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To: "nrcprep@nrc.gov" <nrcprep@nrc.gov>, "mtl@nrc.gov" <mtl@nrc.gov>
Date: Thu, Dec 16, 2004 7:00 PM
Subject: Entergy Comments - Implementation of the Reactor Oversight Process

12/21/04
RDB received
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Mr. Lesar: Attached are Entergy's comments on the implementation of the Reactor Oversight Process (Solicitation of Comments, Federal Register Vol. 69, number 210, November 1, 2004). These are also being mailed to the NRC address provided in the Register notice. If there are questions on our comments, please do not hesitate to contact me at 601-368-5747, or Jerry Burford at 601-368-5758. Thanks. Rick Thomas
<<CNRO200480rlt for NRC.pdf>>

11/01/04
69FR63411
14

Richard L. (Rick) Thomas
Entergy Nuclear Safety & Licensing
Corrective Action & Assessments
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SISP Review Complete

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Template = ADM-013

Ed = S. Sanders (SXS5)
S.M. Anderson (SMA1)

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Subject: Entergy Comments - Implementation of the Reactor Oversight Process
Creation Date: Thu, Dec 16, 2004 6:58 PM
From: "THOMAS, RICHARD L" <RTHOMAS@entergy.com>

Created By: RTHOMAS@entergy.com

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Options

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Return Notification: None

Concealed Subject: No
Security: Standard



12/20/04
RDB received
(signature)

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Tel 601-368-5758

F. G. Burford
Acting Director
Nuclear Safety & Licensing

CNRO-2004-00080

December 16, 2004

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 Implementation of the Reactor Oversight Process

REFERENCE: *Federal Register* Vol. 69, No. 210, Pages 63411 – 63413, dated November 1, 2004

Dear Mr. Lesar:

Entergy Nuclear (EN) 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 EN and the NRC.

EN comments are summarized into 4 areas below. Entergy comments have also been included in a response provided by the Region IV Utility Group (RUG IV). We endorse the RUG IV comments. Grading of the questions provided in the Register notice is provided in an attachment to this letter.

1. 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 concern with the process.
 - a. The Performance Indicators (PIs) have a Frequently Asked Question (FAQ) process that was initially helpful but the process has become tedious and even counterproductive as the number and complexity of the questions increased. Some of the solutions advanced by NRC to make this process more workable (for example, NRC would make a final determination after some time period) could impede the consensus aspects of the current process.
 - b. Item 1.a is especially true regarding the Scram with Loss of Normal Heat Removal indicator, where several FAQs have been unresolved for over two years. That indicator has evolved away from its original design; attempts to improve the indicator have been unsuccessful. The value of the indicator is uncertain since scrams are usually inspected by the Resident Inspector and the more significant ones are often

inspected via the Management Directive 8.3 process. Regardless, the industry and NRC are currently evaluating a new approach for this indicator and Entergy encourages the continued work in this area.

- c. How a licensee and NRC interface in the Significance Determination Process (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 usually 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 Standardized Plant Analysis Risk (SPAR) model, which has been shown to be overly conservative. As a result, many issues may be characterized as being more significant than they would be using more realistic tools, such as the licensee's Probabilistic Risk Assessment (PRA) model.
 - The overall process, from issue identification to resolution (final significance determination) is untimely, sometimes taking 6-12 months. Industry and NRC have recognized this and are working in parallel to develop solutions. Some of the solutions being considered by NRC may hinder rather than improve timeliness. For example, using the Phase II notebook results in the "choice letter" could result in more regulatory conferences and more process time, not less. Strictly enforcing a "90 day" goal for resolution may result in overly conservative results and ultimately present an inappropriate picture to the public regarding Licensee performance. This is especially true if at resolution, the finding is determined to be of much less significance than originally reported which would tend to erode public confidence.

The net result of the use of the SDP is an over-application of licensee resources for an extended period of time in order to address potential issues. EN has learned to engage the NRC early in the process in order to help characterize an issue properly. But sometimes 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 (Resident Inspector) level, they are less likely at the regional or national level, especially when NRC employs contractors for PRA results. The net result is that EN (and most likely NRC) expends unnecessary resources evaluating potential issues.

