

**PROFESSIONAL REACTOR OPERATOR SOCIETY**

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Nuclear Regulatory Commission  
Secretary of the Commission  
Washington, D.C. 20555  
Attention: Docketing and Service Branch

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

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Dear Sirs:

JOBING NUMBER  
PROPOSED RULE **PR-50**

(47 FR 35996)

This letter is a comment by the Professional Reactor Operator Society on the Nuclear Regulatory Commission's proposed rule, as published in the Federal Register on August 18, 1982, Vol. 47, No. 160, 35996 Titled, "Applicability of License Conditions and Technical Specifications in an Emergency." This comment addresses the proposed new paragraphs (y) and (z) for §50.54 and the proposed paragraph (c) for §50.72.

One general comment is that this rule is very much needed. Operators from across the country have expressed the need for such a rule. They feel that a rule such as this is important for operators to provide maximum protection for the public's health and safety. Therefore, we are submitting several specific comments from the operators point of view.

First, there appears to be a rather indiscriminate use of the words "licensee" and "operator" throughout the regulations. This proposed rule is a case in point for the term "licensee". The use of the term "licensee" in paragraph (y) is ambiguous. On a first reading one may understand licensee to mean the on-hands reactor operator who is manning the controls. However, upon a more careful reading of paragraph (y) by itself and then with paragraphs (x) and (c) one may come to the conclusion that the word licensee in paragraph (y) means one licensed under §§ 50.21 or 50.22.

Note, for example, that an operator who deems it necessary to exceed a technical specification must, as a minimum, obtain the concurrence of a licensed senior operator. It is evident from this requirement that the licensee on-hands reactor operator is not the one authorized under paragraph (y) to exceed technical specifications. Also in paragraph (c) it states that "The Commission may require written statements from a licensee concerning its actions after use of this provision of the rule." The use of the term "its" and the reference to licensees under §50.21 or §50.22 earlier in the paragraph indicate that a licensee licensed under §50.21 or §50.22 is being authorized under this proposal to exceed technical specifications.

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add: Charles Trammell  
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Acknowledged by card. 11/30/82 *emp*

Thus, while on its face the proposed rule change appears to give the on-hands operator the needed authority to exceed technical specifications under a closer analysis it gives the authority to a licensee under §50.21 or §50.22. Such an analysis should not be necessary and the rule should clearly state what it is intended to do.

Second, operators feel that the requirement of a concurring opinion is an excellent idea. However, there are several situations which could arise but are not clearly covered by this proposed rule change. For example, what happens if two or more concurring reactor operators disagree with a senior reactor operator? Is the concurrence of any licensed senior reactor operator the appropriate standard for authorizing a departure from technical specifications? The on-hands reactor operator should concur with the person to whom he or she is directly responsible and should that person be indisposed the necessary concurrence could be acquired from the next person up on the ladder of authority. A clear decision making line of authority and responsibility is necessary.

In order to establish that the on-hands operator received or was denied the necessary concurrence, documentation must be required. Since the on-hands operator is not authorized to exceed technical specifications it is vital that documentation be made by those who are responsible for deciding whether or not to give their concurrence in the name of the authorized licensee.

Also, by making the concurrence a requirement of someone directly above the on-hands operator the rule will help insure that a licensed person who is actively involved in the facility operations on a daily basis will be making this decision.

Third, it is often difficult to separate out when an action to save machinery does not also help protect the public's health and safety. PROS recommends that the Commission consider the possibility of some form of technical specification deviation to save machinery.

Fourth, this rule proposal allows deviation from a technical specification ". . . when such action is immediately needed . . . and no action consistent with license conditions . . . is immediately apparent." The immediacy of the need for deviating from technical specifications is obviously an important criteria for allowing such deviation. It is inconsistent with this element of immediacy to also require the licensee "When time permits . . ." to notify the NRC before the protective action is taken.

Action to deviate from technical specifications will result from quick judgmental types of decisions that will be based on training and experience. According to the rule's

own definition these judgmental calls must be made quickly because of an immediate need to protect the public. The rule does not delineate what action the NRC will take if it is later discovered that one of the criteria of this proposed rule is later found not to be met. For example, what will happen to a licensee or on-hands operator if: the need for deviation is not as immediate as thought at the time the action is taken; it is later discovered that an action consistent with license conditions did exist; or that there would have been time to notify the NRC before taking the protective measure.

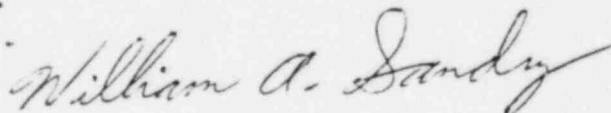
The rule should assure the people who will be making these difficult decisions that there will be a measure of deference and immunity from civil prosecution given to their position and judgment. Later evaluations of the actions taken should be used as learning tools rather than as enforcement mechanisms barring, of course, any clearly criminal or negligent act.

Fifth, operators feel that there should be some clear minimum requirement of an evaluation procedure for each instance of a technical specification deviation. Whenever a deviation occurs there is a reason for the immediate need to deviate. An evaluation to define this reason or cause is necessary. After it is determined why the deviation was necessary action can then be taken to resolve the problem so that the situation will not cause any similar deviations in the future. This corrective action may involve such projects as rewriting procedures, re-evaluating and checking equipment, or re-evaluating the technical specifications.

A follow-up procedure to prevent the future need for immediate protective action is necessary. This procedure should be kept as simple and straight-forward as possible. It should insure public health and safety while placing as little burden as is possible on the industry. The operators should be advised of which procedures were permissible and which were not through publishing of an updated weekly information sheet.

We reiterate the long-felt need for this rule. On-hands operators feel that it is an important step in helping them operate nuclear power facilities. This rule will allow them to deal with the realities of nuclear power situations, that is, that we cannot completely foresee every possibility in nuclear facility operations and that when an unforeseen event occurs, operators must be able and allowed to deal with it.

The Professional Reactor Operator Society commends the Nuclear Regulatory Commission on proposing this much needed rule and we hope that our comments will be useful to the NRC in drafting of the final rule.



William A. Sandry, Executive Dir.