
EXECUTIVE SUMMARY

The Reactor Oversight Process (ROP) self-assessment program evaluates the overall success of the ROP being objective, risk-informed, understandable, and predictable as well as its success in meeting the agency's performance goals of maintaining safety; protection of the environment and the common defense and security; increasing public confidence; making NRC activities and decisions more effective, efficient, and realistic; and reducing unnecessary regulatory burden on stakeholders. On a periodic basis, the self-assessment program collects information from various sources, including the Reactor Program System (RPS), the inspection program, the ROP performance indicator (PI) program, additional industry level PIs, periodic independent audits, stakeholder surveys, and public comment. Based on this information, an assessment of ROP success in the programmatic areas of PIs, inspection program, significance determination process, and assessment is performed. In addition, an assessment of overall ROP efficacy will be made and recommendations for improvement will be developed.

This report focuses on those self-assessment questions associated with the overall ROP. Due to the lack of historical data, in depth analysis is not possible at this time. However, where appropriate, some conclusions were reached.

While it may be too early to draw absolute inferences, positive responses from external and internal stakeholders support the conclusion that the ROP is objective, understandable, and predictable. Some negative comments were provided by internal and external stakeholders. These will be used to focus ROP enhancement efforts in these areas.

Positive responses from most external and internal stakeholders support the conclusion that the ROP is risk-informed. However, negative comments from some stakeholders point to areas for improvement. Specifically, the safeguards and as low as reasonable achievable (ALARA) SDP, the reactor safety SDP Phase II worksheets, and inspection finding screening guidance.

It is too early to draw accurate conclusions regarding the ROP's capabilities of maintaining safety. Responses from external stakeholders provided conflicting perspectives and, while most internal stakeholders responded positively to most questions, some responses indicated an internal perception that indicates some of the staff remain skeptical. This may be due to the newness of the ROP and the resultant lack of data from which respondents could draw conclusions. It should be noted that both the review of accident sequence precursor (ASP) events and one augmented inspection team (AIT) did not identify any major programmatic weaknesses; however, this finding is based on a limited amount of data.

Positive responses from most external and internal stakeholders and the analysis of resource expenditures correlated to the action matrix support the conclusion that the ROP is efficient, effective, and realistic. However, negative comments from some stakeholders point to areas for improvement. Specifically, inspection activities associated with the radiation protection, physical security, corrective action programs, and safety system design inspection areas will be reviewed to ensure optimum usage of NRC resources. The time needed to evaluate non-green inspection findings will be assessed to determine if improvements can be made or efficiencies gained.

Data is insufficient to determine if the ROP will enhance public confidence. However, the level of positive response from internal and external stakeholders appears to support that conclusion.

Positive responses from most external and internal stakeholders support the conclusion that the ROP does reduce unnecessary regulatory burden. However, comments from some stakeholders point to areas for improvement, specifically, the unavailability performance indicators, the ALARA inspection, and SDP.

OBJECTIVE

OO1 Stakeholder perspective on whether the ROP is objective. Measured by:

OO1.a Annual Feedback from external stakeholders.

How: *Federal Register* Notice

Success: Trend of stable or increasing perception over time.

Lead: IIPB

Results: Industry stakeholders responded that the ROP increases the objectivity of the NRC's oversight activities. Other stakeholders did not respond to this question.

Other Areas: None

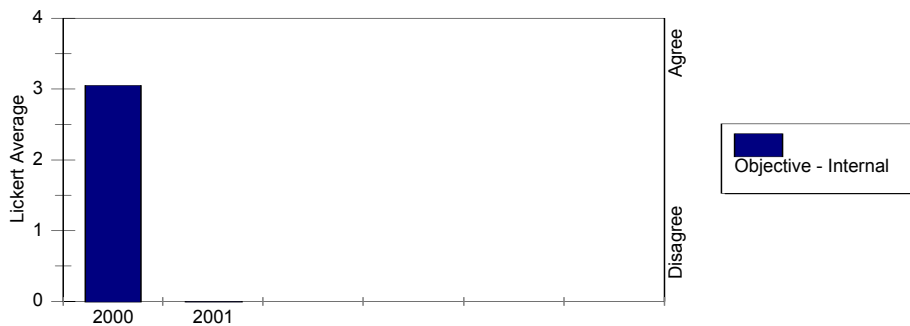
OBJECTIVE

OO1.b Annual Feedback from internal stakeholders.

How: Internal survey

Success: Trend of stable or increasing perception over time.

Lead: IIPB



Comments: During the Pilot Program, a similar internal survey question was asked. Qualitative review of the responses to that question indicates an increased positive perception.

Individual internal survey comments were both positive and negative in this area. Most negative comments focused on concerns with the guidance for determining minor violations. These concerns have been addressed with a recent revision to IMC 0610*.

Analysis: The overall positive response (>2.5) and the increased positive perception from the previous year indicate a successful outcome.

Other Areas: None

Conclusions: While it may be too early to draw absolute inferences, positive responses from external and internal stakeholders support the conclusion that the ROP is objective.

RISK-INFORMED

RO1 Stakeholder perspective on whether the ROP is risk-informed. Measured by:

RO1.a Annual Feedback from external stakeholders.

