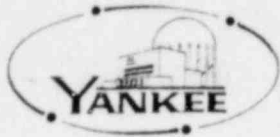


YANKEE ATOMIC ELECTRIC COMPANY

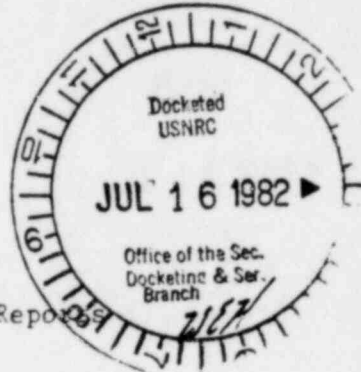


1671 Worcester Road, Framingham, Massachusetts 01701

2.C.2.1
FYC 82-11

July 12, 1982

DOCKET NUMBER PR-50 (39)
PROPOSED RULE (47 FR 19543)



Secretary of the Commission
United States Nuclear Regulatory Commission
Washington, D. C. 20555

Attention: Docketing and Service Branch

Subject: Comments on Proposed Rule to Codify Licensee-Event-Reporting Requirements

Dear Sir:

Yankee Atomic Electric Company appreciates the opportunity to comment on the subject document. Yankee Atomic owns and operates a nuclear power plant in Rowe, Massachusetts. The Nuclear Services Division also provides engineering and licensing services for other nuclear power plants in the Northeast including Vermont Yankee, Maine Yankee, and Seabrook 1 and 2.

We are mindful that the accident at TMI-2 highlights the importance of information-feedback concerning operating experience. Both the Rogovin and Kemeny reports emphasized this importance. The proposed rule to codify LER reporting requirements appears, at first blush, to be responsive to this need for information-feedback. When placed in its proper perspective, however, alongside a growing list of NRC's reporting requirements, the proposed LER scheme invites needless duplicity of licensee efforts. Attachment A to this letter lists these other redundant reporting requirements.

Presently, about 5,000 LER's are being submitted yearly. The Institute of Nuclear Power Operations has estimated that as many as 90% of them were concerning insignificant events, from a perspective of operational safety. Although we recognize NRC's attempts to improve the LER scheme, by generally limiting reportable occurrences to only those events of significance to safety, we criticize the proposed rule because it expands the scope reporting requirements without providing coordination of LER's with the numerous reporting requirements that already exist. Such coordination could go far toward reducing the wastefulness inherent in redundant reporting requirements.

In summary, our comments that follow will focus upon: (1) the proposed categories of reportable events, which we feel are over-inclusive; (2) the proposed reporting deadline, which we feel is unreasonably stringent; (3) the absence of a cost impact assessment, which we believe to be a mandate for NRC's proposed regulations; and (4) the regulatory open-endedness that the proposed rule represents, through its "blank-check" provision for NRC requesting additional information from licensees, for any reportable event.

Over-Inclusive Categories for Reportable Events

Section 50.73 (4) of the proposed rule would require LER's to be submitted for nine categories of reportable events. Although the NRC is considering

DSIO
Frederick Hebdon
263 EW

8207210250 820712
PDR PR
50 47FR19543 PDR

Acknowledged by card... 7/19/82... mdv

alternatives to a 30-day deadline for receipt of LER's, pursuant to Section 50.73, the existing regulations in Section 50.72 require notification by telephone, within one hour, for many of the same reportable events. We recommend that the following requirements of Section 50.72 be deleted, so that the proposed LER reporting requirements of Section 50.73(a) are not over-inclusive:

50.72 (4)	(Sabotage threats)
50.72 (5)	(Event requiring administrative shutdown)
50.72 (7)	(Engineered safety feature/reactor protection system initiation)
50.72 (8)	(Uncontrolled radioactivity release)
50.72 (11)	(10CFR20.403 notifications)

In addition, the use of ambiguous or imprecise terminology in the proposed rule should be remedied, to facilitate preparation of LER's and to better-establish NRC's reporting requirements. Unless the following reportable event descriptions in Section 50.73 (a) are revised for clarity, LER's could effectively be required for those insignificant events that the proposed rule seeks to exclude:

50.73 (a)(2)	"...procedural inadequacies that alone could prevent the fulfillment of the safety function...."
50.73 (a)(3)	"...nonconservative interdependence...."
50.73 (a)(5)	"...an unanalyzed condition that significantly compromises plant safety."

Our final comment on this over-inclusiveness aspect of the proposed rule is that, to require a LER for "Any radioactive release that requires the evacuation of a room or building" is inconsistent with the NRC's objective of only requiring LER's for significant events. Minor spills, small gaseous waste releases, or the mere disturbance of contaminated dust, may require temporary evacuation of a "room." In such instances, we believe that LER's are unnecessary. On-site NRC inspectors can monitor these events. Also, strict administrative procedures exist at all plants, for such benign events, and no remedial purpose could be served by informing the NRC of these relatively trivial occurrences. There must be a more reasonable screening-mechanism in the rule, so that LER's would not be required for every evacuation.

Excessively Stringent Reporting Deadlines for LER's

The proposed LER reporting requirement, 30 days after discovery, is unreasonably short. In view of the expanded scope for LER reports that the proposed rule would require, we believe that a two-step reporting scheme would be better. First, licensees could submit a reduced-scope LER, for information, which would not contain an evaluation of the "safety consequences and implications" for the event. Second, if the NRC requested that such further evaluations be conducted, licensees could either respond or could request an exemption under proposed Section 50.73(f).

