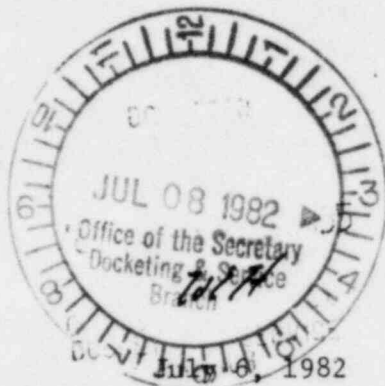


**GPU Nuclear**



**GPU Nuclear**  
100 Interpace Parkway  
Parsippany, New Jersey 07054  
201 263-6500  
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DOCKET NUMBER  
PROPOSED RULE PR-50 (20)  
(47 FR 19543)

Mr. Samuel J. Chilk  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dear Mr. Chilk:

Subject: Proposed Rule on the Licensee  
Event Report (LER) System

The staff of GPU Nuclear Corporation herewith submits comments on the subject proposal. Comments were requested in a May 6, 1982 Federal Register notice (47 FR 19543).

We agree with the Commission's statement that the LER system needs revision to make reporting more consistent among licensees, to stop the reporting of unimportant events, and to provide better data on significant events. We appreciate the difficulties associated with developing a new reporting system that will assure that NRC is provided with the information it needs without placing an undue administrative burden on licensees. While we view the current proposal as an improvement to the existing system, we have concluded that it falls short of its stated goals in a number of areas. For example, in our judgement it would not stop the reporting of unimportant events, nor would it necessarily lead to more consistent reporting among licensees. We have provided specific comments in the enclosure that are directed at solving these difficulties. But first we would like to offer some general observations and comments.

A general concern that we have with the current proposal is that it would create additional overlaps with other regulations. In our opinion, if this rule is issued in its current form it could exacerbate the already confusing situation presented by NRC reporting requirements contained in other regulations and in existing plant Technical Specifications as well.

We note that the regulations governing different licensed activities, such as those in 10 CFR Parts 20, 21, 50, 55, 70 and 73, each contain reporting requirements that were developed at different times, and by different groups within NRC. As a result there is little consistency. Quite often there is no observable correlation among these requirements with regard to the threshold of importance of the items reported, the time scales for reporting versus the importance of the item, the medium used for reporting, or the required content of the reports. Moreover, there is considerable overlap

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among the requirements. For example, reporting requirements related to security matters are contained in Section 73.71, Section 50.72 and now in the proposed Section 50.73. Those related to release of radioactive material are contained in Section 20.403, Section 50.72 and now in the proposed Section 50.73. Those related to plant safety in Section 21.21, Section 50.72 and now in the proposed Section 50.73.

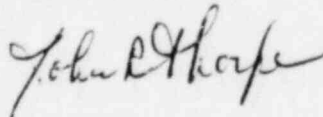
We believe this situation has developed because the Commission has yet to establish a clear set of goals or objectives for its various reporting requirements, nor has it attempted to coordinate them on an agency-wide basis. In our opinion the Commission must do this if the myriad reporting requirements in the regulations and in plant technical specifications are ever to be properly coordinated.

Therefore, rather than proceed with this LER rule by itself, we urge the Commission to perform a comprehensive review of all reporting requirements contained in the regulations with the goals of eliminating overlapping requirements and establishing a clear framework for setting reporting priorities. We believe such a review would provide the needed insights to establish a comprehensive reporting system that would provide NRC with better information, and that would reduce the administrative burden on licensees. It would also enable NRC to better discharge its responsibilities under the Paperwork Reduction Act of 1980.

We also note that the current proposal in many cases indicates that licensees will use engineering judgement to decide whether a given event is reportable under the new system. We endorse this concept, but are concerned that consistency of reporting among licensees could not be maintained without further regulatory guidance. Further, it could produce a situation where in the interest of avoiding any enforcement action, licensees may report items that might otherwise be considered trivial. Therefore, whether the Commission decides to proceed with this LER rule by itself, or as part of a more comprehensive rulemaking as we recommend, we urge that the Regulatory Guide, that we understand is being developed, be published for review and comment before finalizing an LER rule. The Regulatory Guide should explain and provide examples of each type of event reportable under Section 50.73.

Our specific comments on the current proposal are contained in the enclosure.

Sincerely,



John R. Thorpe  
Director  
Licensing & Regulatory Affairs

JSW:dls  
Enclosure

cc: Victor Stello, DEDROGR, Chairman of CRGR  
Office of Management and Budget, Reports Management

ENCLOSURE  
COMMENTS ON PROPOSED LER RULE

1. Proposed Section 50.73(a), Time Frame for Reporting:

With the increased content requirements specified for LERs in Section 50.73(b) it would be very difficult to submit truly useful reports in less than 30 days. Requiring LERs to be submitted on a shorter time frame seems unnecessary considering the purpose of the new system. Prompter reporting should be (and is) covered under 10 CFR 50.72, "Notification of Significant Events."

