

June 15, 1999

COMMISSION VOTING RECORD

DECISION ITEM: SECY-99-119

TITLE: RULEMAKING TO MODIFY THE EVENT REPORTING REQUIREMENTS FOR POWER REACTORS IN  
10 CFR 50.72 AND 50.73

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of June 15, 1999.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission, and the SRM of June 15, 1999.

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Annette Vietti-Cook  
Secretary of the Commission

Attachments: 1. Voting Summary  
2. Commissioner Vote Sheets  
3. Final SRM

cc: Chairman Jackson  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
OGC  
EDO  
PDR  
DCS

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VOTING SUMMARY - SECY-99-119

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. JACKSON	X				X	5/17/99
COMR. DICUS	X					5/11/99
COMR. DIAZ	X					5/13/99
COMR. McGAFFIGAN	X					5/7/99
COMR. MERRIFIELD	X				X	5/13/99

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and some provided additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on June 15, 1999.

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Commissioner Comments on SECY-99-119

Chairman Jackson

I approve the requested action to publish the proposed regulation to modify the power reactor reporting requirements in [10 CFR 50.72](#) and [50.73](#). I recognize that the proposed changes constitute an overall significant improvement to the reactor reporting requirements which should result in higher quality licensee reports. Promulgation of the regulation guidance in parallel with the rule publication for comment will ensure valid public feedback is received. I commend the staff for proposing rule language that is more risk-informed, simpler, and more logically arranged. Additionally, changes to allowed reporting times appropriately correspond with the NRC need for the information.

However, the staff should carefully consider public comments on the new requirement to report component problems that significantly degrade the ability to fulfill a safety function and that could reasonably be expected to affect other similar components in the plant. I recognize the staff desire to ensure valid component problem data continues to be provided to the NRC, but this change defines a new (and not very clear) threshold for reporting that will be subject to varying interpretations by licensees and inspectors. Similarly, the continued use of terms such as "significant" and "seriously degraded" will cause interpretation problems to remain (even though examples have been provided).

The staff should also consider expanding the applicability of the proposed change to limit written reports to only those occurring within the last three years. This change was only applied to two of the written reporting criteria, creating an inconsistency with the remaining criteria (that will have no historical bound). The staff should consider the staff need for reports on historical problems and consider applying this change to other criteria for consistency.

#### **Commissioner Merrifield**

I approve the staff's recommendation to publish the proposed rule to modify the event reporting requirements for power reactors in [10 CFR 50.72](#) and [50.73](#).

It is important to reiterate to our stakeholders that declarations of an emergency class will continue to be reported as soon as practical and in all cases within 1 hour. Furthermore, deviations from technical specifications authorized pursuant to [10 CFR 50.54\(x\)](#) will also continue to be reported within this time frame. The message to our stakeholders should be very clear: The NRC is not relaxing reporting requirements for those events where there may be a need for immediate action by the NRC.

I agree with the staff's change to require written licensee event reports (LERs) within 60 days after discovery of a reportable event or condition instead of within 30 days as is currently required. However, it should be made clear to licensees that this change does not imply that they should take longer than they previously did to complete root cause analyses or develop and implement corrective actions. I agree with the staff that licensees should complete these tasks on a time scale commensurate with the significance of the issue.