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Mr. Michael T. Lesar
Chief, Rules and Directives Branch
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Mr. Lesar:

COMMENTS ON THE REACTOR OVERSIGHT PROCESS

Virginia Electric and Power Company (Dominion) appreciates the opportunity to provide the following comments on the revised reactor oversight process as requested in the Federal Register, volume 66, number 225, page 58529, on November 21, 2001.

Dominion fully supports the comments submitted by the Nuclear Energy Institute (NEI) on December 21, 2001. In particular, a concerted effort is necessary to address the mitigating systems performance indicator. The inconsistency between NRC, WANO, EPIX, Maintenance Rule, and probabilistic risk assessments causes a great deal of unnecessary burden to plant personnel required to report data and needs to be addressed expeditiously.

Dominion has specific responses to the Federal Register Notice questions in the attachment.

If you would like further information, please contact either:

Mr. Jim Crossman jim_crossman@dom.com, or (540) 894-2110 or

Mr. Don Olson don_olson@dom.com, or (804) 273-2830

Respectfully,

S. P. Sarver, Director
Nuclear Licensing and Operations Support

Attachment

Template = ADM-013

E-RIDS = ADM-03

Att = M. J. Maley (MSM3)

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RESPONSE TO FEDERAL REGISTER NOTICE QUESTIONS

Questions related to the efficacy of the overall Reactor Oversight Process (ROP)

(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 judgment)?

NRC inspectors are utilizing the inspection procedure guidelines and are focusing almost exclusively on safety significant issues and systems. NRC inspection reports do not contain subjective comments or discussions of minor violations. NRC schedules have been maintained. Cross cutting issues for human performance and corrective action criteria are not well defined or understood. There is no closure mechanism for non-color cross cutting issues.

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

The process is risk informed and NRC response has reflected actions based on risk assessment of events and findings. An event involving a loss of emergency power and a reactor shutdown did not exceed the green-white risk threshold therefore additional NRC response beyond the resident inspector event investigation did not occur. Cross cutting issues are becoming an exception and may be opening up an area where subjectivity and inconsistency in NRC response can occur.

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

The ROP is understandable, the procedures easily accessible, and the inspection reports concise. Numerous opportunities have been provided to receive training on the process and provide feedback to the NRC and NEI on this process. The SDP process, phases 1 and 2, is complex and due to infrequent use is not a tool that is used by the licensee. Manual determinations of risk are bypassed in favor of using PRA group expertise. This appears to be the case for the NRC as well.

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

The ROP process verifies key licensee activities and is an adequate means of determining that licensees are operating plants safely. Some inspection areas such as RP receive more attention than needed. The rules for reducing inspection hours do not seem to be exercised at this juncture in the new process. There is overlap between the maintenance rule regulations and the ROP process.

(5) Does the ROP improve the efficiency, effectiveness, and realism of the regulatory process?

The ROP process has greatly improved both the effectiveness and the realism of the inspection process. There are now established criteria and a focus on truly risk significant issues. This has made the process more consistent and objective. The NRC response is more predictable. See question 2 response for one exception.

(6) Does the ROP enhance public confidence?

The public was very involved in the development of this process, which was a positive aspect of this new program. In any case, the majority of Americans approve of nuclear power. Public confidence would also be improved by more aggressive advertising of public meetings. Public confidence may be damaged by constant revisions to performance indicators that have no value added, i.e., reactor scram criteria.

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

See above comments.

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

Some members of the public have questioned the reliability of PRA models used to determine risk. The NRC and some utilities have been open and cooperative in explaining the use of these tools.

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

In general the program has been implemented by established guidelines. One supplemental inspection report went beyond an evaluation of the utility root cause evaluation (RCE) adequacy and addressed a finding based on an extent of condition evaluation. The finding was valid but should have been addressed in a different mechanism other than the supplemental inspection report.

(10) Does the ROP reduce unnecessary regulatory burden on licensees?

Some regulatory burden has occurred to administer the new program. Training must now evaluate emergency drill participants to provide data for the performance indicator (PI) on emergency drill participation. A slight increase in inspection hours actually occurred for the station under the new program. The utility and NRC PRA groups have had a significant increase in workload to support risk assessments

associated with this program. This is balanced by less NRC inspection and oversight activity if risk determinations fall below increased regulatory response levels. See also Question 15 response.

(11) Does the ROP result in unintended consequences?

In addition to comments from question 10, a burden has been placed on the Engineering staff that determines maintenance rule and WANO unavailability hours. Variations in reporting criteria create error likely situations in data reporting due to keeping two books. Also, there is no basis for the belief that the reactor scram criteria created unintended consequences by encouraging the reactor operators to continue to operate the unit to avoid a manual reactor trip.

Questions related to specific ROP program areas

(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?

The action matrix is appropriate for performance issues that exceed risk thresholds.

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

The assessment reports no longer contain subjective comments or discussion of minor, non-safety significant issues.

(14) Is the information in the inspection reports useful to you?

The information in the reports is more for the benefit of the public. Inspection results are made known to the licensees through inspection exit meetings and other communications with the NRC.

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

The PIs currently used do have some impact on licensee performance and planning and scheduling. The Maintenance rule regulations have already been effective in limiting mitigating systems unavailability. However, mitigating systems and security and emergency planning equipment issues are more closely scrutinized and equipment outages more carefully planned due to the NRC PIs. Managers are made aware of decreasing trends and factor that into their planning and training processes. Planning and scheduling has asked Station Licensing the impact on NRC PIs due to planned activities on several occasions.

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

In general, appropriate overlap exists between the PIs and the inspection program.

(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?

Licensee burden would be reduced in the area of tracking mitigating systems unavailability if M-rule, WANO, INPO, and NRC PI unavailability reporting criteria could be standardized. See answer to question 11.

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

In general the guidance is clear. Many FAQs have been generated to address plant specific design issues. Unplanned power change criteria, what constitutes a valid leak rate, and what constitutes acceptable operator action for equipment unavailability are some examples of items that have created some controversy. The process for obtaining clarification of guidance is not very efficient. It is expected that the resident inspector will first try to resolve any licensee questions but resident inspectors don't feel comfortable making these decisions so an FAQ always has to be submitted. FAQs have been handled in a fairly timely and efficient manner.

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

Some refinement is needed in this area. Few opportunities have occurred to exercise the SDP process but it seems as if non-reactor cornerstone events can yield more severe regulatory response than would seem reasonable. The fire protection SDP is confusing and has not been adequately revised.

(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.

The NRC should re-evaluate the periodicity of some RP and SSDI inspections.