We see no basis for NRCs concern that a 30-day time frame for reporting has the potential for, or the appearance of, a transfer of responsibility for evaluation of the event to the Resident Inspector. No such transfer has been observed for items in the current system that are reported on a 30-day time frame. However, if certain of the events are of sufficient interest to NRC and/or the Resident Inspector feels he is in an uncomfortable position, a 15 day preliminary report of lesser content than required by 50.73(b) could be specified. The Resident Inspector could be empowered to direct the licensee to file the preliminary report when he feels it is necessary. Or, alternately, 10 CFR 50.73 could specify a preliminary report for certain events of greater importance, or it could be combined with 10 CFR 50.72 in a manner that would facilitate a two-tiered reporting scheme. However, in our judgement, most events reportable to the LER system should be reported in the 30 day time frame.

2. Proposed Section 50.73(a)(1):

In our judgement, ESF and RPS actuations should not be reported in a Licensee Event Reporting System which is being designed to capture "significant" events. While we agree that such events should be trended and analyzed, we do not believe that they deserve to be singled out as events of special significance. Such events should be treated like single component failures, i.e., they should be reported to a system similar to NPRDS. In this regard we note that reactor trips are already being reported by the licensees in Monthly Operating Reports to the NRC.

3. Proposed Section 50.73(a)(3):

This section needs clarification and further explanation. For example, the term "non conservative interdependence" needs to be explicitly defined. Explicit examples should be provided in the rule or in a supporting Regulatory Guide.

4. Proposed Section 50.73(a)(4):

This section, as written, is too broad and would likely result in reporting items of very little importance. It requires reports for events "... for which a plant Technical Specification Action Statement is not met." There are currently many Action Statements which require initiating a fire patrol or taking a grab sample that even if not met do not warrant reporting under 50.73. In addition, Technical Specifications issued pursuant to 10 CFR 50.36a, "Technical Specifications on effluents from nuclear power reactors" contain many action statements that are not of enough importance to warrant

such reporting. There are also some plants that have technical specifications with few, if any, Action Statements, and others with many Action Statements. As a result, reporting in this category would be very non-uniform.

To avoid these difficulties, and to assure the scope of reporting under Section 50.73(a)(4) is not too broad, we recommend deleting any reference to Action Statements.

5. Proposed Section 50.73(a)(5):

We suggest providing additional guidance on what NRC considers to be an "uncontrolled or unanalyzed condition that significantly compromises plant safety." Again, a Regulatory Guide with explicit examples should be developed.

6. Proposed Section 50.73(a)(6):

As written this section overlaps 10 CFR 73.71, "Reports of unaccounted for shipments, suspected thefts, unlawful diversion, radiological sabotage, or events which significantly threaten or lessen the effectiveness of safeguards." We recommend removing this overlap by deleting all references to security and sabotage in section 50.73(a)(6). In our view, security reporting should be completely separate from LER reporting.

As a separate action, and consistent with our general comments on comprehensively reviewing all reporting, we strongly recommend that NRC review 10 CFR 73.71 for consistency and reasonableness of the requirements, and for administrative burden on licensees.

7. Proposed Section 50.73(a)(7):

Reporting in-plant releases that require evacuation of individual rooms is not consistent with the goal of stopping the reporting of insignificant events. Minor spills, small gaseous waste releases, or the disturbance of contaminated particulate matter (e.g., dust) may all call for the temporary evacuation of individual rooms until the airborne concentrations decrease or until respiratory protective devices are utilized. In our judgement, such events should not be reportable unless the required evacuation affects the entire facility or a major portion thereof (e.g., a complete building).

8. Proposed Section 50.73(a)(8)(i):

This section, as written, could cause considerable confusion for Technical Specifications issued pursuant to 10 CFR 50.36a because such Technical Specifications do not limit quantities of radioactive materials; they limit dose. In addition, exceeding these limits does not warrant reporting under 10 CFR 50.73; reporting is covered by the Tech Specs themselves.

To avoid confusion, and consistent with our comments in (4) above we recommend explicitly excluding any 10 CFR 50.36a type reporting from 10 CFR 50.73.

9. Proposed Section 50.73(a)(8)(ii):

This section should be reworded to "The quantity of radioactive materials contained in a liquid or gas storage tank (which can be released directly to the environment) exceeds the limits specified in the Technical Specifications." The intent of the added statement is to allow storage of more highly contaminated liquid or gas in intermediate storage tanks to allow processing of this material prior to storage in a final holdup tank prior to release.

