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Subject: Entergy response on the second year of ROP implementation

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Entergy is providing here its electronic response to questions from Federal Register Volume 66, Number 225.

Questions related to the efficacy of the overall Reactor Oversight Process (ROP)

1. Are the ROP oversight activities predictable and objective?
 Generally, activities are predictable, especially when compared to the previous (SALP) program, but there still seems to be quite a bit of subjectivity in the interpretation of the SDP screening questions (depending on how "credible impact" is interpreted by various inspectors).

2. Is the ROP risk-informed, in that the NRC's actions are graduated on the basis of increased significance?
 Reactor Safety inspections and the SDP do a better job of relating activities to risk than the other cornerstones. Some activities do not seem to consider risk in the amount of inspection hours or the SDPs. For example, there seems to be more inspections in the area of Radiation Protection than necessary considering the risk, the industry's actual performance and the areas already addressed by the PIs. Some SDPs still consider the number of events instead of looking purely at the risk of the individual event. This contrasts with the ROP philosophy to not aggregate issues of very low safety significance.

3. Is the ROP understandable and are the procedures and output products clear and written in plain English?
 The majority of the ROP is understandable and clear. However, some documents, for example the Security SDP, are still in draft. This should not be the case for a program this far along.

4. Does the ROP provide adequate assurance that plants are being operated and maintained safely?
 Yes, the number of inspections and data provided via the performance indicator process is more than sufficient in demonstrating that plants are being operated and maintained safely.

5. Does the ROP improve the efficiency, effectiveness, and realism of the regulatory process?
 ROP has helped to ensure better use of resources in areas that are risk significant. Some issues, however, are not being resolved in a timely manner. Many process issues (e.g., fire protection and security) have remained unresolved for many months.

6. Does the ROP enhance public confidence?
 The website was a good tool for the public to use to review the performance of each plant. Having this data easily available should have increased public confidence. Since this tool was removed from the NRC website, it is unclear as to how this has affected public confidence.

7. Has the public been afforded adequate opportunity to participate in the ROP and to provide inputs and comments?

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There have been many opportunities for the public to provide comments, both in scheduled meetings specifically for ROP feedback, as well as during plant performance meetings. Members of the public can also provide comment in written form or via email.

8. Has the NRC been responsive to public inputs and comments on the ROP?

The NRC has responded to some comments and has tried to improve the process. There still seems to be disagreement within the agency on some issues (e.g., security and fire protection) which are taking too long to resolve.

9. Has the NRC implemented the ROP as defined by program documents?

The NRC has generally implemented the ROP according to the program documents. See additional comments in Question 20, below.

10. Does the ROP reduce unnecessary regulatory burden on licensees?

Licensees are preparing fewer responses to violations since the majority of the violations are non-cited. This is an example where regulatory burden has been reduced. The number of inspection hours, however, has not been reduced as originally envisioned. Increased inspection hours have resulted in an unnecessary increase in regulatory burden.

11. Does the ROP result in unintended consequences?

One area where this could be a problem is the performance indicator for system unavailability. Licensees may be hesitant to perform on-line preventive maintenance due to the unavailability that will result, even though the on-line maintenance may result in the system being more reliable.

Questions related to specific ROP Program areas

12. Does the ROP take appropriate actions to address performance issues for those licensees that fall outside of the Licensee Response Column of the Action Matrix?

We believe actions have been taken in accordance with the Action Matrix.

13. Is the information contained in assessment reports relevant, useful, and written in plain language?

The assessment report information, although a good documented summary of plant performance, is probably more useful to the general public than the licensee.

14. Is the information in the inspection reports useful to you?

Inspection reports don't provide useful information to the licensee. The more useful insights are the observations by the various inspectors that do not rise to the level of safety significance to be included in the report. The lower level perceptions and observations of the inspectors are often what enable the licensees to take actions prior to developing issues becoming more significant.

15. Does the Performance Indicator Program minimize the

potential for licensees to take actions that adversely impact plant safety?

