



Pennsylvania Department of Environmental Protection

RDB received 10/21/04

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December 13, 2004

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Chief, Rules and Directives Branch
Office of Administration (Mail Stop: T6-D59)
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

11/01/04
69FR 63411

(11)

RE: Comments on the Fifth Year of Implementation of
The New Reactor Oversight Process

Dear Mr. Lesar:

Enclosed are our comments on the fifth year of implementation of the new NRC Reactor Oversight Process (ROP). If you should have any questions or require further information regarding this submittal, please contact me at the above number.

I appreciate the opportunity to comment on the new ROP.

*This one - is
not missing
pages -
OK.*

Sincerely,

R. Janati

Rich Janati
Chief
Division of Nuclear Safety

Enclosure(s)

SISP Review Complete

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E-RIDS = ADM-03
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QUESTIONS

As previously discussed, we are asking for feedback under distinct time frames to enable us to trend your level of satisfaction. The questionnaire has been modified to benchmark the results. In responding to these questions, please consider your experiences using the NRC oversight process during initial implementation (first year of ROP) and current ROP implementation.

Shade in the circle that most applies to your experiences as follows:

1) very much 2) somewhat 3) neutral 4) somewhat less then needed 5) far less then needed

If there are experiences that are rated as unsatisfied, or if you have specific thoughts or concerns, please elaborate in the "Comments" section that follows the question and offer your opinion for possible improvements. If there are experiences or opinions that you would like to express that cannot be directly captured by the questions, document that in question number 20.

Questions related to specific ROP program areas

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

(1) Does the Performance Indicator Program promote plant safety?

	1	2	3	4	5
Initial ROP Implementation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Current ROP	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments:

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

	1	2	3	4	5
Initial ROP Implementation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Current ROP	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments:

(3) Is the reporting of PI data efficient?

	1	2	3	4	5
Initial ROP Implementation	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Current ROP	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments:

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

	1	2	3	4	5
Initial ROP Implementation	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Current ROP	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments:

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

	1	2	3	4	5
Initial ROP Implementation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Current ROP	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments:

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

	1	2	3	4	5
Initial ROP Implementation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Current ROP	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments:

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

	1	2	3	4	5
Initial ROP Implementation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Current ROP	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments:

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

	1	2	3	4	5
Initial ROP Implementation	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Current ROP	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments:

(12) Does the ROP provide adequate regulatory assurance when combined with other NRC regulatory processes that plants are being operated and maintained safely?

	1	2	3	4	5
Initial ROP Implementation	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Current ROP	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments:

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

	1	2	3	4	5
Initial ROP Implementation	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Current ROP	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments:

(14) Does the ROP ensure openness in the regulatory process?

	1	2	3	4	5
Initial ROP Implementation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Current ROP	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments:

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

	1	2	3	4	5
Initial ROP Implementation	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Current ROP	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments:

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

	1	2	3	4	5
Initial ROP Implementation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Current ROP	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Comments:

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

	1	2	3	4	5
Initial ROP Implementation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Current ROP	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments:

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

	1	2	3	4	5
Initial ROP Implementation	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Current ROP	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments:

(19) Does the ROP minimize unintended consequences?

	1	2	3	4	5
Initial ROP Implementation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Current ROP	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments:

(20) Please provide any additional information or comments related to the Reactor Oversight Process.

See attached for additional information.

Dated at Rockville, Maryland, this 25th day of October 2004.

For the U.S. Nuclear Regulatory Commission



Stuart A. Richards
Office of Nuclear Reactor Regulation
Division of Inspection Program Management
Inspection Program Branch

Comments on the Fifth Year of the Implementation of the Reactor Oversight Process (ROP).

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

The PIs are actual plant data and provide a mechanism for objective criteria for evaluating plant performance. Also, some of the PIs promote plant safety. However, the basis for setting the existing PI thresholds are inconsistent; some are based on PRAs and others are based on regulatory requirements or technical specification limits. Therefore, some PIs and their associated thresholds do not directly correlate with risk. We encourage the NRC to expedite the development of the risk-based PIs.

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

Yes, but there are areas of improvement. The ROP Inspection Program, including the SDP, is more focused on risk significant issues than the PI Program. This inconsistency has reduced the overall effectiveness of the ROP.

The PI verification inspection is a positive aspect of the ROP and it should continue. Considering that currently there are no PIs for cross-cutting areas (human performance, safety-conscious work environment, and corrective action program), we recommend NRC's continuous attention to these areas.