How: *Federal Register* Notice

Success: Trend of stable or increasing perception over time.

Lead: IIPB

Results: This question was not directly asked, however, the responses associated with MO1.a can be extrapolated to this issue.

Other Areas: None

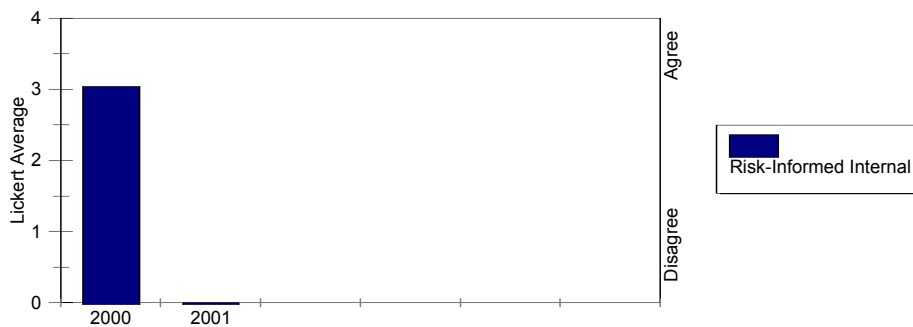
RISK-INFORMED

RO1b Annual Feedback from internal stakeholders.

How: Internal survey

Success: Trend of stable or increasing perception over time.

Lead: IIPB



Comments: A similar internal survey question was not asked during the Pilot Program.

Individual internal survey comments were both positive and negative in this area. Specific focus areas for improvement included the safeguards and ALARA SDP, the reactor safety SDP Phase II worksheets, and inspection finding screening guidance. Other negative comments focused on concerns that inspection activities associated with some areas of low risk significance and little safety benefit continue to receive attention under the new program.

Analysis: The overall positive response (>2.5) indicates a successful outcome.

Other Areas: None

Conclusions: While it may be too early to draw absolute inferences, positive responses from most external and internal stakeholders support the conclusion that the ROP is risk-informed. However, negative comments from some stakeholders point to areas for improvement. Specifically, the safeguards and ALARA SDP, the reactor safety SDP Phase II worksheets, and inspection finding screening guidance.

UNDERSTANDABLE

UO1 Stakeholder perspective on whether the ROP is understandable. Measured by:

UO1.a Annual Feedback from external stakeholders.

How: *Federal Register* Notice

Success: Trend of stable or increasing perception over time.

Lead: IIPB

Results: Industry believes the ROP increases the clarity of the NRC's oversight activities. Other stakeholders did not respond to this question.

Other Areas: Public Confidence

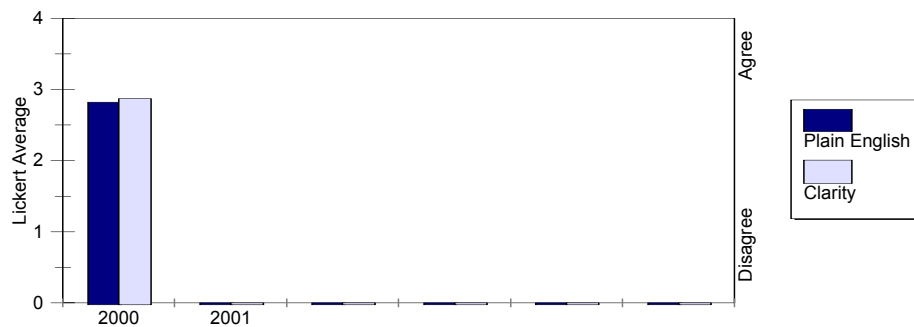
UNDERSTANDABLE

UO1b Annual Feedback from internal stakeholders.

How: Internal survey

Success: Trend of stable or increasing perception over time.

Lead: IIPB



Comments: During the Pilot Program, a similar internal survey question was asked. Qualitative review of the responses to that question indicates an increased positive perception.

Analysis: The overall positive response (>2.5) and the increased positive perception from the previous year indicate a successful outcome.

Individual internal survey comments were both positive and negative in this area. Negative comments may be a reflection of the negative response received regarding training.

Other Areas: Public Confidence

Conclusions: While it may be too early to draw absolute inferences, positive responses from external and internal stakeholders support the conclusion that the ROP is understandable.

PREDICTABLE

PO1 Stakeholder perspective on whether the ROP is predictable. Measured by:

PO1.a Annual Feedback from external stakeholders.

How: *Federal Register* Notice

Success: Trend of stable or increasing perception over time.

Lead: IIPB

Results: Industry believes the ROP increases the predictability and consistency of the NRC's oversight activities. Other stakeholders did not respond to this question.

