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DRAFT NUREG 1022 Revision 1

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Nuclear
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U. S. Nuclear Regulatory Commission
Attention: David L. Meyer
Chief, Regulatory Publications Branch
Division of Freedom of Information and
Publication Services, Office of Administration
Washington, D.C. 20555

Reference: 1) Fermi 2
NRC Docket No. 50-341
NRC License No. NPF-43
2) NUREG-1022, Revision 1 DRAFT, "Event and Reporting Systems -
10 CFR 50.72 and 10 CFR 50.73: Clarification of NRC Systems
and Guidelines for Reporting"

Subject: Comments on DRAFT NUREG 1022, Revision 1

The purpose of this letter is to submit Detroit Edison's comments regarding Reference 2 in accordance with Federal Register Notices of October 7, 1991 and November 25, 1991. Detroit Edison appreciates this opportunity to participate in the formulation of improved guidance for consistent reporting of events as required by 10 CFR 50.72 and .73.

Detroit Edison is pleased that the NRC is taking action to clarify, improve and consolidate guidance on reportability of events as required by 10 CFR 50.72 and 73. These regulations and subsequently issued clarifying guidelines have, at times, proven difficult to interpret due to lack of clear and concise requirements and the broad range of circumstances which can apply to any given specific reporting criteria. For this reason Detroit Edison has participated and will continue to participate in efforts to better define these event reporting criteria and methods.

To this end, Detroit Edison has reviewed Reference 2. Attachment 1 represents Detroit Edison's detailed comments referencing applicable sections of the draft NUREG. In summary, Detroit Edison is acutely concerned that, in many aspects, Reference 2 does not improve the guidance for reportability determinations required by 10 CFR 50.72 and 73. The guidelines provided in Reference 2:

- o Go far beyond the stated intent ("To ensure potentially safety significant events are promptly identified and evaluated for reporting to the NRC.") of the regulations. Further, the guidance provided in the DRAFT NUREG is not clear in many cases.
- o Will significantly increase the reporting requirements, and thus number of reports, by unduly lowering the threshold for reporting with no

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commensurate, demonstrated, increase in safety. This increase in reporting could distract resources applied to ensuring safe operation in compliance with regulations, inappropriately alarm the public that problems previously unrecognized and unaddressed may exist, and serve to undermine the public trust in the industry and NRC.

- o Reverse/supersede previous guidance for 10 CFR 50.72 and 73 and thus represents a new staff position without the requisite completion of a regulatory analysis as required by 10 CFR 50.109 (Backfitting).

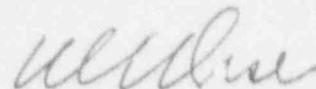
Detroit Edison is a member of the Boiling Water Reactor Owners' Group (BWROG) Licensee Event Reporting (LER) Sub-committee and participated in developing the comments on Reference 2 which will be provided by the BWROG LER Sub-committee. Detroit Edison endorses the comments of the BWROG Sub-committee on Reference 2, in addition to providing the comments/concerns presented herein. In some instances, where comments are particularly extensive and/or complex, a general comment has been provided to highlight Detroit Edison's concern and a specific reference made to the detailed explanation of comments, suggested rewording and justification in the BWROG LER Sub-committee comments.

Detroit Edison is also a member of the Nuclear Management and Resource Council (NUMARC). NUMARC is providing comments on the DRAFT revision to NUREG 1022. Detroit Edison has reviewed and endorses the comments which NUMARC will provide separately.

Based upon the magnitude of changes to NUREG 1022, Detroit Edison suggests that the NRC hold regional workshops on the new guidelines prior to implementation. This will enable licensees to ask questions to improve their understanding of the new guidance. Additionally, Revision 1 of NUREG 1022 should be issued with a minimum 60 day implementation period to allow time for procedure changes and training on the final version of the revision.

If you have any questions regarding Detroit Edison comments on Reference 2, please contact James M. Joy, Senior Compliance Engineer, at (313) 586-1617.

Sincerely,



cc: T. G. Colburn
A. B. Davis
R. W. DeFayette
S. Stasek
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Attachment 1
Detailed Detroit Edison Comments on DRAFT NJREG 1022 Revision 1

The following represents Detroit Edison's comments on DRAFT NUREG 1022 Revision 1 as noticed in the Federal Register on October 7, 1991. Section and page numbers referenced are from the draft NUREG.

