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OFFICE OF THE
RULE
ADJUDICATOR L-98-244

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

ATTN: Rulemaking and Adjudication Staff

DOCKET NUMBER
PROPOSED RULE PR 50
(63FR39522)

Subject: Advanced Notice of Proposed Rulemaking -
Reporting Requirements for Nuclear Power Reactors
63 FR 39522 (July 23, 1998)

On July 23, 1998 the Nuclear Regulatory Commission issued an advanced notice of proposed rulemaking (ANPR) proposing amendments to the event reporting requirements for nuclear power reactors. These comments are submitted on behalf of Florida Power & Light (FPL), a licensed operator of two nuclear power plant units in Dade County, Florida and two units in St. Lucie County, Florida.

The Nuclear Energy Institute (NEI) is providing comments on behalf of the nuclear power industry. FPL endorses the NEI comments and provides the following additional comments.

FPL appreciates the NRC's continuing efforts to reduce or eliminate the reporting burdens associated with events of little or no safety significance. Even though the focus of this rulemaking is on Section 50.72 and 50.73, FPL agrees with the NRC that a number of other reporting requirements would benefit from a critical review of this nature (e.g., 10 CFR 26, Fitness for Duty Programs, 10 CFR 20, Standards for Protection Against Radiation, 10 CFR 73.71, Reporting of Safeguards Events, licensee technical specifications and license conditions).

The NRC's public workshop on August 21, 1998 touched on a number of examples where opportunities exist to reduce reporting burdens. An industry representative commenting that licensees sometimes have to report the same event to state agencies and the NRC provided one such example. FPL concurs with the recommendation that the time requirement for reporting an event to the NRC and to the state should be consistent wherever practical and possibly in some cases eliminated. As another example, inconsistencies exist between environmental reporting requirements and 50.72 and 50.73 reporting requirements. As a final example, FPL's operating license, and its associated license conditions, contains a reporting requirement (24 hour call to the Region and 14 day written report) for any nonconformance associated with a license condition. Section 50.72 or 50.73 should cover these types of reporting requirements. FPL recommends a continuing dialogue on these and other reporting burdens in concert with a proposed workshop as discussed below.

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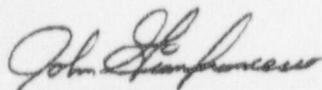
NEI recommends changing the time to submit a Licensee Event Report (LER) in 10 CFR 50.73(a)(1) from 30 to 60 days. FPL highlights this comment and emphasizes that the development of an LER has become labor intensive for the plant departments involved. This increased time period will allow for completion of required engineering evaluations after event discovery and provide for more complete and accurate LERs.

Implementation guidance provided by NUREG 1022 needs to be revised and developed in parallel with the subject rulemaking to understand the full impact of the change and ensure proper implementation by the interested parties. Involvement of NRC headquarters, the regional staff, industry, and other stakeholders is essential for effective development of clear reporting guidelines. NEI has suggested that involvement with the proposed rulemaking process should include a series of tabletop exercises and at least one workshop. FPL concurs with this suggestion and also recommends that the workshop agenda include opportunities for utilities to provide other reporting burden examples.

As a final comment, confusion continues to exist both within the industry and the NRC in evaluating reportable conditions as "outside the design basis" as opposed to "outside the licensing basis." FPL believes additional work is necessary to generate a consensus as to what comprises the licensing basis of a facility. The term is used extensively and, in fact, defined in 10 CFR 54.3 and in Generic Letter 91-18, but the definitions are not the same.

FPL appreciates the opportunity to comment on this advanced notice of proposed rulemaking.

Sincerely,



John Gianfrancesco
Manager
Administrative Support and Special Projects