Other Areas: Public confidence

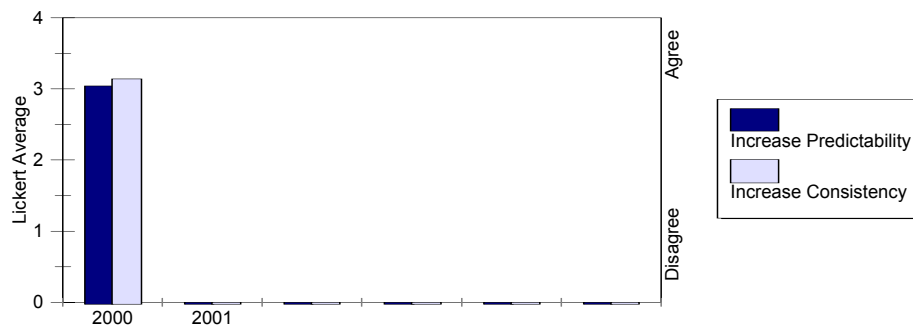
PREDICTABLE

PO1b Annual Feedback from internal stakeholders.

How: Internal survey

Success: Trend of stable or increasing perception over time.

Lead: IIPB



Comments: During the Pilot Program, a similar internal survey question was asked. Qualitative review of the responses to that question indicates an increased positive perception.

Individual internal survey comments were both positive and negative in this area. Negative comments may be a reflection of the negative response received regarding training.

Analysis: The overall positive response (>2.5) and the increased positive perception from the previous year indicate a successful outcome.

Other Areas: Public Confidence

Conclusions: While it may be too early to draw absolute inferences, positive responses from external and internal stakeholders support the conclusion that the ROP is predictable.

MAINTAINS SAFETY

MO1 Stakeholder perspective on whether the ROP maintains safety. Measured by:

MO1.a Annual Feedback from external stakeholders.

How: *Federal Register* Notice (FRN)

Success: Trend of stable or increasing perception over time.

Lead: IIPB

Results: The FRN asked two questions related to this issue:

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

The Nuclear Energy Institute (NEI) responded that the new ROP is ensuring safe reactor operation. However, the responding public and peer regulatory body do not fully agree. The State of New Jersey stated that the credibility of the performance indicator system is suspect (due to its sparse non-green performance indications), there are too few inspection hours allocated within the new ROP, relatively few non-green inspection findings are developed, and that a significant portion of “inspection findings” are licensee self-identified (a concern echoed by another respondent). EFMR Monitoring Group alone expressed a belief that onsite inspection and oversight had been reduced under the new ROP. The Union of Concerned Scientists (UCS) recommended that the staff study the correlation between inspection hours and the identification of inspection findings [to better focus the inspection component of the new ROP].

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

Industry responded that the new ROP provides sufficient regulatory attention to utilities with performance problems. UCS did not agree, citing a specific instance involving the red finding at Indian Point 2. The State of New Jersey responded that the attention paid to licensees with performance problems is too narrow.

Other Areas: Effective, Efficient & Realistic, Public Confidence

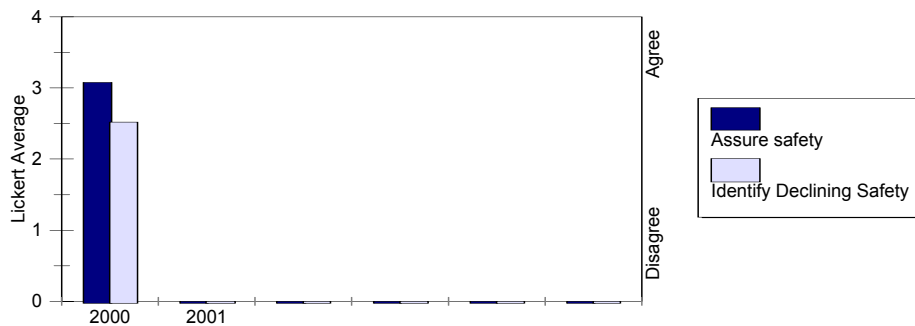
MAINTAINS SAFETY

MO1.b.1 Annual Feedback from internal stakeholders regarding assure safety and identifying declining safety.

How: Internal survey

Success: Trend of stable or increasing perception over time.

Lead: IIPB



Comments: During the Pilot Program, similar internal survey questions were asked. Qualitative review of the responses to those questions indicates an increased positive perception.

Individual internal survey comments focused on concerns with not documenting items of low risk significance which in the (opinion of the commenters) may be “predictors” of future poor performance.

Analysis: The overall positive response to the question of assuring safety (>2.5) and the increased positive perception from the previous year indicate a successful outcome. However, the response to identifying declining safety indicates an internal perception which is evenly divided. This may be due to the newness of the ROP and the resultant lack of data from which respondents could draw conclusions and continued concerns with the threshold for documenting and tracking issues of low safety significance.

Other Areas: Effective, Efficient & Realistic, Public Confidence

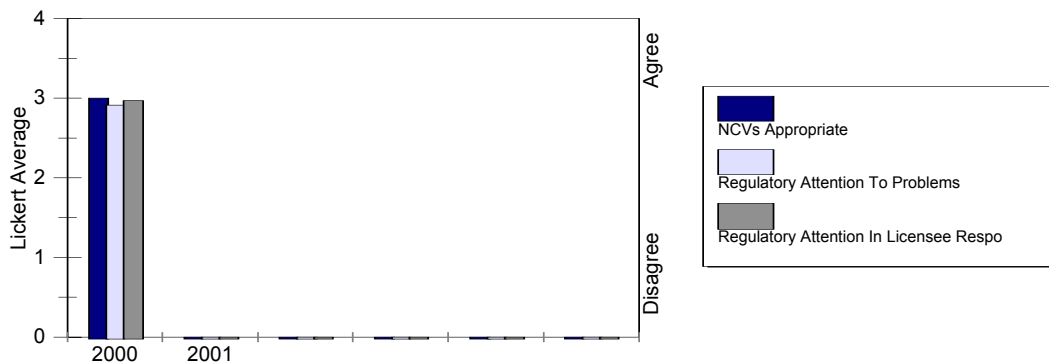
MAINTAINS SAFETY

MO1.b.2 Annual Feedback from internal stakeholders regarding regulatory attention to safety.

