

Criterion 2: The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

No new or different accidents result from utilizing the proposed change. The proposed change permits physical alteration of the plant involving removal of the CAD system. The CAD system is not an accident precursor, nor does its existence or elimination have any adverse impact on the pre-accident state of the reactor core or post accident confinement of radionuclides within the containment building from any design basis event. The changes to the TS do not alter assumptions made in the safety analysis, but reflect changes to the design requirements allowed under the revised 10 CFR 50.44. The proposed change is consistent with the revised safety analysis assumptions.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3: The proposed change does not involve a significant reduction in a margin of safety.

The Commission has determined that the DBA LOCA hydrogen release is not risk significant, therefore is not required to be analyzed in a facility accident analysis. The proposed change reflects this new position and, due to remaining plant equipment, instrumentation, procedures, and programs that provide effective mitigation of and recovery from reactor accidents, including postulated beyond design basis events, does not result in a significant reduction in a margin of safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, the NRC concludes that the proposed change presents no significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of "no significant hazards consideration" is justified.

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## NUCLEAR REGULATORY COMMISSION

### Solicitation of Public Comments on the Implementation of the Reactor Oversight Process

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Request for public comment.

**SUMMARY:** The NRC is soliciting comments from members of the public,

licensees, and interest groups related to the implementation of the Reactor Oversight Process (ROP). An electronic version of the survey questions may be obtained from <http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/rop2007survey.pdf>. This solicitation will provide insights into the self-assessment process and a summary of the feedback will be included in the annual ROP self-assessment report to the Commission.

**DATES:** The comment period expires on December 7, 2007. The NRC will consider comments received after this date if it is practical to do so, but is only able to ensure consideration of comments received on or before this date.

**ADDRESSES:** Completed questionnaires and/or comments may be e-mailed to [nrcprep@nrc.gov](mailto:nrcprep@nrc.gov) or sent to Michael T. Lesar, Chief, Rulemaking, Directives and Editing Branch, Office of Administration (Mail Stop T-6D59), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. If you choose to send your response using email, please include appropriate contact information so the NRC can follow-up on the comments. Comments may also be hand-delivered to Mr. Lesar at 11545 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

Documents created or received at the NRC after November 1, 1999, are available electronically through the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov/reading-rm.html>. From this site, the public can access the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of the NRC's public documents. For more information, contact the NRC's Public Document Room (PDR) reference staff at 301-415-4737 or 800-397-4209, or by e-mail at [pdr@nrc.gov](mailto:pdr@nrc.gov).

**FOR FURTHER INFORMATION CONTACT:** Mr. Bart Fu, Office of Nuclear Reactor Regulation (Mail Stop: OWFN 11A11), U.S. Nuclear Regulatory Commission, Washington DC 20555-0001. Mr. Fu can also be reached by telephone at 301-415-2467 or by e-mail at [ZBF@NRC.GOV](mailto:ZBF@NRC.GOV).

#### SUPPLEMENTARY INFORMATION:

##### Program Overview

The mission of the NRC is to license and regulate the Nation's civilian use of byproduct, source, and special nuclear materials to ensure adequate protection of public health and safety, promote the common defense and security, and

protect the environment. This mission is accomplished through the following activities:

- License nuclear facilities and the possession, use, and disposal of nuclear materials.
- Develop and implement requirements governing licensed activities.
- Inspect and enforce licensee activities to ensure compliance with these requirements and the law.

Although the NRC's responsibility is to monitor and regulate licensees' performance, the primary responsibility for safe operation and handling of nuclear materials rests with each licensee.

As the nuclear industry in the United States has matured, the NRC and its licensees have learned much about how to safely operate nuclear facilities and handle nuclear materials. In April 2000, the NRC began to implement more effective and efficient inspection, assessment, and enforcement approaches, which apply insights from these years of regulatory oversight and nuclear facility operation. Key elements of the Reactor Oversight Process (ROP) include NRC inspection procedures, plant performance indicators, a significance determination process, and an assessment program that incorporates various risk-informed thresholds to help determine the level of NRC oversight and enforcement. Since ROP development began in 1998, the NRC has frequently communicated with the public by various initiatives: conducted public meetings in the vicinity of each licensed commercial nuclear power plant, issued **Federal Register** Notices to solicit feedback on the ROP, published press releases about the new process, conducted multiple public workshops, placed pertinent background information in the NRC's Public Document Room, and established an NRC Web site containing easily accessible information about the ROP and licensee performance.

#### NRC Public Stakeholder Comments

The NRC continues to be interested in receiving feedback from members of the public, various public stakeholders, and industry groups on their insights regarding the calendar year 2007 implementation of the ROP. In particular, the NRC is seeking responses to the questions listed below, which will provide important information that the NRC can use in ongoing program improvement. A summary of the feedback obtained will be provided to the Commission and included in the annual ROP self-assessment report.