Executive Summary - page xii, paragraph 4 : Detroit Edison disagrees with the conclusion that "The revised guidelines are not expected to result in a significant change in the annual industry-wide total numbers for ENS notifications and LERs." As noted in following comments, in many cases, the reporting threshold has been lowered by this guidance and will result in a significant increase in the number of reports generated.

Section 1.3 - page 3 : The DRAFT NUREG states that this revision "updates" and "supersedes" previous guidance and "where differences exist, this document takes precedence." As demonstrated by this wording and the previously noted lowered threshold for reporting, implementation of the revised NUREG, as written, meets the definition of "backfitting" as defined in 10 CFR 50.109 (a)(1), ("...the modification of ... procedures or organization required to ... operate a facility; ... which may result from ... the imposition of a regulatory staff position interpreting the Commission rules that is either new or differs from a previous applicable staff position..."), yet no regulatory analysis per 10 CFR 50.109 (c) is provided or referenced.

Section 2.3 - paragraph 2, page 15 : Previous NRC guidance recognized that in some situations, it is appropriate to report subsequent failures of the same or like components in an LER revision rather than a new LER even though the discovery dates may be spread over a period greater than 30 days. An example of this would be failures of components which are part of a test program (e.g. Safety Relief Valve setpoint testing), but are found "failed" at different times within the same refueling outage.

Section 2.4 - pages 15-17 : Detroit Edison suggests that examples of conditions found during design reviews, which are both reportable and not reportable, be included in this section.

Section 2.7 - pages 17,18 : This section of the DRAFT NUREG appears to require reporting of events outside the scope of the current rule. The Boiling Water Reactor Owner's Group (BWROG) is providing suggested rewording of this section. Detroit Edison concurs that the proposed (BWROG) rewording better clarifies the current reporting criteria and meets the stated intent of the rules.

Section 2.10 - paragraph 1, page 20 : While not intended by the NRC or the rule, the number of LER's, regardless of significance, ARE used by some NRC personnel, the media, and others as a measure (usually with negative connotation) of licensee (and industry) performance. If an event is subsequently determined not to be reportable, it is in the best interest of the licensee to retract/cancel the report. Other mechanisms exist for the NRC to gather information on these types of events. The staff recommendation to convert these types of events to voluntary LERs should be deleted.

Section 3.2.1 - Example 3, pages 32,33 : The following additional guidance is suggested:

"If the component could have been repaired within the 72 hours allowed, but a scheduled outage was initiated and an operating mode was reached in which the Tech. Spec. LCO does not apply within the 72 hours, this event should not be reportable if a decision was made to complete the component repair during the scheduled outage, but outside the 72 hour limit."

It is further suggested that the NRC evaluate the value of reporting Plant Shutdowns initiated or completed as required by Technical Specifications during the next revision to 10 CFR 50.72 and .73 since these type of events do not necessarily have safety significance.

Section 3.2.2 - pages 34 - 39 : The format for the guidance provided in this section of the DRAFT NUREG is generally good. However the guidance provided by the "Discussion" items and many of the examples in this section of the DRAFT NUREG imply requirements which are not consistent with previous guidance on interpreting the rules. If left as is, the result would be a significant increase in the number of LERs generated which have no safety significance. The BWROG LER Sub-committee is providing extensive comments and suggested re-wording of this section, including appropriate justification. Detroit Edison strongly endorses these comments.

Section 3.2.4 - pages 41 - 51 : This section of the DRAFT NUREG discusses reporting requirements for operating in a degraded or unanalyzed condition. In summary, this section of the DRAFT NUREG introduces guidance and interpretations which are clearly outside the scope and intent of the rules and previously issued NRC guidance on the rules. These new requirements will impose a significant burden on licensees, SIGNIFICANTLY increase the number of reports generated for these reporting criteria with no clear demonstrated improvement in safety. Specifically:

