



PR-50 (23)  
(48FR 14864)

DOCKETED  
USNRC

GPU Nuclear Corporation  
100 Interpace Parkway  
Parsippany, New Jersey 07054  
201 263-6500  
TELEX 136-482  
Writer's Direct Dial Number:

'84 JAN 20 A10:38

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH  
January 17, 1984

Mr. Samuel Chilk, Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Dear Mr. Chilk:

Subject: Immediate Notification of Significant  
Events. 10 CFR 50.72.

Recently, in preparation for implementing this rule on January 1, 1984, one of its provisions was realized to be extremely broad in scope. Paragraph 50.72(b)(2)(vi) will require licensees to report to the NRC within four hours any event or situation related to the health and safety of the public or onsite personnel, or protection of the environment, for which a news release is planned or notification to other government agencies has been or will be made.

This reporting requirement would appear to include all non-compliance notifications associated with environmental permits or programs such as NPDES or RCRA and the planning of virtually every press release related to plant operations. Examples of the types of items which, under a strict interpretation of the rule, would be required to be reported but which we believe were not intended to be covered by the rule include minor excursions from the effluent limits of our NPDES permits as issued by the USEPA, PaDER or NJDEP. For such excursions, those regulatory agencies require only written notification within five days and in some instances allow up to 45 days to submit the written notification. Another example is under the RCRA hazardous waste management program where in New Jersey we are allowed up to 10 days to submit written notification to the agency if our copy of the waste shipping manifest is not returned to us by the disposer within 35 days of the date of the waste shipment. Clearly, in these examples, the NRC requiring 4 hour telephone notification when the agencies responsible for the program require only written notification days after event indicates that such NRC notifications was outside the intent of this rule.

We have contacted NRC staff (Mr. Ernest Rossi) for clarification or guidance on the scope of this paragraph. We were told that although the

DS10  
add: Thomas F. Dorian, 9604 MNBB  
Acknowledged by card 1/23/84

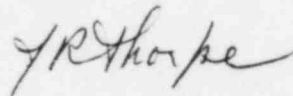
8401240554 840117  
PDR PR  
50 48FR14864 PDR

staff was not entirely familiar with all the environmental permits affected by this requirement and that it was probably not intended to be so broad, Deputy Director Shelly Schwartz's guidance was to report every thing that might be considered reportable. We believe that this type of reporting requirement is directly counter to some of the NRC's reasons for issuing the rule in the first place, namely the elimination of unnecessary reports and vague or ambiguous reporting criteria.

In addition, we believe that the scope of the final rule has been significantly broadened by the inclusion of this paragraph, which was not in the proposed rule as published for comment in December 1981. It would have been desirable for this paragraph to be subject to the public comment process, since it is likely that the staff did not fully realize its very broad implications.

We therefore request the Commission to consider the scope of paragraph 50.72(b)(2)(vi) in the context of the overall purpose of this rule and to provide us with written guidance on its intent and implementation.

Sincerely,



J. R. Thorpe  
Director  
Licensing & Regulatory Affairs

RC-W:d1s:0298f