



Tennessee Valley Authority, 1101 Market Street, Chattanooga, Tennessee 37402-2801

October 12, 2000

Mr. David L. Meyer, Chief
Rules and Directives Branch
Division of Administrative Services
Office of Administration
Mail Stop: T-6 D59
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Mr. Meyer:

NRC - REQUEST FOR COMMENTS ON PROPOSED GUIDELINES FOR INCLUDING
INDUSTRY INITIATIVES IN THE REGULATORY PROCESS

TVA is pleased to provide comments on the NRC's proposed guideline for including industry initiatives in the regulatory process. The proposed guideline was issued for comment in the Federal Register dated August 31, 2000 (65 Fed. Reg. 53050).

TVA supports NRC efforts to operate more efficiently and effectively. TVA believes that the effort to standardize the process for including industry initiatives in the regulatory process supports these goals. In general, TVA finds that the proposed guideline appropriately describes an effective process to utilize industry initiatives in the regulatory process. TVA has a few specific suggestions to clarify some elements of the proposal.

In the section entitled "Proposed Guideline for Including Industry Initiatives in the Regulatory Process," NRC notes that an industry initiative could be proposed by an applicable industry group that consists of as little as two or more licensees. TVA suggests that NRC consider limiting consideration to proposals made by more formal industry groups that represent a distinct, and complete, group of licensees. The Nuclear Energy Institute, Electric Power Research Institute, and the NSSS Owners Groups are such entities. Smaller groups, such as the Ice Condenser Utility Group, should be considered when they represent a complete group or class of plants with a specific issue.

In the section entitled "Box 9 - Inspection and/or Monitoring and Enforcement," NRC notes that enforcement would be available if violations of regulatory requirements occur in the discussion of Type 1b issues. The discussion of enforcement action in the

65 FR 53050
Aug. 31, 2000
8

RECEIVED
200 OCT 19 AM 8:26
Rules and Directives
Branch
USNRC

Template - ADD - 013

E-RIDS - ADD - 03
Add: J. Foster (JWF)

Mr. David L. Meyer
Page 2
October 12, 2000

context of Type 1b issues creates confusion. On one hand, a Type 1b issue would, by definition, not be subject to enforcement because Type 1b issues are defined as "potential cost-beneficial safety enhancements issues outside existing regulatory requirements." On the other hand, violations of regulatory requirements that may be identified during the review of a Type 1b issue would be subject to violation; however, the enforcement action would be unrelated to the Type 1b issue. The juxtaposition of these two issues creates the potential for confusion as to the actual intent of NRC's enforcement action with respect to Type 1b issues. NRC should modify the discussion to clearly define its intent, and limit enforcement to regulatory issues.

In the table entitled "Proposed Enforcement Guidelines for Licensees for Industry Initiatives," NRC lists severe accident management as an example of a Type 1b industry initiative. TVA notes that the industry pursued the severe accident management initiative because it considered it the right thing to do; however, it was not considered a cost-beneficial safety enhancement. We would suggest that the reference to severe accident management be deleted.

TVA appreciates the opportunity to provide its perspective on the NRC's proposal. Please do not hesitate to call me at (423) 751-2508, if you would like to discuss our comments.

Sincerely,



Mark J. Burzynski
Manager
Nuclear Licensing

cc: U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555-0001

Mr. Eric Benner
Division of Regulatory Improvements Programs
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, Maryland 20852-2739