10. Proposed Section 50.73(b)(2)(v):

The requirement to report the Energy Industry Identification System (EIIS) component function identifier and system name of each component or system referred to in the event descriptions could be a burden on licensees. We note that no justification is offered for this reporting burden. Since the EIIS is not widely used, justification for requiring the information should be provided a Value-Impact analysis.

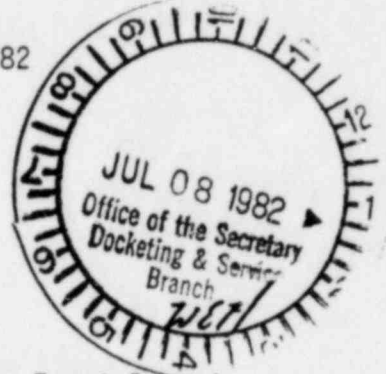
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PROPOSED RULE PR-50  
(47 FR 19543)

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MIDDLE SOUTH SERVICES, INC./BOX 61000/NEW ORLEANS, LA. 70161/(504) 529-5262

J. F. FAGER  
VICE PRESIDENT, ENGINEERING & CONSTRUCTION

July 6, 1982



Mr. Samuel J. Chilk  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 10555

ATTN: Docketing and Service Branch

SUBJECT: Comments in proposed rule for "Licensee Event Report System", 10 CFR Part 50, Volume 47 No. 88, dated May 6, 1982, pgs. 19543-19549.

Gentlemen:

Middle South Services, Inc. herewith submits comments on behalf of itself and the Middle South Utilities System on the subject proposed rule. We applaud the commission's decisions on: (a) to endorse the assumption of responsibilities of the Nuclear Plant Reliability Data System (NPRDS) by INPO; and (b) to defer the rulemaking on the Integrated Operational Experience Reporting System (IOERS).

An effective and efficient Licensee Event Report (LER) System, we believe, should address only those events that are of significance to assure the public health and safety. The proposed rule is an improvement on the current approach to event reporting; but, modifications to the proposed rule are essential for it to be viable and responsive. Comments relating to the pertinent parts of the rule are provided in Attachment 1.

We wish to thank you for having provided the opportunity to comment on this rule.

Sincerely,

*T. F. Fager*  
J. F. Fager

JFF/JSB/tlb  
Attachment

cc: Dr. D. C. Gibbs                    Mr. R. W. Prados (LP&L)  
Dr. T. W. Schnatz                    Mr. S. H. Hobbs (MP&L)  
Dr. S. R. Fischer                    Mr. J. Marshall (AP&L)  
Mr. J. B. Richard                    Ms. S. M. Temple  
Mr. R. T. Lally                        Mr. J. S. Brihadesam  
Mr. M. A. Sherman

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OVERVIEW OF THE LER SYSTEM

- (1) First paragraph, Page 19544, Third Sentence - states:

"If the NRC Staff decides that the event was especially significant from the standpoint of safety, the Staff may request that the licensee perform an engineering evaluation of the event and describe the result of that evaluation."

This statement of intent by the Commission will overburden the already burdened resources of a licensee. Licensees do not have either unlimited resources of skilled manpower or finances to provide detailed engineering analysis for every event that the Staff may judge significant. We believe that engineering analysis should only be performed where the benefits to be derived from the analysis outweigh the costs of the analysis. Thus, should the rule include such a statement, we recommend that the Commission also add a clause that would require the Staff to justify its request based on a justifiable cost-benefit ratio prior to requiring a licensee to perform engineering analysis of the event.

- (2) Third Paragraph, Page 19544, Third Sentence - states:

"The alternatives under consideration are either 15 or 30 days." The requirement for submitting an LER within 30 days (current requirement) is barely sufficient time to provide a comprehensive report. Curtailing this time to less than 30 days would result in the licensee submitting several supplements to the report and/or written requests seeking additional time. It is likely that the effect of reducing the submittal time would:  
(a) increase the amount of paper work significantly; and (b) make the LER System chaotic and unmanageable.

- (3) Third Paragraph, Page 19544, Fourth Sentence - states:

"If the time for submitting a written report was extended to 30 days then a summary report transmitted by telegraph or facsimile within a few days of the event may be required."

Such a requirement will significantly increase the quantity of paperwork and be an unnecessary duplication of effort. The cost to benefit ratio of such a requirement will be large and contradict the objectives of the Paperwork Reduction Act of 1980. We recommend that the Commission delete this requirement.

In summary, with respect to comments 2 and 3 above, we suggest that the Commission adopt a rule that would require a concise and comprehensive report within 30 days. Alternatives which reduce this time requirement or introduce the requirement for a summary report will neither be cost-effective nor will it improve the quality of the LER System one iota, and hence should not be considered.

