



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

A003-2
PDR

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AUG 19 1992

MEMORANDUM FOR: Thomas E. Murley, Director, NRR
Eric Beckjord, Director, RES
Patricia G. Norry, Director, ADM
Gerald F. Cranford, Director, IRM
James Lieberman, Director OE
Martin G. Malsch, Deputy General Counsel

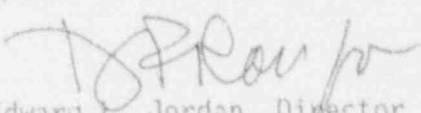
FROM: Edward L. Jordan, Director, AEOD

SUBJECT: IMPLEMENTATION OF REGULATORY REFORM - FINAL RULE ON
MODIFICATION TO OPERATING REACTOR EVENT REPORTING
REQUIREMENTS - 10 CFR 50.72 AND 50.73

A memorandum from President Bush, dated April 29, 1992, addressed to certain Department and Agency Heads, requested that addressees set aside the next 120 days to implement the previously identified regulatory reforms. The President went on to state that reforms requiring public comment should be noticed no later than June 15, 1992, with a view to issuing the final rules no later than August 27, 1992. The SRM, dated June 1, 1992, reiterated these completion dates for the eight ongoing rulemakings, including the subject rule. In a meeting on Friday, August 14, 1992, for the six of these rulemakings, various office representatives discussed their comments and concurred on the final rulemaking packages.

On June 26, 1992, the NRC published the Notice for Proposed Rulemaking on the subject rule. A 30-day public comment period ended on July 27, 1992. A final rulemaking package consisting of a Federal Register Notice developed by my staff is enclosed for your concurrence (Enclosure 1). This package is due to the EDO by August 26, 1992, for publication in the Federal Register. For your reference, Enclosure 2 contains a summary of comments on our resolutions.

To expedite concurrence for this rulemaking, I request your attendance in a meeting at 2:00 p.m., on August 24, 1992, in room MNBB-9104. Please attend the meeting and provide your concurrence or those changes to the Federal Register Notice that are necessary for your concurrence. If you cannot attend personally, please have someone attend who is designated to concur for you. If you prefer, please respond by telephone concurrence to Raji Tripathi of my staff (492-4435).


Edward L. Jordan, Director
Office for Analysis and Evaluation
of Operational Data

Enclosures:
1. Final Rulemaking Package
2. Summary of Comments

cc: J. Taylor, EDO

August 19, 1992

MEMORANDUM FOR: Thomas E. Murley, Director, NRR
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original /s/ by D. F. Ross, Jr.

/for/ Edward L. Jordan, Director
Office for Analysis and Evaluation
of Operational Data

Enclosures:

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cc: J. Taylor, EDO

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ENCLOSURE 1



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

MEMORANDUM FOR: James M. Taylor
Executive Director for Operations

FROM: Edward L. Jordan, Director
Office for Analysis and Evaluation
of Operational Data

SUBJECT: FINAL RULE -- MODIFICATION OF OPERATING REACTOR EVENT
REPORTING REQUIREMENTS - 10 CFR 50.72 AND 50.73

Enclosed for your signature and publication in the Federal Register is the final rule modifying power reactor event reporting requirements (Enclosure 1). Also enclosed are the Congressional Letters notifying the oversight committees of this action (Enclosure 2).

The Federal Register Notice for Proposed Rulemaking was published on June 26, 1992, and the 30-day comment period ended on July 27, 1992. In conformance with the President's directive to reduce regulatory burden, and also in compliance with the SRM, dated June 1, 1992, we reduced the public comment period from 75 to 30 days. You will recall that both the ACRS and the CRGR had deferred their review of this rulemaking until after public comment resolution. However, to be able to meet the expedited schedule for publication of the final rule, we by-passed both Committees. The Committees, however, were apprised of the public comments received and our resolutions.

We received 19 comments - 2 from individuals, 3 from industry-supported organizations, and 14 from utilities. All except two respondents welcomed the NRC's efforts to reduce the licensees' and the NRC's resources. As expected, the utilities and the industry-supported organizations expressed their desire for a broader relaxation to include all invalid ESF actuations from reporting. Based on the input from two utilities, we expect that these amendments will reduce the industry's reporting burden by about 15 percent. Our estimated savings of the NRC's response burden is about 5-10 percent.

We have resolved all comments and have developed this package for the final rule. The Statement of Consideration has been modified and it refers to NUREG-1022, Revision 1, for additional guidance on event reporting. The wording of the final rule remains the same as it was in the proposed rule.

These amendments would have no impact on the NRC's ability to fulfil its mission to ensure public health and safety because the reporting requirements that the Commission has deleted have little or no safety significance. This rule package has been concurred on by NRR, RES, ADM, IRM, OE, and OGC.

If you have any questions, please call me on 492-4848.

Edward L. Jordan, Director
Office for Analysis and Evaluation
of Operational Data

Enclosures: As stated

If you have any questions, please call me on 492-4848.

Edward L. Jordan, Director
Office for Analysis and Evaluation
of Operational Data

Enclosures: As stated

Distribution: See page 2

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8/ /92	8/ /92	8/24/92	8/ /92	8/ /92	8/24/92

w/changes, no legal objection.

Concurred by:

Tel by E.
Rossi

8/24/92

Tel by J.
Heltemans

8/24/92

Tel by
BShelton

8/24/92

Tel by
JLieberman

8/24/92

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

RIN 3150-AE12

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Minor Modifications to Nuclear Power Reactor Event Reporting Requirements

AGENCY: Nuclear Regulatory Commission

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) has amended its regulations to make minor modifications to the current nuclear power reactor event reporting requirements. These amendments will apply to all nuclear power reactor licensees and will delete reporting requirements for some events that have been determined to be of little or no safety significance. These amendments will reduce the industry's reporting burden and the NRC's response burden in event review and assessment.

EFFECTIVE DATE: (30 days after publication in the Federal Register).

FOR FURTHER INFORMATION CONTACT: Raji Tripathi, Office for Analysis and Evaluation of Operational Data, U.S. Nuclear Regulatory Commission, Washington DC 20555. Telephone (301) 492-4435.

SUPPLEMENTARY INFORMATION:

Background

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The Commission has made minor amendments to the nuclear power reactor event reporting requirements contained in 10 CFR 50.72, "Immediate Notification Requirements for Operating Nuclear Power Reactors," and 10 CFR 50.73, "Licensee Event Reporting System," as part of its ongoing activities to improve its regulations. Specifically, this rule amends 10 CFR 50.72 (b)(2)(ii) and 10 CFR 50.73 (a)(2)(iv).

Over the past several years, the NRC has increased its attention to event reporting issues to ensure uniformity, consistency, and completeness in event reporting. NRC's reviews of operating experience and the patterns of licensees' reporting of operating events since 1984 have indicated that reports on some of these events are not necessary for the NRC to perform its safety mission, and continued reporting of these events would not contribute useful information to the operating reactor events database. Additionally, these unnecessary reports would have continued to consume both the licensees' and the NRC's resources that could be better applied elsewhere.

Over the past several years, the NRC has increased its attention to event reporting issues to ensure uniformity, consistency, and completeness in reporting. As a result, in September 1991, the NRC's Office for Analysis and Evaluation of Operational Data (AEOD) issued for comment a draft

NUREG-1022, Revision 1,¹ "Event Reporting Systems 10 CFR 50.72 and 10 CFR 50.73 -- Clarification of NRC Systems and Guidelines For Reporting."

Following resolution of public comments, the NUREG will contain improved guidance for event reporting. The NRC's continuing examination of reported events during development of this document has determined that certain types of events, primarily involving invalid engineered safety feature (ESF) actuations, are of little or no safety significance.

