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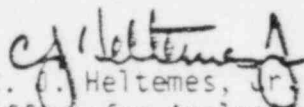
MEMORANDUM FOR: Robert B. Minogue, Director, RES
Guy H. Cunningham, Director, ELD
Richard C. DeYoung, Director, IE
John G. Davis, Director, NMSS
✓ Harold R. Denton, Director, NRR
Regional Administrators

FROM: C. J. Heltemes, Jr., Director
Office for Analysis and Evaluation
of Operational Data

SUBJECT: QUESTIONS AND ANSWERS ON THE NEW LER RULE

Between October 25, 1983 and November 16, 1983, representatives of AEOD and IE held five regional workshops to discuss the scope and content of the LER rule (10 CFR 50.73) and the Immediate Notification rule (10 CFR 50.72). These meetings were attended by over 400 representatives of operating reactor licensees and the NRC regional offices. During the meetings, numerous questions arose concerning the intent of the new rules. We have collected the questions and our answers (enclosed) that pertain to 50.73 and plan to publish them as a supplement to NUREG-1022, "Licensee Event Report System."

We request that you review these questions and answers in the context of the new LER rule, and forward any comments to me no later than January 16, 1984. If you have any questions concerning this matter, please call me or Fred Hebdon (x24480).


C. J. Heltemes, Jr., Director
Office for Analysis and Evaluation
of Operational Data

Enclosure:
As stated

cc w/enclosure:
W. Lazarus, RI
J. Berggren, RIII
T. Tambling, RIII
W. Seidle, RIV
E. Johnson, RIV
W. Johnson, RIV
J. Rausch, RIV
E. Weiss, IE
E. Jordan, IE
L. Cunningham, IE
S. Schwartz, IE
S. Rosen, INPO
T. Dorian, ELD
W. Schwink, DEDROGR
S. Burns, ELD

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1.0

Paragraph 50.73(a)(2)(i)(A), Shutdowns.

1.1

What is meant by "completion of shutdown"? Is this in terms of operating modes specified in the Technical Specifications or do you have a specific plant condition in mind?

Answer: "Completion of a shutdown" is the point in time when the Technical Specification requires that the plant be shutdown (i.e., the first operating mode that requires that the reactor be subcritical). For example, if at 0200 the plant enters an LCO which states, "restore the inoperable channel to operable status within 12 hours or be in at least Hot Standby within the next 6 hours" the shutdown must be completed by 2000. The LER is required if the condition is not corrected by 2000.

1.2

What about the situation where you have seven days to fix a component or be shut down, but the plant must be shut down to fix the component? Assume the plant shuts down, fixes the component, and returns to power prior to the end of the seven day period. Is that situation reportable?

Answer: No. If the shutdown was not required by the Technical Specifications, it need not be reported. However, other criteria in 50.73 may apply and may require that the event be reported.

- 1.3 Suppose that there are seven days to fix a problem and it is likely the problem can be fixed during this time period. However, the plant management elects to shut down and fix this problem and other problems. Is an LER required?

Answer: Some judgement is required. If the situation could have been corrected before the plant was required to be shutdown, and no other criteria in 50.73 apply, then an LER is not required. If however, the situation could not have been corrected before the plant was required to be shutdown, or if other criteria of 50.73 apply; the shutdown is reportable.

2.0 Paragraph 50.73(a)(2)(i)(B), Technical Specification Violations

- 2.1. Is it correct that I do not have to submit an LER unless I actually reach the end of an LCO clock?

Answer: Yes. For the purpose of this criterion, an LER is not required unless the conditions of the LCO and its associated Action Statement are not met (i.e., are violated) or the plant must be shutdown because of a Technical Specification requirement (i.e., "the end of an LCO clock").

- 2.2 I thought the LER rule was developed in order to assure that serious events were reportable, yet the criteria seem to be the time windows of the LCOs. Why is it that time restraints are used so frequently?

Answer: Since time restraints are measures of significance, the staff believes that violations of LCO requirements (e.g., violation of the "time windows") are serious events. In addition, the staff believes that any event, operation, or condition that is prohibited by the Technical Specification is sufficiently significant to warrant an LER.

2.3 We believe that surveillance testing and redundancy together promise assurance of operability. Further, we often have 7-day LCOs and we perform surveillance tests on 30-day intervals. Is an LER required every time we find a problem during surveillance testing?

Answer: No. In general, for the purpose of evaluating the reportability of situations found during surveillance tests, it should be assumed that the situation occurred at the time of discovery, unless there is firm evidence to believe otherwise. For example, if a standby component with a 7-day LCO is found to be inoperable because it was assembled improperly during the prior maintenance conducted 30-days previously, then there is firm evidence that it had been inoperable for the entire 30-days, and an LER is required.

2.4 Most Technical Specifications have some LCOs that do not have Action Statements. When these LCOs cannot be met, the plant enters what is known as the "Motherhood Clause" (e.g., Section 3.0.3 of the Standard Technical Specifications) which requires that they correct the condition or be shutdown within one hour. If the condition is corrected within one hour (i.e. the plant does not shutdown) is the event reportable?

Answer: The event is reportable. The Technical Specifications are violated when a plant enters the "Motherhood Clause" (i.e., when the LCO is violated). The time limit in the section only allows sufficient time for an orderly shutdown.

2.5 My Technical Specifications require that each Surveillance Requirement or Inservice Testing Requirement be performed within the specified time interval with:

- a. A maximum allowable extension not to exceed 25% of the surveillance interval, and
- b. A total maximum combined interval time for any 3 consecutive tests not to exceed 3.25 times the specified surveillance interval.

If a Surveillance Requirement is missed, but the error is identified and the Surveillance Requirement completed within the extension limits described above, must an LER be submitted?

Answer: No. If you are within the limits specified by the Technical Specifications (e.g., the limits on allowable extensions are not violated), an LER is not required.

2.6 When we violate license conditions, we are to report immediately with a 14-day written followup. Does the LER rule include license conditions in addition to Technical Specifications and does it supersede this requirement?

Answer: No. Violations of a license condition should be reported separately (see question 7.15).

2.7 Procedures are required by our Technical Specifications. Is a violation of a procedure, no matter how minor, considered to be a violation of our Technical Specifications which would be reportable as an LER?

Answer: No. A violation of a procedure would not be directly reportable unless the operation or condition violated a Technical Specification requirement, or it resulted in an event or condition that is reportable under the criteria of 50.73. If such an error could have happened at other plants and could have had serious consequences, you are encouraged to submit a voluntary report.

2.8 My Technical Specifications include a number of requirements concerning fire protection systems and related plant features. Do I need to submit an LER on aspects dealing with fire protection?

Answer: Fire protection systems that are covered by Technical Specification (e.g., through Limiting Conditions for Operation) are within the scope of the LER rule. Fire protection systems that are not covered by the Technical Specifications are not within the scope. However, fires that challenge such systems may be reportable under 50.73(a)(2)(iii) or 50.73(a)(2)(x).

2.9 Section 6 of our Technical Specifications has a number of administrative requirements such as organizational structure, number of personnel on shift, hours of work, need to approve procedures within 14 days, etc. Must we submit an LER whenever an administrative requirement in Section 6 is not met?

Answer: If the violation of the Technical Specification results in operation prohibited by the Technical Specifications, then the event or condition is reportable. For example, operation with less than the required number of people on shift would clearly constitute operation prohibited by the Technical Specifications, or operation with a procedure that had not been properly approved would constitute operation prohibited by the Technical Specifications. However, if the requirement is only administrative and does not affect plant operation, then an LER is not required. For example, a change in the plants organizational structure that has not yet been approved as a Technical Specification change. The licensee should use judgement to determine if a requirement in the administrative section of the Technical Specifications could have adversely affected plant operation.

