



**CENTERIOR ENERGY**

DS09

John L. Crooks  
56 FR 50598  
10/7/91

**Donald C. Shelton**  
Vice President - Nuclear  
Davis-Besse

41

300 Madison Avenue  
Toledo, OH 43652-0001  
(419) 249-2300

Docket Number 50-346

License Number NPF-3

Serial Number 2016

February 3, 1992

Mr. David L. Meyer, Chief  
Regulatory Publications Branch  
Division of Freedom of Information and Public Services  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

92 FEB 10 AM 52

REGULATORY PUBLICATIONS BR  
NRC

Subject: Comments on Draft NUREG-1022, Revision 1, "Event Reporting Systems, 10 CFR 50.72 and 50.73, Clarification of NRC Systems and Guidelines for Reporting," 56 Fed. Reg. 50598 (October 7, 1991)

Dear Mr. Meyer:

These comments are submitted by Toledo Edison in response to the request of the NRC for comments published in the Federal Register (56FR50598) on October 7, 1991. Toledo Edison, a subsidiary of Centerior Energy, is partial owner of and is responsible for operation of the Davis-Besse Nuclear Power Station. Toledo Edison has been authorized for power operation of the Davis-Besse Nuclear Power Station since April, 1977. As a 10 CFR 50 licensee, Toledo Edison has vested interest in any policies the NRC may adopt which can affect the management and operation of commercial nuclear power plants.

Toledo Edison has been actively involved with the BWR Owners' Group LER/JCO committee, Nuclear Utility Backfitting and Reform Group (NUBARG), and Nuclear Management and Resources Council (NUMARC) in preparing comments on the draft NUREG-1022, Revision 1, "Event Reporting Systems, 10 CFR 50.72 and 50.73, Clarification of NRC Systems and Guidelines for Reporting". Therefore, Toledo Edison endorses their efforts and comments with regard to draft NUREG-1022, Revision 1.

Toledo Edison commends the staff on its recognition that current guidance needs to be clarified and consolidated to assure consistency in the reporting of significant safety events. However, as currently drafted, the revised NUREG in several instances does not meet this goal. In fact, certain aspects of the proposed revision appear to be a scope change to the reporting rules (10CFR 50.72 and 50.73) which should be handled in the rulemaking process.

9202130055 920203  
PDR NUREG  
1022 C PDR  
Operating Companies  
Cleveland Electric Illuminating  
Toledo Edison

In the executive summary section of the draft NUREG revision, the NRC Staff states that: "... revised guidelines are not expected to result in a significant change in the annual industry-wide total numbers for ENS notifications and LERs." Toledo Edison disagrees with this statement. The Company performed a brief review of events that occurred during 1991 and identified that the number of LERs submitted to the NRC could have increased by 400 percent utilizing the draft guideline. These events leading to additional reports are not considered to be safety significant and do not require reporting under the existing guidelines. As such, the additional reporting will prove counterproductive to both the regulator and licensee. Furthermore, an increase of this magnitude would be perceived by the general public as a decline in the safety performance of the country's nuclear generating stations especially when coupled with the NRC's statement that the cause would not be attributed to the new NRC guidance. In addition, the increased number of reports with no accompanying safety benefit would be an unnecessary and undesirable drain on company resources.

Toledo Edison also believes, as stated in NUBARG Policy Committee's comments, that the draft NUREG-1022 has many potential backfitting implications. For example, the NRC states that the new guidelines do not change the reporting requirements of 10 CFR 50.72 and 50.73. However, inclusion of such systems as emergency diesel generators and other essential auxiliary support systems as Engineered Safety Features (ESF) is a change to the current reporting requirement. The ESF systems vary from plant to plant and are clearly defined in a plant's licensing basis. If the NRC wishes to redefine ESF systems to obtain continuity in ESF reporting by licensees, the staff should consider a change to the rule rather than utilizing a NUREG.

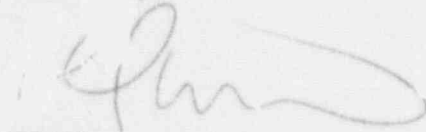
Since the rulemaking (and thus the backfitting) process would be effectively circumvented through publication of the new guidelines, the guidance is not enforceable and therefore of limited value. However, it would likely result in undue regulatory pressure from individual inspectors to make determinations of reportability utilizing these guidelines. Concerns of this nature are not likely to be contested by licensees in the backfitting arena. Thus, many licensees are likely to choose the LER reporting option. This will exacerbate the inconsistency problem. The only appropriate vehicle for redefining or imposing additional regulatory requirements should be the rulemaking process. Continuing to regulate the industry by periodically publishing reinterpretations of existing regulations can only bring about further ambiguity.

In summary, Toledo Edison believes the draft revision to NUREG 1022 is a positive step towards achieving the goals set forth by the NRC and the industry. However, as presently drafted it will cause more uncertainty and therefore more inconsistency in reporting events. Therefore, Toledo Edison recommends that the revision to NUREG-1022 not be issued in its present form. The NRC should form a working group consisting of NRC and Industry representatives to work together on clarifying and consolidating guidance on existing reporting requirements.

Docket Number 50-346  
License Number NFP-3  
Serial Number 2016  
Page 3

Shou'd you have any questions regarding this letter, please contact  
Mr. Robert W. Schrauder, Manager - Nuclear Licensing at (419) 249-2366.

Sincerely,



GH/dlm

cc: R. D. Binz, BWR Owners' Group  
A. B. Davis, Regional Administrator, NRC Region III  
J. B. Hopkins, NRC Senior Project Manager  
W. A. Horin, Winston & Strawn  
W. Levis, NRC Senior Resident Inspector  
T. E. Tipton, NUMARC  
USNRC Document Control Desk