How: Internal survey

Success: Trend of stable or increasing perception over time.

Lead: IIPB



Comments: During the Pilot Program, similar internal survey questions were asked. Qualitative review of the responses to those questions indicates an increased positive perception.

Individual internal survey comments were both positive and negative.

Analysis: The overall positive response (>2.5) and the increased positive perception from the previous year indicate a successful outcome.

Other Areas: Effective, Efficient & Realistic, Public Confidence

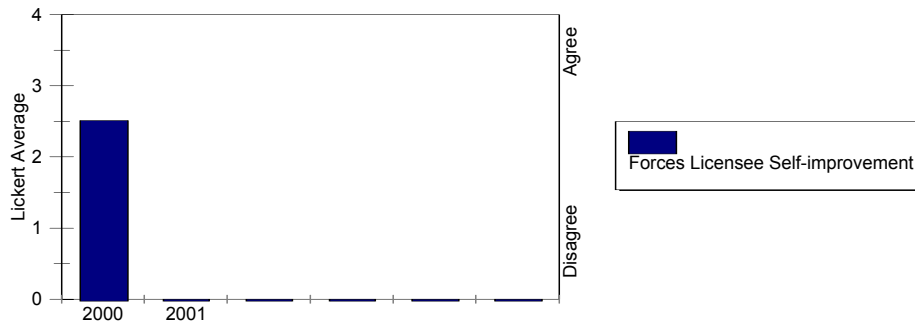
MAINTAINS SAFETY

MO1.b.3 Annual Feedback from internal stakeholders regarding licensee self-improvement.

How: Internal survey

Success: Trend of stable or increasing perception over time.

Lead: IIPB



Comments: A similar internal survey question was not asked during the Pilot Program.

Individual internal survey comments did not provide direct feedback in this area.

Analysis: The overall response to this question indicates an internal perception which is evenly divided. This may be due to the newness of the ROP and the resultant lack of data from which respondents could draw conclusions.

Other Areas: Effective, Efficient & Realistic, Public Confidence

MAINTAINS SAFETY

MO2 Events that occur do not reveal areas not covered or not appropriately treated by the process. Measured by:

MO2.a Review of IITs and AITs to collect lessons learned regarding ROP programmatic deficiencies (i.e., did the baseline inspection program inspect this area, did the SDP accurately characterize resultant findings, etc).

How: IITs already have the provision to determine NRC program deficiencies. AITs will be reviewed by IIPB to identify any weaknesses.

Success: No major programmatic voids.

Lead: IIPB

Results: Since there were no AITs after April 2, 2000, there is no associated metric information. However, the IP2 AIT, which preceded the above date, produced a significant agency lessons learned review, some of the action items from which involved changes to the inspection program for PWR steam generator in-service inspections. The Steam Generator Action Plan is documented in a memorandum dated November 16, 2000 (ADAMS Accession No. ML003770259).

Other Areas: Effective, Efficient & Realistic, Public Confidence

MAINTAINS SAFETY

MO2.b Review of all ASP events which are $> 10^{-6}$ risk significance to determine ROP programmatic voids (i.e., did the baseline inspection program inspect this area, did the SDP accurately characterize resultant findings, etc).

How: Annual review by RES.

Success: No major programmatic voids.

Lead: RES

Results: There were four greater-than-green SDP findings evaluated (Virgil C. Summer Nuclear Station, turbine -driven emergency feedwater, Indian Point Unit 2, steam generator tube rupture, Millstone Unit 2, turbine-driven auxiliary feed water pump unavailability, and Shearon Harris Unit 1, inoperable charging/safety injection pump C) for which an ASP analysis had been completed. No difference in color or significant difference in dominant risk contributors were found between the ASP and SDP results.

For one facility (Diablo Canyon, Unit 1), RES conducted an ASP evaluation of an extended loss of offsite power event (LER 275-2000-004-01). There was no SDP analysis for this case because it was an event occurrence, not the result of an inspection finding. The ASP conditional core damage probability (CCDP) for this event was estimated to be $1E-4$. The inspection report (IR-50-275/2000-09) made use of the licensee's estimate of the CCDP for this condition. The ASP findings were consistent with the licensee's estimate of the CCDP for this condition.

For five plants (Oconee Nuclear Station Unit 1, Salem Unit 2, Prairie Island Units 1&2, and Seabrook), with greater-than-green SDP findings, ASP analysis are not complete.

NOTE: This review covers the period of April 2, 2000 through March 31, 2001.