3.0 Paragraph 50.73(a)(2)(i)(C).

3.1 I cannot find 50.54(x) [Referenced in 50.73(a)(2)(i)(C)] in the regulations. What does it say?

Answer: 10 CFR 50.54(x) was published in the Federal Register on April 1, 1983 (48 FR 13966) with an effective date of June 1, 1983. This rule generally permits licensees to take reasonable action in an emergency even though the action departs from the license conditions or Technical Specifications if the action is immediately needed to protect the public health and safety.

4.0 Paragraph 50.73(a)(2)(ii), Unanalyzed Conditions.

4.1 At one point, we became aware that our plant could have potentially been in an unanalyzed condition. But we never operated in that condition and we prevented such operation by administrative procedures. Is that reportable?

Answer: No. The event is not reportable if the plant was never in an unanalyzed condition. However, in reviewing the reportability of each situation, please carefully review all criteria of 50.73 since the situation may be reportable under a different criteria.

4.2 If we update our docket with updated information on the plant design basis or accident analysis and we have an event or condition which was outside the original FSAR but not outside of the updated information. Do we have to submit an LER?

Answer: No. An LER is not required if the event or condition is within the design or licensing basis as currently docketed and approved by the NRC.

4.3 Not all of our activities are covered by procedures. Must we submit an LER for all activities not covered by procedures?

Answer: No. An LER is required only if a situation or activity is required to be procedurally controlled (e.g., by a license condition or by a licensing commitment such as a commitment to comply with Regulatory Guide 1.33).

5.0 Paragraph 50.73(a)(2)(iii), External Threats.

5.1 For potential threats such as tornados, how close does it have to come before it constitutes an "actual" threat to the plant?

Answer: The licensee must use engineering judgement to determine if there was an actual threat. For example, with regard to tornadoes, the decision would be based on such factors as the size of the tornado, and its location and path. There are no prescribed limits, but in general, situations involving only monitoring by the plant's staff are not reportable, but when preventative actions are taken or if there are serious concerns, then the situation should be carefully reviewed for reportability.

5.2 Would a snowstorm that prevents people from entering or leaving the plant be reportable?

Answer: If the snow significantly hampered personnel in the conduct of their activities, the event is reportable. The licensee must use judgement based on the amount of snow, the extent to which personnel were hampered, the extent to which additional assistance could have been available in an emergency, the length of time the condition existed, etc. For example, if the snow prevented shift relief for several hours, the situation would be reportable.

5.3 There was a recent earthquake in New York which we reported to the NRC via the Emergency Notification System (ENS). Thirty days later it was clear that there was no actual threat to the plant. Is an LER required?

Answer: No. An LER would not be required. However, the call on the ENS was appropriate because of the potential for further seismic activity, and public interest.

6.0 Paragraph 50.73(a)(2)(iv), ESF Actuations.

6.1 There is a wide range of Engineered Safety Features (ESF) installed in the various plants and not defined for some plants. Is there a standards list of ESF?

Answer: There is no standard list of ESF. The criterion is based on each plant having defined systems as ESF (e.g., in the plant's FSAR). If there is uncertainty in this regard, the situation should be discussed with your Regional Administrator.

6.2 My plant (BWR) has the Rod Block Monitor (RBM) as an ESF. Do I have to submit an LER every time there is a rod block or other action by the RBM?

Answer: Yes. However, the licensee may request an exemption under 50.73(g) if it can be shown that actuation of this system does not constitute an event of actual or potential safety significance.

6.3 Two of our ESF systems, the toxic gas isolation system and a control room isolation system, are highly unreliable and often actuate when not needed (invalid actuation). Are spurious actuations reportable?

Answer: Yes. Spurious actuations of ESF are challenges to the system and are reportable.

6.4 In our plant, a turbine trip results in starting of diesel generator, but does not give a reactor scram. Since a turbine trip can result from a variety of nonsafety-related causes, would the starting of the diesel generators (ESF equipment) be reportable?

Answer: Yes. Actuation of any ESF is reportable unless it is part of a preplanned test.

6.5 If you get a reactor scram before the plant is critical, is this considered reportable?

Answer: Yes. All reactor scrams are reportable, regardless of the power level when the trip occurred.

6.6 At times we may get a scram signal while performing surveillance testing. These particular tests are performed only while the plant is shutdown (i.e., they cannot be performed at power). Would such scrams still be reportable?

Answer: Yes, unless the scram was a recognized part of the test procedure and was expected.

6.7 Often we are in operating modes when automatic scrams are not required to be operable or, parts of the containment isolation system may actuate when the system is not required to be operable. Are such events reportable as LERs?

Answer: Yes. Actuations of ESF and RPS are reportable even if they are spurious or unnecessary. However, if the actuation or trip is part of a preplanned sequence or it is a controlled (e.g. documented) and expected result of the procedure (see question 6.8) it is not reportable.

6.8 When we put steam generators in wet lay-up we always get a scram on high level. Would this scram be reportable?

Answer: No. Because the scram signal is not an actual or spurious protective action, but an expected result of a controlled procedure.

6.9 Our solid-state Plant Protection System (PPS) is not required to be operable in Mode 5. Thus, we place it in the test mode which effectively blocks any scram signals. If, for example, we get 2 out of 3 logic in this condition, is an LER required?

Answer: As noted in the rule, actuations of ESF equipment are reportable regardless of the power level or operating mode except those expected actuations that result from preplanned activities. For example, actuations of the PPS while the plant is in a shutdown mode that occur as a natural consequence of preplanned maintenance, or test activities are not reportable. However, actuations that are associated with protective functions or are spurious in nature are required to be reported.

6.10 When we move the mode switch to shutdown, we get an automatic scram. Are these scrams reportable?

Answer: If the scram is a normal and expected result of placing the mode switch to shutdown (i.e. it is part of the normal shutdown procedure) the scram is not reportable.

6.11 Some reactor scrams occur because of the actions of individuals (e.g., an I&C technician). For example, the plant may scram on low pressure because of a human error even though the reactor pressure is fine. Are such scrams reportable?

Answer: Yes. Spurious or unintended reactor scrams are reportable.

6.12 If we get multiple scrams over short periods of time, can they be reported in one LER?

Answer: Yes. More than one event can be reported in a single LER if the events are related (e.g., same general cause or consequences) and they occurred over a reasonably short length of time, (e.g., several errors during a single startup). However, LERs are intended to address specific events and plant condition and, thus, the flexibility of using one LER to report multiple events should never be used to report unrelated events or as an attempt to decrease the number of LERs.

7.0 Paragraph 50.73(a)(2)(v), Events that Could Have Prevented Fulfillment of a Safety Function.

7.1 Some clarification is needed for events or conditions that alone "could have" prevented the fulfillment of a system safety function.

Answer: "Events or conditions" generally involve operator actions and/or component failures that could have prevented the functioning of a safety system. For example, assume that a surveillance test is run on a standby pump and it siezes. The pump is dissassembled and found to contain the wrong lubricant. The redundant pump is disassembled and it also has the same wrong lubricant. Thus, it is reasonable to assume that the second pump would have failed if it had been challenged. However, the second pump and, therefore, the system did not actually fail because the second pump was never challenged. Thus, in this case, because of the use of the wrong lubricant, the system "could have" or "would have" failed.

7.2 A number of criteria indicate that they apply to actual situations only and not to potential situations identified as a result of analysis; yet, other criteria address "could have." When do the results of analysis have to be reported?