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Valid ESF actuations are those actuations that result from "valid signals" or from intentional manual initiation, unless it is part of a pre-planned test. Valid signals are those signals that are initiated in response to actual plant conditions or parameters satisfying the requirements for ESF initiation.

Invalid actuations are by definition those that do not meet the criteria for being valid. Thus, invalid actuations include actuations that are not the result of valid signals and are not intentional manual actuations. Invalid actuations include instances where instrument drift, spurious signals, human error, or other invalid signals caused actuation of the ESF (e.g., jarring a cabinet, an error in use of jumpers or lifted leads, an error in actuation of switches or controls, equipment failure or radio frequency interference).

¹ A free single copy may be requested by writing to the Distribution and Mail Services Section, U.S. Nuclear Regulatory Commission, Washington, DC 20555. A copy is also available for inspection or copying for a fee at the NRC Public Document Room, 2120 L Street, NW., (Lower Level), Washington, DC 20555.

NRC's evaluation of both the reported events since January 1984, when the existing rules first became effective, and the comments received during the Event Reporting Workshops conducted in Fall of 1990, identified needed improvements in the rules. The NRC determined that invalid actuation, isolation, or realignment of a limited set of ESFs or their equivalent systems, subsystems, or components [i.e., an invalid actuation, isolation, or realignment of only the reactor water clean-up (RWCU) system, the control room emergency ventilation (CREV) system, the reactor building ventilation system, the fuel building ventilation system, or the auxiliary building ventilation system] are of little or no safety significance. These events were reportable under 10 CFR 50.72 (b)(2)(ii) and 10 CFR 50.73(a)(2)(iv) which became effective on January 1, 1984.

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The final rules for the current event reporting regulations, 10 CFR 50.72 and 10 CFR 50.73 (48 FR 39039; August 29, 1983, and 48 FR 33850; July 26, 1983, respectively), stated that ESF systems, including the reactor protection system (RPS), are provided to mitigate the consequences of a significant event. Therefore, ESFs should (1) work properly when called upon and (2) should not be challenged frequently or unnecessarily. The Statements of Consideration for these final rules also stated that operation of an ESF as part of a pre-planned operational procedure or test need not be reported. The Commission noted that ESF actuations, including reactor trips, are frequently associated with significant plant transients and are indicative of events that are of safety significance. At that time, the Commission also required all ESF actuations, including the RPS actuations, whether manual or automatic, valid or invalid -- except as noted, to be reported to the NRC by telephone

within 4 hours of occurrence followed by a written Licensee Event Report (LER) within 30 days of the incident. This requirement on timeliness of reporting remains unchanged.

The reported information is used by the NRC in confirmation of the licensing bases, identification of precursors to severe core damage, identification of plant specific deficiencies, generic lessons, review of management control systems, and licensee performance assessment.

Discussion

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The NRC has determined that some events that involve only invalid ESF actuations are of little or no safety significance. However, not all invalid ESF actuations are being exempted from reporting through this rule. The relaxations in event reporting requirements contained in the final rule apply only to a narrow, limited set of specifically defined invalid ESF actuations. These events include invalid actuation, isolation, or realignment of a limited set of ESFs or their equivalent systems, subsystems, or components (i.e., an invalid actuation, isolation, or re-alignment of only the RWCU system, or the CREV system, reactor building ventilation system, fuel building ventilation system, or auxiliary building ventilation system). The actuation of the standby gas treatment system following an invalid actuation of the reactor building ventilation system is also exempted from reporting. In addition, the final rule would also exclude invalid actuations of these ESFs (or their equivalent systems) from signals that originated from non-ESF circuitry.

However, invalid actuations of other ESFs would continue to be reportable; e.g., emergency core cooling system isolations/actuations, containment isolation valve closures that affect cooling systems, main steam flow, essential support systems, etc., containment spray actuation, and residual heat removal system isolations (or systems designated by any other names but designed to fulfil the function similar to these systems, and their equivalents). If an invalid ESF actuation reveals a defect in the system so that the system failed or would fail to perform its intended function, the event continues to be reportable under other requirements of 10 CFR 50.72 and 10 CFR 50.73. If a condition or deficiency has (1) an adverse impact on safety-related equipment and consequently on the ability to shut down the reactor and maintain it in a safe shutdown condition, (2) has a potential for significant radiological release or potential exposure to plant personnel or the general public, or (3) would compromise control room habitability, the event/discovery continues to be reportable.

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Invalid ESF actuations that would be excluded by this final rule, but occur as a part of a reportable event, would continue to be described as part of the reportable event. The proposed amendments are not intended to preclude submittal of a complete, accurate, and thorough description of an event that is otherwise reportable under 10 CFR 50.72 or 10 CFR 50.73. The Commission relaxed only the selected event reporting requirements specified in this final rule.

Licensees are still required under 10 CFR 50, Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants," to

address corrective actions for events or conditions that are adverse to quality whether the event is reportable or not. In addition, minimizing ESF actuations (such as RWCU isolations) to reduce operational radiation exposures associated with the investigation and recovery from the actuations, are consistent with ALARA requirements.

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The provisions in 10 CFR 50.72 (b)(2)(ii) and 10 CFR 50.73 (a)(2)(iv), required the reporting of an event or condition that results in a manual or automatic actuation of an ESF, including the RPS, except when the actuation results from and is part of the pre-planned sequence during testing or reactor operation. A pre-planned sequence implies that the procedural step indicates the specific ESF or RPS actuation that will be generated and control room personnel are aware of the specific signal generation before its occurrence or indication in the control room. However, if the ESF, including the RPS, actuates during the planned operation or test in a way that is not part of the planned procedure, such as at the wrong step, the event is reportable.

The Commission has made additional relaxations to event reporting by excluding three additional categories of events as follows:

- (1) The first category excludes events in which an invalid ESF or RPS actuation occurs when the system is already properly removed from service if all requirements of plant procedures for removing equipment from service have been met. This would include required clearance documentation, equipment and control board tagging, and properly positioned valves and power supply breakers.

- (2) The second category excludes events in which an invalid ESF or RPS actuation occurs after the safety function has already been completed (e.g., an invalid containment isolation signal while the containment isolation valves are already closed, or an invalid actuation of the RPS when all rods are fully inserted).

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- (3) The third category excludes events in which an invalid ESF actuation occurs that involves only a limited set of ESFs [i.e., when an invalid actuation, isolation, or realignment of only the RWCU system, or any of the following ventilation systems: CREV system, reactor building ventilation system, fuel building ventilation system, auxiliary building ventilation system, or their equivalent ventilation systems, occurs]. Invalid actuations that involve other ESFs not specifically excluded, (e.g., emergency core cooling system isolations or actuations; containment isolation valve closures that affect cooling systems, main steam flow, essential support systems, etc.; containment spray actuation; residual heat removal system isolations, or their equivalent systems), would continue to be reportable.

Licensees would continue to be required to submit LERs if a deficiency or condition associated with any of the invalid ESF actuations of the RWCU or the CREV systems (or other equivalent ventilation systems) satisfies any reportability criteria under §50.72 and §50.73.

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Impact of the Amendments on the Industry and Government Resources

Relaxing the current requirement for reporting of certain types of ESF actuations will reduce the industry's reporting burden and the NRC's response burden. This reduction would be consistent with the objectives and the requirements of the Paperwork Reduction Act. These amendments would have no impact on the NRC's ability to fulfil its mission to ensure public health and safety because the reporting requirements that the Commission proposes to delete have little or no safety significance.

It is estimated that the proposed changes to the existing rules will result in about 150 (or 5-10 percent) fewer Licensee Event Reports each year. Similar reductions are expected in the number of prompt event notifications reportable under 10 CFR 50.72. Some respondents, in their comments in response to the Notice for Proposed Rulemaking, dated June 26, 1992, have submitted an estimate of about 15 percent reduction in their reporting burden.

