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STATE OF WASHINGTON
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RULES & DIR. BRANCH
US NRC

March 2, 2000

Chief
Rules and Directives Branch
Division of Administrative Services
Mail Stop: T-6 D-59
U.S. Nuclear Regulatory Commission
Washington, DC 20555-001

Nuclear Regulatory Commission:

This letter is being submitted in response to the Nuclear Regulatory Commission's (NRC) November 4, 1999 Federal Register notice which sought public comments for the proposed revisions to the NRC process for overseeing the safety performance of commercial nuclear power plants.

The Washington State Division of Radiation Protection has been reviewing the proposed oversight process and some of the comments made regarding the program. Washington's only commercial nuclear power plant was not involved in the pilot program and therefore some of the program's potential shortcomings were not readily evident to us. However, after reviewing comments made by other programs, particularly those of the State of New Jersey, we feel that there is a need for us to comment on this program.

The State of Washington would like to endorse the concerns voiced by Dr. Jill Lipoti of the New Jersey Department of Environmental Protection in her December 31, 1999 letter to the NRC regarding this program. In particular, we feel that the implementation of the oversight program should be delayed and the pilot program extended. The pilot program has not been given enough time to identify its weaknesses and evolve into a useful program. It will only be more difficult to correct problems once every plant in the country is included in the program.

We are concerned that the NRC has "lowered the bar" too far regarding its criteria for a "Green" Performance Indicator. It seems that some plants that previously were considered "marginal performers" now have almost entirely all "Green" Performance Indicators with only one or two "White" indicators. It seems hard to believe that the performance of these plants has improved that much since the implementation of the Pilot Program.



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Reduced oversight by the NRC may force State programs to increase their own involvement in facility operations to the extent that their charters permit. This may end up taxing the State programs beyond their resources, especially in states where the utility funds the State program. And, with deregulation looming larger on the horizon, utilities are continually trying to reduce costs, particularly if they don't directly relate to the generation of electricity and income.

These concerns are made even more acute with the recent announcement by the NRC that there will be a reduction in the number of Resident Inspectors at multi-unit sites. Increased reliance on the utility to accurately report their evaluation of the Performance Indicators and on the Resident Inspectors' observations while simultaneously reducing the number of Resident Inspectors seems to be a perilously giant leap, and not necessarily in the right direction.

We also have concerns about the NRC de-emphasizing the utility's attention to problems in non-safety related areas (treating Severity Level IV violations as non-cited violations). We feel that utilities will place a much lower priority in attending to problems in non-safety related systems since they will no longer be subject to as much NRC scrutiny of recurring problems in these areas. These can become weaknesses in the foundation of the overall QA program. Good performers will take care of these problems without any outside pressure while lesser performers may let these weak spots grow. The fear is that these will eventually spread into the foundation of the overall safety culture.

In conclusion, we would request that the NRC re-examine its timetable for implementation of the proposed oversight program. Extend the pilot program so that the final program has had a chance to evolve into a quality product.

Sincerely,



John L. Erickson, Director
Division of Radiation Protection
Washington State Department of Health

cc: NRC Commissioners
Paul Lohaus, Head, NRC Agreement States Program
Jill Lipoti, Ph.D., New Jersey Department of Environmental Protection
Bob Nichols, NRC State Liaison Officer
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