Certain events, such as happened at TMI or Ginna, can require significant analysis to meet the proposed rule's requirements for LER contents. This reporting requirement would be more reasonable if it were variable, depending upon the event being reported. Section 50.73 (f), Exemptions, apparently permits some relief from the proposed 30-day deadline, but is worded loosely (i.e., what is "adequate justification"). We foresee the possibility that licensee's would be required to expend more than 30-days to merely justify an exemption request. This provision of the proposed rule should be revised accordingly, to establish a tolerable and mutually agreeable NRC-licensee reporting schedule.

Absence of NRC Cost-Impact Assessment

We strongly disagree with NRC Staff's conclusion that the "overall level of effort required of licensees and the NRC as a result of this proposed rule will be no greater than the level of effort required by existing reporting requirements." (SECY 82-3, 4 January 1982, p. 3) The NRC has not conducted any accurate assessment of the impact of this proposed rule. Ironically, the NRC has recently addressed the legal requirements imposed upon it for conducting cost-impact assessment for any proposed regulations (SECY 82-187, 7 May 1982). We believe that such an assessment is required before the NRC acts on a final rule concerning LER's.

If adopted, the rule may result in fewer LER's, by eliminating the need to report relatively unimportant events. Nevertheless, the considerably broadened and more stringent reporting requirements for routine LER's could approach the standards presently applicable for a 10 CFR 50.59 finding (e.g., that no unreviewed safety question results from a design change) or a 10 CFR 50.90 amendment application. Events not included in a plant's design basis for evaluation against licensing criteria, however, would be reportable under the proposed LER rule. The required assessments of "safety consequences and implications" for inadvertent plant trips, for instance, could occupy significant licensee resources. This is especially true following refueling outages, when shakedown of newly installed design changes may result in inadvertent plant trips. We believe the proposed rule could have a major impact on already-strained industry resources. Our final comment concerns a provision in the proposed rule that makes this contention virtually a certainty.

The "Unending" LER

Under Section 50.73 (c), Supplemental Information, the NRC Staff has a "blank-check" privilege to require unlimited resource expenditures, in the name of LER's. This provision must be either diluted, or deleted, because it amounts to an open-ended reporting requirement. We fail to understand how the NRC concluded anything about the cost-impact of this proposed rule. The scope of its LER requirements for major events cannot even be imagined by licensees, as long as this vague provision remains.

There must exist stability in the regulatory process, which proposed Section 50.73 (c) does not create. Unless this provision is revised, needless duplication of analysis will cause LER's to resemble Final Safety Analysis Reports, Environmental Impact Statements, and Reload-Core Performance Analysis submittals. This is not why LER's were established by the NRC.

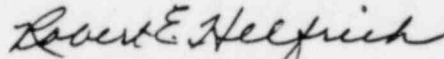
Concluding Remarks

A recently proposed rule to revise Technical Specifications' requirements was said by the NRC to address the "paperwork burden" problem. We contend that the proposed LER rule could create such a paperwork burden, unless the categories of reportable occurrences and the required scope of LER's is carefully limited. In the NRC's failing to conduct a cost-impact evaluation, no assurance exists that their objective for the proposed rule will be realized.

Our assessment of the proposed rule is that neither its over-inclusive reporting categories, its over-restrictive time requirements, nor its disturbing creation of the "unending" LER, will satisfactorily resolve the problems the NRC perceives in its existing LER scheme.

Very truly yours,

YANKEE ATOMIC ELECTRIC COMPANY



Robert E. Helfrich
Senior Licensing Engineer

REH/tan

OUTLINE OF REPORTING
REQUIREMENTS ASSOCIATED WITH OPERATIONAL EVENTS

1. 10 CFR 50.72, "Notification of Significant Events," which defines events that must be reported immediately to the NRC Operations Center.
2. NUREG-0654, "Criteria for Preparation and Evaluation of Radiological Emergency Response and Preparedness in Support of Nuclear Power Plants," which defines the various classes of events that must be reported each time there is an initiation of an Emergency Class.
3. Technical Specifications sections that define the events which must be reported as Reportable Occurrences.
4. Regulatory Guide 1.16, "Reporting of Operating Information - Appendix A Technical Specifications," which supplements the Technical Specifications criteria that define Reportable Occurrences.
5. NUREG-0473, "Radiological Effluent Technical Specifications for EWRs," and NUREG-0472, "Radiological Effluent Technical Specifications for PWRs," which define new Reportable Occurrences not contained in Regulatory Guide 1.16.
6. 10 CFR 73.71, "Physical Protection of Plants and Materials: Reporting of Physical Security Events," which defines reporting requirements for unaccounted for shipments, suspected theft, unlawful diversion, or radiological sabotage.
7. 10 CFR 73, "Physical Protection of Plants and Materials - Appendix A United States Nuclear Regulatory Commission Inspection and Enforcement Regional Offices," which identifies the location, telephone numbers, and geographic coverage of the Regional Offices.
8. 10 CFR 50.36, "Technical Specifications," which require that the licensee notify the Commission if a safety limit is exceeded, the automatic safety system does not function, or a limiting condition for operation is not met.
9. 10 CFR 20.403, "Notifications of Incidents," which requires the prompt reporting of incidents that result in significant radiation exposure, radioactivity release, personnel injury, or property damage.
10. 10 CFR 20.405, "Reports of overexposures and excessive levels and concentrations," which requires written reports of significant radiation exposures and radioactivity releases.
11. Regulatory Guide 10.1, "Compilation of Reporting Requirements for Persons Subject to NRC Regulations," which provides (1) a compilation of reporting requirements applicable to various subjects and to various types of NRC licensees, and (2) information concerning the timing and distribution of reports.