter-productive because it would completely tie up one person on the phone. The fact that the phone is actuated simply by picking up the receiver should be sufficient to guarantee adequate communications.