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Docket No. 50-461

Mr. David L. Meyer, Chief
Rules, Review and Directives Branch,
Division of Freedom of Information and Publication Services
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Subject: Draft Report, NUREG-1022, Revision 1, "Event Reporting Guidelines, Second Draft Report for Comment"

Dear Mr. Meyer:

Enclosed are comments submitted by Illinois Power Company (IP) in response to Draft NUREG 1022, Revision 1.

Illinois Power appreciates the opportunity to comment on this draft NUREG. If you have any questions regarding the comments please contact R. S. Frantz at (217) 935-8881, extension 3302.

Sincerely yours,

Richard F. Phares

Richard F. Phares
Director, Licensing

RSF/csm

Enclosure

Illinois Power Comments about Draft NUREG 1022, Revision 1

1. General Comments: Since the new 10 CFR 20 regulations have been implemented, reference to the old revision numbering of 10 CFR 20 should be eliminated.

   This revision updates and supersedes the previous revision and supplements to NUREG-1022. However, there are many references to NUREG-1022, Revision 0, and its supplements. Reference to previous revisions or guidance should not be necessary to make reportability determinations. We recommend that these references be removed so that Revision 1 is a stand-alone document.

   The revision contains several instances where the staff requests licensees to report voluntary LERs. Such a request is not appropriate for regulatory guidance.

2. Section 2.5, page 12: The staff's intent in requesting voluntary reports on systems that may be classified as ESF systems, but are not identified as such by licensees, puts 10 CFR 50.72 and 10 CFR 50.73 reports in the realm of equipment status reports, not as indicators of safety significant events. This is beyond the intent of the regulations. If the staff has a requirement for equipment status reports, it should be required by appropriate regulations. Additionally, complying with the request is expensive and consumes scarce resources. IP anticipates submitting few voluntary reports.

3. Section 2.11, page 16: The time limits for LER reports discuss the differences between Event Date, Discovery Date, and Report Date, but does not acknowledge the appropriate management reviews necessary to determine reportability, especially conditions requiring engineering analysis to determine reportability. A Reportability Date should be defined to address starting the 30-day clock in cases where engineering analysis is needed to determine reportability (or the Discovery Date should be expanded to address this deficiency.)

4. Section 3.2.1, page 24: The second paragraph under "Discussion" should be rewritten to clarify that it is the actual insertion of negative reactivity to reduce power (from at-power conditions) that constitutes the initiation of a nuclear plant shutdown.

5. Section 3.2.2(2) and (3), page 28: There are several discussions using the term 'firm evidence' on this page. In determining that a condition prohibited by technical specifications has occurred, the key factor is how long the condition existed, in order to determine whether the Required Action from the Technical Specifications has been met and not whether the condition existed prior to discovery.

To clarify the discussion, it is recommended that the phrase "...it is assumed that there was firm evidence that a condition prohibited by TS existed before discovery." in the third paragraph be revised to state ... "it is assumed that there was firm evidence that the condition existed, prior to discovery, for a time longer than permitted by the TS." The third sentence in the first paragraph in subsection (3), TS Surveillance Requirements, should be revised to state "It should be assumed that the discrepancy occurred at the time of its discovery unless there is firm evidence, based on a review of relevant information (e.g., the equipment history and cause of failure), to indicate how long the discrepancy has existed." The second paragraph in subsection (3) should be deleted.

6. Section 3.2.2, Example (4), page 31: In both paragraphs 4 and 5, the guidance uses the terms 'substantial breakdown' and 'general failure.' This leads to some subjectivity in determining the reportability of these events. Without a clear meaning, there is a high potential for disagreements concerning reportability between licensees and NRC staff personnel.

7. Section 3.2.4, Discussion item (1)(f), page 35: Items (ii) and (iii) depict loss of containment isolation valve function and MSIV function as a loss of containment function or integrity. Loss of individual valve function does not meet the definition of being unanalyzed or outside design basis due to suitable redundancy in the safety function. In addition, individual containment isolation valves and MSIVs are controlled by appropriate required actions in the technical specifications. These two examples require additional discussion and clarification in order to make them applicable to this reporting criteria.