Answer: The results need only be reported if the applicable criterion requires the reporting of conditions that "could have" caused a problem. However, others have a need to know about potential problems that are not reportable; thus, such items may be reported as a voluntary LER.

7.3 Utilities are not required to analyze for system interactions, yet the rule requires the reporting of events that "could have" happened but did not. Are we to initiate a design activity to determine "could have" system interactions?

Answer: No. Report system interactions that you find as a result of ongoing routine activities (e.g., the analysis of operating events).

7.4 I noticed that Section 50.73(a)(2)(v) uses the Part 100 definition of safety related systems. What about systems and components that may be classified as "important to safety." Are they included in the scope of the LER rule?

Answer: The 50.72 and 50.73 use neither the phrase "safety-related" nor "important to safety" because of the varying interpretation associated with these terms. The definition of the systems included in the scope of these rules is provided in the rules.

7.5 There are many components, systems, and plant features (e.g., fire stops, cooling fans, room isolations) controlled through Technical Specifications and thus must be considered to be "safety related." Do you want an LER for all these minor items?

Answer: See question 7.4. An LER should be submitted whenever an event or condition meets the criteria of 50.73. Several of these criteria involve engineering judgement, and thus, licensees have the ability and responsibility to determine the reportability based upon the situation and the requirements of the rule.

7.6 How long does safety equipment have to operate in order to fulfill its safety function and what guidelines should be used regarding operator assistance or repair? For example, an operator can adjust the amount of cooling water which might allow a pump to continue to operate.

Answer: A safety system must operate long enough to complete its intended function as defined in the FSAR. Reasonable operator actions to correct minor problems may be considered, however, heroic actions and unreasonably insightful diagnoses, particularly during stressful situations, should not be assumed.

7.7 Is an LER required if a system is lost but the safety function can still be met by other systems? For example, we have several systems which can be used to remove decay heat. If we lose one of these systems, but other systems are available to perform the same safety functions, is that reportable?

Answer: Yes. Loss of a safety system function is reportable even if there are other systems that can perform the same function. However, the LER narrative should discuss other available systems capable of fulfilling the same function.

7.8 My Technical Specifications require that if I have one train of the Stand-By Gas Treatment System (SBGTS) inoperative and if one diesel generator is lost, I must declare the SBGTS inoperative since it would not be available if offsite power is lost for any reason. Is this considered to be an event that "could have prevented" the fulfillment of the safety function of a safety system (i.e., is a system inoperable if it is declared inoperable, even though the system is still operational)?

Answer: No. This event would not be reportable if the conditions of the Technical Specification were met and the plant was not required to shutdown. In determining if an event "could have prevented" fulfillment of a safety function, unrelated and independent failures that did not actually occur should not be included.

7.9 Previously under LER reporting requirements, we did not have to submit an LER when a problem was found in equipment that was out of service or not required to be operable. Now it seems LERs will have to be submitted. Is that true?

Answer: Yes. Events or conditions are reportable if they meet one or more of the LER criteria, particularly 50.73(a)(2)(v). Reporting is required regardless of operating mode or power level.

7.10 Suppose during shutdown we are doing maintenance on both SI pumps. Since this system is not required to be operational, I assume this situation is not reportable? I also understand that if something happens that would cause both SI pumps not to be operational at power, that would be reportable. Is that correct?

Answer: Removing both SI pumps from service to do maintenance is not reportable if the resulting system configuration is not prohibited by the plant's Technical Specifications. However, if a situation is discovered during the maintenance that could have caused both pumps to fail (e.g. they are both improperly lubricated) then that condition is reportable even though the pump were not required to be operational at the time that the condition was discovered. As another example, suppose the scram breakers were tested during shutdown conditions, and it was found that for more than one breaker opening times were in excess of those specified, or that UV trip attachments were inoperative. Such power system generic problems are reportable in an LER.

7.11 My plant has a single train safety system (e.g. High Pressure Coolant Injection). Do I have to submit an LER every time we take this sytem out of service to perform maintenance on it?

Answer: No. You are not required to report the removal of such systems for maintenance if it is done in accordance with the Technical Specifications provisions.

7.12 Often during refueling outages, equipment is valved out in order to perform maintenance. This situation (i.e., valving out the system) would not occur at power. Are errors associated with these situation (e.g., errors in valve out) reportable?

Answer: Use engineering judgement. If the situation could not have occured at power and there are adequate procedures that would have discovered and corrected the situation before the plant returned to power, it is not reportable. However, if confidence cannot be developed that the situation would have been identified and corrected before the plant returned to power, then it should be reported.

7.13 There are a number of environmental systems in a plant dealing with such things as low level waste (e.g., gaseous radwaste tanks)? Many of these systems are not required to meet the single failure criterion so a single failure results in the loss of function of the system. Are all of these systems covered within the scope of the LER rule?

Answer: If such systems are required by Technical Specification to be operational then system level failures are reportable. If the system is not covered by Technical Specifications and is not required to meet the single failure criterion, then the system does not perform a "safety function" in the context of the LER rule and failures of the system are not reportable.

7.14 At our plant, RCIC is not a "safety system" in that we assume no credit for its operation in our safety analysis. Are failures and unavailability of this system reportable?

Answer: If RCIC is not considered to be an ESF, then its actuation is not reportable under 50.73(a)(2)(iv). However, if the plant's safety analysis considered RCIC as a system needed to remove residual heat (e.g., it is included in the Technical Specifications); then its failure is reportable 50.73(a)(2)(v). If the RCIC is covered under a Technical Specification surveillance test requirement then an LER is required under 50.73(a)(2)(i)(B) if the Technical Specification is violated.

7.15 There is a section covering prompt reporting as a license condition which requires reporting of fire detection failures, are these requirements still present?

Answer: The LER rule only supercedes the reportable section of Technical Specifications (normally section 6.9.1.8 and 6.9.1.9). All other reporting requirements remain in effect. However, other reporting requirements can be satisfied by the submittal of the LER form, with the content appropriately modified to fully describe the reportable situation.

7.16 We have redundant leak detection systems and features. At what level would a failure be reportable?

Answer: Failures are reportable at the system level under the loss of function criterion. However, LERs may be required under other LER reporting criteria such as violation of Technical Specification LCOs, or because of potential generic problems and thus, all reporting criteria should be carefully reviewed.

7.17 Please refer to example C-5 (in Appendix C of NUREG 1022). Suppose a single failure causes a system to be inoperative, but the single failure has been analyzed and found by NRR to be acceptable. I assume that such a single failure would not be reportable?

Answer: The loss of a safety system is reportable. The LER can and should, however discuss any analysis or plant features which address or reduce the safety significance associated the loss of the function.

7.18 Assume there are unrelated component failures in several safety systems. Would an LER be required?

Answer: No. An LER would not be required if component failures are truly independent (i.e., apparently random) and unrelated.

7.19 How should a plant report a defective component that was delivered, but not installed?

Answer: A single defective component would not generally be reportable (assuming that the problem has no generic implications). A generic problem or a number of defective components would probably constitute a condition that could have prevented fulfillment of a safety function, and, if so, would be reportable. Engineering judgement is required to determine if the defects could have escaped detection prior to installation and operation. As a minimum, any generic problem may be reported as a voluntary LER. In addition, such a condition may be reportable under 10 CFR Part 21.

7.20 I notice that loss of relief/safety valve capability is reportable. Does this mean that an LER is required when one valve is inoperative? In addition, suppose you have one pump in a cooling system (e.g., chilled water) supplying water to both trains of a safety system, but there is another pump in standby, is the loss of the one operating pump reportable?

