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MEMORANDUM FOR: William J. Besaw, Director  
Division of Technical Information and  
Document Control  
Office of Administration

FROM: Robert F. Burnett, Director  
Division of Safeguards, NMSS

SUBJECT: PROPOSED REVISION TO 10 CFR 73.71,  
REPORTING REQUIREMENTS FOR SAFEGUARDS EVENTS

The Division of Safeguards is proposing amendments to 10 CFR 73.71, Reporting Requirements for Safeguards Events, to clarify and simplify the reporting of these events. The Office of Administration has reviewed and concurred on these proposed regulations. We request your assistance in implementing the proposed regulation when promulgated.

To simplify the actual mechanism for reporting safeguards events under the proposed rule, we have proposed the use of the Document Control Desk as a centralized receiving point for licensee reports. This action will simplify the regulations, reduce the burden to licensees by eliminating multiple distributions and align the safeguards reporting system with the current safety reporting system required by 10 CFR 50.73, Licensee Event Report System.

It is anticipated that approximately ten two-page reports will be transmitted per month as a result of the rule revision. Also, licensee logs will be submitted on a quarterly basis with approximately 100 pages total submitted per quarter. Projected distribution for reports and logs is: original to Director, Division of Safeguards, Office of Nuclear Material Safety and Safeguards; one copy to Director, Division of Inspection Programs, Office of Inspection and Enforcement.

For the most part, the reports and logs will be designated as Safeguards Information. We understand that while information protected as Safeguards Information cannot be entered into the Document Control Desk system, current procedures accommodate the handling of Safeguards Information for internal INE distribution.

Staff contact for this proposed rulemaking is Priscilla Dwyer, SGPR, 42-74773. Please designate a contact within your Office so we may coordinate this action in a timely manner. We appreciate your assistance.

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ORIGINAL SIGNED BY  
GEORGE W. MCCORKLE

FOR  
Robert F. Burnett, Director  
Division of Safeguards, NMSS

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
Proposed Rulemaking )  
Regarding NRC )  
Reporting Requirements )

Docket No. )  
PRM )



## PETITION FOR RULEMAKING

Introduction

The following petition for rulemaking is submitted pursuant to 10 C.F.R. §2.802 on behalf of various members of the Nuclear Utility Backfitting and Reform Group ("NUBARG").<sup>1</sup> Petitioner requests that the Nuclear Regulatory Commission amend 10 C.F.R. §§50.54(p), 50.54(q), 50.55(e), 50.59(b), 50.72(a), Part 50, Appendix E, Section

<sup>1</sup> The petition is filed on behalf of the following members of NUBARG:

Alabama Power Company, Arkansas Power & Light Company, Baltimore Gas & Electric Company, Boston Edison Company, Cleveland Electric Illuminating Company, Commonwealth Edison Company, Consumers Power Company, Detroit Edison Company, Duke Power Company, Duquesne Light Company, Edison Electric Institute, Georgia Power & Light Company, Houston Lighting & Power Company, Long Island Lighting Company, Niagara Mohawk Power Corporation, Northeast Utilities, Northern States Power Company, Pennsylvania Power & Light Company, Philadelphia Electric Company, Portland General Electric Company, Power Authority of the State of New York, Public Service Electric & Gas Company, Public Service of Indiana, Rochester Gas & Electric Corporation, Southern California Edison Company, Texas Utilities Services, Inc., Toledo Edison Company, Washington Public Power Supply System, Wisconsin Public Service Corporation.

V; section 73.71, and the Commission's NUREGs on Standard Technical Specifications with respect to certain reporting requirements set forth therein.

Petitioner's Interest

The members of the petitioner are constructing and/or operating nuclear power reactors used for the production of electricity under licenses issued by the NRC. Petitioner is therefore an "interested person" within the provisions of 10 C.F.R. §2.802.

