

April 12, 2001

U. S. Nuclear Regulatory Commission
Attn: Document Control Desk
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ULNRC-4446

Gentlemen:

**SUBMITTAL OF THE
STRATEGIC TEAMING AND RESOURCE SHARING (STARS)
Comments on the NRC's Reactor Oversight Process**

Docket Numbers: 50-483, 50-482, 50-498, 50-499, 50-275, 50-323, 50-445, 50-446,
50-528, 50-529, 50-530

On behalf of the licensees participating in the Strategic Teaming and Resource Sharing (STARS) alliance and the licensee for Palo Verde Nuclear Generating Stations, the comments below are being provided with regard to the NRC's Reactor Oversight Process (ROP) as solicited in the Federal Register (December 14, 2000, Volume 65, Number 241). The STARS group consists of the five plants operated by TXU Electric, AmerenUE, Wolf Creek Nuclear Operating Corporation, Pacific Gas and Electric Company and STP Nuclear Operating Company.

The preceding plants appreciate the opportunity to provide comments on the NRC's ROP and fully endorses the comments submitted by NEI on April 13, 2001.

The ROP has exhibited marked improvement over the former inspection and enforcement process. The process is more objective and scrutable with an increase in regulatory focus on risk significance and a reduction in unnecessary regulatory burden. Throughout the implementation and transitional period of the ROP, the NRC staff has endeavored to maintain strict adherence to the program as designed. These efforts to preserve the integrity of the process should yield more meaningful observations

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regarding the usability, effectiveness and consistency of the ROP for the first year of implementation. In addition, strict adherence to the ROP guidelines has generally provided for a more predictable and consistent characterization of inspection findings within an inspected area and, to a limited degree, from area to area across the spectrum of the inspection areas.

In approving implementation of the revised ROP and termination of the previous assessment process, the Systematic Assessment of Licensee Performance, the Commission noted that this action "will inevitably reveal issues that were not exposed in the pilot program. The [NRC] staff should anticipate that adjustments – perhaps significant adjustments – will be necessary as the program unfolds. As a result, there should be a continuing open dialogue with NRC licensees, other stakeholders, and staff, as issues are encountered."

In this light, we would like to note that, while an improvement, implementation of the ROP might have some unintended consequences as outlined below.

- There have been some recent, isolated instances where information and products were issued by the staff without providing stakeholders the opportunity to comment. This practice has the possibility of producing policy with more unintended consequences and implementation issues than would otherwise be created if they were reviewed by stakeholders. As stated above, one of the strengths of the new process is the open communications and discussions fostered by the program.
- The Mitigating Systems performance indicator (PI) metric measures only unavailability and is not a balance of unavailability and reliability. This could promote a philosophy of not performing preventive maintenance when appropriate to avoid taking unavailability hours. This is contrary to the goals of the Maintenance Rule and the ROP.
- The new process increases regulatory burden in the area of Allowed Outage times (AOT). For example, a plant with approved AOTs (part of their licensing basis) may conduct maintenance on Mitigating System components in accordance with these AOTs with resultant unavailability values that constitute white performance indicator values. This overly restrictive threshold could cost a plant extra inspection hours and the burden associated with those inspections. Thus, although there is no technical basis for the PI threshold, a plant would be penalized for actions complying with their license condition – which was obtained by demonstrating adequate protection to the health and safety of the general public. This situation is exacerbated for plants with approved, extended AOTs.
- The current ALARA SDP equates the accuracy of ALARA job planning dose estimates directly to safety and safety significance. In fact, the ALARA job

planning dose estimates are only one of many tools licensees use to minimize collective doses, and typically the dose estimates are set low to encourage proper worker behaviors. As such, improperly focusing on the accuracy of the ALARA job planning dose estimate could be perceived as creating an unintended disincentive to ALARA planning goals. Accordingly, we support their revision of the ALARA SDP along the framework developed at the March 26 Public Workshop on the Reactor Oversight Process. At the workshop, it was agreed in principle that consideration be given to basing the SDP on "unintended collective dose" to establish the risk significance.

- Significantly more assessment inputs (PIs and inspection findings) have been grouped into the Reactor Safety strategic performance area, than in either the Radiation Safety or Safeguards strategic performance areas. Considering the problems with the Mitigating Systems PIs (e.g., handling of fault exposure hours, AOTs), and the sheer number of opportunities for non-green inputs in the four cornerstones making up the Reactor Safety strategic performance area, it appears inappropriate for the NRC to take the specified Action Matrix Column 3 response based on three white inputs in this strategic performance area. It is recommended that the NRC eliminate the "3 White Inputs within a Strategic Performance Area" and change the "2 White inputs within an individual Cornerstone" to "2 White inputs within an individual Cornerstone (3 White inputs for the Mitigating Systems cornerstone)".

The issues discussed above are examples only and are not intended to represent the full scope of unintended consequences identified during the first year of the ROP. In addition, it is unrealistic to expect that after the first year, no further unintended consequence issues will be identified. It is therefore recommended that the NRC and NEI jointly develop a continuing process to identify and correct these and any other unintended consequences that are subsequently identified. While the NRC has been resolving problems on a case-by-case basis, it appears prudent to leave a permanent program in place to ensure any unintended consequence situation will be addressed/resolved in a public forum.

Sincerely,



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Integrated Regulatory Affairs Group
Strategic Teaming and Resource Sharing (STARS)

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