

From: "Wright, Gary" <Wright@idns.state.il.us>
To: "nrcprep@nrc.gov" <nrcprep@nrc.gov>
Date: Mon, Jan 7, 2002 3:22 PM
Subject: IDNS Comments on the ROP

11/21/01

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Attached are the IDNS comments on the Reactor Oversight Process. A signed letter, with attached comments, is being mailed to Mr. Michael T. Lesar today. Thank you for this opportunity to comment.

\<<RROPYR2ANSWERS.doc>>

CC: "Wright, Gary" <Wright@idns.state.il.us>

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January 4, 2002

Mr. Michael T. Lesar, Chief
Rules and Directives Branch
Office of Administration
Mail Stop T6-D59
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Mr. Lesar:

The Illinois Department of Nuclear Safety is pleased to respond to the Nuclear Regulatory Commission's (NRC's) request for comments on the first two years of implementation of the revised Reactor Oversight Process (ROP). Your request for comments as presented in the Federal Register Notice of November 21, 2001, listed 20 specific questions regarding stakeholder evaluation of the ROP. The department's response to those questions is attached.

As you may be aware, the department has stationed state resident inspectors at each of Illinois' six operating nuclear power stations, and department staff have been very active in participating in, and tracking the progress of, the revised ROP. We have been pleased with the degree of openness and receptivity to stakeholder input that NRC has displayed in the development and implementation of the revised ROP. We hope our response to your request for comment is helpful in further improving the revised ROP.

Sincerely,

Thomas W. Ortziger
Director

TWO:sld

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Attachment

Reactor Oversight Process Comments

1. Are the ROP oversight activities predictable (i.e., controlled by the process) and objective (i.e., based on supported facts, rather than relying on subjective judgement)?

Response: Yes. The ROP is well defined with a focus on risk and safety significance. The use of risk-informed inspection plans and the significance determination process make the ROP both predictable and objective. However, IDNS is concerned that the predictability of the process in the long term could be problematic if licensees focus their entire efforts on items they know will be inspected. That is one of the reasons the cross-cutting issues of problem identification and resolution and safety conscious work environment are so important.

2. Is the ROP risk-informed, in that the NRC's actions are graduated on the basis of increased significance?

Response: Yes. The inspection program and the evaluation of findings are risk-informed, and the significance of findings is directly coupled to the degree of NRC oversight. It is less clear how tightly coupled the performance indicators are to risk.

3. Is the ROP understandable and are the procedures and output products clear and written in plain English?

Response: Yes.

4. Does the ROP provide adequate assurance that plants are being operated and maintained safely?

Response: To date the answer is yes, since there have been no significant safety events since the inception of the ROP. However, IDNS is still somewhat skeptical due to the lack of site-specific, rigorous, and up-to-date Probabilistic Risk Assessments (PRAs) for all plants on which to evaluate risk. In addition, possible long-term effects from non-specific and/or insufficient oversight of the cross-cutting issues of human performance, safety conscious work environment, and problem identification and resolution, still remain a concern. We are also concerned that the thresholds used in the significance determination process are set too high, masking trends that could result in long term problems.

5. Does the ROP improve the efficiency, effectiveness, and realism of the regulatory

process?

Response: The efficiency of oversight is improved due to the reliance on measurable indicators, the focus of resources on safety significant items, and the reduction of subjectivity in the process. Realism also seems improved because of the focus on measurable factors. Improvement in effectiveness is less clear, primarily due to the inability to directly measure cross-cutting issues of human performance, safety culture, and problem identification and resolution. Additional time will be needed to instill confidence that these factors will manifest themselves through degradation in performance indicators or other measurable factors prior to significantly compromising safety.

6. Does the ROP enhance public confidence?

Response: Probably not. Based on attendance at local public meetings on the ROP and lack of access to the NRC web site since the September 11 event, the public at large is probably not aware of the significance of the ROP. However, the mechanisms of using color coding and an Internet web site are excellent communications devices if the public has access to the information and is interested.

7. Has the public been afforded adequate opportunity to participate in the ROP and to provide inputs and comments?

Response: Yes. The access provided by NRC during the development of the ROP was one of the most open and receptive we have seen. IDNS hopes that NRC continues to be as open to stakeholder participation in the future.

8. Has the NRC been responsive to public inputs and comments on the ROP?

Response: Yes. Based on comments we have submitted and observations made during evaluation panel meetings, IDNS believes that NRC has been very responsive to public and stakeholder comments.

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

Response: Yes, based on all observations by IDNS personnel to date.

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

Response: Yes, based on the observation that licensees no longer have to

spend time responding to, challenging, or remediating lower level issues.

11. Does the ROP result in unintended consequences?

Response: IDNS is not aware of any specific unintended consequences.

Questions Related to Specific ROP Program Areas

(As appropriate, please provide specific examples and suggestions for improvement.)

12. Does the ROP take appropriate actions to address performance issues for those licensees that fall outside of the Licensee Response Column of the Action Matrix?

Response: Yes, based on observations to date.

13. Is the information contained in assessment reports relevant, useful, and written in plain language?

Response: The information contained in the web site assessment reports was relevant, useful, and written in plain language when the web site was available. The present unavailability is quite frustrating to those who relied on it for a snapshot of plant health.

14. Is the information in the inspection reports useful to you?

Response: Yes. The reports provide information on cited and non-cited violations. However, observations on plant trends that do not reach the level of a finding are no longer included, making the reports less informative.

15. Does the Performance Indicator (PI) Program minimize the potential for licensees to take actions that adversely impact plant safety?

Response: IDNS believes that the PI program probably provides reduction in licensee actions that adversely impact plant safety, however, it is difficult to judge whether such actions have been minimized.

16. Does appropriate overlap exist between the Performance Indicator Program and the Inspection Program?

Response: The ROP provides a well thought out program providing sufficient overlap between Performance Indicators and inspections.

17. Do reporting conflicts exist, or is there unnecessary overlap between reporting requirements of the ROP and those associated with the Institute of Nuclear Power Operations, the World Association of Nuclear Operations, or the Maintenance Rule?

Response: No comment.

18. Does NEI 99-02, "Regulatory Assessment Performance Indicator Guideline," provide clear guidance regarding Performance Indicators?

Response: Yes, we believe it does. However, both NRC and the licensees are in a better position to judge.

19. Does the Significance Determination Process yield equivalent results for issues of similar significance in all ROP cornerstones?

Response: While there does appear to be a degree of equivalency, it is very difficult to judge because of the large variances in the issues being evaluated.

20. Please provide any additional information or comments on other program areas related to the Reactor Oversight Process. Other areas of interest may include 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.

Response: The department is aware that the revised ROP is still a work in progress and will require additional modification over the long term. As indicated above, the areas where we believe the ROP is weakest are:

Reliance on less than rigorous PRAs for risk assessment

Lack of specific indicators for the cross-cutting issues of human performance, safety culture, and most importantly, problem identification and resolution.