Other Areas: Effective, Efficient & Realistic

Conclusions: It is too early to draw accurate conclusions in this area. Responses from external stakeholders provided conflicting perspectives and, while most internal stakeholders responded positively to most questions, some responses indicated an internal perception which is evenly divided. This may be due to the newness of the ROP and the resultant lack of data from which respondents could draw conclusions. It should be noted that both the review of ASP events and one AIT did not identify any major programmatic weaknesses, however, this finding is based on a limited amount of data.

EFFICIENCY AND EFFECTIVENESS

EO1 Stakeholder perspective on whether the ROP is efficient. Measured by:

EO1.a Annual Feedback from external stakeholders.

How: *Federal Register* Notice

Success: Trend of stable or increasing perception over time.

Lead: IIPB

Results: NEI responded that the greatest improvement in inspection focus is in the reactor safety area, where the performance indicators and reactor SDP have permitted NRC and licensees to allocate resources based on safety significance. NEI also responded that the gains in inspection focus efficiency, effectiveness and realism have been less pronounced in the radiation protection, physical security and safety system design inspection areas. TVA commented that there appears to be an unwarranted increase in inspection hours in the area of radiation protection, and TVA and Entergy comment that the N+1 resident inspector policy leads to uneven routine inspection burden for single-unit facilities. Peer regulatory bodies, public interest groups and general members of the public did not respond directly to this question.

Other Areas: Maintain Safety

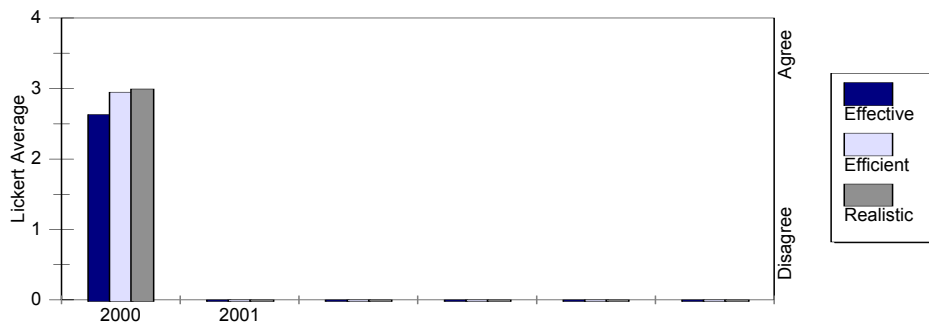
EFFICIENCY AND EFFECTIVENESS

EO1.b Annual Feedback from internal stakeholders.

How: Internal survey

Success: Trend of stable or increasing perception over time.

Lead: IIPB



Comments: During the Pilot Program, similar internal survey questions were asked. Qualitative review of the responses to those questions indicates an increased positive perception.

Individual internal survey comments were both positive and negative. Many negative comments focused on concerns with the timeliness of SDP outcomes and concerns with inspection activities in areas of low risk or safety significance.

Analysis: The overall positive response (>2.5) and the increased positive perception from the previous year indicate a successful outcome. However, timeliness issues associated with the SDP have been identified as an area for improvement.

EFFICIENCY AND EFFECTIVENESS

EO2 ROP results are timely. Measured by:

EO2.a Annual Feedback from external stakeholders.

How: *Federal Register* Notice

Success: Trend of stable or increasing perception over time.

Lead: IIPB

Results: The State of New Jersey was satisfied with inspection report issuing time of about a month. However, the State of New Jersey responded that non-green inspection findings take too long to assess, and the quarterly availability of performance indicator and inspection finding information makes the information less than current, making the new ROP a lagging assessment program. Industry was satisfied with the provision of assessment information relative to the previous SALP process, although they expressed a desire for inspection report information more frequently than quarterly. Public interest groups and general members of the public did not respond to this question.

Other Areas: Predictable, Enhance Public Confidence

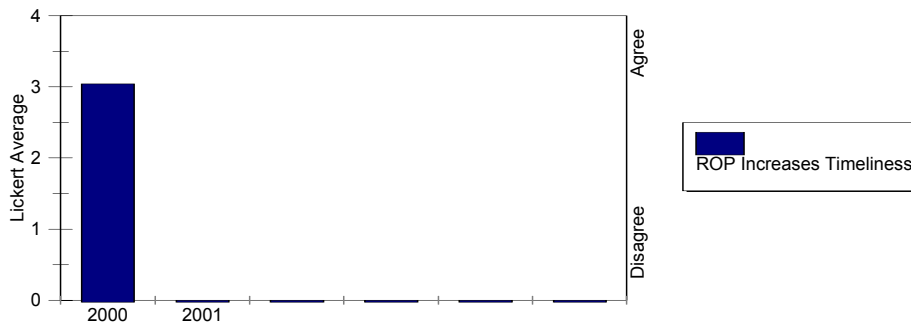
EFFICIENCY AND EFFECTIVENESS

EO2.b.1 Annual Feedback from internal stakeholders regarding ROP increases timeliness.

How: Internal survey

Success: Trend of stable or increasing perception over time.

Lead: IIPB



Comments: During the Pilot Program, similar internal survey questions were asked. Qualitative review of the responses to those questions indicates an increased positive perception.

Individual internal survey comments focused on concerns with the timeliness of SDP outcomes.

