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# STATE OF ILLINOIS DEPARTMENT OF NUCLEAR SAFETY

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George H. Ryan  
Governor



Thomas W. Ortziger  
Director

June 4, 2001

Mr. David Meyer  
Chief, Rules and Directives Branch  
Office of Administration  
Mail Stop T6D59  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

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Rules and Directives Branch  
USNRC

Dear Mr. Meyer:

The Illinois Department of Nuclear Safety (IDNS) appreciates the opportunity to make comments on the first year of implementation of the revised reactor oversight process (RROP). IDNS has experience with the new program through the agency's resident inspection program, performed under a memorandum of understanding with the Nuclear Regulatory Commission (NRC). IDNS staff also have filled roles on initial program panels, in workshops, and other public forums. We believe that the revised program was much needed, and is a major improvement over the previous Systematic Assessment of Licensee Performance program. IDNS acknowledges the high level of effort by the NRC staff, the industry, and other participants in developing the program.

Attached are answers to the questions provided in the comment solicitation. To summarize, we believe that the program improves the reactor assessment process by providing a more direct safety and risk focus. It also lends a more disciplined approach to the regulatory function. IDNS notes, however, regarding the strategic goals, that the NRC received considerable industry input on the goal to reduce unnecessary regulatory burden. Emphasis and input was much less for another strategic goal, maintaining public confidence. The public's reaction, and the licensee's flawed emergency response to the Indian Point event, are the most dramatic recent examples demonstrating that a balance needs to be maintained between strategic goals.

IDNS acknowledges that the key element of the revised program is the problem identification and resolution program. We also think that the leading indicators of deteriorating performance in the years to come will reside in what we are now calling the cross-cutting issues. We are not convinced that inspections or existing performance

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Mr. David Meyer

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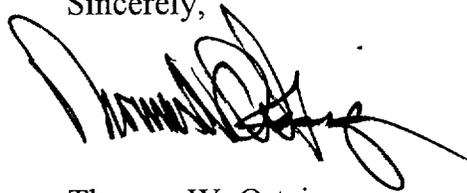
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indicators can be relied on to identify human performance problems. IDNS believes strongly that a method of trending findings in key cross-cutting areas is critical to the long-term success of the program. To not do so, risks a loss of public confidence. The emphases today on a relatively new program will not be the same in ten, even five years from now, as the business environment changes.

Recent developments indicate that emphasis is moving away from the cross-cutting issues. Heard at a recent workshop was that "developing performance indicators was too hard given the circumstances." Detail is to be removed from inspection reports as part of a revised inspection report manual chapter. It is being proposed that the PI&R inspection be reduced from annual to biannual. All these efforts reduce the availability of information available to an informed public to assess the performance direction of a licensee.

Again, IDNS appreciates the opportunity to submit these comments on a reformation program of vital importance to public health and safety. Should you have any questions about these comments, please call Mr. Gary Wright of my staff at (217) 785-9851.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas W. Ortziger', with a large, sweeping flourish extending to the right.

Thomas W. Ortziger  
Director

TWO:sld

Attachment

**Request for Public Comment  
on the First Year of Initial Implementation  
of the Reactor Oversight Process (ROP)**

I. Questions related to the efficacy of the overall process (As appropriate, please provide specific examples and suggestions for improvement.):

1. Does the ROP provide adequate assurance that plants are being operated safely?

Yes, we think adequate assurance still is provided. But we are not certain what metrics of the revised program measure where the line is crossed from adequate assurance to inadequate assurance. IDNS notes that the level of subjectivity in the former assessment process did add value in raising the level of licensee management attention to certain issues. Some of that added value is sacrificed in the revised program. So while we think that adequate protection is still provided, only time will tell if a high level of operational safety performance can be sustained in a deregulated business environment over the long term. Is adequate assurance provided up to the point where the action matrix determines that a plant should be shutdown? We don't know.

2. Does the ROP provide sufficient regulatory attention to utilities with performance problems?

If performance problems are defined as being outside the GREEN band, then yes, adequate attention is being paid. This pre-supposes, however, that all performance problems are being identified and measured by the revised program. Not all performance problems are readily measurable by the SDP (non-color findings). It is yet to be shown that all cross-cutting issues that could lead to performance problems will be identified and resolved by the corrective action portion of the revised program.

3. Does the ROP reduce unnecessary regulatory burden on licensees?

It does because it better focuses on risk-significant issues. However, there still are risk models of various quality. Risk information upon which various decisions are being made are not being effectively communicated to the public in plain easily understood language.

4. Does the ROP improve the efficiency, effectiveness, and realism of the regulatory process, focusing NRC resources on those issues with the most safety significance?

Yes, for the most part, because it is more objective. It is a big improvement over the reliance on subjectivity from the old SALP process. It also provides more structure for inspectors to follow.

However, as noted above, we are not sure that some subjectivity outside the significance determination process doesn't add some value to safety. Especially in the cross-cutting issues areas that are not being measured or trended objectively.