Summary of Comments

The NRC received 19 comments - 2 from individuals, 3 from industry-supported organizations, and 14 from utilities. All except two respondents welcomed the Commission's efforts to reduce the licensee burden, and in turn also to save the agency's resources in event review and processing. The utilities and the industry-supported organizations expressed their desire for a broader relaxation to include all invalid ESF actuations from reporting.

Other comments from the respondents were concerning clarification of the definition of "valid" actuations, examples of events being exempted from reporting, consideration of plant-specific situations, exemption from reporting of the actuation of the standby gas treatment system following an invalid actuation of the reactor building ventilation system, and possibly extending relaxation of invalid actuations/isolations of RWCU from reporting to include the chemical and volume control system in a pressurized water reactor. The Statement of Consideration has been revised to address most of these concerns; other issues and clarifications concerning event reportability will be addressed in NUREG-1022. However, it is not practical for the Commission to address a plant-specific situation unless it relates to a generic concern.

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The Commission stresses that only certain specific invalid ESF actuations are being exempted from reporting through the present amendments. NUREG-1022, Revision 1 will contain specific examples and additional guidance on events which are presently reportable as well as those which are being exempted from reporting through these amendments. In the future, the Commission will give due consideration to other proposed relaxations from event reporting after the staff has had an opportunity to reassess the data needs of the agency and has performed safety assessments to justify initiating a separate general rulemaking. Until such time, all events not specifically exempted in these amendments would continue to be reportable.

The two respondents who opposed the rule change expressed their concerns about eliminating the event reporting requirements, which may adversely affect

the NRC's information database and ultimately affect the agency's ability to carry out its mission to public health and safety. The Commission has reviewed the scope of these amendments, and the agency's assessments of several hundred reactor-years of operational experience, and has subsequently concluded with a reasonable confidence that relaxation of these events from reporting will not affect the agency's ability to protect the public health and safety.

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Based on the input from the utilities, these amendments will reduce the industry's reporting burden by about 15 percent. The estimated savings of the NRC's response burden in event review and assessment is about 5-10 percent.

Environmental Impact: Categorical Exclusion

The NRC has determined that this proposed regulation is the type of action described in categorical exclusions 10 CFR 51.22 (c)(3)(ii) and (iii). Therefore neither an environmental impact statement nor an environmental assessment has been prepared for this proposed regulation.

Paperwork Reduction Act Statement

This proposed rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq). This rule has been submitted to the Office of Management and Budget for review and approval of the paperwork reduction requirements.

Because the rule would relax existing reporting requirements, public reporting burden for the collection of information is expected to be reduced. It is estimated that about 150 fewer Licensee Event Reports (NRC Form 366) and a similarly reduced number of prompt event notifications, made pursuant to 10 CFR 50.72, will be required each year. The resulting reduction in burden is estimated to average 50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Based on the input from the utilities, these amendments will reduce the industry's reporting burden by about 15 percent. The estimated savings of the NRC's response burden in event review and assessment is about 5-10 percent.

Regulatory Analysis

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The Commission has prepared a regulatory analysis on this final rule. The analysis examines the costs and benefits of the alternatives considered by the Commission. The analysis is available for inspection in the NRC Public Document Room, 2120 L Street, NW, Lower Level, Washington, DC 20555. Single copies of the analysis may be obtained from: Raji Tripathi, Office for Analysis and Evaluation of Operational Data, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 492-4435.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980 (5 U.S.C. 605 (B)), the Commission certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The proposed rule affects only the event reporting requirements for operational nuclear power plants. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration Act in 13 CFR Part 121.

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Backfit Analysis

As required by 10 CFR 50.109, the Commission has completed an assessment of the need for Backfit Analysis for this rule. These amendments include relaxations of certain existing requirements on reporting of information to the NRC. These changes neither impose additional reporting requirements nor require modifications to the facilities or their licenses.

Accordingly, the NRC has concluded that this rule does not constitute a backfit and, thus, a backfit analysis is not required.

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Criminal penalty, Fire prevention, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Radiation protection, Reactor siting criteria, Reporting and recordkeeping.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1964, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the Commission is proposing to adopt the following amendments to 10 CFR Part 50.

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PART 50 DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 continues to read as follows:

AUTHORITY: Secs. 102, 103, 104, 105, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 50.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 50.10 also issued under secs. 101, 185, 68 Stat. 936, 955, as amended (42 U.S.C. 2131, 2235); sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.13, and 50.54(dd), and 50.103 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138). Sections 50.23, 50.35, 50.55, and 50.56 also issued under sec. 185, 68 Stat. 955 (42

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U.S.C. 2235). Sections 50.33a, 50.55a and Appendix Q also issued under sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.34 and 50.54 also issued under sec. 204, 88 Stat. 1245 (42 U.S.C. 5844). Sections 50.58, 50.91, and 50.92 also issued under Pub. L. 97-415, 96 Stat. 2073 (42 U.S.C. 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80 - 50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Appendix F also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§50.5, 50.46(a) and (b), and 50.54(c) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§50.5, 50.7(a), 50.10(a)-(c), 50.34(a) and (e), 50.44(a)-(c), 50.46(a) and (b), 50.47(b), 50.48(a), (c), (d), and (e), 50.49(a), 50.54(a), (i), (i)(1), (1)-(n), (p), (q), (t), (v), and (y), 50.55(f), 50.55a(a), (c)-(e), (g), and (h), 50.59(c), 50.60(a), 50.62(b), 50.64(b), 50.65, and 50.80(a) and (b) are issued under sec. 151i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§50.49(d), (h), and (j), 50.54(w), (z), (bb), (cc), and (dd), 50.55(e), 50.59(b), 50.61(b), 50.62(b), 50.70(a), 50.71(a)-(c) and (e), 50.72(a), 50.73(a) and (b), 50.74, 50.78, and 50.90 are issued under sec. 161o, 69 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In §50.72, paragraph (b)(2)(ii) is revised to read as follows:

§50.72 Immediate notification requirements for operating nuclear power reactors.

* * * * *

(b) Non-Emergency Events. * * *

(2) Four-hour reports. * * *

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(ii) Any event or condition that results in a manual or automatic actuation of any engineered safety feature (ESF), including the reactor protection system (RPS), except when:

(A) The actuation results from and is part of a pre-planned sequence during testing or reactor operation;

(B) The actuation is invalid and:

(1) Occurs while the system is properly removed from service;

(2) Occurs after the safety function has been already completed;
or

(3) Involves only the following specific ESFs or their equivalent systems:

(i) Reactor water clean-up system;

(ii) Control room emergency ventilation system;

(iii) Reactor building ventilation system;

(iv) Fuel building ventilation system; or

(v) Auxiliary building ventilation system.

- * * * *
3. In §50.73, paragraph (a)(2)(iv) is revised:

§50.73 Licensee Event Report System.

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- (1) Reportable events. * * *
- (2) The licensee shall report: * * *
- (iv) Any event or condition that resulted in a manual or automatic actuation of any engineered safety feature (ESF), including the reactor protection system (RPS), except when:
- (A) The actuation resulted from and was part of a pre-planned sequence during testing or reactor operation;
- (B) The actuation was invalid and:
- (1) Occurred while the system was properly removed from service;
- (2) Occurred after the safety function had been already completed; or
- (3) Involved only the following specific ESFs or their equivalent systems:
- (i) Reactor water clean-up system;
- (ii) Control room emergency ventilation system;

- (iii) Reactor building ventilation system;
- (iv) Fuel building ventilation system; or
- (v) Auxiliary building ventilation system.

DRAFT

* * * * *

Dated at Rockville, MD, this day of , 1992.

For the Nuclear Regulatory Commission.

James M. Taylor,
Executive Director for Operations.

