STATE OF ARIZONA
Department of Emergency And Military Affairs
Division of Emergency Management
5636 EAST McDOWELL ROAD
PHOENIX, ARIZONA 85008-3495
(602) 244-0504 1-800-411-2336

JANET NAPOLITANO
GOVERNOR

THE ADJUTANT GENERAL
MAJOR GENERAL DAVID P. RATACZAK
DIRECTOR

11/13/03
68 FR 64374
(18)

December 12, 2003

RECEIVED
2003 DEC -5 AM 9:06
Rules and Directives Branch

Mr. Michael T. Lesar
Chief, Rules and Directives Branch
Office of Administration (Mail Stop: T6-D-59)
Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Mr. Lesar:

We appreciate the Nuclear Regulatory Commission's continuance to improve its approach to inspecting and assessing commercial nuclear reactors and enforcing regulations.

The following attached response addresses each question included in the NRC survey. A number of questions address areas that Palo Verde Nuclear Generating Station (PVNGS) and the government offsite preparedness staff are aware of, but have not actually seen implemented. Serious problems are required to trigger their implementation and PVNGS has not experienced those problems.

The Arizona Division of Emergency Management sustains positive working relationships with the staff of Maricopa County Department of Emergency Management, Arizona Radiation Regulatory Agency and Palo Verde Nuclear Generating Station. We maintain excellent lines of communication and when events do occur, we hear about issues well in advance of any contact from the NRC.

If you have further questions, please contact Ms. Karen Paulsen, Assistant Director at 602-231-6264.

Sincerely,

Louis B. Hammell, Deputy
for Mr. Frank F. Navarrete, Director
Arizona Division of Emergency Management

Enc:
CF: Mr. David Crozier, Palo Verde Nuclear Generating Station
Mr. William Wolfe, Palo Verde Nuclear Generating Station
Mr. Aubrey Godwin, Arizona Radiation Regulatory Agency
Mr. Robert Spencer, Maricopa County Department of Emergency Management

E-RFDS = ADM-03
All = M. Malloy (MS43)
R. Frahm (RKF)

Template = ADM-013

Questions related to specific Reactor Oversite Process (ROP) program areas

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

Undecided. There have always been programs in place to minimize the potential for licensees to take actions that adversely impact plant safety. The Performance Indicator program provides a simplified and more public method to review performance in certain cornerstone areas.

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

Yes. The Performance Indicator program and the Inspection Program work hand-in-hand on a continuing and periodic basis, respectively, to assess plant operation.

(3) 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 (NPO), the World Association of Nuclear Operations (WANO) or the Maintenance Rule?

Not observed to any significant extent at Palo Verde.

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

No. There appears to be room for interpretation with regard to a number of areas, including Alert and Notification, Drill Participation, etc. It is not clear if these are regional differences in interpretation or if the wording is less specific than needed.

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

Yes.

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

Not observed. While Palo Verde is aware of the process to evaluate the significance of serious events, the plant has not experienced an incident that would warrant the implementation of this procedure.

(7) Does the NRC take appropriate actions to address performance issues for those licensees outside of the Licensee Response Column of the Action Matrix?

Have observed some activity in this area, but still not enough to make a firm determination as to success in this area.

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

Yes.

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

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

Yes. They appear to reflect factual reviews the majority of the time; different inspectors do seem to interpret the evaluation criteria somewhat differently.

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

Yes, based on what has been seen to date.

(11) Is the ROP understandable and are the processes, procedures and products clear and written in plain English?

Yes.

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

Yes. It provides essentially the same assurance we have always had. Nothing new.

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

Not observed. Nothing dramatic has been seen.

(14) Does the ROB enhance public confidence?

Not observed. There is no indication that the public is really aware of this or any other oversight program. Nuclear power is not a hot issue in Arizona.

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

Yes. The public has been invited to all exit sessions. During 2003, two members of the public and one representative of the media attended.

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

Not observed.

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

Not completely observed. This is basically a plant document. While the licensee provides periodic updates on applicable issues, other then the publication of NUREG-1649, Rev. 3, July 2000 and the annual solicitation of public comments, little information has been provided to state and local government by the NRC with regard to the program.

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

Not observed.

(19) Does the ROP result in unintended consequences?

Not observed.

(20) Would you benefit if the NRC conducted a ROP Public Workshop in the future?

A workshop or briefing on the process by the NRC for state and local government staff would be beneficial.

(21) Please provide any additional information or comments on other program areas related to the Reactor Oversight Process.

While the performance measures reviewed in the Reactor Oversight Process are, no doubt, of value to the licensee, daily contact with plant staff and management has proven to be a much more valuable source of information. It is timelier; more detailed, and promotes regular communication and information sharing.