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5421 Zion Road
Rural Route 3
LaCrosse, WI 54601

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October 7, 1982

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

DOCKET NUMBER
PROPOSED RULE PR-50

10

ATTN: Docketing and Service Branch

(47 FR 35996)

Dear Sir:

I have some comments to make on the proposed rule on Applicability of License Conditions and Technical Specifications in an Emergency (Fed. Register, Vol. 47, No. 160, p. 35996, 8/18/82.)

I both applaud and deplore the proposed rule. As a licensed senior reactor operator, I have always understood my foremost concern must be reactor safety and how it affects the health and safety of the public. I feel the most important thing in an emergency is to protect the health and safety of the public. Of course, I must also follow Technical Specifications and procedures. Sometimes, though, a condition could exist where procedures or Technical Specifications may need to be violated, due to unforeseen circumstances or contradictions between required actions. I've always felt that, in that case, the health and safety of the public would come first, even though I may end up in court.

Therefore, I applaud the proposed rule for providing the leeway to protect the health and safety of the public in the event Technical Specifications don't. However, I deplore the need for a rule which declares what should be self-evident. If an operator follows Technical Specifications to the detriment of the health and safety of the public, he or she will also end up in court.

I agree with Commissioner Gilinsky's comment that an SRO should make the decision to deviate from Technical Specifications, since an SRO is more aware of the bases of the Tech. Specs.

I also agree that the licensee must make the decision, rather than unqualified NRC personnel. If time permits, I agree it is also advisable to bounce the proposed action, which violates Technical Specifications, against the NRC, partly for self-preservation.

DS/IO
add: Checks Trammell
428 Phil

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Acknowledged by card 10/15/82 emp

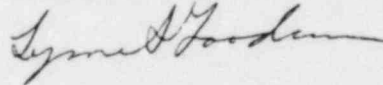
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I hope the NRC review of the action after the fact will take into account all conditions, constraints and considerations under which the SRO made the decision to deviate from Technical Specifications, rather than strictly look upon the situation with the added intelligence hindsight always provides. It is always easier to second guess than make the original decision.

If anybody questions whether a licensee's first thought should be for the health and safety of the public, rather than Technical Specifications, I feel this rule is necessary.

Yours truly,



Lynne S. Goodman

LSG:dh