Analysis: The overall positive response (>2.5) and the increased positive perception from the previous year indicate a successful outcome. However, the timeliness of the SDP has been identified as an area for improvement.

Other Areas: Predictable, Enhance Public Confidence

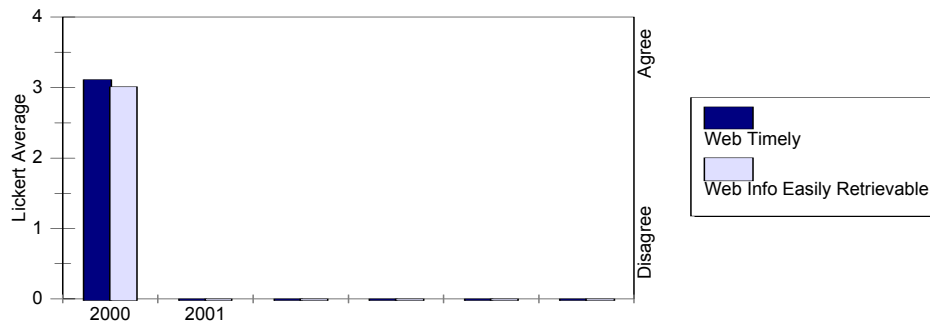
EFFICIENCY AND EFFECTIVENESS

EO2.b.2 Annual Feedback from internal stakeholders regarding Web timeliness and ease of retriability.

How: Internal survey

Success: Trend of stable or increasing perception over time.

Lead: IIPB



Comments: Similar internal survey questions were not asked during the Pilot Program.

Analysis: The overall positive response (>2.5) indicates a successful outcome.

Other Areas: Predictable, Enhance Public Confidence

EFFICIENCY AND EFFECTIVENESS

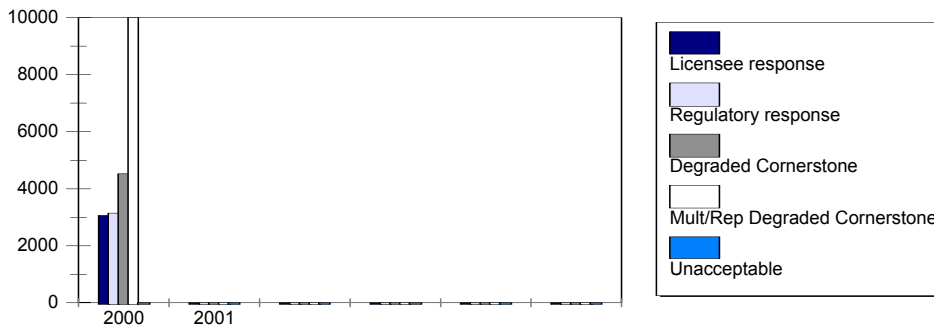
EO3 Resource expended are commensurate with licensee performance

EO3.a Correlating resources expended to action matrix column.

How: Use RPS data to compare inspection resources (beyond baseline?) expended to action matrix column by plant.

Success: Expended resources should increase as licensee performance (as noted by action matrix column) degrades. Establish baseline 1st year.

Lead: IIPB



Comments: Hours based on total hours (not just beyond baseline) from April 2, 2000 through March 10, 2001. Figures represent average hour per unit in each column. The location of each unit in the action matrix represents its most degraded condition during the report period. No units were in the Unacceptable column for the report period.

Analysis: The average hours per unit in the Regulatory Response band is slightly greater than for the Licensee Response band. The average hours per unit in the Degraded Cornerstone band is much larger than for the Regulatory Response band. The average hours per unit in the Multiple Degraded Cornerstone band is significantly greater than for the Degraded Cornerstone band. This indicates that expended resources increase as licensee performance (as noted by action matrix column) degrades.

Other Areas: Unnecessary Regulatory Burden

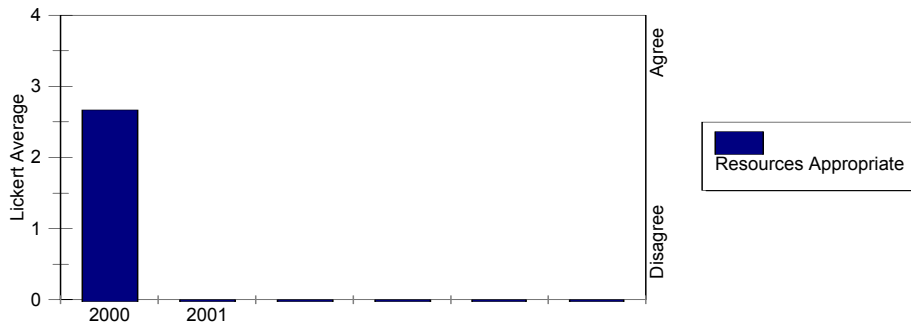
EFFICIENCY AND EFFECTIVENESS

EO3.b Annual Feedback from internal stakeholders regarding appropriateness of resources expended.

How: Internal survey

Success: Trend of stable or increasing perception over time.

Lead: IIPB



Comments: During the Pilot Program, a similar internal survey question was asked. Qualitative review of the responses to that question indicates an increased positive perception.