Argument In Support Of Petition

Utilities licensed by the NRC to operate nuclear power reactors are currently subject to a variety of reporting requirements in connection with licensed activities. NRC Regulatory Guide 10.1 (Revision 4, Oct. 1981), a compilation of reporting requirements applicable to NRC licensees, lists 97 reporting provisions for power plant licensees. Additional requirements have also been imposed since the publication of the Reg. Guide. Moreover, in addition to the requirements set forth in Part 10 of the Code of Federal Regulations, power plant licensees must also comply with reporting requirements contained in Commission orders, generic letters, I&E Bulletins, NUREGs, and in the technical specifications ("tech specs") incorporated in their

operating license. For more recently licensed plants, these license-specific tech specs are based in large part on the model tech specs supplied by the Commission.<sup>2</sup>

The preparation and filing of all of these reports requires significant time and effort on the part of utility licensees. The NRC Staff has estimated that the per-plant workload from these reporting requirements is currently enough to occupy 40 to 50 employees per plant full-time.<sup>3</sup> This licensee workload will continue to increase as new requirements are imposed.<sup>4</sup>

We believe that the majority of these reporting requirements is valid, and that the purposes they serve justify the considerable time which must be devoted to meeting them. However, some of these requirements are, in

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<sup>2</sup> See NUREG-0103 (Standard Technical Specifications for Babcock & Wilcox Pressurized Water Reactors)(Rev. 4, Fall, 1980); NUREG-0123 (Standard Technical Specifications for General Electric Boiling Water Reactors)(Rev. 3, Fall, 1980); NUREG-0212 (Standard Technical Specifications for Combustion Engineering Pressurized Water Reactors)(Rev. 2, Fall, 1980); and NUREG-0452 (Standard Technical Specifications for Westinghouse Pressurized Water Reactors)(Rev. 4, Fall, 1981).

<sup>3</sup> See Inside NRC, May 31, 1982, p. 1.

<sup>4</sup> Moreover, even when a reporting requirement is modified by the NRC ostensibly to reduce the burden of compliance, licensees may not be permitted to take advantage of the change. For example, the NRC Staff has stated, in writing, that notwithstanding the recent amendment of §50.54(q) which reduced the number of copies required to be submitted, petitioner should continue to file additional copies for the Staff's convenience in order to assure better intra-agency cooperation during emergencies.

our opinion, excessive and/or unnecessarily duplicative. This is of particular concern given the fact that reporting and recordkeeping responsibilities frequently fall to key personnel, whose time could, we believe, be better spent on matters directly related to public health and safety. For example, some NRC power reactor licensees have estimated (we believe accurately) that their shift and plant supervisors spend up to 40% of their time on such requirements.<sup>5</sup>

On behalf of the petitioner, we accordingly propose that the Commission modify the various reporting requirements discussed below in order to promote more efficient use of licensee time and resources. The types of changes which we have suggested include decreasing the frequency with which certain reports--dealing primarily with changes in procedures--must be submitted; allowing licensees a longer period of time to prepare certain written reports which supplement notification of unusual occurrences; eliminating requirements in a license's technical specifications which duplicate existing regulations; and moving back the deadline for reporting of suspected deficiencies by utilities which hold construction permits.

None of the rule changes proposed would have the effect of lessening NRC licensees' obligation to operate their power plants safely, or have any adverse effect upon

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<sup>5</sup> See Inside NRC, May 31, 1982, p. 1; Inside NRC, June 14, 1982, pp. 12-13.

public health and safety. On the contrary, modifying certain reporting requirements to make them less time-consuming and to eliminate redundant requirements would help to ensure that licensee personnel (particularly those in key positions) will have additional time to devote to those activities which relate more directly to the safety of the plant. Modification of other reporting requirements as proposed herein to allow a more reasonable schedule for their completion would provide additional time for the technical analyses needed to evaluate the problem, and would result in less interference with daily personnel duties.

The various reporting requirements for which we are proposing changes are discussed below.

I. Reporting Requirement Associated  
With 10 C.F.R. §50.54(p)

Section 50.54(p) requires, inter alia, that power reactor licensees "may make changes to the security plan or to the safeguards contingency plan without prior Commission approval if the changes do not decrease the safeguards effectiveness of the plan." The licensee must currently submit a report describing each such change within two months after the change is made.

We maintain that this two-month schedule for reporting those changes which "do not decrease the safeguards effectiveness of the plan"<sup>6</sup> is unnecessarily stringent. Given the unimportant nature of such changes from the standpoint of public health and safety, a requirement that each change be reported within two months creates an unnecessary paperwork burden for the licensee. Accordingly, petitioner proposes that §50.54(p) be modified to allow licensees to report such changes annually.