- (3) Is the reporting of PI data efficient?

It would be more appropriate for the licensees to provide comments on reporting of PI data.

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

Overall, the NEI Guidance Document is very helpful in defining the PIs. It would be more appropriate for the licensees to comment on the effectiveness of this document.

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

The information contained in the inspection reports is very useful and overall, the quality of these reports has improved.

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

The SDP is a resource-intensive process and the lack of standardized risk analysis tools has further complicated the process. Therefore, SDP may not always yield equivalent results for issues of similar significance in all ROP cornerstones.

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

Based on our experience with the ROP implementation at the PA power plants, the NRC Region 1 has taken appropriate actions to address performance issues for those licensees outside the Licensee Response Column of the Action Matrix. This may or may not be the case in other NRC regions.

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

The initial assessment reports were very stilted and sometimes unclear. However, the reports continue to improve in readability and content and usefulness.

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

The new ROP is more objective and predictable than the previous process. This is due to the combination of Performance Indicators and a more objective and better structured Inspection and Assessment Program.

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

Overall, the ROP is more risk-informed than the previous process and the NRC actions are generally graduated on the basis of increased risk significance. However, the lack of standardized risk analysis tools has diminished the effectiveness of the process.

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

Overall, the ROP is an understandable process. However, there are certain aspects of the new process that are not always as clear as they could be. For example, the SDP (particularly phase 2 and 3) is a complex and complicated process.

- (12) Does the ROP provide adequate assurance when combined with other regulatory processes that the plants are being operated and maintained safely?

There are no signs of declining plant safety at any of the nine operating reactors in Pennsylvania since the implementation of the ROP. Although, performance at one of the older plants has declined over the past few years due to materials condition of the plant, human performance issues, and problems with plant procedures. We are also concerned about the problems at Davis-Besse plant and the ability of the ROP to detect problems or weaknesses in cross-cutting areas in a timely manner. It should be mentioned that the problems at Davis Besse have eroded public confidence in the new ROP.

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

In general, the ROP has improved the effectiveness of the regulatory process. However, one of its weaknesses is in the area of timeliness. There continues to be challenges to the SDP greater-than-green findings by the licensees. These challenges, along with the lack of a standardized risk analysis tools have resulted in delays in the determination of the final SDP findings. Also, additional time and data is needed to assess the ability of the ROP to detect, in a timely manner, adverse trends in cross-cutting areas.

- (14) Does the ROP assure openness in the regulatory process?

We have no additional comments.

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

The NRC has been actively seeking stakeholders' input to further improve the ROP, but the level of participation by the general public has been very low and the public confidence in the process does not appear to be increasing.

We recommend that the NRC develop and implement an effective mechanism to receive public input continuously and on a plant specific basis. The NRC resident inspectors should play a more active role in the agency's public involvement activities within the local communities. The posting of *plant specific information* (i.e., PIs, inspection and assessment reports, etc.) on the NRC Website can help improve public confidence in the process and should continue. Unnecessary changes to the ROP may reduce public confidence in the process and should be avoided.

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

The NRC has been slow to respond to public inputs and comments on the ROP. The past five years have yielded numerous comments on the inconsistent bases for the existing PI thresholds, the delay in issuing a final SDP finding, and the lack of standardized risk analysis tools. We recognize that the NRC has taken measures to address these issues or concerns, however the agency's response has been slow and these measures have not yet been fully implemented.

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

We have no additional comments.

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

It is our observation that the licensees are spending less time responding to issues of low safety significance (i.e., non-cited violations, etc.). However, the ROP's significance determination process is resource-intensive and the differences between plant PRAs and the NRC's SPAR models have further complicated the process. We recommend that the NRC continue to conduct its surveys of NRC regional staff and the licensees to determine whether the ROP is making progress toward achieving this goal.

(19) Does the ROP result in unintended consequences?

Based on our experience in Pennsylvania and as it relates to plant safety, the ROP has not yet resulted in any unintended consequences. However, we cannot conclude at this time that the ROP is capable of minimizing the unintended consequences. Some industry representatives have expressed concerns that there is a potential for licensees to inadvertently take actions that might adversely impact plant safety, particularly as it relates to "unplanned power reduction" and "unplanned scrams."

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

We encourage NRC to continue to conduct public workshops to: 1) discuss the results of the NRC's most recent self assessment of the ROP; 2) review recent changes or proposed changes to the ROP; and 3) seek input and comments from external stakeholders including utility representatives, states and members of the public.