

12/17/04

RDB received

From: "Sumpter, James R. [Jim]" <jrsumpt@nppd.com>
To: <nrcprep@nrc.gov>
Date: Thu, Dec 16, 2004 10:53 AM
Subject: Comments on Implementation of the ROP

Attached is a copy of the letter Nebraska Public Power District has sent with our comments on implementation of the ROP.

<<2004157.doc>>
James R. Sumpter
Senior Staff Engineer - Licensing
Cooper Nuclear Station
Phone-402-825-5663
Pager-402-943-0919

11/1/04
69FK63111
(19)

SISP Review Complete
Template = ADM-013

E-RTDS = ADM-03
Call = S. Gardner (EX55)
E.M. Anderson (EMAI)

Mail Envelope Properties (41C1AF7F.1AE : 0 : 16814)

Subject: Comments on Implementation of the ROP
Creation Date: Thu, Dec 16, 2004 10:53 AM
From: "Sumpter, James R. [Jim]" <jrsumpt@nppd.com>

Created By: jrsumpt@nppd.com

Recipients

nrc.gov
twf2_po.TWFN_DO
NRCREP

Post Office
twf2_po.TWFN_DO

Route
nrc.gov

Files	Size	Date & Time
MESSAGE	254	Thursday, December 16, 2004 10:53 AM
2004157.doc	33792	
Mime.822	47994	

Options

Expiration Date: None
Priority: Standard
Reply Requested: No
Return Notification: None

Concealed Subject: No
Security: Standard

NLS2004157
December 14, 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:

The purpose of this letter is to provide Nebraska Public Power District (NPPD) comments regarding the implementation of the Reactor Oversight Process (ROP) in response to the referenced Federal Register notice.

NPPD endorses the comments submitted both by the Region IV Utility Group on December 14, 2004 and those by the Nuclear Energy Institute. In addition, NPPD has the following comments.

- 1) Change management within the ROP is inconsistent. Changes to Inspection Manual Chapters (IMC) 0305, 0308 and 0609 are not consistently communicated to stakeholders prior to the change occurring. While the ROP and its supporting documents are the responsibility of the Nuclear Regulatory Commission (NRC), timely communication to stakeholders of projected changes is important. Stakeholders need to be afforded an opportunity to comment and to be given adequate time to implement any changes.
- 2) NPPD recognizes that timely evaluation of licensee performance deficiencies through the Significance Determination Process (SDP) needs improvement. However, recent proposals to use the Phase II notebook results in the "choice letter" to meet a 90 day SDP evaluation goal could be counter-productive. More regulatory conferences will likely result due to the conservative nature of the results and a potentially inaccurate picture of licensee performance provided to the public.

- 3) The practice of characterizing findings as self-revealing is not consistent. Instances used within the enforcement manual to assign identification credit are more appropriate. The ROP should not be deviating from the enforcement definition. In addition, changing of a licensee-identified finding to one that is inspector-identified based on a perceived "inspector added value" is subjective and not consistently implemented with licensees. Finally, the guidance in Appendix E of IMC 0612 concerning what constitutes a minor finding may not be clear in that findings that do not match an Appendix E example may be characterized as more than minor. Since minor issues are not documented in inspection reports, they are not subject to agency reviews for consistency between plants or across regions.
- 4) Changes in the security area have been handled without significant interaction and communication with stakeholders. As a result, the significance of issues in the security arena is not consistent with the rest of the ROP. For instance, the revised security SDP does not take into account the important concept of "predictable and exploitable" at the beginning of a significance determination. Also, evaluating force on force drills and equating the results to an actual intrusion could have unintended consequences.
- 5) NPPD understands NRC's initial efforts to quantify external event risk in order to assess its impact on the risk attributed to internal events. However, if this evaluation result is to be used in the SDP, it should be taken within the context of the Individual Plant Examination of External Events (IPEEE) and the significance of events within the IPEEE.
- 6) NPPD recognizes, as does the NRC (IMC 0609, Appendix A, Attachment 1), that there are several human reliability analysis methods to quantify human error probabilities for use in the SDP. NPPD believes that the NRC and industry should work toward resolution of these differing models to improve efficiency of the SDP, rather than attempting to resolve them on individual dockets.

Thank you for the opportunity to provide these comments. If you have any questions, please contact me at (402) 825-5025.

Sincerely,

Jerry C. Roberts
Director, Nuclear Safety Assurance

/jrs

Records