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Secretary of the Commission
Attention Docketing and Service Branch
U.S. Nuclear Regulatory Commission
Washington, DC 20555

October 18, 1982

APPLICABILITY OF LICENSE CONDITIONS
AND TECHNICAL SPECIFICATIONS IN AN
EMERGENCY: PROPOSED RULE 47FR35996; AUGUST 18, 1982

DOCKET NUMBER **PR-50**
PROPOSED RULE

(26)

(47 FR 35996)

We are pleased to submit our comments on the subject proposed rule.

The proposed rule appears to be a patchwork method to return some flexibility in operations to the operators. Making a rule to allow operators to violate the rules is an admittance that NRC rules have become so unwieldy and specific that operators must be allowed to violate the rules when necessary to maintain plant safety. This is also a tacit admittance that existing rules and regulations should be given a close hard consideration to determine where modifications are needed to give operators the same level of flexibility without having to break the rules.

However, in the absence of giving the rules and regulations that close hard consideration, we concur with the general concept of allowing adequately trained operators to exceed or deviate from license conditions or technical specifications in an emergency, when such action is needed to protect the public health and safety. However, the current goal of the proposed rule is somewhat vague and unquantified from an operator's standpoint. The decision to initiate such a deviation is strictly a judgement call by the operator with no definitive guidelines the operator can use to determine whether his decision could be considered reasonable. For example:

1. What does "protect the public health and safety" mean from an operator's viewpoint. In light of the psychological, "health effects" being argued as a result of TMI, neither the NRC nor an operator appears to have the qualifications necessary to make a determination on actual or implied "health effects".
2. If the general intent is to prevent or reduce the amount of radioactivity being released to the environment, and hence to the public, it should be so stated.
3. If the intent is to attain a certain stability in the plant to reduce or mitigate damage to the reactor, that also should be made clear.

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4. If permitting an operator to neglect or postpone certain surveillance test procedures in order to devote his attention to the problem at hand is an acceptable justification for deviation, it also should be stated.

The above goals or actions could be interpreted as providing "protection to the health and safety of the public" and representing reasonably identifiable and measureable criteria.

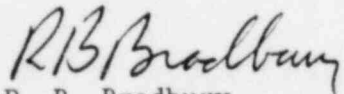
Operators should be provided with such quantitative and understandable guidelines relating to plant conditions or working conditions that will allow them to evaluate the acceptability of deviating from technical specifications or license conditions. The operators should not be subject to review by the NRC on the resultant or implied "health effects" of their actions.

Until specific goals and evaluation criteria are provided to operators, it does not appear likely or advisable for an operator to recommend a deviation based on his judgement of health effects, particularly with the possibility of NRC enforcement action after the fact based on NRC's subjective review.

The "Supplementary Information" section states that the licensee would have to prepare a written statement concerning its actions after use of the proposed rule. The requirements for this written statement must not be made so onerous that licensees would be discouraged from using the rule in situations where it is warranted. Also, in the statement that enforcement action may be taken for "unreasonable" actions, we suggest that the word "negligent" or "irresponsible" be used instead because of the wide latitude in interpretation for what is meant by "unreasonable."

Finally, we agree that any individual authorized to make these decisions must have received training on both the basis and importance of the technical specifications. Therefore, this authority must be limited to SROs, or reactor training for ROs must be expanded.

We appreciate this opportunity to comment on the subject proposed rule, and hope that the above comments will assist you in its finalization.



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