Analysis: The overall positive response (>2.5) and the increased positive perception from the previous year indicate a successful outcome.

Other Areas: Unnecessary Regulatory Burden

Conclusions: While it may be too early to draw absolute inferences, positive responses from most external and internal stakeholders and the analysis of resource expenditures correlated to the action matrix support the conclusion that the ROP is efficient, effective and realistic. However, negative comments from some stakeholders point to areas for improvement. Specifically, inspection activities associated with radiation protection, physical security, corrective action programs, and safety system design inspection areas should be reviewed to ensure optimum usage of NRC resources. The time needed to evaluate non-green inspection findings should be assessed to determine if improvements can be made or efficiencies gained.

ENHANCE PUBLIC CONFIDENCE

CO1 Stakeholder perspective on whether the ROP enhances public confidence.

Measured by:

CO1.a Annual Feedback from external stakeholders

How: *Federal Register* Notice (FRN)

Success: Trend of stable or increasing perception over time.

Lead: IIPB

Results: This question was not directly asked. However, statements made during public meetings and other venues provide a mixed response.

Other Areas: Effective, Efficient & Realistic

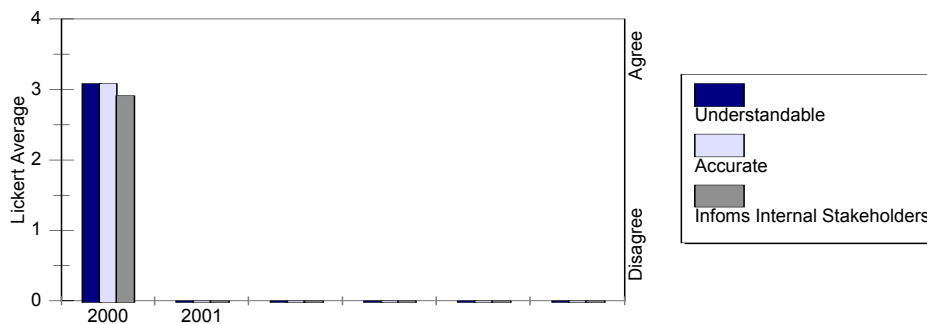
ENHANCE PUBLIC CONFIDENCE

CO1.b Annual Feedback from internal stakeholders regarding web page.

How: Internal survey

Success: Trend of stable or increasing perception over time.

Lead: IIPB



Comments: During the Pilot Program, similar internal survey questions were asked. Qualitative review of the responses to those questions indicates an increased positive perception.

Individual internal survey comments were both positive and negative. Some negative comments focused on concerns with not documenting issues of low risk or safety significance.

Analysis: The overall positive response (>2.5) and the increased positive perception from the previous year indicate a successful outcome.

Other Areas: Effective, Efficient & Realistic

ENHANCE PUBLIC CONFIDENCE

CO2 The public is afforded opportunities to be involved in the process. Measured by:

CO2.a The public perceives there are sufficient opportunities for involvement.

How: *Federal Register* Notice

Success: Positive responses or improving trend over time.

Lead: IIPB

Results: Although no respondent except EFMR Monitoring Group was critical of the NRC's overall outreach effort (EFMR commenting that, on the local level, the NRC has not been successful), a variety of respondents have suggestions on how better to conduct public meetings, obtain public and industry feedback on the ROP, and display information, choose content, and display inspection report results on the web pages. The State of Pennsylvania observed that the SDP is a complex and complicated process for the public to understand [and therefore the SDP is considered by the State of Pennsylvania to be a de facto barrier to public understanding of the regulatory process]. The State of Pennsylvania pointed out the potentially confusing dichotomy between licensee "Excellence" and the NRC's "Maintaining Safety" goals for members of the public. The State of New Jersey was critical of the difficulty it has had in putting the overall reactor licensee performance picture together under the new ROP.

Other Areas: None

ENHANCE PUBLIC CONFIDENCE

CO2.b The public perceives the NRC to be responsive to inputs/comments.

How: *Federal Register* Notice

Success: Positive responses or improving trend over time.

Lead: IIPB

Results: Industry responded that the NRC has been responsive to input by the public during the ROP development process. The State of New Jersey responded that its numerous comments have had little impact on the ROP development process. Public interest groups and general members of the public did not respond directly to this question.

Other Areas: None

ENHANCE PUBLIC CONFIDENCE

CO3 Stakeholder Perception that ROP was Implemented as Defined

CO3.a Annual Feedback from external stakeholders

How: *Federal Register* Notice

Success: Trend of stable or increasing perception over time.

Lead: IIPB

Results: NEI stated that the NRC is following the action matrix without exception, and in general appears to be following its new process procedures. However, they pointed out inconsistencies across the NRC regions. In part this is due to the process being only a year old, and the fact that not all aspects of the program have been exercised as yet. Strategic Teaming and Resource Sharing (STARS) (representing TXU Electric, AmerenUE, Wolf Creek Nuclear Operating Corporation, Pacific Gas and Electric Company, and STP Nuclear Operating Company) commented that throughout the pilot and full implementation periods, the staff had endeavored to maintain strict adherence to the program as designed. Peer regulatory bodies, individual licensees, public interest groups, and general members of the public did not respond directly to this question.