Such a change would make this reporting requirement consistent with that set forth in §50.59(b), which permits licensees to report descriptions of changes in the facility and changes in procedure (as described in the safety analysis report), and tests and experiments conducted without prior NRC approval annually, or "at such shorter intervals" as the license may require. Given the less restrictive reporting schedule in §50.59, we believe it follows logically that a similar deadline should be imposed under §50.54(p) for reporting changes to the security plan or safeguards contingency plan which "do not decrease the safeguards effectiveness of the plan."

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<sup>6</sup> Proposed changes which would decrease the effectiveness of a security plan, or of the first four categories of information (Background, Generic Planning Base, Licensee Planning Base, Responsibility Matrix) contained in a licensee's safeguards contingency plan, may not be made without application to, and approval by, the NRC. §50.54(p).

Suggested Language

In accordance with the above comments, 10 C.F.R. §50.54(p) should be revised to read as follows (new language underscored):

§50.54(p) . . . . The licensee shall . . . furnish . . . a report containing a description of each change annually.

II. Reporting Requirement Associated  
With 10 C.F.R. §50.54(q)

Section 50.54(q) provides, inter alia, that power reactor licensees may make change in their emergency plans without prior Commission approval only if such changes "do not decrease the effectiveness of the plans and the plans, as changed, continue to meet the standards of §§50.47(b) . . . and the requirements of Appendix E . . . ." <sup>7</sup> The licensee must report the implementation of such changes within 30 days after the change is made.

We submit that this 30-day limit is unnecessarily restrictive. As is the case with changes made without prior NRC approval under §50.54(p), the type of changes which can be made in an emergency plan without prior NRC approval are by definition insubstantial. Such changes can neither decrease the plan's effectiveness nor cause the plant to be in non-compliance with applicable requirements. It is therefore clear that such changes are not directly related

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<sup>7</sup> Proposed changes which would decrease the effectiveness of an approved emergency plan may not be implemented without application to, and approval by, the Commission. §50.54(q).

to public health and safety. Accordingly, a requirement that they be reported within 30 days imposes a paperwork burden which is not justified by any corresponding benefit.

Petitioner therefore proposes that §50.54(q) be modified to provide that changes of this nature be reported on an annual basis, rather than every 30 days. As noted in the discussion of §50.54(p) (Section I, above), under §50.59(b) licensees are allowed to report descriptions of changes in the facility, changes in procedures, and tests and experiments conducted without prior Commission approval annually, or "at such shorter intervals" as the license may require. An equal period of time should thus be allowed under §50.54(q) for reporting changes to the facility's emergency plan which "do not decrease the effectiveness of the plans . . . ."

In the alternative, we urge that §50.54(q) be amended to require that changes of this nature be reported within two months, rather than 30 days. While this option would result in more work for the licensee than the first suggestion above, it would at least make this particular reporting requirement consistent with §50.54(p), which currently allows licensees two months in which to submit changes to their plant security plan which do not "decrease the safeguards effectiveness of the plan."

Suggested Language

In accordance with the foregoing comments, §50.54(q) should be revised to read as follows:

§50.54 Conditions of licenses.

\* \* \*

(q) . . . . If a change is made without approval, the licensee shall furnish one copy to the Administrator of the appropriate NRC Regional Office specified in Appendix D of Part 20 of this chapter and two copies to the Document Control Desk, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 within a year after the change is made.

Suggested Alternative

\* \* \*

(q) . . . . If a change is made without approval, the licensee shall furnish one copy to the Administrator of the appropriate NRC Regional Office specified in Appendix D of Part 20 of this chapter and two copies to the Document Control Desk, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 within two months after the change is made.

III. Reporting Requirements Associated  
With 10 C.F.R. §50.55(e)

Section 50.55(e) of NRC regulations stipulates that holders of construction permits for nuclear power plants must notify the Commission within 24 hours of "each deficiency found in design and construction, which, were it to have remained uncorrected, could have affected adversely the safety of operations of the nuclear power plant at any time throughout the expected lifetime of the plant," and which represents "(i) a significant breakdown in any portion of the quality assurance program . . . , (ii) a signi-

ficant deficiency in final design . . . , or (iii) a significant deficiency in construction of or significant damage to a structure, system or component . . . , or (iv) a significant deviation from performance specifications . . . ." The utility must then follow up this notification of a "reportable deficiency" with a written report within 30 days.