Answer: No. Single, independent (i.e. random) component failures are not reportable as LERs if the redundant component in the same system did or would have fulfilled the safety function. In general, however, such failures are reportable to the NPRD System, and if such failures have potential generic implications, then an LER should be submitted.

7.21 Suppose the wrong lubricant was installed in one safety-related pump, but the pump in the other train was correctly lubricated. Is this reportable?

Answer: Engineering judgement is required to decide if the lubricant could have been used on the other pump, and, therefore, the system function would have been lost. If the procedure called for testing of the first pump before the maintenance was performed on the second pump and the testing clearly identified the error, then the error would not be reportable. However, if the procedure called for the wrong lubricant and in time, both pumps would have been improperly lubricated; and the problem was discovered only when the first pump was actually challenged and failed, then the error would be reportable.

7.22 Example C-8 indicates that a setpoint drift problem with a particular switch could be reportable. Would you clarify if setpoint drifts are to be reported if they are experienced more than once?

Answer: The independent failure (e.g. excessive setpoint drift) of a single pressure switch is not reportable unless it alone could have caused a system to fail to fulfill its safety function or is indicative of a generic problem that could result in the failure of more than one switch and, thereby cause one or more systems to fail to fulfill their safety function.

7.23 If an approved plant procedure has a major defect (e.g., it contains a step that would cause a safety system to become inoperative), but that procedure was never used, would that situation be reportable as an LER?

Answer: If the procedure was approved for use, the error is reportable; whether or not the procedure was actually used. If the error was discovered before the procedure was approved, the error is not reportable. However, the licensee is encouraged to submit a voluntary report if it is likely that other plants may have made, but not discovered, the same error.

7.24 Suppose a maintenance operation is being conducted while the plant is shut down and the operation would never be performed while the plant was at power. During the maintenance, a personnel error is made and offsite power is lost to one or more vital areas. Is that situation reportable?

Answer: If the procedure could not be performed at power then the error would not be reportable. However, if the error disclosed a previously unidentified design deficiency that was triggered by the error, or if the error was possible using similar procedures that are performed at power, (e.g. there is a similar procedure that would be performed at power and could have produced a similar error that would have had the same result) then the event would be reportable.

7.25 In some systems used to control the release of radioactivity, a detector controls certain equipment. In other systems, a monitor is present and the operator is required to initiate action under certain conditions. The operator is not "wired" in. Are failures of the operator to act reportable?

Answer: Yes. The operator may be viewed as a "component" that is an integral, and frequently essential, part of a "system". Thus, if an event or condition meets the criterion specified in 50.73 for reporting, it is to be reported regardless of the initiating cause (i.e., whether an equipment, procedure, or personnel error is involved).

7.26 Assume an error in valving is made so that both trains of a system would have been inoperative. Would the error be reportable if identified and corrected before the initiation of plant operation?

Answer: It depends on the situation. If the error was found by chance or good fortune, then it is reportable. If the error was found by preplanned actions to assure correct valve lineup, then judgement is needed, but generally the error would not be reportable.

8.0 Paragraph 50.73(a)(2)(ix), Radioactive Releases.

8.1 If I have a release over 15 minutes, do I divide by 4 to get the rate averaged over an hour? What about releases that occur over an extended period such as 3 or 4 hours?

Answer: For a release that takes less than one hour, normalize the release to one hour (e.g., if the release lasted 15 minutes, divide by 4 to normalize to one hour). For releases that lasted more than one hour use the highest release for any continuous 60 minute period (i.e., comparable to a moving average).

8.2 Table 2 of Part 20 provides releases in terms of isotopic related values. Does the release have to be two times any specific isotope before an LER is required?

Answer: [To be provided]

8.3 Does the criteria on reportability of radioactivity releases include iodine spike releases?

Answer: Yes.

8.4 What is the impact of the rule on the environmental Technical Specifications (Appendix B)? For example, are the radiological release reporting requirements revised?

Answer: Appendix B Technical Specifications are not affected by the LER rule.

8.5 Can we use LERs to report environmental LERs?

Answer: Yes. Check the "Other" block in Item 11 and type "Environmental" in the space immediately below the "Other" block.

THIS REPORT IS SUBMITTED PURSUANT TO THE REQUIREMENTS OF 10 CFR § (Check one or more of the following) (11)			
<input type="checkbox"/> 20.402(b)	<input type="checkbox"/> 20.405(c)	<input type="checkbox"/> 50.73(a)(2)(iv)	<input type="checkbox"/> 72.71(b)
<input type="checkbox"/> 20.405(a)(1)(i)	<input type="checkbox"/> 50.36(c)(1)	<input type="checkbox"/> 50.73(a)(2)(v)	<input type="checkbox"/> 72.71(c)
<input type="checkbox"/> 20.405(a)(1)(ii)	<input type="checkbox"/> 50.36(c)(2)	<input type="checkbox"/> 50.73(a)(2)(vi)	<input checked="" type="checkbox"/> OTHER (Specify in Abstract below and in Text, NRC Form 306A)
<input type="checkbox"/> 20.405(a)(1)(iii)	<input type="checkbox"/> 50.73(a)(2)(i)	<input type="checkbox"/> 50.73(a)(2)(vii)(A)	Environmental
<input type="checkbox"/> 20.405(a)(1)(iv)	<input type="checkbox"/> 50.73(a)(2)(ii)	<input type="checkbox"/> 50.73(a)(2)(vii)(B)	
<input type="checkbox"/> 20.405(a)(1)(v)	<input type="checkbox"/> 50.73(a)(2)(iii)	<input type="checkbox"/> 50.73(a)(2)(ix)	

9.0 Paragraph 50.73(a)(2)(x), Internal Threats

9.1 I understand that if the guard shack burns down and the fire does not actually threaten the plant, the fire would not be reportable. Is that correct?

Answer: Yes. A fire that does not pose an actual threat to the plant is not reportable under 50.73. However, the fire may be reportable under 73.71.

9.2 What role or importance is the plant mode in trying to determine the significance of internal threats? Can we take credit for being shutdown or must we assume all operating modes?

Answer: You may consider the plant mode in determining if there was an actual threat to the plant. However, engineering judgement is necessary on a case-by-case basis. Do not incorrectly assume that everything that happens while the plant is shutdown is unimportant and not reportable.

9.3 You used an example that a fire in the control room would be reportable. If that event has been analyzed and found to be acceptable, why is it reportable?

Answer: A fire in the control room is considered reportable because it posed an actual threat to the plant and significantly hampered site personnel. To be reportable, the test is whether the plant was actually threatened or personnel were significantly hampered. A fire does not have to actually damage the plant or totally prevent site personnel from performing duties necessary for the safe operation of the plant to be reportable.

9.4 If we have a fire in the refueling bridge and we are not moving fuel, would the fire be reportable?

Answer: No. If the plant is not moving fuel and the fire does not otherwise threaten other safety equipment and does not hamper site personnel, the fire is not reportable. If the plant is moving fuel, the fire is reportable.

9.5 If we have a fire in the reactor building that forces contractor personnel, who are doing a safety related modification, to leave but the fire did not hamper operations personnel or equipment, would that fire be reportable?

Answer: No. The fire would not be reportable if the fire was not severe enough that it posed an actual threat to the plant and the delay in completing the modification did not significantly threaten the safe operation of the plant.

10.0 Event Reportability - General

10.1 Is there any economic damage level threshold for LER reporting (e.g., any event that results in damage in excess of \$100,000)?

