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 Date: Thu, Dec 18, 2003 5:54 PM
 Subject: Comments on the 4th Year of ROP

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Mr. Lesar: I have attached to this email, Entergy-South's response to the request for comments on the 4th year of ROP (FRN 69, number 219). A hardcopy of the attachment is also being mailed today. If there are questions about the response, please do not hesitate to contact me at 601-368-5747. Thanks. Rick Thomas
 <<ROP Comments Letter 4th year.pdf>>

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Template = ADM-013

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CNRO-2003-00067

December 17, 2003

U.S. Nuclear Regulatory Commission
Attention: Mr. Michael T. Lesar
Chief, Rules and Directives Branch, Office of Administration
Mail Stop T-6D59
Washington, D.C. 20555-0001

SUBJECT: Solicitation of Public Comments on the Fourth Year of Implementation of the Reactor Oversight Process

REFERENCE: *Federal Register* Vol. 68, No. 219, Pages 64374 – 64375, dated November 13, 2003

Dear Mr. Lesar:

Entergy Nuclear South (Entergy) is pleased to submit our comments in the above captioned matter. In general, we believe the Reactor Oversight Process (ROP) is meeting your established performance goals. Since implementation, ROP has improved the overall transparency of the regulatory process and communications have improved between Entergy and the NRC. We have provided detailed comments below that may help to further improve the Process.

This is the fourth year we have responded to requests for this information and in lieu of responding to the individual questions specified in the Notice, as we have done in the past, we have included comments directed at the four areas of our most concern. Those comments follow.

1. The Program was initiated with several Performance Indicators (PIs) and Significance Determination Processes (SDPs) lacking sufficient risk attributes. While changes have been made and others are underway to improve this situation, the progress has been very slow. In the meantime, licensees are being unnecessarily penalized.
 - a. The Radiation Protection, Emergency Planning and Security SDPs lack risk based thresholds for actions. The thresholds are more deterministic in nature and the resulting findings are not equivalent (risk-wise) to those emerging from other SDPs. SDP examples include:

ALARA findings

- No regulatory bases exist for documentation of a violation if federal limits are not exceeded nor is there any guidance as to what ALARA means. NRC expects corrective actions in response to these findings as if a violation exists.
- ALARA findings aggregate based upon a station's three year rolling exposure data to escalate the significance of the finding.
- When no violation exists "findings" can escalate to a level (>green) that closely resembles enforcement

RAM findings

- Each instance of a licensee allowing "detectable" material to be released outside of their "protected area" is counted for a rolling 8 quarter period and if >5 occurrences are documented, the violation is characterized as white. This is aggregation which is not in keeping with the original intent of ROP. In addition, what is "detectable" varies from station to station.

Security findings

- Findings in the access control or behavioral observation areas aggregate in a manner similar to that noted above. In this case, more than 2 non-malevolent findings in a 4 quarter period result in a white finding.

EP findings

- Findings are graded as to their affect upon planning standards and risk significant planning standards. The categories of standards and whether the standard was "met" or "degraded" were implemented as a substitute to risk.
- b. External event risk effects are to be included in the At Power Reactor Safety SDP but the SDP lacks clear guidance on how to do this. This has resulted in the misapplication of external risk to findings.
- The SDP allows the estimation of external events contributions without any contextual guidance. The risk analyst is referred to the licensee's IPEEE analysis for insights. While the IPEEE results were reviewed by NRC and a SER was issued, the regulatory bases for fire PRAs and IPEEEs is not the SDP.
 - The use of the IPEEE in these cases is tantamount to imposing a new regulatory requirement while at the same time lowering the threshold for characterization of findings.
 - Entergy understands NRC's initial efforts to quantify external event risk in order to determine its impact to the risk attributed to internal events - the

inspection manual chapter directs it. Nevertheless, Entergy contend that this use is inappropriate. If this evaluation's result is to be used in the significance determination process, it should be taken within the context of the IPEEE process—if it screened out in the IPEEE it is insignificant. It is understood within the PRA discipline that these IPEEEs were overly conservative in many areas.

- c. The Safety System Unavailability PI lacks a true indication for system unreliability and uses an overly conservative approximation involving fault exposure hours. This provides a false sense of system performance, in that true risk importance of system reliability and availability is masked.

(It should be noted that a replacement indicator (i.e., MSPI) is under development. The indicator was to have been implemented in 1Q04 but most likely will be implemented in 1Q05. Much of the delay in implementation has been due to internal NRC differences of opinion on the merits of the indicator, and the resulting efforts performed by NRC and industry to address the differences. Entergy fully supports the indicator and the improvements it brings and is disappointed that implementation has slipped.)

