

NRCREP - ROP comments Dec 6 2007.doc

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The attachment provides Entergy's comments in response to the "Solicitation of Public Comments on the 2007 Implementation of the Reactor Oversight Process", dated October 4, 2007. If you have any questions, please contact Brian Ford @ 601-368-5516 or Bill Brice @ 601-368-5076. Please respond to let me know that you received this. Thanks.

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**Question 2 – Does appropriate overlap exist between the Performance Indicator Program and the Inspection Program to provide for a comprehensive overview of licensee performance?**

In general, the appropriate overlap exists between the Performance Indicator Program and the Inspection Program. In the area of performance issues that result in both a Finding in the inspection program and have a negative impact on a performance indicator the potential exists for an inappropriate impact of the event on the Action Matrix considering the safety significance of the event.

Manual Chapter 0305 addresses double counting of performance indicators and inspection findings. The applicable guidance states that issues with the same underlying causes should not be double-counted. Furthermore, an example is provided where inoperability of a support system that causes a White inspection finding, as well as several performance indicators to cross the green/white threshold, should only be counted as a single white input because the finding pertains to the same underlying issue."

Appropriate guidance needs to be developed to ensure the Action Matrix does not double count issues associated with a greater than Green Finding by considering their impact on Performance Indicators. Double counting these issues would result in an incorrect representation of licensee performance.

**Question 11 – Is the ROP risk-informed, in that the NRC's actions are appropriately graduated on the basis of increased significance?**

The Occupational Radiation Safety SDP does not provide sufficient mechanisms to distinguish between "minor" violations and non-cited violations. Therefore, issues that should be characterized as minor become non-cited violations. As a result, issues of no or minor significance are inappropriately raised in importance.

Using the flowchart in MC 0609, Appendix C, a Green non-cited violation can still be issued when all of the following questions are answered "NO":

- 1) ALARA Planning or Work Controls?
- 2) Was it an overexposure?
- 3) Was there a substantial potential?
- 4) Was the ability to assess dose compromised?

In addition, the minor examples in Appendix E of MC 0609 only contain two examples in the ALARA Planning or Work Controls section for review by the inspectors. Additional guidance, similar to guidance contained in the other cornerstones, should be developed to allow inspectors to determine the true "risk" associated with the finding.

This comment also applies to the Public Radiation Safety Cornerstone.

**Question 18 – Has the NRC implemented the ROP as defined by program documents?**

Inspectors tend to use MC 0609, Appendix E, "Examples of Minor Issues", very narrowly. ROP findings should be clarified as minor if the finding is "similar" to the examples provided in the Appendix. Additional guidance should be given to ensure that failures to implement requirements that have insignificant safety or regulatory impact or findings that have no more than minimal risk are categorized as minor.

**Question 20f – Do the Operating Reactor Assessment Program (MC 0305) cross-cutting components and cross-cutting aspects provide an adequate coverage of the cross-cutting areas?**

The criteria for determining when a Substantive Cross-cutting Issue is considered should be re-evaluated. Currently, a substantive cross-cutting issue is considered when four or more green or safety significant inspection findings are documented in the areas of human performance or problem identification and resolution. At the time the guidance was developed, there was a high threshold for the identification of cross-cutting aspects associated. During the last few years, additional guidance to inspectors on the identification of finding with cross-cutting aspects has been provided lowering this threshold. Subsequently, there has been a significant increase in the number of findings with cross-cutting aspects identified. As result, the potential for false positive indications of a cross-cutting issue has greatly increased. This threshold should be re-considered.

The NRC should consider one annual assessment review for cross-cutting issues versus a Mid-Cycle and an End of Cycle review. In the current process, the timing of the cross cutting issues can influence if a substantive cross cutting issue is identified. If the cross cutting aspects are identified late in the assessment period, there is little time for the licensee to provide information demonstrate improved performance or to improve performance. While this would also be true for a one-year assessment period, a one-year period would allow more time to implement actions and realize performance improvement during the assessment period for finding identified early in the period. With the current six-month assessment period, there is little time to address these issues.

The NRC should re-assess the current cross-cutting themes. Some of the current themes are so broad that they are issued for a large percentage of the findings. One example is H.4.b, "defines and effectively communicates expectations regarding procedural compliance and personnel follow procedures". There may be a need to re-evaluate the themes to determine if they should be split or more closely defined.