Answer: No.

10.2 Is an LER required if we activate our emergency plan?

Answer: No. Unless the event that caused the emergency plan to be activated meets one or more of the criteria in 50.73.

10.3 We are aware that a recent generic analysis of the rod drop accident applicable to our plant indicated that this event would exceed the value given in the FSAR. Further, the analysis indicated that the condition was fully acceptable and did not result in a serious threat to the plant. Is an LER required?

Answer: The condition would be reportable as an LER if the analyzed rod drop had actually occurred and caused the plant to be in a condition outside the design basis of the plant. If such an event had not occurred the analysis alone would not be reportable as an LER but may be reportable under other NRC requirements. If the condition were reported as an LER, then the generic analysis should be discussed and referenced in the assessment of the safety consequences of the event [see 50.73(b)(3)].

11.0 Engineering Judgement

11.1 What is the basis for "engineering judgement?" Does that mean a documented engineering analysis or a judgement by a technically qualified individual?

Answer: Engineering judgement may include either a documented engineering analysis or a judgement by a technically qualified individual depending on the complexity, seriousness and nature of the event or condition. A documented engineering analysis is not a requirement as a basis for an engineering judgement for all events or conditions, but it would be appropriate for particularly complex situations requiring in-depth analysis.

11.2 Will the resident inspectors understand these same words regarding the use of engineering judgement?

Answer: Yes. The rule and associated documentation have been discussed in considerable detail with the regional staff and with many of the resident inspectors in order to achieve a consistent interpretation by the NRC as well as licensee personnel.

11.3 What happens if the resident disagrees with the plant management and believes an LER is required?

Answer: When there is a difference of opinion, licensees will be given a regional position.

12.0 Paragraph 50.73(b), LER Content.

12.1 Suppose that during an event several ESF systems actuate. Am I supposed to describe all actuations in the LER event description?

Answer: Yes. All aspects of the complete event should be described, even those aspects that, by themselves, would not be reportable. For example, if a random component failure (generally not reportable) occurs following a reactor scram (reportable), the component failure should be described in the LER for the reactor scram.

12.2 There have been some events where the trip logic was completed by 4 or 5 ESFs. Does each logic train have to be described in the LER?

Answer: Yes. The LER is to describe the complete event. There is no need to provide redundant information or unimportant details, yet the performance and status of ESF equipment important to defining and understanding what happened and to determining the potential implications of the event should be discussed.

12.3 Why can't we just reference pertinent sections of our FSAR?.

Answer: First, not all organizations or individuals have access to FSARs. Second, extensive cross-referencing would be excessively time consuming considering the large number of LERs and large number of reviewers that read each LER. Third, in many cases the FSAR description may not be sufficiently detailed or up-to-date.

12.4 You indicate that any unique plant features are to be described, yet we may not be aware of the extent to which our plant is unique. How do you determine what is conventional and what is unique?

Answer: The NPRDS Reportable System and Component Scope Manual and IEEE Std 805-1983, "Recommended Practice for System Identification in Nuclear Power Plants and Related Facilities" both contain drawings of generic systems for PWRs and BWRs. If your systems differ from the generic design, some explanation would be appropriate. The length and detail should be a function of the extent of the difference and the significance to the event in terms of understanding what happened.

12.5 Does the term "reasonable and credible" conditions really refer to normal plant operating conditions or to potential accident conditions? In addition, do we have to consider additional component failures as "reasonable and credible" alternative conditions?

Answer: "Reasonable and credible" alternative conditions may include either normal plant operating conditions, additional component failures, or potential accident conditions depending on the event. Each licensee is required to assess its operating experience. In order to determine the safety significance and implications of operating events, consideration will normally be given to reviewing the implications of the event under normal alternative operating conditions such as reactor power and mode (i.e. would the event be more severe) and under off-normal conditions expected to actually occur during the life of the plant. The intent of this section is to obtain the results of such routine reviews. It should be noted, however, that 50.73(b)(3) does not prescribe the scope or content of the assessment.

12.6 We now make a conclusion in LERs about the impact on public health and safety from reportable events. Are we to continue to make such conclusions?

Answer: A conclusion regarding the impact or implication on public health and safety may be included as part of your assessment but it is not required.

12.7 What is meant by corrective action? Is that corrective action to restore the system or component to service, or is that corrective action to prevent recurrence or is it both?

Answer: Both.

12.8 Should the LER contain information on any personnel disciplinary action taken as a result of the event?

Answer: The discussion of the corrective action taken may, on occasion, include personnel disciplinary actions. However, reference by name to specific individuals should not be included.

12.9 Would you please clarify or define what is meant by "previous occurrence." For example, is it events with the same cause, the same end-result, the same failures, or the same sequence? In addition the definition of a "previous occurrence" becomes important when we attempt to answer why corrective action was not adequate. Will this aspect be reviewed with reason and flexibility?

Answer: Previous occurrences should include previous events or conditions which involved the same underlying concern or reason why the LER is being written (e.g., the same cause, the same failure, same result, same sequence of events). For infrequent events (e.g., fires) a rather broad interpretation should be used (e.g., all fires and, certainly, all fires in the same building should be considered "previous occurrences"). For more frequent events (e.g., ESF actuations) a narrower definition may be used (e.g., only those scrams with the same root cause, or only those ESF actuations of the same system and with the same root cause need to be considered "previous occurrences"). The intent is to identify generic or recurring problems.

12.10 In the future when the LER rule is effective, do we have to go back and report all previous events that are not now reportable such as scrams?

Answer: No. For events and conditions which were not required to be reported previously as an LER, "all previous events" means those events and conditions discovered after January 1, 1984.

12.11 You require that we list all previous events. Is it permissible to reference LERs that reference other LERs?

Answer: Reference should be made to all previous LERs in the subject LER. This serves to greatly increase the efficiency and effectiveness of the LER reviewing process.

13.0 50.73(c), Revised LERs.

13.1 If we mentioned in the LER that an engineering study is being conducted are we obligated to tell you the results of the study?

Answer: The results of the study should be reported in a revised LER only if it would significantly change the reader's perception of the course, significance, implications, or consequences of the event; or results in substantial changes in the corrective action planned by the licensee.

13.2 What if I check (Item 11 on NRC-366) two criteria for reportability and later I find that other requirements also pertain, must I resubmit the LER?

Answer: Yes, a revised LER should be submitted.

13.3 If we submit a voluntary LER and later determine that the event is required to be reported, do we have to resubmit the LER?

Answer: Yes, a revised LER should be submitted.

14.0 50.73(d), Time Limit for Reporting

14.1 When does the 30-day clock start?

Answer: The LER must be submitted within 30 days of discovery of the event or condition that is reportable.

14.2 The rule says that events must be reported within 30 days of discovery. How does this vary from event date?

Answer: If the event is clearly defined, give the event date in Item 5 of NRC-366. For example, if an ESF actuated on 1/15/84, but the actuation was not discovered until a review of the sequence-of-events printout on 1/30/84, the event date should be 1/15/84 and the LER is due on 3/1/84 (i.e. 30 days from the discovery date of 1/30/84).

However, if a licensee discovered on 1/15/84 that a design error [reportable under 50.73(a)(2)(v)] occurred some time in 1982, then the event date should be 1/15/84.

If the LER is not submitted within 30 days from the event date, explain the relationship between the event date, discovery date, and report date in the LER text.

14.3 In the past we have always thought of the event date as the date of discovery; thus, we would not have given an 82 number to an event which occurred in 1982 but was not discovered until 1983. Does 50.73 change this interpretation?

