



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

October 7, 1996

MEMORANDUM TO: Frank J. Miraglia, Acting Director
Office of Nuclear Reactor Regulation

FROM: Hubert J. Miller, Regional Administrator
Region I *HJ Miller*

SUBJECT: NEED FOR CLARIFICATION OF 10 CFR 50.73 REPORTING
REQUIREMENTS *10/7/96*

The purpose of this memorandum is to recommend prompt action to rectify ambiguities in regulatory guidance associated with 10 CFR 50.73 reporting requirements. The most pressing need is for clarification of NRC's interpretation of 10 CFR 50.73 requirements to report "any operation or condition prohibited by the plant's Technical Specifications." This stipulation could be taken to require reporting of every procedural error or noncompliance and each high radiation area control discrepancy, since these areas are covered by the administrative section of Technical Specifications. While the most recent draft regulatory guidance and general industry practice reflect a more narrow (and workable) view of the reporting requirement, this view has not been formally endorsed by NRC. Thus, the current situation could cause confusion within industry and open NRC to criticism of inconsistent enforcement of 10 CFR 50.73.

In addition to the issue outlined above, other NRC positions regarding 10 CFR 50.73 remain unfinalized -- these are discussed primarily in drafts of Revision 1 to NUREG-1022, Event Reporting Guidelines -- 10 CFR 50.72 and 50.73.

Accordingly, Region I has the following recommendations:

- (1) Promptly issue an Information Notice or NRC Administrative Letter to formalize NRC's expectations about reportability of violations of administrative Technical Specifications; and
- (2) Expedite staff efforts to finalize other staff positions outlined in the second draft of Revision 1 of NUREG-1022.

Attachment I provides additional background and discussion to support recommendation (1) above. Attachment II provides the staff Differing Professional View that highlighted this issue to Region I management.

Attachments: As stated

Frank J. Miraglia

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cc:

E. Jordan, AEOD

ATTACHMENT I

REPORTABILITY OF NONCOMPLIANCES WITH PLANT ADMINISTRATIVE TECHNICAL SPECIFICATIONS

10 CFR 50.73 requires reporting of "any operation or condition prohibited by the plant's Technical Specifications." The meaning of this statement has been debated for years. If taken to require a Licensee Event Report (LER) for each deviation from administrative Technical Specifications, including procedure noncompliances and high radiation area controls discrepancies, then this clause would result in many dozens of LERs from each plant; the reports would largely involve issues of much lower significance than issues reported under other provisions of 10 CFR 50.73. However, no clear, consistent formal interpretation of this clause has been provided by the NRC as indicated below:

- An April 14, 1988 memorandum from AEOD to Region V indicated that cases of high radiation area doors found unlocked were reportable;
- An April 13, 1989, memorandum from NRR to AEOD indicated that such events were usually not reported, and suggested the NRC staff had discouraged reporting;
- A March 13, 1991, NRR memorandum to Region IV indicated that, pending resolution of this issue, all Regions had been instructed to refrain from any specific enforcement actions related to 10 CFR 50.73 reporting practice relative to administrative Technical Specifications; and
- The second Draft of Revision 1 to NUREG-1022, published for comment February 1994, indicated that administrative Technical Specification violations are reportable only if they substantially and directly affect plant operation or reflect programmatic breakdown. While reasonable, this position has never been formalized.