Several SDPs are being or have recently been developed that are difficult to use. The value of some of these SDPs is also questionable. For example, the Fire Protection SDP is a vast improvement over the previous version, but is still cumbersome and complex. The Shutdown and Steam Generator SDPs are complex and appear to be of limited value.

- 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 the ROP (specifically Inspection Manual Chapter 0612) should not be deviating from the enforcement definition and guidance just for the sake of documentation.

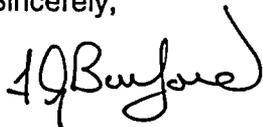
- e. The process for establishing and resolving a "cross cutting" issue is unclear. The lack of clear definition for this type of issue appears to make them subjective rather than objective. The Licensee is often made aware of substantive cross cutting issues in the semi-annual assessment letter. The NRC and Licensee could benefit from a discussion of these types of issues as they arise; a better characterization of the issue would occur, as would a more timely resolution of the issue.
 - f. Movement in the Action Matrix should be clarified, especially when moving from more oversight to less oversight, e.g., multiple degraded cornerstone to degraded cornerstone. While it is clear how performance results are used to increase assessment when moving "left to right," the actions necessary to reverse that movement appear unclear and inconsistently applied.
2. 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. This has led to the process being less objective and predictable than expected. Many issues provided in the previous Solicitations of Public Comments are still applicable. Two issues we would like to highlight again follow:
- a. The thresholds for action matrix "triggers" that result in movement from column to column in the matrix may be too low. Industry has recommended that the number of white inputs 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 challenge any white finding.

The Industry has also suggested that a graded approach to the length of time an inspection finding is considered in the action matrix be implemented. All findings regardless of color are considered for one year. It might be more advantageous to retain 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, yellow findings for 3 quarters and red findings for 4 quarters. NRC has evaluated this recommendation and declined to pursue it.
 - b. Entergy monitors findings across the industry and has noted what appears to be a threshold difference between the regions, especially considering what is "minor." Appendix E of IMC 0612 has guidance and examples of minor violations. Further, the guidance may not be clear in that findings that do not match an Appendix E example may be characterized by the Inspector as more than minor. To a lesser extent, differences in greater than minor findings have also been observed across the regions. In both cases (minor and greater than minor), determining what to learn from the finding may be an inefficient activity since one could focus on activities in one region that are not important to another.
3. The Program was initiated with several Performance Indicators (PIs) and Significance Determination Processes (SDPs) lacking sufficient risk attributes. While positive changes have been made or are underway to improve this situation (e.g., the Radiation Protection SDPs), the progress has been slow. In the meantime, licensees are being unnecessarily burdened.
- a. The Emergency Planning and Security SDPs lack risk based thresholds for actions, are more deterministic in nature and the resulting findings are not equivalent (risk-wise) to those emerging from the At Power Reactor Safety SDP. The Security SDP is being further complicated by the NRC revising that SDP with little industry input.

- b. External event risk effects are 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 contends that this use is inappropriate. If the results of this evaluation are to be used in the significance determination process, they 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.
4. Many of the concerns above have been provided to NRC previously through the NRC's yearly requests for comments on ROP, through Licensee/NRC/NEI Task Force participation and, in 2004, a Commission briefing. While progress has been observed in resolving our comments (and other stakeholders as well), the resolution process appears slow. We would appreciate any feedback on these comments, especially their usefulness and any actions you may consider to address them.

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,



FGB/RLT/bal

attachment

cc: (See Next Page)

cc: Mr. M. A. Balduzzi (Pil)
Mr. W. R. Campbell (ECH)
Mr. F. R. Dacimo (IPEC)
Mr. J. P. DeRoy (ECH)
Mr. R. K. Edington (CNS)
Mr. J. S. Forbes (ANO)
Mr. J. T. Herron (WPO)
Mr. P. D. Hinnenkamp (RBS)
Mr. M. R. Kansler (WPO)
Mr. J. R. McGaha (ECH)
Mr. T. A. Sullivan (JAF)
Mr. G. J. Taylor (ECH)
Mr. J. K. Thayer (VY)
Mr. J. E. Venable (W3)
Mr. G. A. Williams (GGNS)

