

DOCKET NUMBER 20750
(57 FR 27187)

DOCKETED
USNRC

26

92 JUL 27 P3:08

Marvin I. Lewis
7801 Roosevelt Boulevard
Suite 62
Phila., PA 19152
(215)624-1574

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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

Dear Mr. Secretary:

Please accept the following letter as my comments on
10CFR30&35 Departures from Mfg's Instruction: Elimination of
Recordkeeping Requirements: Proposed Rule.
10CFR50 Minor Modifications to Nuclear Power Reactor Event
Reporting Requirements: Proposed Rule.
10CFR20&50 Reducing the Regulatory Burden on Nuclear Licensees:
Proposed Rule.
10CFR Chapter I Review of Reactor Licensee Reporting
Requirements: Request for Public Comments.

Relatedness of above Federal Register Notices:

I request that this letter be incorporated into the dockets
associated with the above four (4) Federal Notices. All four
notices are related strongly in that all four notices reduce or
eliminate paperwork requirements for NRC licensees. The reduction
or elimination of paperwork for licensees does not provide any
protection of the health and safety of the public.

Protection of the Health and Safety of the Public:

The Atomic Energy Act as amended and the Charter of the NRC
both require the NRC to act to "protect the health and safety of
the public." The above four Federal Notices are actions by the
NRC which concern reducing or eliminating regulatory burdens
without an increase in the protection of the health and safety of
the public.

While reduction of regulatory burden may be a worthy goal,
the NRC ignores its legislative mandate to protect the health and
safety of the public. Reduction of the regulatory burden is an
admitted goal of the present administration. The protection of
the health and safety of the public is an NRC goal which is
legislated in the Atomic Energy Act as amended. The will of
Congress in the Atomic Energy Act as amended must take precedence
over an administrative goal.

9207290053 920723
PDR PR
20 57FR27187 PDR

DS10

Elimination of Regulatory Burden Invites Harm:

The TMI#2 accident is over a decade in the past. Many studies resulted from the TMI#2 accident. These studies concluded that the regulatory climate was responsible for an attitude or climate which invited disaster. These "modifications" in the four proposed rules present, invite and promote the same kind of attitude or climate which resulted in the TMI#2 accident.

Specifically, many of the lessons learned from the TMI#2 accident concerned departures from instructions and elimination of reporting requirements. One departure from instructions in the specifications concerned the leakage limits for the reactor coolant. After the TMI#2 accident, the NRC found that the reactor was operating outside of specification because the reactor coolant was leaking out at a rate greater than allowed in its specifications. This leakage information was not widely available due to elimination of certain recordkeeping requirements.

The reactor had been allowed to operate because of elimination of recordkeeping requirements and departures from manufacturers specifications. Partially, the accident was occurred because of elimination of recordkeeping requirements and departures from manufacturers' specifications. The Proposed Rule, 10CFR30 & 35, is entitled, "Departures From Manufacturers' Instructions: Elimination of Recordkeeping Requirements."

The title of this Proposed Rule, "Departures From Manufacturers' Instructions: Elimination of Recordkeeping Requirements," presents the same attitude which lead to the TMI#2 accident. Although the attitude is the same, the attitude or climate is only part of the problem. This attitude must present a danger to the health and safety of the public for the NRC to prohibit the modifications in the Proposed Rule; "Departures From Manufacturers' Instructions: Elimination of Recordkeeping Requirements."

The NRC justifies the elimination of recordkeeping requirements on the ground, "that the major trends in departures are already clear and that collection of additional data would not reveal any significant new information."

This "conclusion" by the NRC and FDA staffs directly contradicts a statement in the Federal Register Notice dated 6-22-92 for a workshop on 10CFR 30 and 35 to which the Proposed Rule is addressed: "It is a matter of record that some medical use licensees have administered byproduct material to patients of childbearing potential who were pregnant or breast feeding without knowing the patient's pregnancy or breast feeding status. The consequences were that unintended radiation exposures were delivered to an embryo, fetus, or breast-fed infant."

3.