- (4) We concur with the Commission's plans (page 19544) to combine the existing rules in §50.72 and proposed §50.73 into one rule. However, we do not agree that the modified rule should be published as a final rule without first being published as a proposed rule for public comment. Since the LER System and the rules for notification of significant events have a considerable impact on licensees, the proposed planned combined rule should be published for comments.
- (5) The Commission requests comments (Page 19545) with regard to:
  - (a) Feasibility and desirability of improving the overall design of the data reporting system, the characteristics of such an improved System, and the ability of doing so; and
  - (b) A more diversified system that would make the LER even a more useful tool for the analysis of operational experience.

The feasibility, desirability and utility of a LER System cannot be achieved by increasing the multiplicity of reporting requirements. At the present time, all events are reported routinely in monthly event reports and will be reported through the NPRDS. The Commission's desire to perform multi-variate, multi-case and trending analyses can be fulfilled by use of the NPRDS data base by the NRC staff and, therefore, the proposed LER System should focus only on those events that are of significance [e.g., §50.72 events 50.72 b (1), (3), (4), (6), (7), and (8)] to assure public health and safety.

- (6) The Commission's belief that a more diversified system could require reporting data recorded directly from the event rather than relying on narrative description of the event raises a major concern. Nuclear power plants in general, are not constructed to a standardized detailed design, therefore, requiring submittal of as-recorded data of the event will be of insignificant value for correlating the impact of the event to other plants of similar but not identical design. On the other hand, the licensees' evaluations of the event and concise description of it will be more beneficial in evaluating the applicability and impact on a generic basis. The usefulness of a system to analyze operational experience can be enhanced by judiciously using the current monthly event report system, the NPRDS and a viable LER System.

COMMENTS ON THE RULE

(1) 50.73(a)(1):

The explanation (page 19545) states that events wherein the Engineered Safety Feature (ESF) is actuated either manually or automatically are reportable. It also requires those events wherein the ESF is challenged are reportable. Though we agree that such events need to be trended and analyzed; we disagree that these events need to be singled out for reporting under the LER rule. These events will be reported under the NPRDS and do not constitute events of significance. The staff's interests in analyzing such events can be accomplished via the NPRDS. Furthermore, the detailed explanation states, in part: "The fact that the safety analyses assumes that an ESF will actuate automatically during an event does not eliminate the need to report that actuation". We disagree with this reasoning since it will require the licensee to report insignificant events more than once. In summary, all events delineated in this section can be reported through a system, such as NPRDS, which will operate outside the regulatory framework and need not be reported under this rule. This will permit the Staff to obtain the necessary information (from NPRDS) without having to create unnecessary paperwork associated with regulatory reporting. In addition, events which are of significance, e.g., the ESF fails to actuate on demand, have been covered in Section 50.73(a)(2). Hence, we recommend that this section be deleted from the rule, given that such events will be reported both under the auspices of the NPRDS and monthly event report systems.

(2) 50.73(a)(2):

In the explanation of this section (page 19545) it is stated that: "The licensee may use engineering judgement to decide if a failure or operator action that disabled one train of a safety system might have..."

Though the Staff accepts the use of engineering judgement and considering the punitive environment that exists under a NRC rules, we recommend that some wording be incorporated into the introduction (§50.73 Section A) which would clearly acknowledge NRC's recognition of the licensee's use of engineering judgement. To further clarify this acknowledgement, the NRC should also state that they intend to enforce the rule in a flexible manner recognizing the subjectivity in using engineering judgement.

(3) 50.73(a)(3):

Use of engineering judgement - see comment (2) above.

(4) 50.73(a)(7):

This section states:

"Any radioactive release that requires the evacuation of a room or building".

We recommend that the requirements to report the evacuation of a room be deleted. Evacuations of rooms are not significant and do not threaten the assurance of public health and safety. Such insignificant in-plant releases are already included under the monthly event report or emergency planning requirements and need not be duplicated here.

(5) 50.73(b)(2)(iv):

Use of Energy Industry Identification System (EIIS) component function identifier and system name of each component places an undue burden on the licensee without proper justification. Since this system is not widely used, it is suggested that the Commission require the Staff to perform a cost benefit analysis to determine if use of EIIS is justified.

(6) 50.73(b)(2)(vi)and(vii):

Information required by these sections are already available in the Licensees' FSAR and Technical Specifications. Hence, it would be a wasteful duplication of effort on the licensees' part to provide this information again. We suggest that the Commission not include such requirements as a part of the rule. If this is not possible, we recommend that these sections be reworded such that the licensee is not forced to rehash descriptions provided to the NRC in the FSAR. Instead, only require a listing of other available systems or components that could be called upon to perform the same function.

In conclusion, we believe, that the elimination of redundant requirements and duplication of effort will reduce the unnecessary paperwork thereby producing a more efficient and viable rule.



