CURRENT ROP DEFINITION

Performance Deficiency: An **ISSUE**[1] that is the result of a licensee not meeting a requirement or standard where the cause **WAS REASONABLY WITHIN THE LICENSEE'S ABILITY TO FORSEE AND CORRECT**[2] , and **THAT SHOULD HAVE BEEN PREVENTED**[3]. A performance deficiency can exist if a licensee fails to meet **A SELF IMPOSED STANDARD**[4] or a standard required by regulation.

1) We understand the term *issue* as used in the ROP process, however, it does not seem to be clear enough for a good parallel for fuel facilities. i.e. an issue of concern as determined through inspection or as the result of an actual event more closely defines what is considered here.
2) While the thought is good as we understand it, we also understand that a statement like this is troublesome and clearly open to broad and complex interpretations in the world of inspection and enforcement.
3) We understand that the purpose here is to screen out here things that are considered 'acts of god' and while this is appropriate, this simple wording in a definition is again very open to complex and varied interpretations across the inspection staff.
4) By including self-imposed standards, a significant disincentive to continuous improvement and managements initiative to establish aggressive margins of safety that are of benefit to the safety of the operations. We find no regulatory basis for the inclusion of this disincentive in the definition related to 10 CFR 70 licensed facilities.

10 CFR 70 FACILITY DEFINITION

Performance Deficiency: An occurrence at or the state of a licensed facility that is the result of a licensee not meeting a regulatory requirement or license commitment. If the occurrence or state is of low to no safety significance and the licensee identified (including events) the occurrence or state and is managing them in accordance with their Corrective Action Program this would not constitute a Performance Deficiency.