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Michael A. Krupa Director Nuclear Safety & Licensing

RULES & DIR. BRANCH US NRC

65 FR 6399

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April 6, 2000

Mr. David Meyer Chief, Rules and Directives Branch Division of Administrative Services Office of Administration U.S. Nuclear Regulatory Commission Mail Stop T6 D-59 11545 Rockville Pike Rockville, MD 20852-2738

Subject:

Request for Public Comment on the Allegations Program Under the

New Regulatory Oversight Program (65 Fed. Reg. 6399; February 9, 2000)

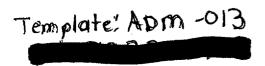
CNRO-2000/00009

Dear Mr. Meyer

Entergy Operations, Inc. (EOI) is pleased to submit these comments on the proposed improvements to the NRC's process for handling allegations. Notice of the opportunity to comment was published in *Federal Register* February 9, 2000 (65 Fed. Reg. 6399). EOI appreciates the NRC's effort to obtain stakeholder views regarding potential revisions to the NRC's process for handling allegations. In addition to our comments, Entergy participated in and agrees with the comments submitted by the Nuclear Energy Institute (NEI) on this subject.

After consideration of all options, EOI endorses *Option 4 – Risk-Informed Allegation Program with Alleger Input* as the recommended route for revising the Allegation Program for consistency with the new regulatory oversight program. We note that Options 3 and 4 are similar. Elements of Option 4 that EOI found to be particularly positive include:

- Integration of the Significance Determination Process,
- Opportunity for alleger participation in selecting the resolution route,
- Observation of the timeliness goals of the current allegation process, as needed.



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We share the NRC's concern regarding the protection of an alleger's identity. In cases where the alleger goes directly to the NRC, we assume he or she wishes to remain anonymous. After the NRC has completed its Significance Determination Process and determines the concern should be turned over to the licensee for investigation, it should be handled in a fashion that assures preservation the alleger's anonymity. Upon receipt of an anonymous allegation, Entergy might elect entry either directly into our corrective action program or, alternately, into our concerns program, which accomplishes the same objectives while providing a greater degree of assurance of confidentiality. Entergy believes licensees should be given the opportunity to address concerns that the NRC may find through its significance determination process to be of low risk or no risk and decides not to investigate. The allegation process should allow for licensee notification in cases such as this.

For the low safety significance concerns turned over to the licensee through the process presented in Option 4, it is our intent to investigate, resolve and provide feedback to the alleger in a timeframe commensurate with the issue's importance. When the identity of the alleger is unknown to us, we would have to rely on the NRC as a mechanism to provide our feedback to the alleger.

Thank you for the opportunity to provide these comments.

Sincerely,

MAK/DS/LAE/baa

h. A Krupa

cc:

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