The 24 hour deadline imposed by this provision for initial verbal notification of the NRC rarely allows sufficient time to contact all of the necessary parties (such as the architect-engineer, the vendor, etc.), much less conduct a thorough engineering analysis to determine whether a problem constitutes a "reportable deficiency." While 10 C.F.R. §50.55(e) requires holders of construction permits to notify the Commission of "each deficiency found in design and construction . . . ," NRC Inspection and Enforcement Regional Offices have expanded that rule by requiring CP holders to notify the Commission of "potential deficiencies" before the holder has had the opportunity to fully evaluate their significance. In view of this interpretation of the Regional Offices, utilities which hold construction permits typically report all problems or occurrences which could possibly be construed to fall under this provision (i.e., all potential reportable deficiencies) before completing the necessary technical investigation, to avoid a potential violation of this regulation.

Such an overly conservative interpretation of this reporting provision also imposes an unnecessary burden on the Regional Offices, since the NRC must take time to evaluate many "deficiencies" which are subsequently determined by the utility to be insignificant, non-reportable occurrences.

In order to encourage an interpretation of this regulation which is more consistent with the spirit of the rule, we submit that §50.55(e)(2) should be amended to eliminate the 24 hour verbal notification requirement. Ample notification and explanation of the reportable deficiency are provided by means of the 30 day written reporting requirement currently set forth in §50.55(e)(3). Moreover, deletion of this telephone notification requirement would provide the utility with the time needed to conduct the technical evaluation necessary to determine whether the problem should be reported as a §50.55(e) "deficiency." A more complete discussion of the issue could be presented and, where necessary, corrective measures could be identified. Finally, eliminating this initial telephone call after discovery of a possible problem might also result in fewer "borderline" cases and insignificant deficiencies being reported under this provision, in that the utility would have more time beforehand to analyze the perceived problem and determine whether it comes within the scope of the regulation.

Particularly for plants which are not yet in operation, such a change will not have an adverse impact on public health and safety.

In the alternative, petitioner urges that §50.55(e) be amended to provide that the holder of a construction permit shall notify the NRC of problems determined to constitute "reportable deficiencies" within 5 days, rather than 24 hours, of the discovery of the deficiency. While this option would be more burdensome for construction permit holders than completely withdrawing the 24 hour notice requirement, it would still allow the utility a more reasonable amount of time in which to evaluate occurrences and determine whether written notice of such events should be submitted pursuant to this section.

Suggested Language

In accordance with the above comments, 10 C.F.R. §55.55(e)(2) should be deleted. In addition, the word "also" should be deleted from the first sentence of §50.55(e)(3).

Alternative Approach: §50.55(e)(2) should be revised to read as follows:

§50.55(e)(2). The holder of a construction permit shall notify the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office of each reportable deficiency within five days of its discovery.

IV. Reporting Requirement Associated  
With 10 C.F.R. §50.59(b)

Section 50.59(a) of the NRC regulations authorizes power reactor licensees, without prior Commission approval, to (i) make changes in the facility as described in the safety analysis report, (ii) make changes in procedures as described in the safety analysis report, and (iii) conduct tests or experiments not described in the safety analysis report, unless the proposed change, test or experiment involves a change in the technical specifications incorporated in the license or an unreviewed safety question. Section 50.59(b) requires licensees to submit "a report containing a brief description of such changes, tests and experiments, including a summary of the safety evaluation of each" to the appropriate NRC Regional Office either annually "or at such shorter intervals as may be specified in the license."

To the extent that this reporting requirement applies to changes in the facility or in procedures described in the FSAR, the provision overlaps with the reporting requirement contained in 10 C.F.R. §50.71(e).<sup>8</sup> We submit

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<sup>8</sup> 10 C.F.R. §50.71(e) requires that power plant licensees periodically update the FSAR. Revisions to the FSAR must reflect "all changes made in the facility or procedures as described in the FSAR" as well as the safety analyses performed by the licensee. After the initial revision is filed (within 2 years of issuance of the plant's operating license), subsequent revisions are to be submitted "no less frequently than annually . . ." (§50.71(e)(4)).

