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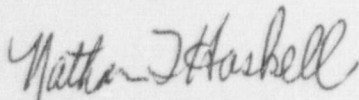
DOCKET NUMBER **PR 50**
PROPOSED RULE **(63FR39522)**Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, DC 20055-0001

Attention: Rulemaking and Adjudication Staff

COMMENTS ON ADVANCE NOTICE OF PROPOSED RULEMAKING REGARDING
REPORTING REQUIREMENTS FOR NUCLEAR POWER REACTORS

Consumers Energy Company is pleased to submit the attached comments on the Advance Notice of Proposed Rulemaking (ANPR) regarding reporting requirements for nuclear power reactors.

The NRC staff is to be commended for its attempt to make reporting requirements less burdensome and more focused on specific agency needs. Most of the changes listed in the ANPR would represent real improvements for licensees. In some cases these improvements would result in real savings in time and resources now expended on NRC reporting. In other cases the proposed changes would reduce the complexity of the rule, thereby making compliance decisions less ambiguous and more consistent.


Nathan L. Haskell
Director, Licensing

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COMMENTS ON PROPOSED RULE FOR REPORTING REQUIREMENTS NUCLEAR FOR POWER REACTORS, 63FR39522

GENERAL COMMENTS

1. During the public meeting on August 21, 1998, the Nuclear Energy Institute provided comments on the ANPR, and made a number of suggestions for additional improvements to 10CFR50.72 and 50.73. As a member of the Nuclear Energy Institute Task Force on event reporting, Consumers Energy endorses those verbal comments, as well as others provided by NEI in correspondence dated September 21, 1998.
2. The overall time line for issuance of the revised rule could be accelerated. The early portion of the schedule during which the revised rule language is drafted is, admittedly, ambitious in that a great deal of industry and staff interaction is needed in a short time. However, taking a year to move the new rule language through the administrative approval process after the language is developed appears excessive.

10CFR50.72 LANGUAGE

3. Item (b)(1)(v) Add the word "offsite" before communications capability to make it clear it applies to communications with outside agencies and not internal plant communications systems.
4. Item (b)(2)(iii) The word "alone" should be removed from the existing rule language. NRC was concerned that "alone" added ambiguity, so proposed to add more words of clarification. The easiest way to remove the ambiguity is to remove the offending word.
5. Item (b)(2)(vii) The paragraph discussing the follow up written report should be moved to 10CFR50.73. It does not fit in the section for immediate notification requirements.
7. Item (c) Subpart (2) is vague and open ended. The current language can be construed to require that a follow up telephone notification to provide evaluation results would be required after every 50.72 notification, whether or not the accuracy of the initial report is affected. Subpart (2)(iii) should be moved to subpart (1) above, and the balance of (2) should be deleted from the rule. Subpart (1), then, would be worded "Immediately report (i) any further degradation in the level of safety of the plant or other worsening plant conditions, including those that require the declaration of any of the Emergency Classes, if such a declaration has not been previously made, or (ii) any change from one Emergency Class to another, (iii) a termination of the emergency Class, or (iv) information related to plant behavior that is not understood.

COMMENTS ON PROPOSED RULE FOR REPORTING REQUIREMENTS NUCLEAR
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50.73 LANGUAGE

8. (a)(2)(v) Delete "alone" from this requirement and reword the balance as proposed in the NEI comment letter.
9. Add new (a)(2)(xi) that picks up the current 50.72 language for a follow up report under 10CFR72.216(b) concerning repairs to a defective spent fuel storage cask.