

# DUKE POWER COMPANY

POWER BUILDING

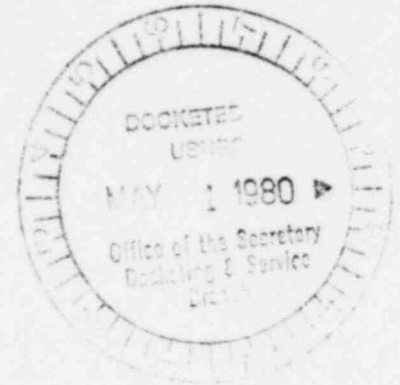
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April 29, 1980

JACKET NUMBER  
PROPOSED RULE PR-20+50 ③  
(45 FR 13434)



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

Attention: Docketing and Service Branch

Subject: U. S. Nuclear Regulatory Commission  
Immediately Effective Final Rule - 10 CFR Parts 20 and 50  
"Immediate Reporting of Significant Events at Operating  
Nuclear Power Reactors"  
Duke Power Company Comments

Reference: Federal Register, February 29, 1980  
IE Information Notice No. 8( 06

Mr. Secretary:

Duke Power Company wishes to express several ideas and suggestions in regards to the subject Final Rule. The referenced IE Information Notice "Summary," states that "the NRC is amending its regulations ... to require timely and accurate information from licenses to NRC following significant events at operating nuclear power reactors." Further, the notice states, "The majority of events occurring throughout the nuclear industry pose little or no serious or immediate threats to the public health and safety; however, certain events do pose such threats or generate fear or unusual concern." Duke Power contends that there already exists a proper mechanism for reporting significant events and furthermore the "significant events" listed in the reference notice are neither significant nor are they information which is "vital or necessary" for the NRC to have within the hour.

In general, Duke Power has three objections which apply to the entire approach to notification of significant events.

1. The one-hour requirement is not universally applicable to the "events" listed. A more reasonable requirement would include notification of the resident inspector for certain events, a 24 hour notification of those covered in Technical Specifications as 14-day reportable item and immediate notification of a very restricted number of events.

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2. The word "any" as used in the notice is all inclusive and, therefore, must be interpreted to mean "each and every event." This is much too broad in that even the more significant categories contain unimportant items. A proliferation of reports on trivial events will only serve to minimize staff response and will dilute the system's effectiveness to the point where it will be virtually useless.
3. The list includes many items which are covered by the emergency plan. These items should be dealt with, including the reporting requirements of these items, under the emergency plan and its review by the staff. To do otherwise, circumvents extensive efforts on the part of industry and the NRC in the emergency planning area.

Specifically, Duke Power wishes to submit the following comments on the 12 significant events categories:

50.72(a)

1. This should be limited to site or general emergency category events. As written, this could be broadly interpreted to include dozens of completely trivial events. Please note general comment 3 above.
2. Reporting requirement is valid.
3. This requirement is ambiguous as stated and is subject to widely varied interpretation. Duke Power and NRC/OIE/RII are currently involved in a substantial dialogue on this wording as it appeared in IE Bulletin 79-05C. Substantial clarification must be provided if anything approaching equitable enforcement is to be achieved.
4. Reporting requirement is valid, but enforcement may be subject to interpretation as to what is perceived as attempted sabotage.
5. Reporting of all such events is not considered necessary. Manual shutdowns resulting from Technical Specification action items is normally a well controlled sequence. A LER will be provided as required by Technical Specifications in a reasonable time frame. The resident inspector will be well aware of the circumstances and can initiate any further NRC involvement.
6. An immediate report should not be required for this level of "event." It will be extremely difficult to determine exactly when it becomes reportable and will either lead to many reports on "potential" instances of such a problem or violations of the one-hour provision. A LER appears quite sufficient.

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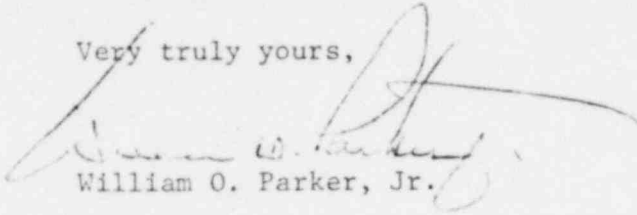
7. With regard to RPS trips, we do not agree that an immediate report is required. Typically, many trips will require LER reporting but some fall into the same category of events as described in 5 above. The RPS setpoints are carefully chosen to provide a significant safety margin. Thus, a normal trip of the RPS poses no threat to public health and safety. Reporting of ES actuations is considered valid.
8. Reporting any release is obviously unrealistic. Some quantity must be provided to separate "releases" from normal operational occurrences.
9. Reporting of serious injuries/fatalities resulting from radiation exposure or nuclear safety-related equipment related activities is a valid requirement. Reporting of industrial accidents, in general, is not valid and appears to be beyond the jurisdiction of the NRC.
10. Reporting requirement is valid.
11. Reporting all 10CFR 20.403 events completely circumvents and conflicts with a rational distinction drawn in the regulations. Those events categorized in paragraph (a) should continue to be immediately reportable whereas paragraph (b) events should continue to be 24-hour reports.
12. Reporting of such events except as required by (4) above are not considered valid.

To summarize, Duke Power Company does not concur with the conclusion that there was good cause to waive the opportunity for public comment nor the basis on which that decision was made. Many of the items do not in any way have "... (an) ability to jeopardize public health and safety..." Most are generally reportable under various requirements. We do not agree that there exists a problem with licensee reports, but rather there exists a problem on the part of the Staff in wanting unnecessary reports. Finally, if the NRC desires to have sufficient information in order to act quickly, one of the keys will be to separate important occurrences from trivial ones. Reporting all the items required in 10CFR50.72 will be counterproductive towards that end.

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Duke Power therefore submits that the Commission erred in making this rule immediately effective, and it went outside logical and legal bounds in deriving the specific requirements. We urge immediate remedial action to alleviate the burden of reporting identified in these rules.

Very truly yours,



William O. Parker, Jr.

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