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January 31, 1992

Regulatory Publications Branch  
Division of Freedom on Information and Public Services  
Office of Administration  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555

ATTENTION: Mr. David L. Meyer  
  
SUBJECT: Calvert Cliffs Nuclear Power Plant  
Unit Nos. 1 & 2; Docket Nos. 50-317 & 50-318  
Draft NUREG-1022, Revision 1 Changes

Dear Mr. Meyer:

Attached are our comments to the Draft NUREG-1022, Revision 1 issued for public comment on October 7, 1991. The adequacy and completeness of the current guidance in this area is an area of industry concern which merited the staff's attention. In general, however, we feel that this draft guidance does not accomplish its intended goals, and we have significant concerns about its adequacy and effects on the nuclear industry. Additional dialogue between the Nuclear Regulatory Commission and the industry is needed in this area prior to final issuance of this document.

Our primary concern with the revised guidance regards resources. In its current form, the guidance significantly expands the scope of 10 CFR 50.72 and 73. This expansion of scope would result in a large number of reports concerning issues of little or no safety significance. This will lead to severe strains on NRC and licensee resources dedicated to complying with these rules and processing the reports. At least a doubling of the current reporting effort is anticipated with no significant safety benefit. As a minimum, such a major commitment of resources should not be undertaken without detailed review in accordance with 10 CFR 50.109.

A second area of concern is the potential for misuse of Licensee Event Reports (LERs). The draft NUREG acknowledges that operational experience reported under 10 CFR 50.72 and 73 has been misused during prudence and reasonableness hearings. BG&E's has first-hand experience with the Maryland Public Service Commission where the existence of a LER has been used as evidence of a problem. Significantly lowering the threshold for reporting will exacerbate this problem. Public perception will also be adversely affected, as the reportability criteria are assumed to reflect a meaningful threshold of safety significance by individuals with no means to independently assess safety significance.

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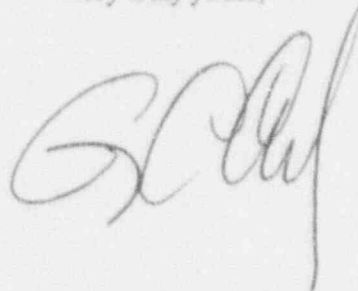
The third area of our concern with the draft document regards its clarity. In attempting to apply the draft guidance to actual plant cases, we found its direction unclear. This results partly from inconsistency with other NRC documents and partly from a lack of explanatory detail in the thought process behind the cited examples. We anticipate that this lack of clarity will have a high potential for creating undesirable disputes over compliance in the future.

We have performed extensive reviews of Draft NUREG-1022, Revision 1 internally and provided input and support to the BWROG efforts concerning reportability over the past two years. Thus, our comments are a combined submittal of plant specific comments in Attachments (1) and (2) and an endorsement of the full set of BWROG comments. We have also reviewed the full set of NUMARC comments and endorse them as well. The BWROG and NUMARC comments are a comprehensive and detailed assessment of this NUREG and accurately represent the general industry position. We contributed to these comments, support them, and ask that they be considered in detail as part of our comments. In order to avoid repetitive input to the staff, our specific comments in Attachments (1) and (2) are intended to be in addition to the BWROG and NUMARC comments.

We appreciate your consideration of our comments regarding Draft NUREG-1022, Revision 1.

Should you have any further questions regarding this matter, we will be pleased to discuss them with you.

Very truly yours,



GCC/CDS/bjd

Attachments

cc: Document Control Desk, NRC  
D. A. Brune, Esquire  
J. E. Silberg, Esquire  
R. A. Capra, NRC  
D. G. McDonald, Jr., NRC  
T. T. Martin, NRC  
P. R. Wilson, NRC  
R. I. McLean, DNR  
J. H. Walter, PSC

ATTACHMENT (1)

GENERAL COMMENTS

We have reviewed Draft NUREG-1022, Revision 1 and have the following general comments.