The contradiction is very clear. On one hand: the NRC proposes a rule to eliminate recordkeeping requirements and allow departures from manufacturer's instructions in 10 CFR 30 and 35 in the Federal Register Notice of 6-26-92. On the other hand, the NRC admits that departures from instructions and elimination of recordkeeping have led to unintended radiation exposures to embryo, fetus and breast fed infants in a Notice of a meeting on 10CFR 30 and 35 in the Federal Register of 6-22-92. The actions arising from these contradictions are very clear.

Historically, these actions have lead to the TMI#2 accident. Presently, these actions have lead to unintended radiation exposures of fetus, embryo and breast fed infant. These actions in the Proposed Rule, "Departures From Manufacturers' Instructions: Elimination of Recordkeeping Requirements," contradict the mandate of the Atomic Energy Act as amended to protect the health and safety for the public.

I, respectfully, request that the Proposed Rule, "Departures From Manufacturers' Instructions: Elimination of Recordkeeping Requirements," be taken back and vacated.

"reduce the burden" and "delete requirements."

The Proposed Rules, 10CFR50 Minor Modifications to Nuclear Power Reactor Event Reporting Requirements and 10CFR20&50 Reducing the Regulatory Burden on Nuclear Licensees, attempt to delete reporting requirements for some events that have been determined to be of little or no safety significance and reduce the burden of government regulation without reducing the protection of the public health and safety. These proposed rules suffer from the same attitudes which lead to the TMI#2 accident and which were described above for the Proposed Rule on 10 CFR 30 & 35. The Proposed Rules on 10 CFR 50 and 10 CFR 20 & 50 also suffer from additional inadequacies.

The NRC states, "The reporting of certain types of events are no longer contributing useful information to the operating reactor events database and, therefore, are no longer necessary." I questioned why this reporting was no longer contributing useful information. I wondered whether the information was no longer useful or whether the data was being usefully evaluated. I sent a short letter to Chairman Selin with my questions on 5-24-92. Mr. Edward L. Jordan answered my letter on 6-26-92. His answer strongly suggests that preconceptions flavor the usefulness of reported information.

"We would not expect violations to be correlated with plant age, geographic location, or other physical characteristics of the plant... There may be some correlation with capacity factor,(sic) however, this is not a parameter that we monitor as a measure of safety."

Several questions immediately spring to mind.

"We would not expect violations to be correlated..."

1. One reason to develop a database is to discover unexpected correlations. Not expecting to find a correlation is a very counterproductive attitude to use in the assessment of data bases.

"There may be some correlation with capacity factor,(sic) however, this is not a parameter that we monitor as a measure of safety."

2. If you expect a correlation, you should monitor that expected correlation for safety and other factors. This seems an obvious inadequacy.

The reason that the NRC has stated that the deletion of reporting requirements would have little or no safety significance and that the regulatory burdens can be reduced without in any way reducing the protection for the public health and safety is that the NRC has performed inadequately. The NRC has admitted that the database has not been used to investigate unexpected correlations and has not monitored expected correlations for safety and other factors. (See above.) Ignoring unexpected correlations and not monitoring expected correlations will lead to almost any conclusion. The problem is that the conclusion is merely conclusory and inadequate.

Again, let's not have the climate and attitude which lead to the TMI#2 accident. I, respectfully, suggest and request that these two Proposed Rules,

10CFR50 Minor Modifications to Nuclear Power Reactor Event Reporting Requirements; Proposed Rule.

10CFR20&50 Reducing the Regulatory Burden on Nuclear Licensees; Proposed Rule,

be taken back and eliminated from consideration.

Reactor Licensee Reporting Requirements(10CFR Chapter I).

Everyday, more and more inadequacies surface. In June, there were six information notices about events and deficiencies which were dangerous. So far in 1992, there are 52 information notices about the dangers surfacing in nuclear power plants. Considering the many changes, such as plant life extension, low level waste storage on plant sites, higher density spent fuel pools, more reporting and regulation is required to maintain safety; not less.

I, respectfully, request that the NRC decide to increase reactor licensee reporting to maintain the present modicum of safety rather than sink back to the attitudes and climate which fostered the TMI#2 accident.

Respectfully submitted,

Alan L. Linn