ENCLOSURE 2

SUMMARY OF PUBLIC COMMENTS
10 CFR 50.72/50.73

Enclosure 2

Type of Comments	No. of Commenters	Remarks
Total Comments	19	Two documents numbered "1" by SECY
Type of respondents	14 utilities, 3 industry-supported organizations, and 2 private organizations.	
Endorsement	17 support the rule change; 2 oppose rule change	Susan Hiatt of OCRE and Marvin Lewis oppose.
Additional Clarifications Minor editorial comments	9	Some will be included in NUREG-1022, Rev. 1; other were incorporated in both SOC.
Expand the scope of relaxations to other ESFs	9	
Estimate of impact of these amendments	2	FPL and Detroit Edison: An estimated reduction of 15 percent in licensee burden.

Summary of public comments
Proposed Rule - 10 CFR 50.72/50.73

Raji Tripathi
8/19/1992

FROM (Org./Contact)	DATE (SECY NO.)	COMMENT	RESOLUTION
NUMARC T. E. Tipton	7/20/1992 (1)	<p>Endorses proposed amendments.</p> <p>...welcomes this amendment as an important first step in overall review of reporting requirements...</p> <p>...Final wording should clarify that it is the emergency or accident mitigation portions of the reactor building ventilation system, fuel building ventilation system and auxiliary building ventilation system that are the Engineered Safety Features...</p> <p>Editorial comments on the Supplementary Information.</p>	Editorial comments considered.
OCRE Susan L. Hiatt	7/15/1992 (1)	<p>50.72 relaxation "YES", 50.73 relaxations "NO".</p> <p>...NRC is now relying upon the licensees' judgement and ability to correctly characterize the significance of events. Retaining the requirement that licensees must submit an LER for all ESF actions would eliminate the potential for failing to report significant information due to errors in licensees' judgement or analyses.</p> <p>...urges NRC to retain the LER reporting requirements for all ESF actions.</p>	Disagree. The amendments define the limited set of invalid ESF actions exempted from reporting.

FROM (Org./Contact)	DATE (SECY NO.)	COMMENT	RESOLUTION
Georgia Power C. McCoy	7/23/1992 (7)	"...in total agreement with the NUREG comments which were provided to the NRC....Scope of the ESF actuations which would be exempt from reporting under the proposed rule should not be limited to those specified. If an ESF actuation is truly invalid, it should not be reportable under 10 CFR 50.73(a)(2)(iv). No "event" or "condition" exist when an invalid ESF actuation occurs. This type of ESF actuation would have little or no safety significance. Therefore, ANY invalid ESF actuation should be exempt from the reporting requirement".	The NRC may consider initiating a more general rulemaking after the agency's need for future data collection are ascertained, to address the scope of other suggested exemptions or additional reporting. The analysis necessary to support a broader reduction in reporting requirements would delay issuance of this rule significantly. Therefore, comments proposing a significant change to the scope of current rulemaking are being deferred.
Wisconsin Public Service Corporation C. A. Schrock	7/27/1992 (15)	<p>Comment 1: "...supports effort to delete reporting requirements...the proposed rule has omitted the fourth category of events that was identified for exclusion in the SECY-92-146...concluded that all ESF actuations resulting from a non-ESF actuation should be excluded from reporting... Technical justification for this significant change from that presented in the SECY paper was not provided...we concur with the staff's original position as documented in SECY-92-146; i.e., ESF actuations that result from non-ESF circuitry are not safety significant and do not merit the expenditure of either NRC or licensee resources."</p> <p>Comment 2: "...the reactor building ventilation system (noted in the proposed rule) to include the shield building ventilation system for plants with a dual containment design...The proposed rule excludes reporting of reactor water clean-up system actuation resulting from non-ESF signals."</p>	<p>Comment 1: We examined the definition of invalid ESF actuations and the SOC clearly states that relaxation of only the invalid actuations of specified ESFs originating from non-ESF signals are being exempted from reporting.</p> <p>Comment 2: The term "or their equivalent ventilation systems" covers this. Address in NUREG-1022, Revision 1.</p> <p>In the near future NRC may initiate a more general rulemaking and reportability of invalid actuations of other ESFs may be then addressed.</p> <p>Also, address in NUREG-1022, Revision 1.</p>

FROM (Org./Contact)	DATE (SECY NO.)	COMMENT	RESOLUTION
Wisconsin Public Service Corporation C. A. Schrock (contd.)	7/27/1992	<p>We would interpret chemical volume control letdown system to be equivalent to the reactor water clean-up system in the rule. We believe that the proposed rule should include a similar exclusion for equivalent pressurized water reactor (PWR) systems associated with the cleanup of the primary and secondary water. For a PWR, we believe that the exclusion of secondary water cleanup (i.e., steam generator blowdown) resulting from non-ESF signals would be appropriate".</p> <p><u>Comment 3:</u> "...recommend clarification be provided for examples given in the discussion section of the proposed rule. This section considers reportable invalid actuations to include 'containment isolation valve closures that affect cooling systems.' This seems to imply that containment isolation valve closures (from non-ESF signals) that <u>do not</u> affect cooling systems are excluded from reporting requirements. Examples to consider would be containment isolation valves in the containment air sampling systems, the reactor coolant sampling system,s [sic] the containment vacuum breakers, etcetera".</p>	<p>The NRC may consider initiating a more general rulemaking after the agency's need for future data collection are ascertained, to address the scope of other suggested exemptions or additional reporting. If appropriate use examples suggested by the commenter in NUREG-1022, Revision 1.</p> <p>The analysis necessary to support a broader reduction in reporting requirements would delay issuance of this rule significantly. Therefore, comments proposing a significant change to the scope of current rule are being deferred.</p> <p>We examined the definition of invalid ESF actuations and the SOC clearly states that relaxation of only the invalid actuations of specified ESFs originating from non-ESF signals are being exempted from reporting.</p> <p>Clarification of examples will be included in NUREG-1022, Revision 1.</p>

FROM (Org./Contact)	DATE (SECY NO.)	COMMENT	RESOLUTION
For NUBARG (a consortium of 27 utilities) by Winston & Strawn	7/27/1992 (5)	* ..NUBARG fully supports these changes and concurs with the underlying NRC philosophy to eliminate reporting requirements..NUBARG urges the NRC to promptly implement these modifications in order to provide immediate relief..additional modifications may be appropriate with respect to ESF reporting..Currently evaluating additional recommendations in conjunction with a separate general rulemaking...*	OK!
Entergy J.R. McGaha	7/22/1992 (8)	* ..beneficial to both the NRC and licensees... should have long-term positive effect: on the nuclear power industry....endorse the proposed changes...has provided input to NUMARC and NUBARG.	OK!

FROM (Org./Contact)	DATE (SECY NO.)	COMMENT	RESOLUTION
South Carolina Electric & Gas Company, John L. Skolds	July 27, 1992 (14)	<p>"...It is recommended that 'ESF actuation' be clarified to exclude the actuation of the dual function (ESF and non-ESF) components by non-ESF logic. An example of this type of event is the closure of feedwater isolation valves due to a non-ESF low flow/low temperature signal. The recommended clarification is as follows:</p> <p style="padding-left: 40px;">Those components that provide a dual function (e.g., ESF and non-ESF) and are actuated as a result of a non-ESF actuation logic need not be reported.</p> <p>...all 'invalid ESF actuations' be considered for removal from reporting. review of past event reporting at Summer... did not identify any invalid ESF actuations that were of 'safety significance'...in these cases ESFs are being challenged unnecessarily, the number of such events are insignificant when compared to normal surveillance testing of such components...one cause of invalid ESF actuation, human error, has limited value in reporting as it is usually plant/site specific and has limited applicability to the industry in general. Examples include the operation of wrong switches, removing incorrect fuses, and inadequate procedures.</p>	<p>We examined the definition of invalid ESF actuations and the SOC clearly states that relaxation of only the invalid actuations of specified ESFs originating from non-ESF signals are being exempted from reporting.</p> <p>Suggested wording appears to be OK for use in NUREG-1022.</p> <p>Disagree. Human factors assessment provides an important insight into the licensee's performance.</p>
Union Electric D. F. Schnell	7/23/1992 (3)	Supports the rule as presented	OK!