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JOSEPH A. TIERNAN  
MANAGER  
NUCLEAR POWER DEPARTMENT



July 1, 1982

Mr. Samuel J. Chilk  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

DOCKET NUMBER PR-50 (24)  
PROPOSED RULE (47 FR 19543)

Dear Mr. Chilk,

Generally we agree with and support the basic concept of the proposed rule, "Licensee Event Report System," 10 CFR 50.73. By making it unnecessary to report events of lesser importance the resources of the Nuclear Regulatory Commission (NRC) as well as those of the licensees can be directed towards providing better information on those events which are significant. This will aid in the safe operation of all nuclear power plants.

However, we believe some parts of this proposal should receive clarification before the rule is finalized. This could be accomplished by issuing a Regulatory Guide or NUREG containing the final version of 10 CFR 50.73 and specific examples of the types of events reportable under each of the rule's provisions. This would aid the utilities in identifying reportable events under the new reporting criteria. Regulatory Guide 1.16 is an example of this type of document. The guidance it provides on the reporting of operating information is similar to that needed for licensee event reports.

There are several areas of the proposal which also deserve individual comment. The first of these is section 50.73(a) 1 which requires the reporting of routine Engineering Safety Feature (ESF) or Reactor Protective System (RPS) actuations. This reporting requirement should be eliminated from the Licensee Event Reporting System which is designed to capture, "SIGNIFICANT" events. Reactor trips are already being reported in a monthly report to the NRC as required by Regulatory Guide 1.16, "Reporting of Operating Information-Appendix A, Technical Specifications."

Section 50.73(a) 4 as it now is written has several deficiencies. The first is an overemphasis of the importance of a plant having begun a shutdown. As long as the condition is cleared during the process of shutting down, the event is not "SIGNIFICANT" and thus should not be reportable. We suggest the following definition be used in place of the present one:

"Any nuclear plant shutdown required by plant Technical Specifications or any operation with a condition prohibited by the Technical Specifications."

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Mr. S. J. Chilk  
July 1, 1982  
Page 2

In the first paragraph of the present explanation, it is stated **SHUTDOWN** is defined as the point in time where the Technical Specifications require that the plant be in **HOT SHUTDOWN**. Clarification of the word **SHUTDOWN** as used in the regulation should be made. In the remaining paragraphs the term **SHUTDOWN** is used with no clear indication of the **MODE** of reactor operation intended.

In section 50.73(a) 5 the use of the phrase, "not being in a controlled condition" makes the intent unclear. A more concise rule would result if this section were reworded as follows:

"Any event which results in the nuclear power plant being in an unanalyzed condition that significantly compromises plant safety."

An "uncontrolled condition" is one which would allow interpretation by the licensee whereas an unanalyzed condition is clearly defined by the Technical Specifications. Modification of this section would remove the ambiguity that now exists.

Section 50.73(a) 7 of the proposed regulation is vague in its present wording. It requires reporting "Any radioactive release that requires the evacuation of a room or building", but fails to give specific guidance on whether the evacuation was actually mandatory. We recommend using the limits imposed by the Emergency Response Plan for mandatory evacuation. This would remove any confusion from the reporting requirements, which could be influenced by the need to enter a room, whether the room could be entered as necessary with respiratory protection, or whether personnel could enter as long as their exposure to airborne activity could be accounted for and kept within administrative limits.

In 10 CFR 50.73(a) 2, (a) 3, and (a) 5 the Licensee is requested to "... use engineering judgement to decide ...". Some wording should be added to the Regulatory Guide to assure the NRC will use flexibility in enforcement of its rules. It is suggested that the following words be added under Section A, "Introduction":

"The Nuclear Regulatory Commission recognizes the extent of the potential subjective engineering judgement required in the licensee's process of complying with the requirements of the Rule. The NRC intends to enforce the Rule in a flexible way that acknowledges this subjectivity."

Section (b) of the proposed rule also has some parts which deserve comment. Part 2(v) mentions using the Energy Industry Identification System (EIIS) component function identifier and system name of each component or system referred to in the event descriptions. This will result in an excessive amount of work for the

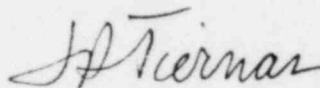
Mr. S. J. Chilk  
July 1, 1982  
Page 3

licensees due to limited use of the EIS. Thus, we believe this requirement should be dropped from the Rule. In addition, we feel parts (vi) and (vii) of 10 CFR 50.73 (b) 2 should not be a requirement of the LER system. This information is already available to the NRC from the Licensee's FSAR and Technical Specifications. The information would be redundant, and, therefore, the Commission should not require its submittal. If the requirement must be maintained, some clarification should be made as to what is meant by functional redundancy and which plant components need to be identified in the report. If the purpose of this requirement is to help determine safety margins, then we suggest that it be reworded to ask for the availability of other systems or components which could have been called upon to perform the same function (i.e., were there identical, redundant components in the same train or system or other systems which could have performed the same function).

