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65 FR 78215
12/14/00
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February 23, 2001

Mr. David Meyer, Chief
Rules and Directives Branch
Office of Administration
Mail Stop T6D59
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

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Branch
(202)

Re: Suggested Topics for Public Comment on the First Year of Initial
Implementation of the Reactor Oversight Process

Dear Mr. Meyer:

On December 14, 2000, the Nuclear Regulatory Commission ("NRC") requested public comment on the first year of initial implementation of the Reactor Oversight Process ("ROP"). 65 Fed. Reg. 78215. A public workshop is scheduled for late March 2001 and potential topic areas for consideration at that workshop were requested to be submitted by February 23, 2001. This letter provides potential topic areas that the Nuclear Regulatory Services Group ("NRSRG")¹ believes are worthy of discussion at the upcoming workshop.

A basic objective of the NRSRG is reduction of unnecessary regulatory burden. We note that the NRC has included burden reduction issues in questions I.3, I.4, II.2 and II.4 in the Federal Register notice and especially requested comments on these questions. The NRSRG supports the NRC's special consideration of issues related to the reduction of unnecessary regulatory burdens and avoidance of inappropriate increases in regulatory burden

¹ The Nuclear Regulatory Services Group is a consortium of NRC reactor licensees represented by the law firm of Foley & Lardner. The members of the NRSRG collectively are involved with the ownership or operation of a substantial number of power reactors in the United States.

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that could result from implementation of the ROP. Accordingly, the NRSG urges the NRC to retain these topics and to provide adequate time during the workshop for the complete consideration of all burden reducing and burden increasing aspects of the ROP.

In addition to the NRC's specific questions, the NRSG offers for consideration at the workshop the following additional matters related to decreasing unnecessary regulatory burden or avoiding increasing unnecessary regulatory burden as a result of implementation of the ROP.

- Increases in unnecessary regulatory burden as a result of a need to adopt new compliance programs or to substantially modify existing programs.
- Adequacy of the ROP to identify incipient safety issues in a timely manner without the addition of burdensome regulatory programs.
- Increases in unnecessary regulatory burden as a result of either non-conservative or subjective implementation of the Significance Determination Process ("SDP") by NRC personnel.
- Increases in unnecessary regulatory burden as a result of NRC inspection findings, such as no-color findings, that are inconsistent with the ROP.
- Increases in unnecessary regulatory burden as a result of differences between the NRC's performance indicators and comparable indicators used by the Institute for Nuclear Power Operation ("INPO") or World Association of Nuclear Operations ("WANO").

The NRSG supports the NRC's determination to conduct the workshop to obtain comments and information about the first year of initial implementation of the ROP from the stakeholders who have been affected by the ROP. The NRSG intends to participate in the workshop to recommend ways either to eliminate or to avoid any unnecessary burdens.

Sincerely,



Daniel F. Stenger

Sheldon L. Trubatch

Counsel to the Nuclear

Regulatory Service Group