1. The draft does not accomplish its stated goal of creating a guidance document without changing the reporting requirements of 10 CFR 50.72 and 50.73. We strongly feel that this draft expands the scope of these rules in several areas. The most notable examples are: (1) the expansion of the definition of design basis of the plant to include engineering and licensing basis concepts; (2) expansion of the definition of Engineered Safety Feature beyond what is defined in individual licensee Final Safety Analysis Reports; (3) expansion of reportability requirements for Technical Specification violations, especially violations of Administrative Technical Specification; and (4) lowering the threshold of reportability for conditions adversely impacting structures or systems to conditions impacting individual components.
2. Although the draft provides many examples of reportable conditions, it does not provide enough examples of non-reportable conditions. We are concerned that this will result in the continued confusion over the reportability threshold of these rules. Many examples are also of insufficient detail to support their stated reportability disposition.
3. As written, the draft will result in a significant increase in required number of ENS notifications and LERs. Rough estimates are that this draft would result in 100-200 percent increases in the number of 50.72 and 73 reports. An increase of this magnitude would obviously require a corresponding increase in licensee and NRC resources dedicated to these activities. We firmly believe that these increases would add very little if any additional safety significant information to the NRCs LER data base.
4. It appears few of the industry concerns and input have been incorporated into this draft. The industry has expended a considerable amount of effort to develop and propose detailed changes to NUREG-1022. These changes were presented in a manner that we felt would satisfy the NRC goals for complete reporting under the 50.72 and 50.73 rules while providing consistent and accurate guidance to licensees. We feel that the staff should revisit this industry input (BWROG input) and consider additional joint efforts to resolve these differences prior to finalizing this NUREG.
5. The draft does not address how this new guidance should be applied to events or issues that occurred in the past. This may lead to confusion over the reportability of issues that did not meet the requirements of Revision 0 of NUREG-1022 but do meet the requirements of the draft guidance.

## ATTACHMENT (2)

### Page iii ABSTRACT

Paragraph 3 Based on our internal assessment of the effects of this document and our discussions with other licensees at industry LER workshops, we are confident that this revision to NUREG-1022 will significantly increase the annual totals of ENS notifications and LERs. This would result in an unnecessary and undesired additional burden on NRC and licensee resources dedicated to satisfying 50.72 and 50.73 requirements. It is estimated that implementation of this guidance will result in a 100-200 percent increase in reportable events in the industry.

### Page xi EXECUTIVE SUMMARY

Paragraph 2 The second sentence is incomplete with respect to past published materials (FR notices, NUREG-1022, and 50.72, 73 itself) in that the fundamental objective of the LER system is to identify emerging trends or patterns of potential safety significance and to identify and isolate precursor events.

Paragraph 3 We feel that the accurate determination of reportable events within reasonable time limits is appropriate and necessary to avoid over reporting of non-significant events.

### Page xii EXECUTIVE SUMMARY

Paragraph 3 The task group should have been concerned with re-emphasizing the "appropriate" threshold of event reporting to meet the intent of the 10 CFR 50.72 and 50.73.

Paragraph 4 See comment from Page iii 3rd Paragraph.

### Page 3 Revised Reporting Guidelines

Paragraph 1 This should be noted as a commendable and necessary purpose for this revision.

### Page 5 Revised Reporting Guidelines

Paragraph 2 It is preferred that "requirements" be "guidelines."

### Page 6 How to Use this Document

Paragraph 2 Discusses the fact that a subject index is under development. This index should be completed prior to final issuance of this revision.

### Page 16 Section 2.4

Paragraph 5 It should be noted that this specific item is considered not reportable by many licensees. While this condition may constitute a condition "outside the licensing basis of the plant" it may not result in a condition that was outside the design basis

## ATTACHMENT (2)

or that could have prevented the EDGs from performing their "intended safety function."

Paragraph 6 A test for operability should be applied in this case to determine the effect of the overloaded hanger on system operability. Please consult BWR Owners Group comments for details.

### Page 17 Section 2.7

Paragraph 1 This paragraph should specify the fact that a "common mode" is normally required to be present to make multiple component failures reportable unless a condition prohibited by TS has occurred.

### Page 18 Section 2.7

Paragraph 2 The "common mode" aspect of the control rod failures supports the previous comment. It should be emphasized that the definition of engineering judgement includes evaluation of the generic implications of a condition. Effective use of engineering judgement should preclude the need to legislate reportability of specific events. Specifying the concept of common mode failure should be adequate guidance for most licensees.