5. Has the public information associated with the ROP been appropriate to keep the public informed, in a timely and understandable fashion, of NRC activities related to plant safety? (Examples: NRC plant performance web page, Plant Performance Indicators, NRC Inspection Reports, Assessment Letters, ROP guidance documents and implementation procedures, the NRC ROP web-site, press releases)

Yes, the process is more scrutable by stakeholders. It provides performance information in a structured manner, is easily accessible on the web-site, and is color-coded and more easily understood.

5. Does the ROP increase the predictability, consistency, clarity and objectivity of the NRC's oversight activities?

Yes.

6. Has the public been afforded adequate opportunity to provide input/comments and involvement in the ROP development process?

Yes, it has been a very open process for which the NRC should be commended.

7. Has NRC been responsive to input/comments provided by the public regarding the ROP development process?

If responsive means that the NRC considered comments and decided against them for various reasons, we don't know. There is not a feedback mechanism that accomplishes this. In comments to SECY 99-007 submitted on February 22, 1999, IDNS recommended:

- That current plant specific state-of-the-art PRAs be required of licensees to provide a consistent basis for risk-informed programs. In addition, providing plant performance indicator data also is voluntary.
- That all licensee EP drills using qualified personnel be inspected and evaluated in the same manner as graded exercises.

- That additional PIs be evaluated to measure the reliability of key emergency response equipment. Only sirens are measured.
  - That a separate cornerstone or PI be considered for cross-cutting issues. A cornerstone was not developed, and it was said at a recent workshop that developing a PI is too difficult.
  - In other public forums, IDNS recommended development of a steam generator tube integrity PI.
8. Please provide any additional (brief) information or issues related to the reactor oversight process.

In the Indian Point event, a steam generator tube rupture bypassed the containment, and had the potential to release radioactive material to the public. The event was not foreseen or prevented by the RROP. Technically and radiologically, the event was understood, previously analyzed, properly handled and did not release much radioactive material to the public. However, it became a public relations problem for the licensee and the NRC. Within the four NRC strategic goals, the agency is getting plenty of suggestions on how to reduce unnecessary regulatory burden. The agency must ensure that this goal doesn't over-shadow the goal of maintaining public trust.

II. Questions related to specific ROP program areas (As appropriate, please provide specific examples and suggestions for improvement.):

1. Do the performance indicators or other aspects of the ROP create unintended consequences? (Please comment on the potential of unintended consequences associated with the counting of manual scrams in the Initiating Event Cornerstone Performance Indicators.)

The scram indicator is the most holistic of the indicators. It tells a lot about the ability of a licensee to operate a NPP, both in terms of equipment operation and human performance. Regardless of how one approaches the question, there is adequate reasoning and logic for counting all scrams from power, unless part of a normal shutdown evolution. IDNS doesn't think an operator will fail to scram a reactor because it will have a deleterious effect on a performance indicator. A greater deterrent will be not to scram it for production reasons. So another way is needed to measure operator judgement and performance (a cross-cutting issue).

2. Do any aspects of the ROP inappropriately increase regulatory burden? (Please comment on any unnecessary overlap between ROP reporting requirements with those associated with INPO, WANO, or the Maintenance Rule.)

No comment.

3. Is the Significance Determination Process (SDP) usable and does it produce consistent and accurate results?

It is usable and produces consistent results. However, it has one glaring weakness. It treats each input individually. A dozen inspection findings may each be of very low safety significance, but when looked at more holistically, they may not be "very" low anymore. There are examples of inspection reports that contain numerous examples of findings or observations, all of which individually screen Green. However, considered collectively, may no longer be of very low safety significance. IDNS believes there needs to be a way for the interested public to trend key elements of deteriorating licensee performance, either through inspection reports or performance indicators.

4. Are there areas of unnecessary overlap between the inspection program and the performance indicators?

No comments.

5. Does the ROP assessment program provide timely, consistent, and relevant assessment information?

Timely and consistent, yes. Relevance, particularly with PIs and cross-cutting issues, requires long term monitoring.

6. Has the NRC implemented the ROP as defined by program documents?

Yes.

7. Please provide any additional (brief) information or comments on other program areas related to the reactor oversight process. Other areas of interest may be: the treatment of cross-cutting issues in the ROP, the risk-based evaluation process associated with determining event response, and the reduced subjectivity and elevated threshold for documenting issues in inspection reports.

Cross-cutting issues:

The RROP doesn't trend cross-cutting issues that have proven in the past to have a dramatic influence on plant safety performance. In the past, they were dealt with subjectively because there was not a process for measuring them objectively. The key element in the new program is an effective PI&R program. We believe trending of key PI&R items is important, and that most licensees are

already doing so. If performance indicators are too difficult to develop, then IDNS thinks the PI&R inspection process needs to be made more rigorous, not less. PI&R inspections need to be more frequent, not less. Inspection reports need to contain more detail, not less.

Inspection report thresholds: We believe the thresholds should remain low for inspection observations and findings. We have observed several inspection reports, one a baseline PI&R inspection, that had numerous observations or NCVs that individually were rated very low safety significance. As NCVs are not aggregated or trended, we question whether collectively they remained of very low safety significance. The NRC and licensee's need early warning that they are heading for trouble, and the process should be scrutable to the public.