Answer: The date used as the first two digits of the LER number (Item 6) should be consistent with the event date in Item 5. In general, the event date is the day on which the event occurred. If the event date is not known or is uncertain, the event date can be the discovery date.

14.4 At times the NRC has proceeded with enforcement action based on plant conditions we should have known about, but did not discover. In this regard, does the 30-day clock for LERs start with the actual discovery date or from the date we should have known?

Answer: For LER reporting, the event date is the discovery date if the event date is not clearly defined. Other interpretations may, at times, be appropriate for enforcement action purposes.

14.5 Suppose a technician sees a problem but a delay occurs before an engineer or supervisor has a chance to review the situation. When does the clock start and what is the difference between "event date" and "discovery date?"

Answer: The discovery date (which starts the 30 day clock) is the date that the technician sees a problem. Therefore, for a single event or condition it is possible to have as many as four applicable dates:

1. The Event Date when the event actually occurred (entered in Item 5).
2. The Discovery Date when someone in the plant recognizes that the event has occurred (starts the 30-day clock and should be entered in Item 5 if the event date cannot be clearly defined).
3. The "Reportability" Date when someone decides or "discovers" that the event is reportable.
4. The Report Date when the LER is submitted (entered in Item 7).

If there is a significant length of time (>30 days) between event date and either the discovery or "reportability" date, the reason for the delay should be discussed in the LER text.

14.6 There were a series of questions involving:

- a. For events that occurred in late 1983 but not reported until 1984, what format should be used?
- b. For events that occurred in 1983 but not recognized as reportable until 1984 and not reportable under 50.73, what format should be used?
- c. For events that occurred in 1981 but were not discovered until 1985 as reportable under 50.73, what format should be used?

Answer: 50.73 is effective on 1/1/84. Therefore, events that occur in late 1983 should be reported using the LER requirements and format in effect at the time of the event, even though the report will not actually be submitted until after 1/1/84.

Events that were discovered (see question 14.5) in 1983 and before but were not recognized as reportable under the existing LER requirements until after 1/1/84 must still be reported. The LER requirements in effect at the time of the event should be followed and the reason for late reporting should be discussed in the cover letter. The LER number should be based on the discovery date as event date (see question 14.3).

Events that occurred prior to 1/1/84 that are reportable under 50.73 but are not reportable under the previous LER requirements need not be reported. However, if a design deficiency is discovered after 1/1/84 and it meets the criteria of 50.73 for reportability such as 50.73(a)(2)(v); it should be reported even though the actual design error was made before 1/1/84.

14.7 We have submitted LERs which have not yet been closed out (open-ended). Suppose that the events for which these LERs were written are no longer reportable under the new LER rule, must we close out these old LERs?

Answer: Yes.

14.8 Which format should be used for updating old LERs after January 1, 1984?

Answer: Revisions to past reports should be in the same format as the original report.

14.9 Suppose an event is reportable and we are looking at the cause and another event occurs two weeks later and as a result we discover a generic problem. When does the 30-day clock start?

Answer: The 30-day clock starts when the condition or events became reportable. If the first event was reportable even if the second event had not occurred, then the clock starts at the event date of the first event (i.e. the second event simply confirmed the first event's reportability). However, if the first event was not reportable by itself (e.g. a single diesel failure) but the condition became reportable because of the second event (e.g. a second diesel failure which indicates that the condition that caused both failures is generic) then the clock starts at the time when the conditions was found to be generic (i.e., the first event did not indicate a reportable condition, the second event did). Thus the event starts when the condition is discovered.

14.10 What happens if the 30-day period ends on a Sunday or holiday?

Answer: Reports are due in 30 days but reports mailed on the first working day following the end of the 30 days are acceptable.

14.11 What should we do if we know that a report will be late?

Answer: Discuss the situation with the appropriate Regional Office.

14.12 Does the LER have to arrive within 30 days or is it acceptable to have it signed within 30 days and mailed?

Answer: The LER should be mailed within 30 days except as noted in the answer to question 14.10.

14.13 We sometimes test components such as valves and snubbers over a period of several weeks. During this period we may discover a number of inoperative components. Do we have to submit each failure as an LER or can we submit multiple failures in one LER?

Answer: For failures that are discovered during a single test program or activity, report all failures that occurred within the first 30 days of discovery of the first failure on one LER. State in the LER text (and code the information in Items 14 and 15) that a supplement to the LER will be submitted when the test is completed. Submit a revision to the original LER when the test is completed. Include all the failures, including those reported in the original LER, in the revised LER (i.e., the revised LER should stand alone).

[Note: See question 21.1].

14.14 If we are in an outage that lasts 60 days, can we write one LER to report problems during this time period or one LER to be followed by supplemental reports?

Answer: Events that are part of the same activity or test program and are therefore related may be reported as a single LER (see question 14.13). However, unrelated events or conditions should be discussed in separate LERs (i.e., this flexibility should not be used as a mechanism to avoid submitting separate reports of separate events).
[Note: See question 21.1].

15.0 50.73(d), Report Copies

15.1 We now have to submit almost 60 copies of LERs. Has this requirement been changed?

Answer: Yes. 50.73 requires only two copies, one to the NRC Document Control Desk and one to the Regional Administrator. An additional copy is suggested to the resident inspector and this copy may be required in the future.

16.0 Paragraph 50.73(f), Exemptions.

16.1 Will exemptions be only generic in nature or can they also be plant specific?

Answer: Exemptions may be plant specific or generic. However, one of the goals of the LER rule is a consistent set of reporting requirements that apply to all plants. Therefore, plant specific exemptions would not be issued unless fully justified based on unique plant conditions in order to minimize substantive inconsistencies in the reporting requirements.

17.0 50.73(g), Technical Specification Modification

17.1 Is it important to modify our Technical Specifications before January 1, 1984?

Answer: No. The Technical Specifications change is purely administrative (i.e. it authorizes removing the superceded sections of the Technical Specifications) and can occur at any time before or after January 1, 1984.

17.2 There are sections in our Technical Specifications that have reporting requirements which reference the deleted sections. What happens if these situations are no longer required to be reported under 50.73? Sometimes these reporting requirements say to submit a Special Report. Must we do this if the situation is not reportable as an LER?

Answer: If the requirement references the Technical Specifications sections that refer to LER reporting (typically 6.9.1.8 and 6.9.1.9) and it does not meet any of the criteria in 50.73, the event or condition is no longer reportable. If the requirement references the Technical Specification section associated with Special Reports (typically 6.9.2) it is still reportable as a Special Report.

17.3 As a result of TMI-2 some additional reporting requirements were added to Section 3 of the Technical Specifications. For example, Auxiliary Feedwater flow indicators, and PORV valve position is to be reported within 14 days if inoperative for 7 days. Does the LER rule supersede these Technical Specification requirements?

Answer: The LER rule supersedes all reporting requirements that refer to "Reportable Occurrences", "LERs", or reference the Technical Specification section associated with LERs. All other reports (e.g., Special Reports) are still required.

17.4 Does the LER rule supersede past IE Bulletins and Information Notices that either had new reporting requirements or interpretation of previous LER requirements?

Answer: See questions 17.2 and 17.3.

17.5 The Technical Specifications requirements which involve the review of LERs by the Plant Review Committee (PRC) reference the LER section. If you eliminate this section, you will eliminate any requirement for PRC review. I am sure this was not intended, but how will it be corrected?

Answer: The generic letter that describes how to remove the LER sections from the Technical Specifications will also describe how to change the reference associated with PRC review to 50.73.

