



Omaha Public Power District  
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DOCKET NUMBER  
PROPOSED RULE **PR 50**  
(61FR5318) (15)

- References:
1. Docket No. 50-285
  2. Federal Register, Vol. 61, No. 29, dated February 12, 1996, (61 FR 5318)
  3. Draft Final Report, *Pilot Study on Implementation of Proposed Reliability Data Rule Reporting Guidelines*
  4. Draft Regulatory Guide DG-1046, *Guidelines for Reporting Reliability and Availability Information for Risk-Significant Systems and Equipment in Nuclear Power Plants*

**SUBJECT: Comments on Notice of Proposed Rulemaking, 10CFR50.76, Reporting Reliability and Availability Information for Risk-Significant Systems and Equipment**

The Omaha Public Power District (OPPD) has reviewed Reference 2 regarding the proposed rulemaking on reporting reliability and availability information for risk-significant systems and equipment. Specifically, the proposed rulemaking requires reporting of detailed information on demands, failures, unavailabilities and operation associated with basic systems and those systems/equipment determined to be risk-significant by the utility. The purpose of this letter is to express OPPD's continued concerns with regard to this proposed rulemaking.

In August of 1995, OPPD volunteered for participation in an NRC sponsored Pilot Study conducted by Scientific Applications International Corporation (SAIC) to identify the problems, issues and concerns associated with implementation of the regulatory guidance document associated with this rulemaking. OPPD supplied comments which were included in the Draft Final Report (Reference 3). Review of this rulemaking and the associated Regulatory Guide indicates that OPPD's comments which were included in the Pilot Study were not given adequate consideration in the development process. In addition, to our knowledge, the SAIC final report has yet to be made public, which would substantially improve the knowledge of other utilities regarding this issue.

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OPPD concurs with the comments previously submitted by the Nuclear Energy Institute (NEI) in their March 12, 1996 letter regarding the significant burden which the rulemaking will place on the industry if the rule is implemented in its present form.

The Maintenance Rule (10CFR50.65), which is effective July 10, 1996, is designed to improve plant performance through monitoring of equipment performance against established performance criteria. There is some concern that the Data Rule will increase the focus on the accuracy of the data being reported, rather than on the use of the data to improve plant performance. The establishment of a specific list of equipment for which data is reported will result in an increased focus on these systems rather than on the poor performers identified by the Maintenance Rule processes.

OPPD understands that the NRC perceives a need for the gathering of industry-wide performance data to support risk-based regulation. However, the NRC has not yet made it clear to the industry what the NRC plans to do with the data collected under the proposed Data Rule. It is inappropriate for the NRC and utility resources to study data without a clear published objective. There is the danger that raw data, manipulated by the NRC or being publicly available to other agencies, could provide erroneous conclusions with respect to safety, causing utilities to apply resources to address such issues and potentially taking attention away from real safety issues.

As the proposed rulemaking does not eliminate existing data gathering requirements but rather proposes additional data gathering burdens, the proposed Data Rule is not cost beneficial/effective. Because of OPPD's methods chosen for Probabilistic Risk Assessment (PRA) and the Maintenance Rule, the Data Rule would provide an additional unnecessary reporting requirement. The NRC has seriously underestimated the number of labor-hours required for information gathering under the Data Rule. Also, the definitions provided in the proposed Data Rule for trains, failures, demands and other items (as defined in the draft Regulatory Guide) are different than the already developed and accepted terminology of the Maintenance Rule. This apparent lack of coordination between the Maintenance Rule and the proposed Data Rule demonstrates that the Data Rule is premature. As a result, the overall impact on Maintenance Rule implementation efforts would be negative in that the proposed requirements would hamper programs currently in place by requiring significant and costly changes in established data gathering techniques.

The Maintenance Rule currently requires that data be kept to determine the placement of component groups or trains into one of two categories:

- 1) Category (a)(1), structure, system or component (SSC) that does not meet its prescribed performance criteria, or
- 2) Category (a)(2), SSC that does meet its prescribed performance criteria and is subject to normal preventive maintenance monitoring.

OPPD considers the FCS plant-specific implementation of the Maintenance Rule and living PRA program sufficient for nearterm and future risk-based regulation applications. If the NRC expects all plants to perform data collection as OPPD does, there are more efficient ways other than the Data Rule to make these expectations clear.

OPPD has the following specific comments with regard to the proposed rulemaking:

10CFR50.76(b)(1)(i)

Each licensee will submit an annual report containing *"the number of demands, the number of failures to start associated with such demands, and the dates of such failures, characterized according to the identification of the train affected, the type of demand (test, inadvertent/spurious, or actual need), and the plant mode at the time of the demand (operating or shutdown);"*

OPPD's Comments:

Early in the implementation process for the Maintenance Rule there was extensive discussion among the affected utilities regarding the collection of "demand" information to support the SSC's performance assessment and associated PRA applications. Development efforts in this area found that collection of this data was extremely difficult and not cost beneficial.

Specific demand data as required by the proposed Data Rule is not currently being gathered by many operating facilities. Since this additional information would have to be gathered by Control Room personnel, there is much concern that the data collection efforts required would distract the Operations personnel from their primary focus, which is the safe operation of the plant. During the performance of the Data Rule Pilot Study, it was found that the PRA could be adapted to achieve the same risk assessment objective using failure to start on demand and unavailability information currently recorded in support of Maintenance Rule objectives.

It is OPPD's position that the proposed rulemaking should require reporting of data only on "demand failures" as already collected in support of the Maintenance Rule and avoid additional burden on control room personnel.

10CFR50.76(b)(1)(iii)

Each licensee will submit an annual report containing *"the number of hours equipment is unavailable, characterized according to the identification of the train affected, the plant mode at the time equipment is unavailable (operating or shutdown), characterization of the unavailable period (planned, unplanned, or support system unavailable), and, if due to a support system being unavailable, identification of the support system;"*

OPPD's Comments:

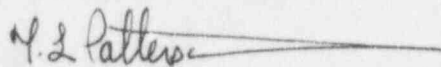
This section of the proposed rulemaking requires the collection and characterization of unavailability information during both operating and shutdown time periods. The proposed rule does not take into account the fact that certain plant systems that are risk-significant during operation are not risk-significant during shutdown. Likewise, systems such as Shutdown Cooling (or Residual Heat Removal) which are not risk-significant at power are indeed risk-significant during shutdown.

In addition to the above comments, OPPD takes serious issue with the artificial designation of system trains proposed by the draft Regulatory Guide. During the Data Rule Pilot Study, it was determined that functional groups were a much more efficient way to monitor equipment than artificially produced trains. Use of functional grouping would allow for comparisons among different plants. The train definitions proposed in the current draft Regulatory Guide will not yield useful data for a specific plant or allow comparisons between plants.

In conclusion, the Data Rule, as proposed, is premature, costly and not sufficiently justified. The cost estimates for compliance with the Data Rule are inaccurate and without sound adequate technical basis. OPPD encourages the NRC to carefully reconsider the promulgation of the Data Rule. Furthermore, OPPD encourages the NRC to look closer at industry initiatives, such as the Institute of Nuclear Power Operations' (INPO) proposed functional database system, as alternatives to the Data Rule. This system could supply the data needed by the industry and the NRC for risk-based regulation.

If you should have any questions, please contact me.

Sincerely,



T. L. Patterson  
Division Manager  
Nuclear Operations

TLP/d11

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