2. The Program lacks some clarity and definition. Instead of evolving to a clearly defined, scrutable process, the opposite may be occurring. As such, this is increasing licensee resources devoted to the process and in general, increasing licensee frustration with the process.
 - a. The PIs have a FAQ process that was initially helpful but the process has become unmanageable and even counterproductive as the number and complexity of the questions increased. This is especially true regarding the Scram with Loss of Normal Heat Removal indicator, where several FAQs have languished unresolved for over a year. That indicator has evolved away from its original design; attempts to "fix" the indicator have been unsuccessful. Industry frustration over this item resulted in NEI issuing a letter to NRC senior management on October 31 requesting that the indicator be discontinued. Entergy endorses the NEI letter.
 - b. How a licensee and NRC interface in the SDP process is unclear and inefficient.
 - The process may be entered without licensee knowledge.
 - The process the NRC uses to preliminarily develop an issue's significance is not open to the licensee until a preliminary significance is determined.
 - The SDP phase II process is sufficiently conservative as to almost always warrant more thorough analysis. However, the NRC's tool for this more thorough analysis is the SPAR model, which has been shown to overly conservative. As a result, many issues are characterized as being more

significant than they would be using more realistic tools, such as the licensee's PRA model.

- The overall process, from issue identification to resolution (final significance determination) is untimely, often taking 6-12 months.

The net result of the use of the SDP is an over-application of licensee resources for an extended amount of time in order to address potential issues. We have learned to engage the NRC early in the process in order to help characterize an issue properly. But often we must be intrusive in the process in order to ascertain assumptions and characterizations used in the NRC analysis and to influence the use of more realistic inputs. While interventions are possible at the site (SRA) level, they are less likely at the regional or NRR level, especially when NRC employs contractors for PSA results. The net result is that we (and most likely NRC) expend unnecessary resources evaluating issues.

Several improvements could be made to speed the process and improve the result. For example, the Phase II analysis could be a SPAR analysis – omit the notebooks and go right to the SPAR (residents do that frequently already). Of course, the SPAR model has shown that it needs “tweaking” since it is not a plant specific model, so why not use the Licensee’s model from the start?

- c. There are cases where NRC is departing from the fundamental principles of the ROP. NRC routinely runs PI related items through an SDP. For simple, uncomplicated events covered by the PI, SDP evaluations are not supposed to occur. The At Power Reactor Safety SDP has been used to color uncomplicated (risk insignificant) scrams. The EP SDP has been used to color inaccurate drill notification forms. A driver here appears to be external events and LERF considerations, which require Δ CDF estimation (i.e., SDP).
 - d. The practice of characterizing findings as “self-revealing” in order to document them in the PIM is not consistent with the enforcement manual. Instances used within the enforcement manual to assign identification credit are more appropriate and that the ROP (that is MC 0612) should not be deviating from the enforcement definition and guidance just for the sake of documentation.
3. The Program still has unintended consequences due to its definition and implementation. The Program may influence actions in order to mitigate PI or inspection consequences.
 - a. To minimize safety system unavailability, major systems and their support systems may be scheduled for outages at the same time. This minimizes the unavailability PI but can be more risk significant than performing the work separately.
 - b. Planned downpowers may be delayed in order not to count the downpower against the transient performance indicator.

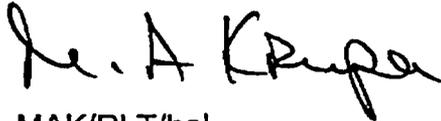
- c. To avoid consequences of a performance indicator, much effort is spent developing "creative" ways around the indicator. This often results in FAQs posed to the Industry/NRC working group to "stretch" the bounds of the PI guidance. This is a waste of resources on both the industry and NRC sides and does not live up to the intent of the original Program.
- d. The safety unavailability performance indicator is derived from systems and components not performing their function. The security equipment indicator is based upon equipment not performing their function but compensated for with personnel – in effect, no degradation in overall performance. Because both indicators are equivalent in the PI program, corrective actions in both areas are "equivalent." This should not necessarily be the case.
- e. The action matrix uses "triggers" that result in movement from column to column in the matrix that may be too low. Industry has recommended that the number of whites that result in movement from the "licensee response band" to the "regulatory response band" be increased. With the thresholds currently set as they are, licensees are disposed to strenuously fight any white finding. This has been under evaluation by NRC with no resolution provided.

Finally, Industry has also suggested that a graded approach to the length of time an inspection finding is considered in the action matrix be revised. All findings regardless of color are considered for one year. It might be more advantageous to keep white findings in the action matrix for a period of time less than yellow or red findings, for example, utilize white findings for 2 quarters, yellows for 3 quarters and reds for 4 quarters.

- f. Entergy monitors findings across the industry and has noted what appears to be threshold difference between the regions, especially considering what is "minor." Since the minor issues are not documented in the inspection report, they are not subject to panel or consistency reviews that involve the other regions. To a lesser extent, differences in greater than minor findings have also been observed across the regions. In both cases, determining what to "learn from" may be an inefficient activity since one could focus on activities in one region that are not important to another.
4. Many of the concerns above have been provided to NRC, previously through the NRC's yearly requests for comments on ROP and through Licensee/NRC/NEI Task Force participation. While progress has been observed in resolving our comments (and other stakeholders as well), the resolution process appears slow.

Thank you for the opportunity to provide these comments. If you have any questions concerning this submittal, please contact Rick Thomas (601-368-5747) or me (601-368-5758).

Sincerely,



MAK/RLT/bal

cc:

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