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Chief, Rules and Directives Branch
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Gentlemen:

NUCLEAR REGULATORY COMMISSION (NRC) - COMMENTS ON *FEDERAL REGISTER*, VOL. 66, NO. 86, PAGE 22136, DATED MAY 3, 2001

NRC noted in the above subject that it was interested in receiving stakeholder feedback on the priority of various initiatives to reduce unnecessary burden, recommendations for additional work that should be included in the scope of unnecessary burden reduction initiatives, and to obtain general concerns about any of the initiatives. NRC also requested responses to eight specific questions. TVA is pleased to provide comments on the NRC's initiatives to reduce unnecessary burden.

1. What aspects of these initiatives interfere with the NRC's ability to maintain safety or increase public confidence?

None of the proposed initiatives interfere with the NRC's ability to maintain safety. Proper communication on the basis for changes that reduce unnecessary burden, without compromising safety, will need to occur to increase public confidence.

2. Will implementation of these initiatives improve regulatory efficiency, effectiveness, and realism?

Yes, implementation of these initiatives, and others suggested by TVA, will improve regulatory efficiency, effectiveness, and realism by using operating experience and risk insights to better focus NRC resources on the meaningful elements of reactor safety. Reducing unnecessary burden will improve the safety focus of utilities and remove the potential for unintended consequences that arise when decisions are made in choosing between what is important and what is required, but not important.

3. Beyond this meeting and the request for comments, how can stakeholder participation in these initiatives be enhanced?

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NRC should consider additional workshops that are focused on specific proposed changes. These topic-specific forums will allow for expanded discussion on the benefits expected and the basis for the changes. These forums have proven to be an effective way to increase public confidence.

4. Which areas being pursued will not likely be fruitful to stakeholders, or otherwise have a negative impact on stakeholder needs?

TVA sees no benefit from the efforts to provide a risk-informed fire protection option (i.e., NFPA 805). TVA has already made the investment in plant equipment to address the deterministic Appendix R design basis and resolve the associated barrier qualification issues. There is no incentive to change to risk-informed design basis or remove fire barriers later determined to be unnecessary.

TVA currently sees no incentive to adopt an Option 2 approach without significant reductions in requirements retained/imposed on category 3 equipment. The expected reduction in unnecessary burden has to be seen to clearly offset the considerable costs associated with changing the design records to reflect the extensive changes in equipment classification.

5. Are ongoing and future activities to reduce unnecessary burden appropriately prioritized? Which activities should receive the highest priority and why?

TVA believes that the Option 2 and NFPA 805 initiatives have a priority that is higher than the expected benefits. TVA believes more priority should be placed on the large break LOCA redefinition initiatives (including use of the new decay heat standard and decoupling the LOCA from other low probability events like loss of offsite power and safe-shutdown earthquakes). TVA also believes that more priority should be placed on reducing the unnecessary burden in the physical security requirements.

6. Are there any other opportunities that have not been recognized or being pursued at this time? Identify: (a) The regulation or portion thereof that should be evaluated; (b) possible improvements to the regulations; (c) the basis for the proposed reduction including the potential impact on safety, public confidence, regulatory effectiveness and efficiency; and (d) the estimated dollar cost savings per year.

Yes. TVA has identified the following examples of opportunities to reduce unnecessary regulatory burden without compromising reactor safety:

- a. Change the physical security requirements to eliminate prescriptive requirements that have little to no benefit for the physical protection of the plant. For example, eliminate the required escort for vehicles cleared for use in the protected area. The physical search of the vehicle and the unescorted access granted for the driver are sufficient controls. Change the surveillance requirements for security equipment based on the experience gained with safety-related equipment to reduce unnecessary regulatory burden (e.g., sampling a portion of the equipment on an annual basis rather than testing all of the equipment). Also, provide a suitable allowable outage time (e.g., remainder of shift) for security equipment before compensatory posting is required to reduce unnecessary regulatory burden without compromising protection.
 - b. Change 10 CFR Part 20 to eliminate the need to get prior year doses for new workers. It is not useful since the current dose limits are based on annual exposure only.
 - c. Change the pending comprehensive fitness-for-duty rule to ensure it is fully integrated with the plant access requirements and the current industry practice described in the NEI guideline documents. Specific areas that should be addressed are elimination of employment history verification for periods of employment less than 30 days, modification of the prescriptive requirements on testing for adulteration which will soon be outdated, and simplification of requirement to have a medical review of all cases of substance abuse.
 - d. Change 10 CFR 50.59 to eliminate the periodic reporting requirement. The baseline inspection program provides the necessary oversight of the implementation and the periodic reports have not been used for other regulatory purposes.
7. What advancements in technology would help NRC better meet its performance goal of reducing unnecessary burden on stakeholders?

NRC needs to establish more realistic standards for assessing the use of digital equipment at the component level. The lack of clarity regarding the use of digital technology has the unintended consequence of delaying the replacement of obsolete equipment or introducing new and beneficial technology.

8. What new areas of regulatory research may be warranted to advance technology that could better serve these initiatives?

NRC should target research activities on assessing ways to utilize general industry standards (e.g., ISO 9000 series of standards) as sufficient commercial-grade controls and expand the source of supply for spare parts.

TVA has reviewed the list of items referenced in a trip report (ADAMS Accession Number ML003725832) which summarized a public meeting between the NRC Office of Nuclear Regulatory Research and Commonwealth Edison held on June 14, 2000. TVA has the following comments on that list:


- The most useful change in the radiation protection area is the change to 10 CFR 20.2104, which would eliminate the need to get prior year doses for new workers. The current requirement to obtain prior year doses is outdated, since the current dose limits are only based on annual exposure.
- The most useful change in the fitness-for-duty area is the change to 10 CFR 26.3, which would reduce the employment history period that requires a best-effort verification. This area is a major point of confusion in the pending rule change that warrants clarification prior to implementation. In addition, TVA notes that the pending prescriptive requirements on testing for adulteration will soon be outdated. The requirement to have a medical review of all cases of substance abuse are excessive. This aspect of the rule would require a medical review for even one DUI conviction.
- The most useful change in the security area is the change to 10 CFR 73.55(d)(4), which would eliminate the required escort for vehicles cleared for use in the protected area. The physical search of the vehicle and the unescorted access granted for the driver are sufficient controls. TVA also notes that changes to the surveillance requirements for security equipment based on the experience gained with safety-related equipment would reduce unnecessary regulatory burden (e.g., sampling a portion of the equipment on an annual basis rather than testing all of the equipment). Similarly, providing a suitable allowable outage time (e.g., remainder of shift) for security equipment before compensatory posting is required would reduce unnecessary regulatory burden without compromising protection.
- The changes proposed for emergency planning are considered premature for public and political acceptance.

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- The most useful change in the nuclear fuels area is the change to 10 CFR 50, Appendix K, Section I.A.4, which would update the standards used for decay heat calculations to the more current standard. The newer standard is based on better science and has been approved for regulatory use for all non-LOCA analyses. TVA also notes that the requirements to bound uncertainty (two sigma) could be reduced using risk insights.
- The most useful change in the reporting area is the change to 10 CFR 50.59, which would update the periodic reporting requirement. The baseline inspection program provides the necessary oversight of the implementation and the periodic reports have not been used for other regulatory purposes.

TVA also supports the comments provided by the Nuclear Energy Institute regarding risk informing portions of 10 CFR Part 50, reforming outdated or paperwork oriented regulations, and reviewing other regulatory requirements (e.g., technical specifications) for burden reduction opportunities.

Sincerely,


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