### Page 19 Section 2.8

Paragraph 0 Including detailed Human Performance information in LERs appears to constitute a new requirement that could have a significant impact on some licensee resources. While many licensees routinely perform Human Performance evaluations of many events, not all do so within the time limits of LER submittals (30 days). Requiring this could lead to incomplete evaluations or increased numbers of LER supplements.

### Page 24 Section 3.1.1

Paragraph 4 States that an emergency classification must be declared for events discovered "after the fact" even if the plant is no longer in the condition that emergency classification criteria address. We feel that declaration of such events via plant sirens and/or announcements on the plant public address (PA) system is both unwarranted and unnecessary. We agree that other reportability requirements should be satisfied. Some clarification with respect to this issue is needed.

### Page 26 Section 3.1.1 Example 3

Paragraph 4 The third sentence implies that licensees are required to maintain continuous communication with the NRC Operations Center during emergencies of Alert or higher. The actual requirement of 50.72(c)(3) is that licensees are obligated to do so if requested, i.e., "may be required to maintain ..."

## ATTACHMENT (2)

### Page 38

- Paragraph 1 The operation of the plant with a required procedure that has not been properly approved would only be reportable when that procedure was incorrect and resulted in or required an operation condition prohibited by the TS. If the procedure was correct or required no operation prohibited by TS, then it should not be considered reportable.
- Paragraph 5 Some clarification is required. This paragraph could be interpreted to require an LER every time proper radiation controls are not implemented. Such controls include, for example, a failure to lock a high radiation area, failure to properly rope off a radiological controlled boundary, improper posting, etc. Very little useful industry operational experience will be gained from the reporting of such issues, especially if they had low potential consequences..

### Page 40 Example

- Paragraphs 1&2 We suggest the deletion of this example which may or may not be interpreted by licensees as use of 50.54(x). Thus, this example becomes an unnecessary de facto interpretation of 50.54(x) and not of 10 CFR 50.72 and 50.73.

### Page 41 Discussion

- Paragraph 1 This paragraph reads that components, systems, or structures that are either seriously degraded, or in unanalyzed conditions are reportable. This disregards their effect on the power plant. The words, " ... are either ... ," should read, " ... result in the nuclear power plant being ... "

### Page 43 Discussion

- Paragraph 1 This paragraph implies that adverse conditions should be reported prior to completion of an engineering evaluation. ENS Notifications and LERs should only be required after the existence of a reportable condition has been verified.

### Page 44 Item (3)

- All Paragraphs As written, this section would result in a large increase in required reports due to an expansion of the term, "outside the design basis of the plant." Inclusion of structure, system, and component level design basis is not consistent with the published rule. Inclusion of the licensing basis would require that all missed commitments would be reportable. We support BWROG comments on this item and suggest inclusion of their comments.

### Page 46 Examples

- LLRT Example The threshold for reportability under this criterion should be 1.0 La not the TS limit of 0.6 La. Nuclear power plants are analyzed for primary containment leakage up to 1.0 La.

## ATTACHMENT (2)

### Page 47 Item (2)

The "spills" example concentrates on spills affecting component operability, qualification or design life. The threshold for reportability in this case should concentrate on the cumulative effects of a spill and whether those effects were bounded by the safety analyses of the plant. Potential or actual individual component failures do not normally meet the implied reporting threshold of "Plant in an unanalyzed condition."

### Page 48 Item (3)

Example 1 A condition that calls containment integrity into question is not reportable unless engineering analysis or testing shows that containment leakage exceeded La. This example should be revised.

### Page 85 Examples

(1) Example 1 This example implies that an LER is required due to RCS water level decreases due to unknown reasons, because such a decrease indicates a serious degradation of the RCS. The statement that the RCS was seriously degraded when water level decreased as a result of unknown reasons is not supported by any clarifying information to support such a position. Such clarification should be provided.

### Page 86 Examples

Item (4) Please note that some licensees may not consider AFW an ESF. Reference BWROG comments page 81 Nos. 5 and 6 for discussion of appropriate definition of "ESF."