Finally, the fifteen day reporting requirement being considered by the Commission would not allow adequate time for investigation of events by the licensee. Because the 10 CFR 50.72 requirements already provide for events requiring prompt NRC notification, Licensee Event Reports should not have to be submitted before 30 days after the incident. This would allow enough time to assemble the detailed report required by the new rule.

In summary, the proposed rule is an improvement over the system now in use. With a few relatively minor modifications it can be an extremely valuable tool to the nuclear industry.

Sincerely yours,



Manager - Nuclear Power

JAT/DWL/JRS/gla

cc: Messrs. A. E. Lundvall, Jr.  
R. E. Denton  
D. W. Latham  
L. B. Russell  
R. C. L. Olson  
W. R. Buchanan  
J. R. Sell

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## WISCONSIN PUBLIC SERVICE CORPORATION



P.O. Box 1200, Green Bay, Wisconsin 54305

DOCKET NUMBER PR-50 (23)  
 PROPOSED RULE (47 FR 19543)



July 6, 1982

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

Attention Docketing and Service Branch

Dear Sir:

Docket 50-305  
 Operating License DPR-43  
 Kewaunee Nuclear Power Plant  
 Proposed Licensee Event Reporting Rule, 10CFR50.73

We have reviewed the proposed rule, 10CFR part 50.73, Licensee Event Report System, as published in the Federal Register of May 6, 1982 (47FR19543). We endorse the NRC decision to defer the Integrated Operational Experience Report (IOER) System, which would have made mandatory the existing LER system and the NPRD system. We are pleased that the proposed LER rule will limit the LER scope to only those occurrences that are of major safety significance, concentrating on the consequence of the event as a measure of significance. We encourage the NRC to eliminate any duplications between the proposed LER rule and the reporting requirements of 10CFR50.72, Notification of Significant Events. The attached comments are offered for your considerations.

Very truly yours,

C. W. Giesler  
 Vice President - Nuclear Power

js

Attach.

cc - Mr. Robert Nelson, NRC Sr Resident Inspector  
 Mr. E. L. Zebroski - INPO

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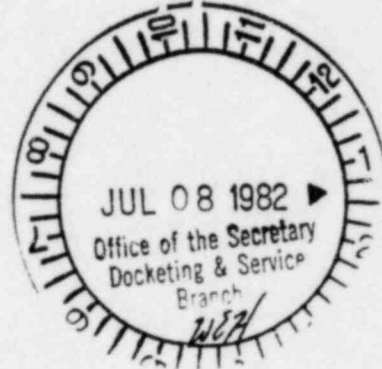
**Consumers  
Power  
Company**

David J VandeWalle  
Nuclear Licensing Administrator

General Offices: 1945 West Parnall Road, Jackson, MI 49201 • (517) 788-1636

July 6, 1982

DOCKET NUMBER **25**  
PROPOSED RULE **PR-50**  
**(47 FR 19543)**



Samuel J Chilk  
Secretary of the Commission  
US Nuclear Regulatory Commission  
Washington, DC 20555

Att: Docketing and Service Branch

Consumers Power Company appreciates the opportunity to comment on the Licensee Event Report System which was published in the Federal Register on May 6, 1982 (47FR19543-549). After careful review and evaluation by various Consumers Power personnel, particularly those who are now responsible for preparing Licensee Event Reports (LER) for our operating plants, the following presents our general and specific comments on the proposed rule.

General Comments

- A. In the discussion of the proposed rule, the NRC staff acknowledges the similarity between 10CFR50.72 and the proposed 10CFR50.73. Nevertheless, the substantial amount of commonality between the two rules appears to warrant combining the existing 10CFR50.72 and the proposed 10CFR50.73 into a single final rule rather than proceeding with a rulemaking for each individually. Combining the two rules would obviously eliminate a great deal of confusion and duplicative efforts.
- B. Given the proven potential of the Institute of Nuclear Power Operation's (INPO) SEE-IN Program to collect and analyze operating experience from LERs, the proposed rule does not appear to take even minimal advantage of this industry capability. Many of the proposed reporting requirements concerning the data and analysis that will be included in the new LER can be handled by INPO. We feel that a combined NRC-INPO effort to develop an LER System would result in a rule that would accomplish much more than the proposed 10CFR50.73 in terms of capturing and analyzing significant operating events.
- C. In response to the request to comment on the 15- or 30-day reporting period, Consumers Power Company recommends that the proposed 10CFR50.73 allow a 30-day reporting period. Consumers Power Company believes that the additional time to report a significant event will encourage the licensee to perform a more serious analysis of the problem. The resulting LER would then be more useful to the licensee, the NRC and INPO in their efforts to track and feed back operating experience to nuclear power plant operators.

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- D. Consumers Power Company generally endorses the comments submitted to the NRC by INPO in their letters dated November 10, 1981 and December 2, 1981.