Most performance indicators are results of event/conditions that occurred and not of conditions that are planned. Some actions taken by licensees may affect a performance indicator (e.g., the result on system unavailability for scheduled maintenance or priority for restoration of security equipment). Licensees will tend to minimize the negative affect on performance indicators if possible.

16. Does appropriate overlap exist between the Performance Indicator Program and the Inspection Program?

There are some cases where performance indicators do not seem to add much value (e.g., RCS Activity, RETS/ODCM Occurrences, PSP and FFD Occurrences).

17. Do reporting conflicts exist, or is there unnecessary overlap between reporting requirements of the ROP and those associated with INPO, WANO, or the Maintenance Rule?

Yes, conflicts and overlap do exist - especially in the area of safety system unavailability due to the differing definitions and interpretations used by NRC and INPO.

18. Does NEI-99-02 provide clear guidance regarding Performance Indicators?

NEI-99-02 generally provides adequate guidance. Where it does not, the FAQ process helps to clarify the guidance.

19. Does the Significance Determination Process yield equivalent results for issues of similar significance in all ROP cornerstones?

No. A non-Green issue in Radiation Protection or Security is not always equivalent to issues that are non-Green in the Reactor Safety Cornerstone since some of the SDPs are not risk informed to the same level as the reactor safety cornerstone.

Radiation Protection ALARA findings should not be mitigated due solely to a plant's 3 year rolling average exposure. The finding should stand on its own merit (e.g., the plant may have had numerous outages and ALARA practices were okay). The current SDP process penalizes plants with higher 3 year exposure values and allows plants with lower values to mitigate the finding. A finding should have its own significance--risk informed, qualitative, mechanistic, etc. Some inspectors continue to use phase I screening questions to "ratchet" the finding up in the SDP to allow documentation in inspection reports even though no actual plant or personnel impact was noted. Improvement in this area has been noted. Potential for significance should be removed as a criteria.

The interim SDP process for security was issued without a significant input from stakeholders. Currently, NRC is putting together TIs for inspection of the security area and as of now the TIs have not been available to the industry for comment. We believe that under the ROP our input on inspection criteria has merit. The Industry should be given ample time for input on any SDP process changes that may come. This inspection area has been a poor performer in this respect.

20. Please provide any additional information or comments on other program areas related to the Reactor Oversight process. Other areas of interest may include the treatment of cross-cutting issues in the ROP, the

risk-based evaluation process associated with determining event response, and the reduced subjectivity and elevated threshold for documenting issues in inspection reports.

NRC seems to be using no color or green findings to allow documentation of minor violations and issues without specific regulatory significance. Items that have no observed performance impact are being documented using this far ranging process. A memo was issued by Mr. Borchardt providing guidance on characterization of findings and the current Inspection Manual Chapter MC 0610* refers to that memo for instruction. Inspectors still seem to pick and choose when to apply their own guidance. This process should be more defined and structured. NRC and licensees are still applying too much resource to minor issues. This detracts from more safety significant processes and issues.

NRC ROP places emphasis on problem identification and resolution. In that light, NRC segregates licensee identified NCVs from NRC identified NCVs in the reporting process. However, these issues still appeared on the web site. This would seem to imply the same level of significance. If these issues were not required in the summary of findings why are they necessary on the web site? This practice provides a disincentive to problem identification.

While the Fire Protection SDP has been improved measurably, NRC and licensees are still having difficulty in consistent implementation. More screening criteria with clearer direction on its use is needed.

In general, some NRC inspectors seem to enter the SDP to evaluate all findings without first clearly documenting the issue (i.e., what is the requirement, what is the impact, etc.). This causes time to be used during the inspection process to "weed-out" issues that are clearly minor at most. We believe additional training of inspectors is needed to allow their quick resolution of the true impact.

Finally, we suggest re-evaluating the durations needed for conducting inspections. For example: Problem Identification and Resolution, Safety System Design and Performance and Triennial Fire Protection Inspections. We agree with the shift to biennial Problem Identification and Resolution Inspections from the current annual periodicity. However, we believe that in all of the above-cited inspections that consideration should be given to completing the inspections within two consecutive weeks on the site and not break them up with weeks in the region.

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