This solicitation of public comments has been issued each year since the ROP was implemented in 2000. In the last few years, there were between 15 to 20 responses received each year from the industry, organizations, public citizens and other government entities. The ratings of each question did not provide meaningful statistical value due to the very limited number of responses. Starting from this survey, only written comments are requested for each of the survey questions.

**Questions**

In responding to these questions, please describe your experiences of the NRC oversight process. If additional space is needed, please attach to the back of the survey.

If there are experiences or opinions that you would like to express that cannot be directly captured by the questions, document them in the last question of the survey.

*Questions Related to Specific Reactor Oversight Process (ROP) Program Areas*

(As appropriate, please provide specific examples and suggestions for improvement.)

(1) Does the Performance Indicator Program provide useful insights to help ensure plant safety?

Comments:

(2) Does appropriate overlap exist between the Performance Indicator Program and the Inspection Program to provide for a comprehensive indication of licensee performance?

Comments:

(3) Does NEI 99-02, "Regulatory Assessment Performance Indicator Guideline" provide clear guidance regarding Performance Indicators?

Comments:

(4) Can the Performance Indicator Program effectively identify declining performance based on risk-informed, objective, and predictable indicators?

Comments:

(5) Does the Inspection Program adequately cover areas important to safety, and is it effective in identifying and ensuring the prompt correction of any performance deficiencies?

Comments:

(6) Is the information contained in inspection reports relevant, useful, and written in plain English?

Comments:

(7) Does the Significance Determination Process result in an objective and understandable regulatory response to performance issues?

Comments:

(8) Does the NRC take appropriate actions to address performance issues for those plants with identified performance deficiencies?

Comments:

(9) Is the information contained in assessment reports relevant, useful, and written in plain English?

Comments:

*Questions Related to the Efficacy of the Overall ROP*

(As appropriate, please provide specific examples and suggestions for improvement.)

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

Comments:

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

Comments:

(12) Is the ROP understandable and are the processes, procedures and products clear and written in plain English?

Comments:

(13) Does the ROP provide adequate assurance, when combined with other NRC regulatory processes, that plants are being operated and maintained safely?

Comments:

(14) Is the ROP effective, efficient, realistic, and timely?

Comments:

[Empty comment box for question 14]

(15) Does the ROP ensure openness in the regulatory process?

Comments:

[Empty comment box for question 15]

(16) Has the public been afforded adequate opportunity to participate in the ROP and to provide inputs and comments?

Comments:

[Empty comment box for question 16]

(17) Has the NRC has been responsive to public inputs and comments on the ROP?

Comments:

[Empty comment box for question 17]

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

Comments:

[Empty comment box for question 18]

(19) Does the ROP result in unintended consequences?

Comments:

[Empty comment box for question 19]

[Empty box for Questions Related to the Safety Culture Aspects of the ROP]

*Questions Related to the Safety Culture Aspects of the ROP*

(20a) Do the ROP inspection and assessment safety culture enhancements help to focus licensee and NRC attention on performance issues associated with aspects of safety culture?

Comments:

[Empty comment box for question 20a]

(20b) Do the baseline Identification and Resolution of Problems inspection procedure (71152) and the special inspection procedures (93800 and 93812 respectively) provide an appropriate level of guidance on safety culture aspects and on the consideration of causal factors related to safety culture?

Comments:

[Empty comment box for question 20b]

(20c) Do the supplemental inspection procedures (Inspection for One or Two White Inputs in a Strategic Performance Area (95001), Inspection for One Degraded Cornerstone or any Three White Inputs in a Strategic Performance Area (95002)) respectively provide an appropriate level of guidance to evaluate whether safety culture components have been adequately considered as part of the licensees' root cause, extent of condition, and extent of cause evaluations and to independently determine if safety culture components caused or significantly contributed to the risk significant performance issues?

Comments:

[Empty comment box for question 20c]

(20d) Does the procedure for a Supplemental Inspection for Repetitive Degraded Cornerstones, Multiple Degraded Cornerstones, Multiple Yellow Inputs, or One Red Input (95003) provide an appropriate level of guidance to independently assess the licensees' safety culture and evaluate the licensees' assessment of their safety culture?

Comments:

[Empty comment box for question 20d]

(20e) Do the ROP inspection reports clearly describe inspection finding cross-cutting aspects?

Comments:

[Empty comment box for question 20e]

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

Comments:

[Empty comment box for question 20f]

(21) Please provide any additional information or comments related to the Reactor Oversight Process.

Comments:

[Empty comment box for question 21]

Dated at Rockville, Maryland, this 4th day of October, 2007.

For the U.S. Nuclear Regulatory Commission.

**Stuart A. Richards,**

*Deputy Director, Division of Inspection & Regional Support, Office of Nuclear Reactor Regulation.*

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