(footnote continued)

that requiring the licensee to file both the actual changes to the FSAR pursuant to §50.71, and, in addition, a report summarizing these changes pursuant to §50.59(b), is unnecessarily burdensome and duplicative.

Accordingly, consistent with our proposal to streamline non-essential reporting requirements in order to facilitate more efficient use of licensee time, we suggest that the FSAR changes which are prepared in compliance with §50.71 be deemed adequate to satisfy the requirement in §50.59(b) of "a report containing a brief description of such changes." (This would not affect the licensee's obligation under §50.59(b) to submit a report describing the "tests and experiments" conducted.) Submittal of the actual FSAR revisions, rather than having to prepare a summary of such changes for submittal, would decrease the licensee's reporting burden with no attendant adverse effect upon the safe operation of the plant.

Because FSAR revisions are prepared annually, the reports called for by §50.59(b) should also be submitted annually. (Section 50.59(b) currently requires that licensees furnish reports of changes, tests and experiments

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Those plans initially subject to the NRC's systematic evaluation program ("SEP") are exempt from this requirement while the program is being conducted, but must update their FSARs within 24 months of being notified that the SEP has been completed. (§50.71(e)(3)(ii)).

"annually or at such shorter intervals as may be specified in the license.") In addition, the same annual deadline for submitting FSAR revisions under §50.71 should be applied to these §50.59(b) submittals in order to effectuate the above proposal.

Suggested Language

In accordance with the foregoing comments, 10 C.F.R. §50.59(b) should be revised to read as follows:

(b) The licensee shall maintain records of changes in the facility and of changes in procedures made pursuant to this section, to the extent that such changes constitute changes in the facility as described in the safety analysis report or constitute changes in procedures as described in the safety analysis report. The licensee shall also maintain records of tests and experiments carried out pursuant to paragraph (a) of this section. These records shall include a written safety evaluation which provides the bases for the determination that the change, test or experiment does not involve an unreviewed safety question.

The licensee shall also furnish reports containing a brief description of such changes, tests and experiments, including a summary of the safety evaluation of each, to the appropriate NRC Regional Office shown in Appendix D of Part 20 of this chapter with a copy to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

In order to eliminate the submittal of duplicate reports, to the extent that this reporting requirement applies to changes in the facility or in procedures, it is satisfied by the submittal by the licensee of a copy of the most recent FSAR revisions, prepared pursuant to §50.71(e), which reflect changes made in the facility or in procedures, including a summary of each safety evaluation prepared. Such FSAR revisions shall be furnished annually, and shall be scheduled for submittal following, or concurrent with, the licensee's submittal of updated information under

§50.71. Reports describing tests and experiments shall be submitted annually or at such shorter intervals as may be specified in the license.

Any report submitted by a licensee pursuant to this paragraph will be made a part of the public record of the licensing proceeding. In addition to a signed original, 39 copies of each report of changes in a facility of the type described in §50.21(b) or §50.22 or a testing facility, and 12 copies of each report of changes in any other facility, shall be filed.

The records reflecting changes in the facility shall be maintained until the date of termination of the license, and records reflecting changes in procedures and records of tests and experiments shall be maintained for a period of five years.

V. Reporting Requirement Associated With Appendix E of 10 C.F.R. Part 50

Appendix E to 10 C.F.R. Part 50 (Emergency Planning and Preparedness for Production and Utilization Facilities) sets forth minimum requirements for licensee emergency plans, which are to be generally described in the PSAR and then submitted as a part of the FSAR. Section : \* Implementing Procedures) of Appendix E provides that after an applicant's detailed implementing procedures for its emergency plan are initially submitted to NRC officials, any changes to these implementing procedures required to keep the procedures current must be reported to the NRC within 30 days of such changes.