Specific Comments

Comment No. 1 - 10CFR50.73(a)(1)

The last sentence of this section should be changed to read ". . .testing or normal reactor operations need not be reported." Since the likelihood is small that other normal operations conducted during startup and power operation could require operation of ESF or RPS equipment, we recommend that "operations" be substituted for "shutdown" in the last sentence.

Comment No. 2 - 10CFR50.73(a)(2)

- A. This section refers to violations or inadequacies that alone could prevent fulfillment of the safety functions, but the explanatory text discusses single as well as multiple failures by stating, ". . .because of one or more personnel errors, equipment failures. . ." This requirement should be more exact since the explanatory text will not be available for this interpretation of multiple failures.
- B. The reference to "personnel error" and "procedure violation" in this section is redundant since all procedure violations are personnel errors.
- C. The requirement that ". . .discovery of design, analysis, fabrication construction. . .inadequacies. . ." be reported is very similar to the reportability requirements in 10CFR21. Accordingly, this 10CFR50.73 requirement should be reconsidered to ensure consistency with 10CFR21.

Comment No. 3 - 10CFR50.73(a)(3)

The term "nonconservative interdependence" is understood to mean common-cause failures. Since common-cause failure will, if a reportable event occurs, result in the loss of the safety function of redundant systems, section (a)(2) will, in these cases, enforce reportability of the event. Therefore, this section is considered unnecessary.

Comment No. 4 - 10CFR50.73(a)(7)

This requirement should specifically exclude precautionary evacuations of rooms or buildings or should specify a quantitative radioactivity value for determining reportable evacuations.

Comment No. 5 - 10CFR50.73(b)(3)

The wording of this section should be expanded so that the intent of this requirement, whether the incident would have been more severe under reasonable and credible alternative conditions, will be clearer.

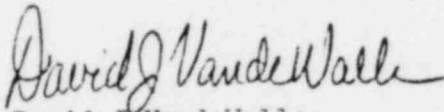
Comment No. 6 - 10CFR50.73(b)(5)

This requirement is unnecessary and should therefore be deleted since the NRC already has the names of people within the licensee's organization to contact in order to obtain additional information concerning an incident.

Comment No. 7 - 10CFR50.73(c)

This requirement should be deleted on the basis of its unreasonableness. Following certain reportable events, the licensee may be extensively committed to performing corrective actions and therefore unable to respond substantively to the staff's informational requests within a fixed period of time.

Consumers Power Company agrees with the NRC staff concerning the need to modify existing LER reporting requirements and establish a simple set of requirements that would apply to all operating nuclear power plants. Accordingly, the preceding comments are provided in the interest of achieving this objective by making the most efficient use of the resources available with the nuclear power operations industry.



David J. VandeWalle  
Nuclear Licensing Administrator

DJV 82-53

# The Light company

Houston Lighting & Power P.O. Box 1700 Houston, Texas 77001 (713) 228-9211

DOCKET NUMBER

PROPOSED RULE

PR-50

22

(47 FR 19543)

July 6, 1982  
ST-HL-AE-851  
AC-HL-AE-549  
SFN: V-3000



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

Attention: Docketing and Service Branch

Dear Mr. Chilk:

Comments Regarding the Proposed  
Rule on the Licensee Event Report System

On May 6, 1982, the NRC published a proposed rule concerning the Licensee Event Report (LER) System. (47 Fed. Reg. 19,543.) Houston Lighting & Power Company has reviewed the proposed rule and offers the following comments.

In general, we believe the LER system embodied in the proposed rule represents a useful step forward with respect to the collection of operating information on a consistent and uniform basis. However, a number of problems exist which are detailed in the Attachment to this letter and should be corrected before the rule is made effective.

Further, we note our agreement with the ACRS report of March 9, 1982, in which the Committee noted that "subsequent experience will undoubtedly reveal ways in which the Proposed Rule should be revised, and even perhaps replaced." The rule, as proposed, constitutes a significant modification of the LER system, and it should be anticipated that improvements will become apparent after practical experience is gained.

In this same connection, the Commission has specifically requested comments "on the feasibility and desirability of improving the overall design of the data reporting system" with a particular view toward aiding "in the analysis of trends and patterns that may identify precursors of major

Acknowledged by card... 7/9/82 mdv

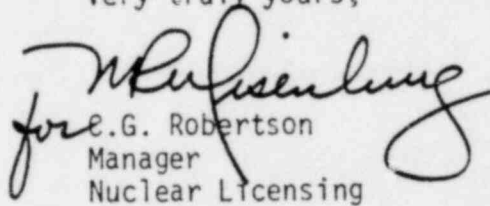
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Houston Lighting & Power Company

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Page 2

incidents." (46 Fed. Reg. 19,545.) We believe that any such system should evolve over a period of time in response to particular needs as demonstrated by practical experience. It may be that, once implemented, the basic LER system prescribed in the proposed rules will, in fact, prove adequate for the Commission's purposes. On the other hand, adjustments directed toward specific Commission goals may suggest themselves. We believe, however, that refinements should be made gradually, and that major additional modifications to the LER system -- at this time, at least -- are neither necessary nor desirable.