FROM (Org./Contact)	DATE (SECY NO.)	COMMENT	RESOLUTION
Centerior Energy Davis- Besse	7/28/1992 (17)	<p>Toledo Edison supports the comments prepared by BWR Owners' Group and NUMARC. In addition, re. 50.72(ii)(B)(1), proposes editorial change to shift from present tense to the past tense.</p> <p>In addition to "properly removed from service", also include "when system was not required to be operable according to the Technical Specifications".</p>	OK!
Centerior Energy Perry M. D. Lyster	7/27/1992 (10)	<p>"...CEI [Cleveland Electric Illuminating Company] concurs in general with the proposed rule changes..CEI endorses the comments provided by the BWR Owners Group".</p> <p>"...Because of certain design characteristics, the RWCU at Perry is susceptible to isolations as a result of differential flow during routine operational maneuvers. These isolations are unpredictable and difficult to avoid, and have resulted in numerous reportable events over the last several years. Engineering evaluations has shown the system conditions which cause the isolations to have no significant negative effects on the system. Also, in each case, the isolation has occurred as designed, demonstrating a high level of reliability of the isolation system".</p> <p>ESF definition.</p> <p>Additional comments on the Statement of Consideration and the marked-up copy of the FRN.</p>	<p>Cannot address plant-specific configurations or situations in the rule. Examples may be considered in NUREG-1022, Revision 1. However, if the signal is known to be invalid then the RWCU system actuation/isolation need not be reported.</p> <p>Editorial comments OK!</p> <p>We examined the definition of invalid ESF actuations and the SOC clearly states that relaxation of only the invalid actuations of specified ESFs originating from non-ESF signals are being exempted from reporting.</p>

FROM (Org./Contact)	DATE (SECY NO.)	COMMENT	RESOLUTION
Florida Power and Light T. F. Plunkett (on behalf of Turkey Point 3 and 4)	7/27/1992 (9)	<p>"...we support the proposed changes and encourage the NRC to pursue similar efforts with respect to other reporting obligations.</p> <p>..We endorse the comments of the BWR Owners' Group.</p> <p>...The Staff Requirements Memorandum for SECY-92-146,...requested that a discussion of the term "invalid actuations" be included in the Statement of Considerations. It is requested that an interpretation be provided in the final rule discussing the determination of reportability of an event involving a non-ESF signal actuating an ESF component". Provides examples: (1) the auto-start of a Component Cooling Water pump from a low-pressure signal; (2) the auto-start of an intake Cooling Water pump due to a false over-current trip signal on an adjacent Intake Cooling Water pump.</p> <p>A review of LERs from 1/84 indicates that 29-33 fewer LERs would have been submitted if this rule were in effect, and an additional 7 LERs would have been obviated if non-ESF actuations of components were not reportable. A reduction of about 58 reports, or 15 percent, since implementation of the LER rule.</p>	<p>OK!</p> <p>OK!</p> <p>These examples may be considered for inclusion in NUREG-1072.</p> <p>Licensee's estimate of reduction in burden is about 15 percent - same as Detroit Edison's estimate.</p>

FROM (Org./Contact)	DATE (SECY NO.)	COMMENT	RESOLUTION
Marvin L. Lewis	7/23/1992 (2)	<p>...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.</p> <p>... Cites the Atomic Energy Act and the NRC Charter to "protect the health and safety of the public" ...While the reduction of regulatory burden may be a worthy goal, the NRC ignores its legislative mandate. " ...The will of Congress and the Atomic Energy Act must take precedence over an administrative goal.</p> <p>...these proposed rules suffer from the same attitudes which led to the TMI#2 accident.</p> <p>" ...I wondered whether the information was no longer useful or whether the data was being usefully evaluated." Alleges that Jordan's response to his letter to the Chairman "strongly suggests that preconceptions flavor the usefulness of reported information". Also, "...the NRC has performed inadequately....Ignoring unexpected correlations and not monitoring expected correlations will lead to almost any conclusions.</p> <p>... NRC decide to increase the reactor licensee reporting to maintain the present modicum of safety rather than sink back to attitudes and climates which fostered the TMI#2 accident."</p>	<p>Reporting of unimportant information to NRC consumes unnecessary resources that could be better used on important safety-related concerns. In developing these amendments to the rule NRC identified a very narrow, specifically-defined, limited set of invalid ESF actuations. The NRC is confident that these relaxations will result in savings to both the industry and the government and will not hamper NRC's ability to carry out its mission to protect public health and safety.</p> <p>The amendments to the rule are not arbitrary.</p>

FROM (Org./Contact)	DATE (SECY NO.)	COMMENT	RESOLUTION
BWROG C. Tully	7/27/1992 (4)	<p>..commends the NRC for this effort.. ..endorses the principal goal.. ..concurs with the proposed rule change.</p> <p>comments primarily on the Statement of Considerations, mostly editorial.</p> <p>"Invalid actuation; of other ESFs, except those noted above, would continue to be reportable....As written, the sentence makes the conclusion that all invalid ESF actuations are safety significant...The reporting rules are intended to capture safety significant events, but experience has demonstrated that events that are not safety significant are sometimes captured as well. ..The type of events discussed do not necessarily constitute a reportable event under the current rules.</p>	<p>OK!</p> <p>OK!</p> <p>The NRC may consider initiating a more general rulemaking after the agency's need for future data collection are ascertained, to address the scope of other suggested exemptions or additional reporting.</p> <p>The analysis necessary to support a broader reduction in reporting requirements would delay issuance of this rule significantly. Therefore, comments proposing a significant change to the scope of current rule are being deferred.</p> <p>We examined the definition of invalid ESF actuations and the SOC clearly states that relaxation of only the invalid actuations of specified ESFs originating from non-ESF signals are being exempted from reporting.</p> <p>Not true.</p>
Detroit Edison W. S. Orser	7/27/1992 (11)	<p>"..commends the NRC for this effort and other related efforts to improve its reporting requirements...concurs with the proposed rule change".</p> <p>An estimated 15 percent reduction in the number of LERs.</p>	<p>OK!</p> <p>Licensor estimates about 15 percent reduction in burden - same as Florida Power and Light's estimate.</p>

FROM (Org./Contact)	DATE (SECY NO.)	COMMENT	RESOLUTION
Yankee Atomic Electric Company D. W. Edwards	7/28/92 (6)	Enforces the proposed rule, and views the subject proposed rule as supportive of NRC's continued efforts to reduce the regulatory burden for power reactor licensees without compromising public health and safety.	OK
Philadelphia Electric Company G. J. Beck	7/29/1992 (16)	"... This proposed rule indicates that an isolation of the reactor building or refueling floor ventilation systems, Engineered Safety Features (ESFs), would not be reportable. However, these system isolations result in the actuation of the Standby Gas Treatment System (SGTS) and the Reactor Enclosure recirculation System (RERS), also, ESFs, and therefore, would be still reportable. Since the intent of this proposed rule is to reduce reporting requirements for certain ESF actuations, we recommend a clarification as to whether associated resultant ESF actuations would be reportable because of the initial ventilation system isolations".	If the initiating signal is known to be invalid then invalid actuation of the reactor building ventilation system and consequently that of the standby gas treatment system will also not be reportable. A clarification has been included in the SOC for the FRN for the Final Rule and also in NUREG-1022, Revision 1.
Washington Public Power Supply System G. C. Sorenson	7/28/1992 (12)	"... supports changes being considered, and also concurs that the proposed amendments would reduce the industry's reporting burden and the NRC's response burden in event review and assessment".	OK