18.0 Conforming Amendments to Part 20, and Section 50.36.

18.1 Are the modifications to Part 20 and Section 50.36 also effective on January 1, 1984?

Answer: Yes. The conforming amendments to Part 20 and Section 50.36 that were published with 50.73 are also effective on January 1, 1984.

19.0 Voluntary LERs.

19.1 In the past, instead of submitting an LER we have, on occasion, submitted information letters. Can information-type LERs be submitted under the "Other" category?

Answer: Yes. Please submit information-type LERs (i.e., voluntary LERs) as an LER with "Other" checked in the reporting requirements block (Item 11). In addition, type "Voluntary Report" in the space immediately below the "Other" block. Do not use information letters to report operational events that do not meet 50.73.

THIS REPORT IS SUBMITTED PURSUANT TO THE REQUIREMENTS OF 10 CFR 50. (Check one or more of the following) (11)			
<input type="checkbox"/> 20.405(a)	<input type="checkbox"/> 20.405(c)	<input type="checkbox"/> 50.73(a)(2)(iv)	<input type="checkbox"/> 73.71(b)
<input type="checkbox"/> 20.405(a)(1)(i)	<input type="checkbox"/> 50.73(a)(1)	<input type="checkbox"/> 50.73(a)(2)(v)	<input type="checkbox"/> 73.71(c)
<input type="checkbox"/> 20.405(a)(1)(ii)	<input type="checkbox"/> 50.73(a)(2)	<input type="checkbox"/> 50.73(a)(2)(vi)	<input checked="" type="checkbox"/> OTHER (Specify in ADDRESS BLOCK and in Text, NRC Form 288A)
<input type="checkbox"/> 20.405(a)(1)(iii)	<input type="checkbox"/> 50.73(a)(2)(i)	<input type="checkbox"/> 50.73(a)(2)(vii)(A)	Voluntary Report
<input type="checkbox"/> 20.405(a)(1)(iv)	<input type="checkbox"/> 50.73(a)(2)(ii)	<input type="checkbox"/> 50.73(a)(2)(vii)(B)	
<input type="checkbox"/> 20.405(a)(1)(v)	<input type="checkbox"/> 50.73(a)(2)(iii)	<input type="checkbox"/> 50.73(a)(2)(ix)	

19.2 Do we have to give a number to LERs submitted as an optional or voluntary report or for a report which meets other than 50.73 requirements?

Answer: Yes.

19.3 If we start submitting a lot of reports under the "Other" category (e.g., voluntary reports) we will have a higher number of LERs. Will we be penalized by those organizations and individuals that count LERs?

Answer: You will not be penalized by the NRC (e.g., as part of the NRC Systematic Assessment of Licensee Performance (SALP) program). It is recognized that counting LERs is not an accurate or appropriate measure and should not be used as a basis to judge licensee performance at operating facilities (e.g., How many setpoint drift LERs equal one LOCA LER?). Unfortunately, use of the LERs by other organizations is outside of our control. In addition, we believe that the submittal of optional reports is a strong indicator of a licensee's commitment to complete reporting and to effective use of operational experience and thus worthy of specific credit and mention in any appraisal involving operational data.

19.4 Are there any other reporting mechanisms besides LERs for reporting items or conditions which might prove useful that will not result in individuals counting the report as an LER?

Answer: No. Reportable information is to be submitted as LERs because there are well established procedures for the distribution and entry into computerized data files. Consequently, there is less chance that the information will be lost or "fall through a crack".

20.0 Special Reports.

20.1 My Technical Specifications require certain Special Reports (typically described in Section 6.9.2). Can these reports be submitted using the LER forms?

Answer: Yes. The LER forms may be used to submit Special Reports. Check the "Other" block in Item 11 of the form, and type "Special Report" in the space immediately below the "Other" block. When it is elected to use an LER for either a Special Report or a voluntary report, the provisions of 50.73(b) covering the content of the report may not be applicable or appropriate. Thus, in these activities, the content of the report should be developed to best present the information associated with the situation being reported.

THIS REPORT IS SUBMITTED PURSUANT TO THE REQUIREMENTS OF 30 CFR § (Check one or more of the following) (11)				
<input type="checkbox"/> 20.402(b)	<input type="checkbox"/> 20.405(c)	<input type="checkbox"/> 50.73(a)(2)(iv)	<input type="checkbox"/> 73.71(b)	
<input type="checkbox"/> 20.405(a)(1)(ii)	<input type="checkbox"/> 50.36(c)(1)	<input type="checkbox"/> 50.73(a)(2)(v)	<input type="checkbox"/> 73.71(c)	
<input type="checkbox"/> 20.405(a)(1)(iii)	<input type="checkbox"/> 50.36(c)(2)	<input type="checkbox"/> 50.73(a)(2)(vi)	<input checked="" type="checkbox"/> OTHER (Specify in ADIRAC below and in Text, NAC Form 356A)	
<input type="checkbox"/> 20.405(a)(1)(iv)	<input type="checkbox"/> 50.73(a)(2)(ii)	<input type="checkbox"/> 50.73(a)(2)(vii)(A)	Special Report	
<input type="checkbox"/> 20.405(a)(1)(v)	<input type="checkbox"/> 50.73(a)(2)(iii)	<input type="checkbox"/> 50.73(a)(2)(vii)(B)		
<input type="checkbox"/> 20.405(a)(1)(vi)	<input type="checkbox"/> 50.73(a)(2)(iv)	<input type="checkbox"/> 50.73(a)(2)(ix)		

20.2 What about duplication of reports between Special Reports which are still required as LERs. For example, in our Technical Specifications, an ECCS actuation (which is reportable under 50.73(a)(2)(iv)) requires a Special Report. Are two reports required? Also, fire detector failures are to be reported as Special Reports for Unit 2 and as LERs for Unit 3. Can't the same type of event be reported by the same type of report?

Answer: If an event is reportable under 50.73 and is reportable as a Special Report, check the block in Item 11 for the applicable section of 50.73, and check the "Other" block. Type "Special Report" in the space immediately below the "Other" block. As noted elsewhere, when using the LER form, the content of the report should depend upon the reportable situation.

THIS REPORT IS SUBMITTED PURSUANT TO THE REQUIREMENTS OF 10 CFR §. (Check one or more of the following) (11)					
<input type="checkbox"/> 20.402(b)	<input type="checkbox"/> 20.405(e)	<input checked="" type="checkbox"/> 50.73(a)(2)(iv)	<input type="checkbox"/> 73.71(b)		
<input type="checkbox"/> 20.406(a)(1)(iii)	<input type="checkbox"/> 50.73(a)(1)	<input type="checkbox"/> 50.73(a)(2)(v)	<input type="checkbox"/> 73.71(c)		
<input type="checkbox"/> 20.406(a)(1)(iv)	<input type="checkbox"/> 50.73(a)(2)	<input type="checkbox"/> 50.73(a)(2)(vi)	<input checked="" type="checkbox"/> OTHER (Specify in Abstract below and in Text, NRC Form 266A)		
<input type="checkbox"/> 20.406(a)(1)(v)	<input type="checkbox"/> 50.73(a)(2)(i)	<input type="checkbox"/> 50.73(a)(2)(vii)(A)	Special Report		
<input type="checkbox"/> 20.406(a)(1)(vi)	<input type="checkbox"/> 50.73(a)(2)(ii)	<input type="checkbox"/> 50.73(a)(2)(vii)(B)			
<input type="checkbox"/> 20.406(a)(1)(vii)	<input type="checkbox"/> 50.73(a)(2)(iii)	<input type="checkbox"/> 50.73(a)(2)(ix)			

21.0 Appendix J Reports (Leak Rate Test Reports).

21.1 I must perform leak rate testing as required by Appendix J and report the results. This report seems redundant to LER reporting. Must I submit both an LER and an Appendix J report or just one and if so which one?