- o Portions of this section, including the general "Discussion"; specific discussion/clarification of the criteria "Plant Being Seriously Degraded", "Plant in an Unanalyzed Condition", "Plant in a Condition Outside the Design Basis"; and several examples used to illustrate reportable events for these criteria, lower the reporting threshold to the "system or component" level rather than the "Plant" level. This is contrary to all previous guidance on the regulations and the wording of the rule. The DRAFT NUREG should be revised in this regard to reflect the reporting threshold at the "Plant, including its principal safety barriers" level.
- o This section of the NUREG and the rules deal with reporting criteria which often involve organizations outside the Operating staff and require extensive knowledge and analysis of design bases documentation. The guidance in the DRAFT NUREG "Discussion" portion of this section implies a lower threshold for confirmation that one of the reporting criteria is met. Use of terms such as "reasonable belief" are subject to wide interpretation, and will likely cause a significant increase in the generation of unnecessary reports and lack of consistent reporting. It is recognized that a balance is needed between the need to evaluate a

situation to obtain complete understanding before determining reportability and the need for prompt reporting. Avenues exist and are utilized at Detroit Edison to informally apprise the NRC that a condition is being evaluated which may meet one of these reporting criteria. The NRC has mechanisms to evaluate licensee performance and promptness for these types of evaluations. If, during the conduct of this type of evaluation, analysis or investigation yields strong evidence that leads to a prediction that the outcome of the evaluation will result in a reportable condition, then the "time clock" for reporting should begin at that point. Therefore, it is suggested that the NUREG guidance on the "time clock" for formal reporting be further clarified to provide a good definition of "reasonable belief" consistent with previous NRC guidance (NUREG 1397 and Generic Letter 91-18). It is further suggested that examples be provided in the DRAFT NUREG of situations requiring the types of evaluations described above and specifically state the point at which the "time clock" for reporting is started and the basis for that determination.

- o The discussion/definition of "Plant in an Unanalyzed Condition" on page 43 broadens the scope of reporting under this criteria. As noted above, the DRAFT NUREG inappropriately expands this criteria to the system or component level instead of the Plant as written in the regulation. The draft NUREG in fact cites examples of reportable events where an unanalyzed condition exists for a component or train which would render that component or train inoperable, but unaffected redundant components or trains are operable and the Plant is analyzed for operation with only one train.

Additionally, an important aspect of this reporting criteria is that the unanalyzed condition must significantly compromise plant safety to be reportable. This is not well portrayed by the DRAFT NUREG discussion or examples.

- o The discussion/definition of "Plant in Condition Outside Design Basis" significantly broadens the scope of events/conditions which would be reported under this criteria and essentially supersedes existing regulation.
 - As noted above, the guidance in this discussion inappropriately expands the scope of this reporting criteria to the system and component level.
 - The guidance in this discussion inappropriately expands the definition of "Design Basis" outside the scope of 10 CFR 50.2 and previous NUREG guidance.
 - Page 45 of the DRAFT NUREG states that all entries into Technical Specification 3.0.3 are reportable as conditions outside the design bases. Detroit Edison does not agree with this position. Entry into 3.0.3 is reportable under 10 CFR 50.73 (a)(2)(i)(B) as a condition prohibited by Technical Specifications. However, there are situations that require entry into 3.0.3 because there is no TS ACTION statement for a particular condition even though that condition is analyzed in

the FSAR. An example of this would be (for a BWR-4) loss of the same Division of LPCI and Core Spray. This would require entering TS 3.0.3. However, the Plant is analyzed in this condition since the second division of emergency core cooling is sufficient, and the plant can be safely shut down.

Additionally, Detroit Edison disagrees with the conclusion that a number of the examples included in this section of the DRAFT NUREG are reportable under these criteria or additional information is required to clarify the event and the reportability determination. The BWROG LER Sub-committee is providing extensive comments on this entire section of the DRAFT NUREG, including amplification and further explanation of many of the concerns noted above. The BWROG comments also include comments and suggested improvements to the examples. Once again, Detroit Edison strongly endorses the BWROG Sub-committee comments on this section of the Draft NUREG.

Section 3.2.5 - pages 52 - 55 :

This section of the DRAFT NUREG deals with external threats. Again, Detroit Edison believes that the revised guidance expands the scope of reporting required by the corresponding 10 CFR 50.72 and 73 criteria. The threshold for reporting in the DRAFT NUREG is based upon licensee response to a potential threat rather than the existence of an actual threat. For example, entering severe weather procedures as a precautionary measure when weather conditions are conducive to tornado formation would be reportable under the guidance of the DRAFT NUREG. However, this situation does not represent an actual threat which significantly hampers site personnel, as stated in the regulations.

Section 3.2.6 - "Discussion", page 56 :

The sentence which begins "Those events that result in either ..." should be revised to read, "Those events that are the result of a valid signal (defined below) and results in either...". This clarification is suggested to be consistent with the regulation and to make it clear that all manual ECCS injections (e.g., testing or use of ECCS pumps during outages for system fill) are not reportable.

