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ENERGY**

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VICE PRESIDENT - NUCLEAR

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

Comments on Proposed
Revision 1 to NUREG-1022

Dear Mr. Meyer:

On October 7 1991, the Nuclear Regulatory Commission announced the availability for public comment of draft report NUREG-1022, Revision 1, "Event Reporting Systems-10CFR50.72 And 50.73: Clarification of NRC Systems and Guidelines for Reporting." The Cleveland Electric Illuminating Company (CEI), operator of the Perry Nuclear Power Plant, would like to express its appreciation for the opportunity to comment on this very important regulatory issue.

As stated in the Federal Register Notice announcing the issuance of the draft report, the "...purposes of this document are to ensure events are reported as required by improving 10 CFR 50.72 and 50.73 reporting guidelines and to consolidate these guidelines into a single reference document." Additionally, the notice states: "This document provides clarification and does not change the reporting requirements in 10 CFR 50.72 and 50.73. Therefore, the revised guidelines are not expected to result in a significant change in the industry-wide annual total number of ENS notifications or LERs." Inasmuch as the stated goals of the document are to provide improved guidance for industry and NRC use without new interpretations of the reporting requirements, and after evaluating the results of considerable efforts by the nuclear utility industry, we feel compelled to provide comments regarding the revision.

CEI has been actively involved in the efforts of the Boiling Water Reactor Owners' Group (BWROG) for analysis and improvement in consistent and appropriate event reporting. These efforts resulted in a significant number of specific comments and recommendations on the content of the draft NUREG-1022 revision, which are being transmitted to the NRC under formal BWROG correspondence. CEI fully endorses the general and specific comments provided by the BWROG, as well as those provided by the Nuclear Management and Resources Council (NUMARC) and the Nuclear Utility Backfitting and Reform Group (NUBARG). Accordingly, specific recommendations for improvement of the content and detail of the draft NUREG are withheld. However, the following general comments are submitted in addition to those provided by other individuals or organizations.

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1. The stated goal of consolidation of reporting guidance into a single document is well served through issuance of a NUREG revision. As well, the addition of specific guidance with respect to requirements for notification pursuant to 10 CFR 50.72 is a welcome and necessary improvement to previous guidance.
2. The format, scope, and depth of the guidance is appropriate for industry use as a reference document. Further efforts to refine the NUREG should preserve these aspects of the revision.
3. The stated goal of clarification of the reporting requirements is not satisfied with the revision in its current form. Actually, many of the examples in the NUREG revision provide conflicting guidance for the user who has been educated with respect to current NRC guidance and past practices. These discrepancies are apparent when comparisons are made between examples in the new and old guidance, and when comparing multiple examples and guidance within the revision alone.
4. The stated premise that the revision would not be expected to result in a significant change in the number of notifications and reports is not supported by industry evaluations. In many cases, the new guidance expands the scope and lowers the threshold of the reporting requirements through encouragement of very conservative reporting philosophies. Reporting under the proposed guidelines without a resultant change in the volume of reporting activity could only be experienced through liberal interpretation and discretion in enforcement by Resident and Regional personnel. Such inconsistent application of the reporting guidance by utility and NRC personnel is one of the major driving forces behind the need to revise current guidance. The proposed revision would serve to aggravate rather than alleviate this problem.

Specific areas of concern with respect to the above comments are found in the NUREG guidance provided for the following major reporting categories:

1. Expansion of event reporting of conditions outside the regulatory design basis of the plant to include conditions outside the "engineering design basis" or the "licensing basis." This terminology not only expands the reporting criteria, but also introduces concepts not yet consistently defined throughout the industry.
2. Expansion of reporting requirements for conditions or events at the component level, especially in regard to "design basis" and "unanalyzed conditions," as well as ESF actuations.
3. Inconsistent guidance with respect to reporting conditions "prohibited by the plant's Technical Specifications," specifically with respect to surveillance and administrative requirements.

4. Lowering the threshold for evaluation of event significance, especially with respect to internal events or external conditions that "significantly hamper site personnel" in the performance of safety-related duties.

Revision 1 to NUREG-1022 strongly implies that reporting under the LER Rule is perceived by the Staff to be convenient and without significant impact on resources. This is especially apparent in the numerous recommendations for voluntary reporting. However, the impact on the resources of both the utilities and the NRC Staff is significant, and diversion of these resources to performance and review of additional reports has not been shown to have significant safety benefit.

CEI fully recognizes the need for clear, open communication with the NRC regarding operational conditions and events, and endorses the appropriate use of notification and reporting systems for such communications. Every effort is made to ensure that NRC personnel are notified of plant developments in a timely manner, using various channels of communication. However, the regulatory and economic impact of communications under 10 CFR 50.72 and 50.73 are very real concerns which require careful consideration by utility staff. Accordingly, efforts are made to ensure that all methods of communications, including direct communication with residents, special reports and docketed letters, are utilized appropriately to ensure that the need for information is satisfied. ENS Notifications and Licensee Event Reports should only be utilized to report those events and conditions which are specifically addressed under the associated rules. The proposed NUREG revision should simply define the requirements of the current regulation, and should avoid recommendation or encouragement of reporting outside of the scope of the rule.

In conclusion, it is our express recommendation that the proposed revision to NUREG-1022 not be issued in its present form. Additionally, it is hoped that after careful consideration of all comments provided, further discussion between the NRC and the nuclear industry will lead to the issuance of appropriate, consistent and useful reporting guidance.

Sincerely,



Michael D. Lyster

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cc: A. B. Davis, Regional Administrator, NRC Region III
NRC Project Manager - Perry
NRC Resident Inspector - Perry
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