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CORRESPONDENCE CONTROL TICKET

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To: Dyer, NRR
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AUTHOR: SEN Joseph Biden

AFFILIATION: SEN

ADDRESSEE: David Walker

SUBJECT: Urges the Government Accountability Office to conduct an independent review of the effectiveness of the reactor oversight process (ROP)

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ACTION: Appropriate

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Congress of the United States

Washington, DC 20515

April 14, 2005

The Honorable David M. Walker
Comptroller General of the United States
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Mr. Walker:

The U.S. Nuclear Regulatory Commission (NRC) has the responsibility for ensuring that the nation's 103 nuclear power plants are operating safely. NRC's effectiveness in carrying out this responsibility is vital to protecting human health and the environment. The NRC implemented a revised oversight and assessment program – the reactor oversight process (ROP) – at all nuclear plants in the spring of 2000. The ROP was developed to apply more objective, timely, and risk-informed criteria in assessing plant performance, while seeking to more effectively and efficiently regulate the industry. Given its importance and the fact that it has now been in place for almost 5 years, we would like for the Government Accountability Office (GAO) to review the efficacy of the ROP.

The ROP provides for a wide range of regulatory response options when initiating events occur that require additional scrutiny. Since its inception, the ROP process has been tested by several plant-specific incidents that have led to the continued development of enhanced inspection requirements beyond those originally required in the ROP baseline inspection program. At the Hope Creek plant in Hancocks Bridge, New Jersey, two recent "white" findings - a color designation established for findings of low to moderate safety significance - were issued in response to a degraded level control valve, and the failure of a station service water system traveling screen. Since 2003, the Hope Creek and the Salem plants located at the same site, have been subject to continued increased scrutiny by the NRC to assess the environment for raising and addressing safety issues.

In some cases, problems identified at one or a few plants have led to the development of generic inspection requirements for all plants of similar design. For instance, the NRC responded to incidents of primary water stress corrosion cracking initially discovered at the Oconee plant in South Carolina and the Davis-Besse plant in Ohio, and in response issued an order on all pressurized water reactors with specific requirements intended to identify and resolve this problem.

We understand that, under the ROP, few plants have experienced safety significant performance issues overall, and even fewer plants have experienced multiple or repetitive degraded conditions. Nonetheless, we would like you to conduct an independent review of the

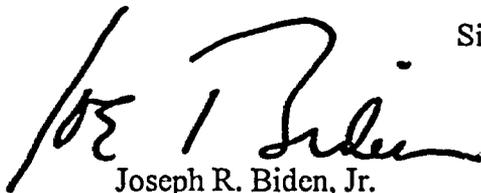
effectiveness of the ROP in both identifying safety problems at these plants and getting them corrected. In light of recent events at Hope Creek, we ask that your review take the performance at this plant into account. We suggest your review also assess the effectiveness of the ROP program at any reactor where a "white," "yellow," or "red" inspection finding has occurred. Considering that this approach may leave you with relatively few plants to examine, we also suggest you randomly sample and assess ROP effectiveness at plants that have not experienced safety significant events.

Please incorporate the following questions in your review:

- Did the NRC follow its established processes in determining the overall significance of the rupture of the moisture separator drain line at Hope Creek and, to the extent warranted, in other selected cases?
- Has the NRC shared determination with interested state officials and other stakeholders? Has the NRC made itself available to hear comments and provide rationale for their decisions in accordance with Commission procedure?
- Does the NRC initiate follow-up inspection and take enforcement actions as set forth in its established processes?
- Does the NRC have an effective method of assessing the accuracy and effectiveness of the ROP and SDP and of incorporating improvements to the process?
- Is the NRC engaging in an effective process for determining the generic implications of equipment and system issues as inspection findings are made? Were these determinations made in the Hope Creek and selected cases?
- Does the NRC have an effective means of identifying facilities with employee concerns or safety conscious work environment issues?
- Does the NRC have an effective method of improving its program of oversight of licensees' safety conscious work environments?

Thank you for your assistance. Please contact us directly or our staff with any questions. We look forward to working with you on this important issue.

Sincerely,



Joseph R. Biden, Jr.
United States Senator



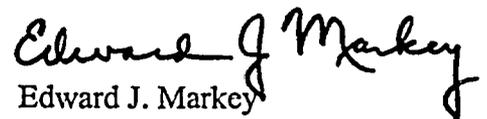
Tom Carper
United States Senator



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