Section 3.2.6 - Example 3, page 58 :

It is not clear in this example whether there was an actual reactor vessel level perturbation (in which case the conclusion that the event is reportable is correct) or whether there was an instrument fluctuation (in which case this would not be reportable under this criteria since, in agreement with the guidance, no valid signal existed).

Section 3.2.7 - page 61 :

Regarding loss of communications capability, loss of one telephone system other than ENS should not necessarily be reportable if other communications means are available to make required emergency plan notifications since the reporting criteria is a major loss of communications capability. For this reason, example 2 on page 63 would not be reportable if other reliable means of communication were available.

Section 3.2.8 - pages 64 - 74 :

The guidance provided in this section of the DRAFT NUREG dealing with Internal Threats to Plant Safety also includes reporting requirements outside the scope of the regulation. The regulations corresponding to this guidance requires reporting events posing

"...actual threats to the safety of the nuclear power plant or significantly hampers site personnel in the performance of duties necessary for the safe operation of the nuclear power plant...". The DRAFT NUREG, however provides guidance on, and cites numerous examples of, hinderances to routine duties and non-safety related activities that would be required to be reported. This guidance would result in a significant increase in the number of reports and LERs with no safety significance and pose an unnecessary burden on licensees.

No basis is given for much of the new guidance in this section of the DRAFT NUREG (for example, the significance of a spill greater than 55 gallons is not explained).

The BWROG LER Sub-Committee is providing significant comments and suggested re-wording for this section of the NUREG. Detroit Edison concurs with the BWROG LER Sub-committee recommended changes.

Section 3.3.1 - pages 76 - 79 :

This section of the DRAFT NUREG deals with four hour reportability of degraded or unanalyzed conditions found while shutdown. It references the guidance provided in Section 3.2.4 (Which includes prompt reporting of degraded or unanalyzed conditions found while operating) to determine the threshold for reportability. As noted in the comments on Section 3.2.4 above, this guidance inappropriately expands the scope of reportable events. See comments above on section 3.2.4 for details.

Section 3.3.2 - pages 80 - 84 :

This section of the DRAFT NUREG provides guidance on reportability of Engineered Safety Feature (ESF) actuations. Within the guidance, the NRC staff has redefined ESF systems, and Reactor Protection Systems (RPS) and included (potentially) many systems within the definition of ESF systems for reportability determination which were specifically not designated as ESF systems within the UFSAR. This is contrary to any previous guidance or regulation and will significantly increase the burden on licensees and the number of reportable events with no demonstrated increase in safety. Additionally, the guidance in this section of the DRAFT NUREG requires reporting ESF actuations at the component rather than system level, contrary to the rule or previous guidance. Detroit Edison strongly disagrees with guidance provided in the DRAFT NUREG. The BWROG has done extensive work in an attempt to provide better guidance to licensees on what constitutes an event reportable under 10 CFR 50.72 (b)(2)(ii) and 50.73 (a)(2)(iv) while meeting the intent of these regulations as stated in various regulatory documents. The result of this effort and extensive comments and re-wording for this section of the DRAFT NUREG are being provided in the BWROG Sub-committee comments. Detroit Edison strongly endorses these comments.

Section 3.3.2 - page 85 :

In the first example on this page, the statement that "However, this event is also reportable within 1 hour under 10 CFR 50.72 (b)(1)(ii) because the primary coolant system was seriously degraded when the water level decreased as a result of an unknown reason," is not well supported and will create confusion and thus inconsistency in reporting, contrary to the objective of this revision to the NUREG. The mere fact that water level dropped for an unknown reason does not automatically indicate serious degradation of the plant. The magnitude and determined cause of the level drop, performance of automatic isolation systems, the availability

of makeup and effectiveness of restoring level and decay heat removal need to be considered. It is strongly suggested this statement be deleted or additional details provided.

Section 3.3.3 - pages 90, 91 : This reporting criteria applies to whether a safety function can be fulfilled. In some instances this can be different than "Operability". Equipment can be inoperable due to a surveillance requirement not being met, but still able to accomplish it's safety function in that condition. In these cases, this reporting criteria should not apply since the safety function can be fulfilled.

Section 3.3.3 - page 91 : Loss of Offsite power should not be reportable under this criteria since it alone would not prevent the fulfillment of safety function(s). (paragraph 3)

Paragraph 6 on this page discusses single train safety systems. Detroit Edison concurs that HPCI is a single train safety system and agrees that the loss of this single train can be reportable under the criteria which this section provides guidance on. However, Detroit Edison also believes that RCIC is not a single train safety system and thus loss of RCIC alone is not reportable under the same criteria.