Other Areas: None

Conclusions: Data is insufficient to determine if the ROP will enhance public confidence. However, the level of positive response from internal and external stakeholders appears to support that conclusion.

REDUCES UNNECESSARY REGULATORY BURDEN

BO1 Stakeholder perspective on whether the ROP reduces unnecessary regulatory burden. Measured by:

BO1.a Annual Feedback from external stakeholders

How: *Federal Register* Notice

Success: Trend of stable or increasing perception over time.

Lead: IIPB

Results: All respondents commented that regulatory burden has decreased overall, and, at worse, only increased appropriately in narrow areas (e.g., performance indicator reporting). Industry had numerous suggestions for decreasing regulatory burden further.

Non-industry respondents commented that the regulatory burden associated with PI reporting requirements is appropriate. NEI stated that overall regulatory burden has decreased under the new ROP. All industry respondents recommend early integration of WANO, INPO, Maintenance Rule and NRC PI information reporting requirements. NEI and Rochester Gas and Electric suggest decreasing regulatory burden by reducing PI inspection effort, and offered a number of other specific suggestions targeted at reducing current regulatory burden under the new ROP. TVA pointed out that previously SALP 1 reactor plants may have experienced an increase in regulatory burden under the new ROP. UCS stated (without elaboration) that necessary regulatory burden may have been reduced as an unintended consequence of reducing unnecessary regulatory burden. The State of Pennsylvania stated that some members of the public continue to be skeptical of the idea of “reducing regulatory burden” on licensees.

Other Areas: None

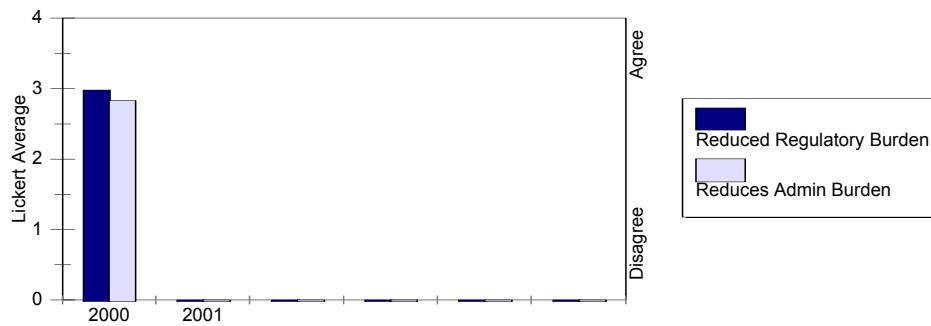
REDUCES UNNECESSARY REGULATORY BURDEN

BO1.b Annual Feedback from internal stakeholders.

How: Internal survey

Success: Trend of stable or increasing perception over time

Lead: IIPB



Comments: During the Pilot Program, similar internal survey questions were asked. Qualitative review of the responses to those questions indicates an increased positive perception.

Analysis: The overall positive response (>2.5) and the increased positive perception from the previous year indicate a successful outcome.

Other Areas: None

REDUCES UNNECESSARY REGULATORY BURDEN

BO2 Does Not Result in Unintended Consequences. Measured by:

BO2.a Annual Feedback from external stakeholders.

How: *Federal Register* Notice

Success: Trend of stable or increasing perception over time.

Lead: IIPB

Results: NEI commented that increased regulatory oversight of planned unavailability of equipment can have a number of unintended consequences, stating that it is important that plants not be unwisely penalized for taking appropriate actions to operate their plants in a safe and economic fashion (e.g. conducting unplanned mitigating system unavailability). STARS commented that the Mitigating Systems performance indicator measures only unavailability and is not a balance between unavailability and reliability. In a related vein, STARS commented that maintenance on mitigating systems during licensing basis approved allowed outage times (AOTs) may result in white PI values and additional inspections, even though the AOT was obtained by demonstrating adequate protection to the health and safety of the general public. Lastly, STARS takes exception to the current ALARA SDP equating the accuracy of ALARA job planning dose estimates directly to safety and safety significance (since the dose estimates are set low to encourage proper worker behaviors). This can be perceived as creating an unintended disincentive to ALARA planning goals. TVA commented that the experiences with the treatment of estimated fault exposure time ($t/2$ time) have shown that this metric can arbitrarily raise the regulatory significance of certain issues. Entergy had six specific comments, the most salient of which was that the NRC PI for safety_system unavailability may encourage more stacking of system maintenance during online maintenance (in order to manage the indicator) than might be appropriate from a risk perspective. The State of New Jersey responded that, unfortunately [in its opinion], the ROP is becoming a two tiered system: plants that are all green and plants that are not all green. Licensees focus great effort on getting non-green findings reduced in color. The State of New Jersey responded that the unintended consequence is that plant owners will do everything possible to eliminate any performance indicators or change inspection findings that are not green, and that minimizes the role of the inspectors in the process.

Other Areas: Maintain Safety

Conclusions: While it may be too early to draw absolute inferences, positive responses from most external and internal stakeholders support the conclusion that the ROP does reduce unnecessary regulatory burden. However, comments from some stakeholders point to areas for improvement, specifically, the unavailability performance indicators and the ALARA inspection and SDP.