



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

August 29, 1996

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MEMORANDUM FOR: Edward Jordan, Director  
Office for Analysis and Evaluation  
of Operational Data

FROM: James Lieberman, Director *JL*  
Office of Enforcement

SUBJECT: REPORTABILITY OF REACTOR TRIP BREAKER  
PROBLEMS AT MCGUIRE AND CATAWBA

I have received your memorandum dated August 1, 1996, concerning the subject reactor trip breakers at McGuire and Catawba. After reviewing your memorandum and consulting with the designated AEOD contact person, I would recommend that AEOD or the appropriate group within NRR advise OE as to whether the technical staff considers that a violation of the requirements of either 10 CFR 50.72, 10 CFR 50.73, or 10 CFR Part 21 has occurred at either McGuire and Catawba. If the view is that a violation has occurred, OE will work with the appropriate region for dispositioning the issue in accordance with the Enforcement Policy.

A separate matter that was raised concerns the manner that the staff currently handles notifications made pursuant to 10 CFR 50.72 that are later retracted. 50.72 does not appear to address licensee retractions of notifications. My position is that once notified, the staff cannot 'unknow' information that it has already been provided. Based on this presumption, if a licensee makes a 50.72 notification that is later retracted and the staff disagrees with the licensee's conclusion that the matter was not reportable, NRC would be hard pressed to later cite a violation of the reporting requirements of 50.72. This view is based on the fact that licensee had complied with 50.72 by originally making the report. This presents an interesting scenario that I recommend our Offices pursue further.

Finally, if AEOD finds that in a given case a report should have been provided when it was not, please notify OE so that we can consider the appropriate enforcement action.

Mark Satorius of my staff will contact your office within then the next few days to initiate a meeting to pursue this second matter. He can be reached at 415-3280.

cc: J. Taylor, EDO  
J. Milhoan, EDO  
W. Russell, NRR  
H. Miller, RI  
S. Ebner, RII  
B. Beach, RIII  
J. Callan, RIV

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