Very truly yours,

  
for E.G. Robertson  
Manager  
Nuclear Licensing

TAP/if  
Attachment

cc: G.W. Oprea, Jr.  
J.H. Goldberg  
J.G. Dewease  
E.L. Zebroski

Detailed Comments Concerning the Proposed Rule  
on the Licensee Event Report System (47 Fed. Reg. 19,543)

- (1) 10 CFR 50.72 establishes requirements for the immediate (telephone) reporting of significant events. As noted in the proposed rulemaking notice (47 Fed. Reg. 19,544), however, many of the criteria contained in 50.72 are similar to those in the proposed 50.73. In order to avoid confusion and unnecessary duplication, we recommend that, prior to adopting the proposed rule, the Commission insure consistency and provide a clear identification of differences between the reporting requirements of 10 CFR 50.72 and 10 CFR 50.73, or most preferably, we recommend the Commission integrate the requirements of the proposed 50.73 with the existing 50.72 as suggested in the notice of proposed rulemaking (47 Fed. Reg. 19,544).
- (2) As proposed in 50.73 (a), the rule provides for the submission of LER's "within 30 days." A suggested alternative for the submission of LER's is 15 days (47 Fed. Reg. 19,544). The 15 or 30 day written report is not the major issue. The regulations should address the reporting requirements that justify continued operation or return to operation. The decision to shut down or return to operation is an immediate decision. The report that justifies that action is the most significant report. The follow-up written report is academic. We recommend only one comprehensive report be written. This report could be submitted within 10 days.
- (3) As proposed in 50.73 (a)(1), the section requires reporting of any event which results in the unplanned manual or automatic actuation of any Engineered Safety Feature (ESF) including the Reactor Protection System (RPS). While we agree that such events should be trended and analyzed, we do not believe that they deserve to be singled out as events of special significance. Such events should be treated like single component failures, i.e., they should be reported to a system similar to NPRDS, operated outside the regulatory framework. We note that reactor trips are already being reported by the Licensee in its Monthly Report to the NRC as required by Regulatory Guide 1.16, Reporting of Operating Information, Appendix A, Technical Specifications.
- (4) Under 50.73 (a)(3), reports are required for  

Any event caused by a failure, fault, condition, or action that demonstrates a nonconservative interdependence associated with essential structures, components,

and systems. Essential structures, components, and systems are those needed to --

- (i) Shut down the reactor and maintain it in a safe shutdown condition;
- (ii) Remove residual heat;
- (iii) Control the release of radioactive material.

A "nonconservative interdependence," in turn, is defined as one producing "a negative (i.e., nonconservative) synergism which causes a reduction in the ability of a system to perform its intended safety function or causes a system to perform an action which negatively affects the public health and safety." (47 Fed. Reg. 19,546.) The quoted section and definition, however, are so vague that they are virtually certain to lead to situations where events which should be reported are not, and vice versa.

The need for clarification is further emphasized by the discussion of this section. It states, for example, that to be reportable an event "must have had the potential to result in the inability of more than one train or channel of the affected system to perform its intended function." (47 Fed. Reg. 19,546.) It should be noted, however, that the section in question contains no such qualification, either explicitly or implicitly.

- (5) Under 50.73 (b)(2)(iv) - (vii) and (x), each LER must contain (1) the failure mode, mechanism and effect of each failed component; (2) the Energy Industry Identification System component function identifier and the system name of each component or system; (3) the function of the component or system in which the failure occurred; (4) for each failed component, the number of functionally redundant components installed in the plant, including the degree of diversity and their availability during the event; and (5) the manufacturer and model number (or other identification) of each component that failed during the event. A single event, however, can involve numerous, separate component failures, e.g., resistors, potentiometers, diodes, etc. Accordingly, the rule should be clarified to indicate that the terms "component" and "system" refer to major elements, and not individual parts.

In addition, we believe the requirement for Energy Industry Identification System (EIIS) identifiers, manufacturers, and model numbers -- in all cases -- is excessive. The content requirements for LER's described in other subsections of 50.73 (b) assure that reports will present detailed

descriptions of events and planned corrective action. Any need for detailed listings and the specific identification of equipment items can be met, should it arise, by a specific request from the NRC. (See e.g., 50.73 (c).) Such detail should not, however, be required routinely for all reports. Since no justification is offered for the reporting burden, and since the EIIS is not widely used, justification for this should be made explicit in your Value-Impact analysis.