As with those changes made without prior Commission approval under §50.54(p) and (q), the vast majority of the procedural changes which must be reported under this provision are irrelevant to the question of whether the

emergency plan will function effectively. Typical changes which might be reported include a change in an individual's title or a change in the location of certain equipment at the facility. Given the fact that such procedural changes rarely reflect substantive modifications to the emergency plan, we submit that in its current form this reporting requirement constitutes a substantial paperwork burden which is not justified by any tangible safety benefit.<sup>9</sup> Accordingly, we suggest that Section V of Appendix E be amended to require that changes to emergency plan implementing procedures be reported annually, rather than within 30 days of the change. The licensee time saved by such a change in the rule can then be devoted to ensuring compliance with other requirements which more directly affect public health and safety.

In addition, we submit that not all of these procedural changes are sufficiently important to warrant inclusion in reports to the Commission. Considering the relatively minor nature of most of these changes, it seems reasonable to require that only those which satisfy a certain "threshold" of significance be subject to the report-

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<sup>9</sup> Since this regulation became effective in 1981, one member of petitioner has submitted approximately 28 reports detailing a total of 290 changes in its implementing procedures for emergency plans for its two sites. These reports have required submittal of documentation exceeding 6,000 pages. In addition, several copies of each report must be submitted to the NRC.

ing requirement. By allowing the licensee to make such a determination, we believe that a considerable amount of unnecessary paperwork could be eliminated.

The licensee's determination as to whether a particular procedural change merits reporting to the NRC could be simplified if some degree of guidance were provided by the Commission in the amended provision. We believe that an appropriate criterion would be to adopt the same standard used in 10 C.F.R. §50.54(p) (for determining whether changes may be made in a security plan without prior NRC approval) and in §50.54(q) (for determining whether licensees may make changes to their emergency plans without Commission approval). Using this standard, procedural changes in the emergency plan would not be reportable if the licensee determined that (1) such procedural changes did not "decrease the effectiveness of the plans," and (2) the plans continued to satisfy the standards of §50.47(b) and of Appendix E.

#### Suggested Language

In accordance with the foregoing comments, Section V of Appendix E to 10 C.F.R. Part 50 should be revised to read as follows:

#### V. Implementing Procedures

No less than 180 days prior to the scheduled issuance of an operating license for a nuclear power reactor or a license to possess nuclear material, one copy of the applicant's detailed implementing procedures for its emergency plan shall be submitted to the Administrator of the

appropriate NRC Regional Office, specified in Appendix D of Part 20 of this chapter and two copies are to be sent to the Document Control Desk, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Licensees who are authorized to operate a nuclear power facility shall annually submit one copy of any changes to their emergency plan or procedures to the Administrator of the appropriate NRC Regional Office, specified in Appendix D, 10 C.F.R. Part 20, and two copies to the Document Control Desk, unless the licensee determines that such changes do not decrease the effectiveness of the emergency plan and that the plan continues to satisfy the standards set forth in §50.47(b) and this Appendix E.

VI. Reporting Requirements Associated With 10 C.F.R. §73.71

Section 73.71 of NRC regulations requires that licensees notify the NRC Operations Center within one hour of (a) the details and results of any trace investigation conducted because a shipment of strategic special nuclear material is lost or unaccounted for (§73.71(a)); (b) any incident in which an attempt has been made, or is believed to have been made, to commit a theft or unlawful diversion of special nuclear material, or to commit an act of radiological sabotage against the licensee's plant or its transportation system (§73.71(b)); or (c) any event which significantly threatens or lessens the effectiveness of a physical security system (§73.71(c)). This provision further requires that licensees follow up their oral communications to the Commission with a written report on the details (and results, if any) of such incidents. These

reports must be submitted within 15 days in the case of events reported under §73.71(a) or (b) and within 5 days in the case of events reported under §73.71(c).

We submit that the time period currently allowed for filing these supplemental written reports is unnecessarily short. After initial notification of the NRC Operations Center, which must be made within an hour after the occurrence of an incident described in §73.71, a licensee would normally remain in regular telephone contact with the NRC in order to report any developments concerning the incident. Given the frequent informal contacts which are maintained between the licensee and the NRC during this period, imposition of the additional requirement of a written report within 15 days (or, in the case of 73.71(c), 5 days) is unduly stringent. In some instances the licensee may not have fully resolved the problem within this brief time period, and would naturally prefer to leave its employees free to do so until the problem is solved. Even assuming that the situation is resolved during this time, the licensee's staff will likely be unusually busy throughout this two-week period as it attempts to deal with an unexpected occurrence of this nature in addition to its routine duties.

