



June 27, 2008

Mr. Robert Gramm
Division of Inspection and Regional Support
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Comments on the Proposed Changes to Inspection Procedure 71152
and Manual Chapter 0612

Dear Mr. Gramm,

The Region 1 Utility Group (RUG1) was established to help promote open and efficient communications between Region I utilities and the NRC regarding the Reactor Oversight Process, inspection, enforcement and licensing activities. RUG1 members are the licensing managers, or equivalent, representing the Beaver Valley, Calvert Cliffs, Fitzpatrick, Ginna, Hope Creek, Indian Point, Limerick, Millstone, Nine Mile Point, Oyster Creek, Peach Bottom, Pilgrim, Salem, Seabrook, Susquehanna, Three Mile Island and Vermont Yankee plants.

RUG 1 is very concerned about changes being made to the safety culture inspection process so soon after its implementation. The safety culture inspection process is not mature and therefore great care must be taken with any revision to ensure that the changes truly are required, improve the process and provide a net positive benefit. With these concerns in mind, RUG 1 provides the attached comments to address the proposed changes to Inspection Procedure 71152 and Manual Chapter 0612 as were discussed during the public meeting on May 14, 2008.

On behalf of RUG1, I wish to thank you for your consideration of these comments. If you have any questions or alternative solutions, please contact me at 603-773-7194.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. Peschel", is written over the typed name.

James M. Peschel
RUG I Chairman

cc: RUG1 Key Contacts
Mr. J. Butler, Nuclear Energy Institute
Ms. J. Keys, Nuclear Energy Institute

Inspection Procedure 71152 Comments

1. Section

Page 14, 3rd paragraph, last line. - "At a lesser depth than for a IP95003 inspection"

Comment

This wording requires clarification. As written, this would justify an inspector probing to the 99% level when potentially only 5-10% is required. The lack of clarity in the guidance usually leads to disputes in the field when an inspector inserts his/her opinion.

2. Section

Page 2, 02.01a. - states "Among the items that might indicate a trend would be repeated entries into technical specifications."

Comment

This statement should be revised since the Technical Specifications are "entered" every time the unit is in a mode or other specified condition in the Applicability, such as required to conduct surveillance tests. The wording should reflect that the inspectors would look for repeat failures to meet an LCO or its associated Actions or forced action statement entries. However, the proposed wording does not identify what would constitute an adverse trend.

3. Section

Page 13, Section 03.03, subsection b (2), "The licensee's periodic safety culture assessment should be reviewed from the PI&R perspective to ascertain the adequacy of the licensee's corrective actions to address the issues identified by the safety culture assessment."

Comment

This statement strongly implies that the licensee is required to treat findings from safety culture assessments as conditions adverse to quality and to address them in the licensee's 10 CFR 50 Appendix B Corrective Action Program (CAP). To remove this implication, the term "corrective actions" should be changed to "actions." It should be clear that this review does not imply that the licensee is required or expected to use their CAP to address all issues identified by a safety culture assessment. Only those

RUG 1 - Comments on Proposed Safety Culture Revisions
Manual Chapter 0612 and Inspection Procedure 71152

issues that represent a condition adverse to quality (or significant condition adverse to quality) are required to be addressed by the CAP. It is possible for a licensee to properly address non-CAQ issues identified in a safety culture assessment through other tracking mechanisms. Due to the visibility of items in the CAP, and the potential for issues of a proprietary, personal or confidential nature to be identified in assessments of safety culture, a licensee may determine that these items are more appropriately resolved through other means.

4. Section

Pages 13 and 14, subsection b(3)

Comment

The industry comments that were made in the public meeting strongly indicated that there are more differences between the levels of assessment addressed in this section than "who" is conducting the assessment. Additional discussion is needed on this topic to explain the differences in assessments.