FROM (Org./Contact)	DATE (SECY NO.)	COMMENT	RESOLUTION
Southern Nuclear Operating Company J.D. Woodard	7/27/1992 (13)	In addition to the NUMARC comments, "...the scope of the Engineered Safety Features (ESF) actuations which would be exempt from reporting under the proposed rule should not be limited to those specified. If an ESF actuation is truly invalid, it should not be reportable..."	<p>The NRC may consider initiating a more general rulemaking after the agency's need for future data collection are ascertained, to address the scope of other suggested exemptions or additional reporting.</p> <p>The analysis necessary to support a broader reduction in reporting requirements would delay issuance of this rule significantly. Therefore, comments proposing a significant change to the scope of current rule are being deferred.</p>

FROM (Org./Contact)	DATE (SECY NO.)	COMMENT	RESOLUTION
Virginia Power W. L. Stewart	7/29/92 (18)	<p>Supports the rulemaking.</p> <p><u>50.72</u></p> <p>"...rule change should be expanded to include a provision which removes NRC notification requirements when a state or local government branch is notified for an event that is not related to safety. This would reduce regulatory burden on licensees."</p> <p><u>50.73</u></p> <p>"...the third category of the proposed revision should be expanded to include all invalid ESF actuations, isolations or realignments with the exception of those affect reactivity or involve starts of major safety-related components (e.g., emergency diesel generators, high head safety injection pumps, auxiliary feed pumps, etc.)... The definition of invalid signal should be simplified.</p> <p>The definition provided in the revision is lengthy and could result in inappropriate interpretation of an invalid ESF actuation signal.</p>	<p>OK!</p> <p>Disagree. In the past on many occasions the State or local authority have contacted the NRC regarding a notification from a licensee about which the NRC knew nothing. If a situation is important enough for the State and/or local authority to know about, it is important enough for the licensee to make a notification to the NRC.</p> <p>Disagree. NRC needs to know about challenges on many ESF components and systems. Until a more general rule change is approved by NRC, all ESF actuations, except those exempted in the present amendments, will continue to be reportable.</p> <p>The analysis necessary to support a broader reduction in reporting requirements would delay issuance of this rule significantly. Therefore, comments proposing a significant change to the scope of current rule are being deferred.</p>

certified to OMB, in a letter dated August 14, 1992, that by unanimous vote the Commission had overridden the OMB's disapproval of the information collection request associated with this rule.

On August 21, 1992, OMB assigned the following new control number: 3150-0171, effective until August 31, 1995.

This new control number is only applicable to the sections in 10 CFR part 35 amended by this rule. Information collection authority for all other sections of 10 CFR part 35 remains under the existing general control number: 3150-0010.

List of Subjects in 10 CFR Part 35

Byproduct material, Criminal penalty, Drugs, Health facilities, Health professions, Incorporation by reference, Medical devices, Nuclear materials, Occupational safety and health, Radiation protection, Reporting and recordkeeping requirements.

Text of Final Regulations

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR part 35.

PART 35—MEDICAL USE OF BYPRODUCT MATERIAL

1. The authority citation for part 35 continues to read in part as follows:

Authority: Secs. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 68 Stat. 1242, as amended (42 U.S.C. 5041) * * *

2. In § 35.8, paragraph (b) is revised and paragraph (d) is added to read as follows.

§ 35.8 Information collection requirements: OMB approval.

(b) The approved information collection requirements contained in this part appear in §§ 35.12, 35.13, 35.14, 35.21, 35.22, 35.23, 35.27, 35.29, 35.31, 35.50, 35.51, 35.53, 35.59, 35.60, 35.61, 35.70, 35.80, 35.92, 35.204, 35.205, 35.310, 35.315, 35.404, 35.406, 35.410, 35.415, 35.606, 35.610, 35.615, 35.630, 35.632, 35.634, 35.636, 35.641, 35.643, 35.645, and 35.647.

(d) OMB has assigned control number 3150-0171 for the information collection requirements contained in §§ 35.32 and 35.33.

Dated at Rockville, Maryland, this 3d day of September 1992.

For the Nuclear Regulatory Commission,
Samuel J. Chalk,
Secretary of the Commission.
[FR Doc. 92-2177 Filed 9-9-92; 8:45 am]
BILLING CODE 7590-01

10 CFR Part 50

RIN 3150-AE12

Minor Modifications to Nuclear Power Reactor Event Reporting Requirements

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) has amended its regulations to make minor modifications to the current nuclear power reactor event reporting requirements. The final rule applies to all nuclear power reactor licensees and deletes reporting requirements for some events that have been determined to be of little or no safety significance. The final rule reduces the industry's reporting burden and the NRC's response burden in event review and assessment.

EFFECTIVE DATE: October 13, 1992.

FOR FURTHER INFORMATION CONTACT: Raji Tripathi, Office for Analysis and Evaluation of Operational Data, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 492-4435.

SUPPLEMENTARY INFORMATION:

Background

The Commission is issuing a final rule that amends the nuclear power reactor event reporting requirements contained in 10 CFR 50.72, "Immediate Notification Requirements for Operating Nuclear Power Reactors," and 10 CFR 50.73, "Licensee Event Report System." The final rule is issued as part of the Commission's ongoing activities to improve its regulations. Specifically, this final rule amends 10 CFR 50.72 (b)(2)(ii) and 10 CFR 50.73 (a)(2)(iv). On June 26, 1992 (57 FR 28642), the Commission issued a proposed rule requesting public comments on these amendments.

Over the past several years, the NRC has increased its attention to event reporting issues to ensure uniformity, consistency, and completeness in reporting. In September 1991, the NRC's Office for Analysis and Evaluation of Operational Data (AEOD) issued for comment a draft NUREG-1022, Revision 1, "Event Reporting Systems 10 CFR

50.72 and 10 CFR 50.73—Clarification of NRC Systems and Guidelines For Reporting." Following resolution of public comments, the NUREG will be issued in the final form. The NUREG will contain improved guidance for event reporting.

NRC's reviews of operating experience and the patterns of licensees' reporting of operating events since 1984 have indicated that reports on some of these events are not necessary for the NRC to perform its safety mission and that continued reporting of these events would not contribute useful information to the operating reactor events database. Additionally, these unnecessary reports would have continued to consume both the licensees' and the NRC's resources that could be better applied elsewhere. The NRC has determined that certain types of events, primarily those involving invalid engineered safety feature (ESF) actuations, are of little or no safety significance.

Valid ESF actuations are those actuations that result from "valid signals" or from intentional manual initiation, unless it is part of a preplanned test. Valid signals are those signals that are initiated in response to actual plant conditions or parameters satisfying the requirements for ESF initiation.

Invalid actuations are by definition those that do not meet the criteria for being valid. Thus, invalid actuations include actuations that are not the result of valid signals and are not intentional manual actuations. Invalid actuations include instances where instrument drift, spurious signals, human error, or other invalid signals caused actuation of the ESF (e.g., jarring a cabinet, an error in use of jumpers of lifted leads, an error in actuation of switches or controls, equipment failure, or radio frequency interference).

NRC's evaluation of both the reported events since January 1984, when the existing rules first became effective, and the comments received during the Event Reporting Workshops conducted in Fall of 1990 identified needed improvements in the rules. The NRC determined that invalid actuation, isolation, or realignment of a limited set of ESFs including the systems, subsystems, or components (i.e., an invalid actuation, isolation, or realignment of only the reactor water clean up (RWCU) system,

Nuclear Regulatory Commission, Washington, DC 20555. A copy is also available for inspection or copying for a fee at the NRC Public Document Room, 2120 L Street, NW, (Lower Level), Washington, DC 20555.