We accordingly suggest that this regulation be amended to provide that the required written reports be submitted by the licensee within 30 days of initial notification

rather than within 15 days. This would allow the licensee's staff more time during the critical period immediately following such an occurrence to devote to the resolution of the problem itself, and would minimize interference with daily operations.

Suggested Language

In accordance with the foregoing comments, 10 C.F.R. §73.71 should be revised to read as follows:

§73.71(a) . . . . The licensee shall also file within a period of thirty (30) days a written report to the appropriate NRC Regional Office setting forth the details and results of the trace investigation. A copy of this written report must be sent to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(b) . . . . The initial notification must be followed within a period of thirty (30) days by a written report, submitted to the appropriate NRC Regional Office shown in Appendix A of this part setting forth the details of the incident. Copies of the written report are to be sent to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. After the submission of the written report required by this paragraph, a licensee shall immediately inform the appropriate Regional Office by means of a written report of any substantive additional information which becomes available to the licensee concerning the incident.

(c) . . . . The licensee shall submit a written report to the appropriate NRC Regional Office, listed in Appendix A of this part, describing the event in detail within thirty (30) days of the time of discovery. A copy of this written report must be sent to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. This notification and these reports satisfy both the notification requirements of Part 21 of this chapter, if the event is also reportable under Part 21, and

§50.72(a)(4) of this chapter, if applicable. A separate log must be maintained to record events reportable under §73.71. Licensees need not report any event which is designated as not reportable in their security or contingency plans.

VII. Redundant Notification Requirements  
in 10 C.F.R. §50.72(a)

Power plant licensees are required by §50.72(a) to notify the NRC Operations Center within an hour of the occurrence of any of the "significant events" described in the provision. Certain of the events listed--in particular, those in §50.72(a)(2) and §50.72(a)(5)<sup>10</sup>--also trigger similar notification requirements contained in the technical specifications incorporated in the license. To the extent that the reporting requirements in this regulation overlap with those in the tech specs, we submit that the tech specs should be amended in order to eliminate unnecessary duplication of effort. Greater assurance of safe plant operation will not be achieved by the imposition of tech spec reporting requirements which parallel reporting requirements in NRC regulations.<sup>11</sup>

<sup>10</sup> 10 C.F.R. §50.72(a)(2) requires immediate NRC notification upon "[t]he exceeding of any Technical Specification Safety Limit." 10 C.F.R. §50.72(a)(5) mandates immediate reporting of "[a]ny event requiring initiation of shutdown of the nuclear power plant in accordance with Technical Specification Limiting Conditions for Operations."

<sup>11</sup> The NRC is aware of this problem, but is currently dealing with it only on a case-by-case basis as licensees bring to its attention individual examples of tech specs which duplicate regulatory requirements. See, for example, 47 Fed. Reg. 1358 (1982), wherein the  
(footnote continued)

### VIII. Reporting Requirements Based On NUREG-0123

As noted above, power plant licensees must comply not only with the reporting requirements contained in Title 10 of the Code of Federal Regulations, but also with the reporting provisions set forth in the technical specifications incorporated in their licenses. These reporting provisions, which typically appear in section 6.9 of a license's tech specs, are based upon model tech specs supplied in NUREGs-0103, 0123, 0212, and 0452.

We believe that at least one of these model tech specs (which is incorporated in many licenses) imposes an unnecessary burden on the licensee. Section 6.9.1.8 of NUREG-0123 lists certain types of reportable occurrences to which the licensee must respond by (1) notifying the NRC within 24 hours; (2) confirming the occurrence by telegraph, mailgram or facsimile transmission on the first working day following the event; and (3) submitting a written followup report within 14 days. The written report is to include, at a minimum, a "complete copy of a licensee event report

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Commission announced the issuance of an operating license amendment to the Power Authority of the State of New York which deleted redundant emergency planning tech specs already set forth in 10 C.F.R. §50.54. We believe that more systematic (and perhaps generic) action by the Commission is called for to eliminate redundant requirements of this nature.

"form," which must be supplemented, as needed, by "additional narrative material to provide complete explanation of the circumstances surrounding the event."