8. Section 3.3.2, page 59: The discussion in the second paragraph concerning invalid actuations could be expanded to include spurious or invalid actuation of systems that are not required to be operable. For example, primary containment isolation valve invalid actuation during cold shutdown when the safety function is not required should not be reportable. This is generally equivalent to having its function already accomplished.

9. Section 3.3.2, page 59, last paragraph and page 60, first paragraph: The staff is requesting licensees to report actuation of all the systems identified in Table 2, regardless if the licensee has classified the system as an ESF or part of the RPS. The reason given is to promote consistent reporting for a minimum set of safety systems. If a system has not been classified as an ESF system by a licensee, then actuation of that system does not meet the safety significance threshold of the regulation. The staff appears to be attempting to obtain system performance data, regardless of whether the system is safety significant or not. This extends the

purpose of ESF reporting into an area not envisioned by the requirements of the rule. It is our opinion the Maintenance Rule will provide for appropriate system performance monitoring for those systems identified by Table 2. To discuss reporting of voluntary events, in this case, even as a request and with the admittedly stringent controls given in the discussions on voluntary reporting, circumvents and extends beyond the bounds of the NUREG which is intended to be a guidance document.

Voluntary reporting is expensive and consumes scarce resources. We anticipate submitting few voluntary reports.

In addition, the discussion on voluntarily reporting systems identified in Table 2 does not explicitly eliminate invalid actuations consistent with other discussions. Additional clarification should be provided concerning voluntary reporting of invalid actuations for systems that are not considered ESF systems. Also, invalid actuation of Control Room Emergency Ventilation is specifically exempted by regulation from notification, but there is no discussion of this in the Table or text.

10. Section 3.3.7, page 88: The discussion seems to indicate that it is the expectation of public or media attention that warrants notification of the NRC. The paragraph should be clarified to emphasize that it is the notification of events related to health and safety, for which a news release is planned, that is the primary focus of reporting.

11. Section 4.2.3, page 98: Additional clarification as to the expected time-frame for ENS telephone retraction should be provided. Should the ENS telephone retraction be used days or weeks beyond the point of initial notification?

12. Section 5.2.1(2) page 110: For clarification, replace the second paragraph with the following:

    If the cause of the failure cannot be readily determined and the investigation is continuing, the LER should indicate what additional investigation is planned. A supplemental LER should be submitted following the additional investigation if substantial information is identified that would significantly change a reader's perception of the course or consequences of the event, or if there are substantial changes in the corrective actions planned by the licensee."

13. Section 5.2.1(4), page 115: The first paragraph requires that all corrective actions be reported, including those being tracked by the licensee's internal tracking system. This may be an extensive requirement that includes minor items or items not directly related to the event. We suggest the wording clarify that only major corrective action items that are directly related to the event be included in the

LER. In addition, it should be emphasized that corrective actions are not considered commitments by many licensees, since a commitment is a management prerogative and not appropriate for LER purposes. Additionally, corrective action completion dates should not be required information as the regulation does not require them. A statement indicating that corrective actions are complete or will be completed should be adequate. Such a statement avoids the need for unnecessary LER revisions..

The third paragraph requires the same information from the HPES evaluation. This also may be an extensive report with items and observations that do not directly relate to the event. There is no benefit in requiring additional HPES information, and the requirement should be deleted from the Section.

The fourth paragraph states "Note any pertinent industry supported studies." This could be interpreted to include proprietary studies such as vendor analyses or design documents or documents such as INPO's Significant Operating Experience Reports and Significant Event Reports. The paragraph should be rephrased to clarify that only items that are publicly available and applicable to the LER event should be included. The studies should only be noted if they were considerations in the cause or corrective actions for an event.

14. Section 5.2.4(3), page 118: The text refers to the back side of the form. Most licensees use a text continuation or failure continuation pages, which would actually be number "2 of _".

15. Section 5.2.4(5), page 118: Event Year: should read: "Enter the last two digits of the year in which the event was identified. For example, for events identified in 1991 enter 91 in the spaces provided."

16. Editorial comment, Section 3.2.2(5), page 29: Second paragraph should read, "For example, operation with less than the required number of people on shift would clearly constitute operation prohibited by the TS; however, operation with a procedure that had not been properly approved may constitute operation prohibited by the TS. If the requirement..."