Mr. T. W. Alexion, NRR Project Manager, ANO-2
Mr. R. B. Ennis, NRR Project Manager, Vermont Yankee
Mr. R. J. Fretz, NRR Project Manager, Pilgrim
Mr. D. G. Holland, NRR Project Manager, ANO-1
Mr. N. Kalyanam, NRR Project Manager, Waterford-3
Mr. P. D. Milano, NRR Project Manager, FitzPatrick, Indian Point
Mr. V. K. Vaidya, NRR Project Manager, GGNS
Mr. M. K. Webb, NRR Project Manager, RBS

Questions Related to Specific ROP Program Areas
(As appropriate, please provide specific examples and suggestions for improvement.)

1. Does the Performance Indicator Program promote plant safety?

	1	2	3	4	5
Initial ROP Implementation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Current ROP	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Comments:</i>					

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

	1	2	3	4	5
Initial ROP Implementation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Current ROP	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Comments:</i>					

3. Is the reporting of PI data efficient?

	1	2	3	4	5
Initial ROP Implementation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Current ROP	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Comments:</i>					

4. Does NEI 99-02, "Regulatory Assessment Performance Indicator Guideline" provide clear guidance regarding Performance Indicators?

	1	2	3	4	5
Initial ROP Implementation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Current ROP	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Comments:</i>					

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

	1	2	3	4	5
Initial ROP Implementation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Current ROP	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Comments:</i>					

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

	1	2	3	4	5
Initial ROP Implementation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Current ROP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Comments:</i>					

7. Does the NRC take appropriate actions to address performance issues for those licensees outside of the Licensee Response Column of the Action Matrix?

	1	2	3	4	5
Initial ROP Implementation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Current ROP	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Comments:</i>					

Number ranking: 1=Very Much; 2=somewhat; 3=neutral; 4=somewhat less than needed; 5=far less than needed

Questions Related to Specific ROP Program Areas (continued)
 (As appropriate, please provide specific examples and suggestions for improvement.)

8. Is the information contained in assessment reports relevant, useful, and written in plain English?

	1	2	3	4	5
Initial ROP Implementation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Current ROP	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:					

Questions related to the efficacy of the overall Reactor Oversight Process (ROP)
 (As appropriate, please provide specific examples and suggestions for improvement.)

9. Are the ROP oversight activities predictable (i.e., controlled by the process) and reasonably objective (i.e., based on supported facts, rather than relying on subjective judgment)?

	1	2	3	4	5
Initial ROP Implementation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Current ROP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:					

10. Is the ROP risk-informed, in that the NRC's actions are graduated on the basis of increased significance?

	1	2	3	4	5
Initial ROP Implementation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Current ROP	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:					

11. Is the ROP understandable and are the processes, procedures and products clear and written in plain English?

	1	2	3	4	5
Initial ROP Implementation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Current ROP	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:					

12. Does the ROP provide adequate regulatory assurance when combined with other NRC regulatory processes that plants are being operated and maintained safely?

	1	2	3	4	5
Initial ROP Implementation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Current ROP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:					

13. Does the ROP improve the efficiency, effectiveness, and realism of the regulatory process?

	1	2	3	4	5
Initial ROP Implementation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Current ROP	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:					

Questions related to the efficacy of the overall Reactor Oversight Process (ROP)(continued)
(As appropriate, please provide specific examples and suggestions for improvement.)

14. Does the ROP ensure openness in the regulatory process?

	1	2	3	4	5
Initial ROP Implementation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Current ROP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:					

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

	1	2	3	4	5
Initial ROP Implementation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Current ROP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:					

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

	1	2	3	4	5
Initial ROP Implementation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Current ROP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:					

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

	1	2	3	4	5
Initial ROP Implementation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Current ROP	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:					

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

	1	2	3	4	5
Initial ROP Implementation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Current ROP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:					

19. Does the ROP minimize unintended consequences?

	1	2	3	4	5
Initial ROP Implementation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Current ROP	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:					

20. Please provide any additional information or comments related to the Reactor Oversight Process.