The schedule for filing a written followup report under this provision, like that imposed for similar written reports under 10 C.F.R. §73.71, is unnecessarily short. The NRC is kept continuously informed of any developments in the situation. Accordingly, requiring preparation of the written followup report during a time when the licensee's staff will be unusually busy dealing with the problem itself is not justified by any convenience which it may afford the NRC Staff. We submit that safety concerns would not be compromised if this standard tech spec (and any similar provisions in NUREG-0103, NUREG-0212, and NUREG-0452) were amended to provide that licensees may submit these reports within 30 days, rather than 14 days, following such an occurrence. Individual tech specs based upon these model provisions could then be systematically amended.<sup>12</sup>

#### Suggested Language

In accordance with the foregoing comments, Section 6.9.1.8 of NUREG-0123 should be amended to read as follows:

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<sup>12</sup> The petitioner is aware that the NRC is currently considering the promulgation of a final rule which will revise and codify the existing Licensee Event Report (LER) System, and that this rule, if adopted, could resolve the problem raised in the preceding discussion. However, as of the date that this petition was filed, no such final rule had been issued by the Commission.

6.9.1.8. The types of events listed below shall be reported within 24 hours by telephone and confirmed by telegraph, mailgram or facsimile transmission to the Director of the Regional Office or his designate no later than the first working day following the event, with a written followup report within 30 days. The written followup report shall include, as a minimum, a completed copy of a licensee event report form. Information provided on the licensee event report form shall be supplemented, as needed, by additional narrative material to provide complete explanation of the circumstances surrounding the event.

Similar changes should, if necessary, be made in the other NUREGs mentioned above.

#### Conclusion

The reporting requirements discussed in this petition constitute clear examples of what NRC Chairman Palladino has characterized as "excessive and ill-coordinated" demands on licensee resources.<sup>13</sup> Modification of these (and, perhaps, other) excessive and/or redundant requirements as proposed herein is clearly warranted in order to promote efficient NRC regulations, reduce unnecessary regulatory burdens on power plant licensees and, thus, facilitate more productive use of licensee time. By eliminating non-essential paperwork (or allowing a more reasonable schedule for its completion), these changes would promote public health and safety by allowing licensees more time to devote to substantive safety concerns. Adoption of the amendments we have proposed would also reinforce Chairman Palladino's

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<sup>13</sup> Remarks of Chairman Palladino before the Atomic Industrial Forum Annual Conference, December 1, 1981.

announced intention to reduce NRC requirements to manageable proportions by setting priorities based on "demonstrable safety significance" and by identifying requirements which can be deferred or dropped entirely.<sup>14</sup> Moreover, the implementation of these changes is clearly consistent with the Commission's responsibilities under the Paperwork Reduction Act, 44 U.S.C. §3501 (1980).

For all of the foregoing reasons, we urge that the Commission grant this petition for rulemaking.

Respectfully submitted,

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# UNITED STATES NUCLEAR REGULATORY COMMISSION

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## NRC PROPOSES TO CHANGE REPORTING REQUIREMENTS FOR SAFEGUARDS EVENTS

The Nuclear Regulatory Commission is proposing amendments to its regulations to clarify requirements which govern the reporting of safeguards events--incidents involving the physical security of certain licensed nuclear facilities and activities.

The purpose of these reports is to keep the NRC informed of incidents which potentially could endanger the public health and safety. They also provide an information base which is useful in identifying and analyzing physical security problems which may be common to more than one facility or activity.

As proposed, licensees would be required to report to the NRC, by telephone and within one hour, significant events such as the theft of special nuclear material, acts of destruction against nuclear material and facilities and the failure of major physical security systems. Written followup reports would have to be submitted to the NRC within 30 days. Less significant events would be recorded in a licensee event log and copies of the log would have to be provided to the NRC every three months.

The current requirement that all safeguards events be reported to the NRC by telephone within 24 hours with written followup reports to be submitted within five days would be dropped.

In addition to the proposed changes in reporting times, a new format for the reports is being proposed. Use of the proposed format would standardize reports from different licensees and would improve the quantity and quality of information available to the NRC.

Written comments on the proposed changes to Part 73 of the NRC's regulations should be received by November 27, 1985. They should be addressed to the Secretary of the Commission, Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Docketing and Service Branch.

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