5. Section

General Comment

Comment

The IP 95003 team has behavioral psychologists or similar personnel on the team. These individuals are described as highly trained and qualified to deal with behavioral issues (e.g., attitudes, perspectives, etc...). However, when the inspector utilizes the IP 95003 guidance to review a licensee periodic assessment or an NRC requested assessment he may not bring the same level of expertise, education, and training to the table. Therefore, the validity of an inspector's conclusions could be brought into question. If the guidance is good enough to allow the inspector to reach a perfectly valid conclusion, why does the IP 95003 inspection procedure guidance require the team to be supplemented with personnel who have training and qualifications beyond those of an inspector?

Manual Chapter 0612 Comments

1. Section

Page 1, Definition of a Cross Cutting Aspect

Comment

The phrase "most significant contributor" implies that every finding will have a cross cutting aspect assigned, if it is indicative of current performance. The cross cutting aspect should be a significant contributor, not just the highest ranked contributor. If the NRC's intent is to have 100% assignment of cross cutting aspects, it should be clearly stated in the Manual Chapter and the threshold for a substantive cross cutting issue must be raised or the concept of a substantive cross cutting issue based upon findings should be eliminated.

2. Section

Page 11, Note at top of page.

Comment

The logic for greater than green findings not being combined if they have the same cause, performance deficiency and cross cutting aspect requires an explanation. In such cases the findings are from the same event and are most likely the same and there is no net benefit from double counting other than setting the stage for a supplemental inspection.

3. Section

Page 3 -Section 0612-03, "*Definitions*" - Performance Deficiency - The second paragraph begins "If the performance deficiency has a cross-cutting aspect....".

Comment

This implies that not every performance deficiency has a cross-cutting aspect. It would enhance the definition by plainly stating that fact. Add the following sentence to the beginning of the subject paragraph. "Not every performance deficiency has a cross-cutting aspect. However, if the performance deficiency has a cross-cutting aspect,"

4. Section

RUG 1 - Comments on Proposed Safety Culture Revisions
Manual Chapter 0612 and Inspection Procedure 71152

Page 6 - Section 05.03, "*Screen for Greater than Minor*"

Comment

The industry ROPTF has provided a white paper for suggested improvements to this process. Those improvements should be considered and pursued as part of this revision.

5. Section

Page 7 - Section 05.05, "*Analyze for Cross-Cutting Aspects*"

Comment

The first sentence of the first paragraph should be changed to read, "*Use the guidance in Section 5 of MC0612 Appendix B to assess the cause(s) of the performance deficiency and to identify if a cross-cutting aspect should be assigned.*"

6. Section

Page 8, Section 05.05, "*Analyze for Cross-Cutting Aspects*"

Comment

Since the guidance for determining whether a cross-cutting aspect should be assigned is in Appendix B, the first two paragraphs should be removed altogether or at least relocated to Section 5 of Appendix B. They add no value to this section.

6. Section

Page 9 - Section 06.01, "*Inspectable Area*" Item f

Comment

Waiting until the next exit meeting to notify the licensee of a change in the cross cutting aspect assignment is unacceptable. The Branch Chief should be required to immediately contact senior licensee management to explain why the cross cutting aspect was changed with a prompt follow-up in writing.

7. Section

Appendix B, Page B-6, Section 5, "*Screen for Cross-Cutting Aspects*"

RUG 1 - Comments on Proposed Safety Culture Revisions
Manual Chapter 0612 and Inspection Procedure 71152

Comment

Subsection "a." strongly implies that there will be at least one cross-cutting aspect that is a significant contributor to the performance deficiency. After the 2nd sentence: "Refer to the guidance in IMC 0305, section 06.07," add the following :

"There may not necessarily be a cross-cutting aspect that provides insight regarding the cause of the performance deficiency. In this case, no cross-cutting aspect should be assigned. In most cases, there should typically be no more than one principal cause and, possibly, one cross-cutting aspect. However, on rare occasions..."

8. Section

Appendix B, Page B-7, Section 5, Screen for Cross-Cutting Aspects"

Comment

Subsection "b(1)" provides general questions to assist in determining whether a significant contributor to a performance deficiency is (or is not) reflective of current performance. Current performance has been defined repeatedly in the development of the safety culture initiative as a two year period. This section should be revised to specify that two years is the period that represents current performance.