Answer: Although situations may be discovered during a leak rate test, the entire leak rate test is not reportable as an LER, and should be reported separately.

22.0 Part 21 Reports.

22.1 Under Part 21, a vendor that identifies a reportable defect submits a Part 21 report to the NRC, and at the same time informs each purchaser of the component, service, etc. If the Part 21 report accurately and completely describes how the defect applies to each plant, then no further reporting by licensees is generally made. However, if the report does not accurately or completely describe how a defect applies to one or more plants, then each unit submits an LER describing how the defect applies to the subject unit. How should this practice continue under the new reporting requirements?

Answer: The reporting requirements and procedures for Part 21 have not been changed by 10 CFR 50.73. If an LER would have been submitted in the past, it should continue to be submitted. The "Other" block in Item 11 of the LER form should be checked and "Part 21" should be typed in the area immediately below the "Other" block. If the defect also meets one of the criteria in 50.73, and the applicable section of 50.73 should be checked in Item 11 and the "Other" block annotated as described above.

THIS REPORT IS SUBMITTED PURSUANT TO THE REQUIREMENTS OF 10 CFR § (Check one or more of the following) (11)			
<input type="checkbox"/> 20.402 (b)	<input type="checkbox"/> 20.405 (c)	<input type="checkbox"/> 50.73 (a) (2) (iv)	<input type="checkbox"/> 73.71 (b)
<input type="checkbox"/> 20.405 (a) (1) (iii)	<input type="checkbox"/> 50.73 (c) (1)	<input checked="" type="checkbox"/> 50.73 (a) (2) (iv)	<input type="checkbox"/> 73.71 (c)
<input type="checkbox"/> 20.405 (a) (1) (iv)	<input type="checkbox"/> 50.73 (c) (2)	<input type="checkbox"/> 50.73 (a) (2) (v)	<input checked="" type="checkbox"/> OTHER (Specify in ADDRESS block and in Text, NRC Form 366A)
<input type="checkbox"/> 20.405 (a) (1) (v)	<input type="checkbox"/> 50.73 (a) (2) (iii)	<input type="checkbox"/> 50.73 (a) (2) (vii) (A)	Part 21
<input type="checkbox"/> 20.405 (a) (1) (vi)	<input type="checkbox"/> 50.73 (a) (2) (iv)	<input type="checkbox"/> 50.73 (a) (2) (vii) (B)	
<input type="checkbox"/> 20.405 (a) (1) (vii)	<input type="checkbox"/> 50.73 (a) (2) (iv)	<input type="checkbox"/> 50.73 (a) (2) (v)	

23.0 Section 73.71 Reports.

23.1 I understand we can use the LER to report events reportable under 73.71. However, the reporting period of 73.71 is 5 days and 15 days while the LER is 30 days. Which time period governs?

Answer: Licensees may use the LER forms, but time periods and report content requirements of 73.71 still apply.

23.2 Since sabotage events can be reported using the LER form, are there any special instructions for including safeguards or security information or for the labeling or marking of such information?

Answer: Events or conditions that are reportable under 73.71 should be submitted using the new LER forms with the appropriate blocks in Item 11 checked. If the report contains safeguards information as defined in 73.71, the LER forms may still be used, but they must be appropriately marked (i.e., in Item 16 of NRC-366, and Item 17 of NRC-366A).

Safeguards and security information should be included only in the text (Item 17) (i.e., safeguards and security information should not be included in the abstract (Item 16)). In addition, the text should clearly indicate the information that is safeguards or security information.

23.3 At times, in order to properly describe the details of an event and component failures, it may be necessary to include Proprietary Information. What provisions have been incorporated to adequately protect Proprietary Information if the LER includes such information?

Answer: If the LER contains Proprietary Information the LER should be appropriately marked (i.e., in Item 16 of NRC-366, and Item 17 of NRC-366A). Proprietary Information should be included only in the text (Item 17) (i.e., Proprietary Information should not be included in the abstract (Item 16)). In addition, the text should clearly indicate the information that is proprietary.

24.0 Forwarding Letters.

24.1 Is a forwarding letter necessary?

Answer: Yes. A forwarding letter signed by a responsible official should be used to submit the LER.

24.2 Is there a prescribed format for the forwarding letter? Is it acceptable to show a copy (i.e., a "cc") to INPO?

Answer: There is no prescribed format for the forwarding letter. Licensees are permitted and encouraged to include INPO as a "cc" on the forwarding letter.

24.3 Can multiple LERs be forwarded by one forwarding letter?

Answer: Yes.

25.0 LER Form.

25.1 Can we use a facsimile of the form in order to use word processing equipment to prepare the LER?

Answer: Yes. However, do not significantly alter the size or general format and layout of the form.

25.2 How do I get LER forms?

Answer: NRC will provide forms free of charge. Fifty copies of each form have been sent to each plant manager. Additional copies may be obtained free of charge by writing to "NRC/Publication Services Section, U.S. Nuclear Regulatory Commission, Washington D.C. 20555".

25.3 Is it acceptable to reuse a sequential LER number even if the event date is later than subsequent reports?

Answer: Yes. We would prefer that all LER numbers be used (i.e., reuse a sequential number rather than leave holes in the sequence). If you assign an LER number to a report, but subsequently decide not to issue the report, reassign the number to a subsequent event.

25.4 A situation is discovered in one unit that applies to both units. How should this be reported?

Answer: Submit a single LER. Items 1, 2, 6, 9, and 10 should refer to the lowest numbered nuclear unit. Item 8 should indicate the other unit(s) affected. The abstract (Item 16) and the text (Item 17) should describe how the event affected both units.

25.5 What about plants that have operating modes such as hot shutdown, cold shutdown, operating, refueling, etc., but no mode numbers? Are we to put an "N" in the operating mode (Item 9)?

Answer: Yes. If the plant does not have numerical operating modes (e.g. "Mode 5") put an "N" in Item 9 and describe the operating mode in the text.

25.6 Where do we put the model number of failed components?

Answer: Put the model number of failed components in the text.

25.7 Do we have to report only those component failures within the scope of NPRDS (or E11S), or any component failure involved with the event?

Answer: Include in the LER text, and in Item 13 of NRC-366, any component failure involved in the event.

25.8 Is the date of supplemental reports considered firm (i.e., a regulatory commitment) or is it just a target date?

Answer: The "Expected Submission Date" (Item 15) for supplemental reports is a target/planning date. It is not a regulatory commitment.

25.9 Is it acceptable just to have an abstract (i.e., describe the entire event in the abstract space)?

Answer: Yes. However, a detailed description of the event is required such that a knowledgeable reader can understand the complete event. We expect that few reportable events will be so simplistic that they can be adequately described in 1400 characters.

25.10 Is there a limit to the number of characters or pages in LERs?

Answer: No. The abstract is limited to 1400 characters but the text may include as many pages as are needed.

25.11 Is it acceptable to include drawings in the LER text? Must they be on the form? What about photographs? Is it acceptable to send them with the LER?

Answer: Drawings, figures, tables, photographs, etc. may be included with LERs. If at all possible, they should be provided on an LER form (i.e., NRC 366A). In addition, care should be taken to insure that drawings, etc. are of sufficient quality to permit legible reproduction and micrographics processing. Oversized drawings (i.e., larger than 8 1/2 X 11) should be avoided, if at all possible.