Section 3.3.3 - page 92 : The criteria on this page which reads "the entire system or structure is specified as ESF or safety related, if the plant safety analysis in the USAR relied on it to perform or if it supports or could affect a system that performs a safety function" should be revised to delete "or if it supports or could affect a system that performs". Reporting the loss of systems not taken credit for in safety analysis inappropriately expands the scope of this reporting criteria.

Section 3.3.3 - paragraph 2, page 93 : The word "redundant" should be deleted. The removal of any system, including a single train safety system, in accordance with the provisions of the Technical Specifications should not be reportable.

Section 3.3.3 - Example 3, page 94 : It is not clear that a safety function was not fulfilled from the description of this event. The discharge was stopped when a high radiation level was sensed. It is not clear whether the valve re-opened in response to operators resetting the monitor or it automatically reset. If the operators reset the monitor, it is presumed they determined no alarm condition existed, and thus no safety function went unfulfilled. If the monitor alarmed and reset based on background radiation, then still no safety function went unfulfilled.

Section 3.3.3 - Example 6, page 96 : Detroit Edison suggests this example be deleted since this situation would most likely be an emergency notification due to loss of all onsite power, and involves shutdown risk issues which are currently being reviewed by the industry and NRC and may result in guidance which prevents the initial conditions for this event. Additionally Detroit Edison disagrees that any time you are not complying with Technical Specifications, you are outside the design basis as implied by the last

sentence in this example. This is discussed in earlier comments (see Section 3.2.4 comments regarding reportability of 3.0.3 entries as conditions outside the plant design basis).

Section 3.3.6 - pages 106,7 :

The content of this section of the DRAFT NUREG is generally clear. It is suggested however, that an addition to the NUREG be made to state that the NRC recognizes that as part of licensees' Emergency Plans, designated emergency personnel and facilities responding to treatment of a contaminated individual are trained and prepared to deal with radioactive material.

Section 3.3.7 - Example 2, page 111 :

This is not a good example. There is no provision in the guidance contained in this section of the DRAFT NUREG or the regulation for a licensee to anticipate public perception regarding an imminent press release due to an on-site injury requiring transport to a hospital. If Resident Inspector concurrence is grounds for not reporting an event of this nature, it should be so stated in the guidance.

Section 3.3.7 - example 7, page 112 :

It is not clear from the example that this event represents an "Internal Threat to Plant Safety" as stated in the example. It is suggested that this example be deleted from the DRAFT NUREG or additional clarification be provided to demonstrate how this event "significantly hampered personnel in the performance of duties for the safe operation of the plant".

Section 3.4.4 and 3.4.5, pages 122 - 124 :

The requirement to keep updating the NRC via ENS during non-emergency events seems unnecessary and redundant if communications are being maintained in other manners with the Resident Inspectors and/or Regional or NRR personnel. It is not explicitly stated in the rule that use of ENS is mandatory and it is suggested that the flexibility be allowed by the DRAFT NUREG if other communication channels to the NRC are maintained.

Section 4.2.3, paragraph 1, page 131 :

This paragraph discusses that voluntary notifications can not be used to avoid NRC enforcement. In general, Detroit Edison does not object to this guidance. However, in the case of a situation or concern for which reportability/criteria is not clear, such as some design basis concerns, the licensee should be commended for making an informational report while the evaluation of the condition to confirm reportability and appropriate reporting criteria is ongoing. This assumes that a follow-up call is made via ENS to inform the NRC of the results of the evaluation within the appropriate time frames of 10 CFR 50.72 from the time reportability is confirmed.

Section 5.2.1, page 161 :

10 CFR 50.73 (b)(2)(ii)(B) requires that the LER narrative description must include "status of structures, components, or systems what were inoperable at the start of the event and that contributed to the event." The DRAFT NUREG states that "if no structures, systems or components were inoperable and if none contributed to the event, so state." This should be left to the discretion of the licensee. If this

information is excluded it is implicit that no structures, systems or components were inoperable at the start of the event or contributed to the event.

Section 5.2.2, page 171 : The requirement noted in the DRAFT NUREG to include LERs referencing similar events in the abstract should be optional. It is often difficult to provide all other information required by 10 CFR 50.73 (b)(1) in the 1400 characters allowed in the abstract.