* Free single copy may be requested by writing to the Distribution and Mail Services Section, U.S.

the control room emergency ventilation (CREV) system, the reactor building ventilation system, the fuel building ventilation system, or the auxiliary building ventilation system, or their equivalent ventilation systems) are of little or no safety significance. However, these events are currently reportable under 10 CFR 50.72 (b)(2)(ii) and 10 CFR 50.73 (a)(2)(iv).

The final rules for the current event reporting regulations, 10 CFR 50.72 and 10 CFR 50.73 (48 FR 39039; August 29, 1983, and 48 FR 33050; July 28, 1983, respectively), stated that ESF systems, including the reactor protection system (RPS), are provided to mitigate the consequences of a significant event. Therefore, ESFs should (1) work properly when called upon and (2) should not be challenged frequently or unnecessarily. The Statements of Consideration for these final rules also stated that operation of an ESF as part of a pre-planned operational procedure or test need not be reported. The Commission noted that ESF actuations, including reactor trips, are frequently associated with significant plant transients and are indicative of events, that are of safety significance. At that time, the Commission also required all ESF actuations, including the RPS actuations, whether manual or automatic, valid or invalid—except as noted, to be reported to the NRC by telephone within 4 hours of occurrence followed by a written Licensee Event Report (LER) within 30 days of the incident. This requirement on timeliness of reporting remains unchanged.

The reported information is used by the NRC in confirmation of the licensing bases, identification of precursors to severe core damage, identification of plant specific deficiencies, generic lessons, review of management control systems, and licensee performance assessment.

Discussion

The NRC has determined that some events that involve only invalid ESF actuations are of little or no safety significance. However, not all invalid ESF actuations are being exempted from reporting through this rule. The relaxations in event reporting requirements contained in the final rule apply only to a narrow, limited set of specifically defined invalid ESF actuations. These events include invalid actuation, isolation, or realignment of a limited set of ESFs including systems, subsystems, or components (i.e., an invalid actuation, isolation, or realignment of only the RWCU system, or the CREV system, reactor building ventilation system, fuel building

ventilation system, auxiliary building ventilation system, or their equivalent ventilation systems). The actuation of the standby gas treatment system following an invalid actuation of the reactor building ventilation system is also exempted from reporting. In addition, the final rule excludes invalid actuations of these ESFs (or their equivalent systems) from signals that originated from non-ESF circuitry.

However, invalid actuations of other ESFs would continue to be reportable. For example, emergency core cooling system isolations/actuations; containment isolation valve closures that affect cooling systems, main steam flow, essential support systems, etc.; containment spray actuation; and residual heat removal system isolations (or systems designated by any other names but designed to fulfill the function similar to these systems and their equivalents), are still reportable. If an invalid ESF actuation reveals a defect in the system so that the system failed or would fail to perform its intended function, the event continues to be reportable under other requirements of 10 CFR 50.72 and 10 CFR 50.73. If a condition or deficiency has (1) an adverse impact on safety-related equipment and consequently on the ability to shut down the reactor and maintain it in a safe shutdown condition, (2) has a potential for significant radiological release or potential exposure to plant personnel or the general public, or (3) would compromise control room habitability, the event/discovery continues to be reportable.

Invalid ESF actuations that are excluded by this final rule, but occur as a part of a reportable event, continue to be described as part of the reportable event. These amendments are not intended to preclude submittal of a complete, accurate, and thorough description of an event that is otherwise reportable under 10 CFR 50.72 or 10 CFR 50.73. The Commission relaxed only the selected event reporting requirements specified in this final rule.

Licensees are still required under 10 CFR part 50, appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants," to address corrective actions for events or conditions that are adverse to quality whether the event is reportable or not. In addition, minimizing ESF actuations (such as RWCU isolations) to reduce operational radiation exposures associated with the investigation and recovery from the actuations, are consistent with ALARA requirements.

This rule excludes three categories of events from reporting:

(1) The first category excludes events in which an invalid ESF or RPS actuation occurs when the system is already properly removed from service if all requirements of plant procedures for removing equipment from service have been met. This includes required clearance documentation, equipment and control board tagging, and properly positioned valves and power supply breakers.

(2) The second category excludes events in which an invalid ESF or RPS actuation occurs after the safety function has already been completed (e.g., an invalid containment isolation signal while the containment isolation valves are already closed, or an invalid actuation of the RPS when all rods are full inserted).

(3) The third category excludes events in which an invalid ESF actuation occurs that involves only a limited set of ESFs (i.e., when an invalid actuation, isolation, or realignment of only the RWCU system, or any of the following ventilation systems: CREV system, reactor building ventilation system, fuel building ventilation system, auxiliary building ventilation system, or their equivalent ventilation systems, occurs). Invalid actuations that involve other ESFs not specifically excluded, (e.g., emergency core cooling system isolations or actuations; containment isolation valve closures that affect cooling systems, main steam flow, essential support systems, etc.; containment spray actuation; residual heat removal system isolations, or their equivalent systems), continue to be reportable.

Licensees continue to be required to submit LERs if a deficiency or condition associated with any of the invalid ESF actuations of the RWCU or the CREV systems (or other equivalent ventilation systems) satisfies any reportability criteria under § 50.72 and § 50.73.

Impact of the Amendments on the Industry and Government Resources

Relaxing the requirement for reporting of certain types of ESF actuation, reduces the industry's reporting burden and the NRC's response burden. This reduction is consistent with the objectives and the requirements of the Paperwork Reduction Act. These amendments have no impact on the NRC's ability to fulfill its mission to ensure public health and safety because the deleted reportability requirements have little or no safety significance.

It is estimated that the changes to the existing rules will result in about 150 (or

5-10 percent fewer Licensee Event Reports each year. Similar reductions are expected in the number of prompt event notifications reportable under 10 CFR 50.72. Some respondents, in their comments on the proposed rule, dated June 23, 1992, submitted an estimate of approximately 15 percent reduction in their reporting burden.

Summary of Comments

The NRC received 19 comments—5 from individuals, 3 from industry-supported organizations, and 11 from utilities. Except for one respondent, all commenters welcomed the Commission's efforts to reduce the licensee burden and to save the agency's resources in event review and processing. The utilities and the industry-supported organizations expressed their desire for a broader relaxation to include all invalid ESF actuations from reporting.

Other comments from the respondents concerned the following: clarification of the definition of "invalid" actuations; examples of events being exempted from reporting; consideration of plant-specific situations; exemption from reporting of the actuation of the standby gas treatment system following an invalid actuation of the reactor; building ventilation system; and possibly extending relaxation of invalid actuations/isolations of RVV/CU from reporting to include those of the chemical and volume control system in a pressurized water reactor. The Statement of Considerations for this final rule addresses most of these concerns. Other issues and clarifications concerning event reportability will be addressed in NUREG-1022, Revision 1. However, it is not practical to address a plant-specific situation unless it relates to a generic concern.

The Commission stresses that only certain specific invalid ESF actuations are being exempted from reporting through the present amendments. NUREG-1022, Revision 1 will contain specific examples and additional guidance on events which are presently reportable as well as those which are being exempted from reporting through these amendments. In the future, the Commission will give due consideration to other proposed relaxations from event reporting after the NRC staff has had an opportunity to reassess the data needs of the agency and performed safety assessments to justify initiating a separate general rulemaking. Until such time, all events not specifically exempted in these amendments continue to be reportable.

The two respondents who opposed the proposed amendments expressed

their concerns about eliminating the selected event reporting requirements. These commenters believe that the elimination of these event reporting requirements may adversely affect the NRC's information database and ultimately affect the agency's ability to carry out its mission to protect public health and safety. For many years, the NRC staff has been systematically reviewing information obtained from Licensee Event Reports. These assessments of reactor operational experience have included data on the types of events included in the three categories that the NRC is deleting from reporting. The staff's reviews and assessments of nearly 1000 reactor-years of operational experience have identified essentially no safety significance associated with the type of events included in the aforementioned three categories. The Commission has reviewed the scope of these amendments, and on the basis of the staff's assessment of the past reactor operational experience, has subsequently concluded with a reasonable confidence that relaxation from reporting of events in the three categories does not affect the agency's ability to protect public health and safety.

