

From: "Martin, Lillian Y." <lymartin@tva.gov>
To: "nrcprep@nrc.gov" <nrcprep@nrc.gov>
Date: Fri, Dec 21, 2001 2:53 PM
Subject: TVA- COMMENTS ON SECOND YEAR OF IMPLEMENTATION OF ROP (VOL 66 FR 58529 DATED 11/21/01)

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Tennessee Valley Authority, 1101 Market Street, Chattanooga, Tennessee 37402-2801

December 21, 2001

Mr. Michael T. Lesar, Chief
Rules and Directives Branch
Office of Administration
Mail Stop T6-D59
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001


Dear Mr. Lesar:

NUCLEAR REGULATORY COMMISSION - REQUEST FOR COMMENTS ON SECOND YEAR
OF IMPLEMENTATION OF THE REACTOR OVERSIGHT PROCESS (VOL. 66 *FEDERAL*
REGISTER (FR) 58529 DATED NOVEMBER 21, 2001)

TVA endorses the comments provided by the Nuclear Energy Institute
in their letter dated December 21, 2001. The enclosure provides
additional comments we have to some of the specific questions
contained in the referenced FR Notice.

TVA appreciates the opportunity to provide comments. If you have
questions, please contact Susan Ferrell at (423) 751-7737.

Sincerely,


Mark J. Burzynski
Manager
Nuclear licensing

Enclosure
cc (Enclosure):
U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555-0001

ENCLOSURE

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

Yes. The scopes of the inspections are much more predictable. The outcomes of the findings result in significantly fewer disagreements. Additionally, the current practice of sharing inspectors between regions appears to be an excellent practice. It will bring even greater predictability to the comparisons between plants in different regions. This should help outside stakeholders, such as public interest groups, insurance companies that insure nuclear assets, bond rating analysts, and stock analysts that are in positions that requires comparisons across all areas of the country.

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

Yes. This is particularly true of the mitigating systems cornerstone. However, in the emergency preparedness area recent developments in risk analysis have not been incorporated into the indicators. Lessons learned from TMI and new source term research indicates that the timing of accident dose releases is much slower than originally predicted. Nevertheless, timeframes have not been relaxed, and the indicators portray a sense of risk to the public that may not be justified based on scientific behavior. Any deviation of the 15 minute rule for a declaration of an emergency classification and communication still results in a negative performance indicator count.

(5) Does the ROP improve the efficiency, effectiveness, and realism of the regulatory process?

Significantly. The fact that the term "regulatory significance" has been replaced with "safety significance" has helped improve the quality of the dialog between the regulator and the industry, and the regulator and the public.

(9) Has the NRC implemented the ROP as defined by program documents?

Many of the SDPs continue to be revised to address inconsistencies and strengthen their technical merit. While this has resulted in some consternation by both the licensee and the regulator on several occasions, it has not posed any significant impediment to the implementation of the process. However, with the significant downsizing of the NRC Website, it is very hard for a licensee to ascertain if a particular SDP is the latest revision. A concise set of documents implementing the SDP cannot be easily maintained for use by site licensee. We are in strong agreement with the NEI recommendation that these manuals need to be finalized and that further changes need to be minimized to allow the program to stabilize in the eyes of both the public and industry stakeholders.

(11) Does the ROP result in unintended consequences?

Yes. However, NRC has shown willingness to address them as they come. The inclusion of fault exposure hours within the safety system unavailability PI had several unintended consequences. It could mask real equipment performance issues due to large amount of t/2 fault exposure that had to be assumed when an actual occurrence date could not be identified with certainty. The t/2 fault exposure is now going to be appropriately dealt with through the SDP process. Additionally, with the standardization of the safety system unavailability definition, it is anticipated that known fault exposure will also be removed from the unavailability being reported within the performance indicators.

Another example area is fire protection. The current fire protection inspection modules, which rely heavily on inspecting to compliance with the latest Regulatory Guides, has the potential to lead to backfit through inspection. They need to contain a greater emphasis on inspecting to the existing licensing record. This includes program adequacy agreements documented in previous inspections reports. The sites' programs received SERs based on a review of program documentation and were subsequently inspected for adequacy of implementation. Significant changes occurred during and after the inspections that may or not be contained in the SERs. If the agreements documented in these previous inspection reports are not considered in current inspection process, program changes and enhancements are likely to be forced on the industry to prevent findings that result from use of these new regulatory guide driven inspection modules.

(17) Do reporting conflicts exist, or is there unnecessary overlap between reporting requirements of the ROP and those associated with the Institute of Nuclear Power Operations, the World Association of Nuclear Operations, or the Maintenance Rule?

Yes. Standardization of the mitigating systems safety system unavailability performance indicators has been an area of considerable industry and regulator efforts this year. However, little progress has been achieved in reaching an implementable, consistent set of performance indicators. A clear set of management expectations need to be established by the NRC. The expectations need to address target schedule dates for decisions, as well as goals and constraints for potential solutions. The current effort lacks a sense of urgency to reach final solutions. The current effort is also entertaining potential solutions (e.g., a significant increase in the number of indicators) that are not practical. The goal of the effort is to simplify the performance indicator definition, not complicate the action matrix.