Based on the input from the utilities, these amendments will reduce the industry's reporting burden by about 15 percent. The estimated savings of the NRC's response burden in event review and assessment is about 5-10 percent.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusions 10 CFR 51.22 (c)(3)(ii) and (iii). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). These amendments were approved by the Office of Management and Budget approval numbers 3150-0011 and 3150-0104.

Because the rule will relax existing reporting requirements, public reporting burden of information is expected to be reduced. It is estimated that about 150 fewer Licensee Event Reports (NRC Form 366) and a similarly reduced number of prompt event notifications, made pursuant to 10 CFR 50.72, will be required each year. The resulting reduction in burden is estimated to

average 50 hours per licensee response, including the time required reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and reviewing the collection of information. Send comments regarding the estimated burden reduction or any other aspect of this collection of information, including suggestions for reducing this burden, to the Information and Records Management Branch (MNEB-7714), U.S. Nuclear Regulatory Commission, Washington, DC 20555; and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-3019, (3150-0011 and 3150-0104), Office of Management and Budget, Washington, DC 20503.

Regulatory Analysis

The Commission has prepared a regulatory analysis on this final rule. The analysis examines the costs and benefits of the alternatives considered by the Commission. The analysis is available for inspection in the NRC Public Document Room, 2120 L Street, NW., Lower Level, Washington, DC 20555. Single copies of the analysis may be obtained from Raji Tripathi, Office for Analysis and Evaluation of Operational Data, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 492-4435.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980 (5 U.S.C. 605 (B)), the Commission certifies that this rule does not have a significant economic impact on a substantial number of small entities. The final rule affects only the event reporting requirements for operational nuclear power plants. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration Act in 13 CFR part 121.

Backfit Analysis

As required by 10 CFR 50.109, the Commission has completed an assessment of the need for Backfit Analysis for this final rule. The proposed amendments include relaxations of certain existing requirements on reporting of information to the NRC. These changes neither impose additional reporting requirements nor require modifications to the facilities or their licensees.

Accordingly, the NRC has concluded that this final rule does not constitute a

backfit and, thus, a backfit analysis is not required.

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Criminal penalty, Fire prevention, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Radiation protection, Reactor siting criteria, Reporting and recordkeeping.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1964, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the Commission is adopting the following amendments to 10 CFR part 50.

PART 50--DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 is revised to read as follows:

Authority: Secs. 102, 103, 104, 105, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 63 Stat. 1244, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2262); sec. 201, as amended, 202, 206, 68 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 50.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 50.10 also issued under sec. 101, 165, 68 Stat. 936, 955, as amended (42 U.S.C. 2131, 2235); sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.13, 50.54 (3d), and 50.103 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138). Sections 50.23, 50.35, 50.55, and 50.56 also issued under sec. 185, 68 Stat. 955 (42 U.S.C. 2235). Sections 50.33a, 50.55a, and Appendix Q also issued under sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.34 and 50.54 also issued under sec. 204, 68 Stat. 1245 (42 U.S.C. 5844). Sections 50.58, 50.91, and 50.92 also issued under Pub. L. 97-415, 96 Stat. 2073 (42 U.S.C. 2239). Section 50.76 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80-50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Appendix F also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

For the purpose of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273): § 50.5, 50.46(a) and (b), and 50.54(c) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); § 50.5, 50.7(a), 50.10(a)-(c), 50.34(a) and (e), 50.44(a)-(c), 50.46(a) and (b), 50.47(b), 50.48(a), (c), (d), and (e), 50.49(a), 50.54(a), (i), (j)(i), (j)-(n), (p), (q), (r), (v), and (y), 50.55(f), 50.55a(a), (c)-(e), (g), and (h), 50.59(c), 50.60(a), 50.62(b), 50.64(b), 50.85, and 50.80(a) and (b) are issued under sec. 161f, 68 Stat. 949, as amended (42 U.S.C. 2201(f)); and § 50.91(d), (h), and (j), 50.54(w), (z), (bb), (cc), and (dd), 50.55(e), 50.59(b), 50.61(b), 50.62(b), 50.70(a), 50.71(a)-(c) and (e), 50.72(a), 50.73(a) and (b), 50.74, 50.78, and 50.90 are issued under sec. 181o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In § 50.72, paragraph (b)(2)(ii) is revised to read as follows:

§ 50.72 Immediate notification requirements for operating nuclear power reactors.

(b) Non-emergency Events. * * *
(2) Four-hour reports. * * *
(ii) Any event or condition that results in a manual or automatic actuation of any engineered safety feature (ESF), including the reactor protection system (RPS), except when:

(A) The actuation results from and is part of a pre-planned sequence during testing or reactor operation;

(B) The actuation is invalid and:

(1) Occurs while the system is properly removed from service;

(2) Occurs after the safety function has been already completed; or

(3) Involves only the following specific ESFs or their equivalent systems:

(i) Reactor water clean-up system;

(ii) Control room emergency ventilation system;

(iii) Reactor building ventilation system;

(iv) Fuel building ventilation system; or

(v) Auxiliary building ventilation system.

3. In § 50.73, paragraph (a)(2)(iv) is revised to read as follows:

§ 50.73 Licensee event report system.

(a) Reportable events. * * *

(2) The licensee shall report: * * *

(iv) Any event or condition that resulted in a manual or automatic actuation of any engineered safety feature (ESF), including the reactor protection system (RPS), except when:

(A) The actuation resulted from and was part of a pre-planned sequence during testing or reactor operation;

(B) The actuation was invalid and:

(1) Occurred while the system was properly removed from service;

(2) Occurred after the safety function had been already completed; or

(3) Involved only the following specific ESFs or their equivalent systems:

(i) Reactor water clean-up system;

(ii) Control room emergency ventilation system;

(iii) Reactor building ventilation system;

(iv) Fuel building ventilation system; or

(v) Auxiliary building ventilation system.

Dated at Rockville, MD, this 27th day of August, 1992.

For the Nuclear Regulatory Commission,
James M. Taylor
Executive Director for Operations.
[FR Doc. 92-21750 Filed 9-9-92; 8:45 am]
BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 225

[Regulation Y, Docket No. R-0706]

RIN 7100-AB09

Bank Holding Companies and Change in Bank Control

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is amending its Regulation Y to augment the list of permissible nonbanking activities for bank holding companies to include the provision of full service securities brokerage under certain conditions; and the provision of financial advisory services under certain conditions. The Board has by order previously approved these activities. Applications by bank holding companies to engage in activities included on the Regulation Y list of permissible nonbanking activities may be processed by the Reserve Banks under expedited procedures pursuant to delegated authority.

EFFECTIVE DATE: September 10, 1992.

FOR FURTHER INFORMATION CONTACT: Scott G. Alvarez, Associate General Counsel (202/452-3583), or Thomas M. Corsi, Senior Attorney (202/452-3275), Legal Division. For the hearing impaired only, Telecommunications Device for the Deaf (TDD), Dorothea Thompson (202/452-3544).

SUPPLEMENTARY INFORMATION:

Background

The Bank Holding Company Act of 1956, as amended (the "BHC Act"), generally prohibits a bank holding company from engaging in nonbanking activities or acquiring voting securities of any company that is not a bank. Section 4(c)(8) of the BHC Act provides an exception to this prohibition where the Board determines after notice and opportunity for hearing that the activities being conducted are "so closely related to banking or managing or controlling banks as to be a proper incident thereto." 12 U.S.C. 1843(c)(8). The Board is authorized to make this determination by order in an individual case or by regulation.

The Board's Regulation Y (12 CFR part 225) sets forth a list of nonbanking