

From: "James Raleigh/YM/RWDOE" <James\_Raleigh@ymp.gov>  
To: <NRCREP@nrc.gov>  
Date: Tue, Oct 25, 2005 4:35 PM  
Subject: ROP Survey Response...

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**Participant Name: James J. Raleigh**

**Company: Self – Senior Nuclear Industry Consultant**

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Note: Those who wish to complete this survey anonymously will not receive a direct response from NRC.

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**FRN Subject: Solicitation of Public Comments on The 2005 Implementation of the Reactor Oversight Process**

### **QUESTIONS**

In responding to these questions, please consider your experiences using the NRC oversight process. 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 unsatisfactory, 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 19.

**FOR FURTHER INFORMATION CONTACT:** Ms. Serita Sanders, Office of Nuclear Reactor Regulation (Mail Stop: OWFN 7A15), U.S. Nuclear Regulatory Commission, Washington DC 20555-0001. Ms. Sanders can also be reached by telephone at 301-415-2956 or by e-mail at SXS5@nrc.gov.

Please send us your response by December 1, 2005, either by postal mail or e-mail:

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

**Electronically:** NRCREP@nrc.gov

**Questions related to specific Reactor Oversight Process (ROP) program areas**  
(As appropriate, please provide specific examples and suggestions for improvement.)

(1) Does the Performance Indicator Program provide useful insights to help ensure plant safety?

1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments: The answer is No. The SALP process provided a much more meaningful assessment. It is too easy for the facilities to achieve a "Green" score and avoid scrutiny. All of the Green on the PI summaries provide a false sense of Safety. The bar for Green needs to be raised.

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

1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments: Green are too easy to achieve and do not reflect problems and issues identified in the Inspection Reports.

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

1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments: It is better than the NRC's guidance but still needs improvement.

(4) Does the Inspection Program adequately cover areas important to safety and is it effective in identifying and ensuring the prompt correction of performance deficiencies?

1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments: The Inspection Program has an adequate focus. However, the NRC is weak in driving the prompt corrective actions necessary to correct performance deficiencies. Over the

past 5 to 7 years, the NRC has weakened its stance on enforcement to the point where it is like the dog with no teeth -- Bark with no Bite.

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

1	2	3	4	5
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments: Inspection Reports are generally well written. However, the NRC should be more explicit in what they expect the utility to do about the problems and issues identified.

- (6) Does the Significance Determination Process yield an appropriate and consistent regulatory response across all ROP cornerstones?

1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments: The answer is No. Davis-Besse is the perfect example here. The SDP showed that the Reactor Vessel Head Degradation (RVHD) event was still Green (until consideration for continued operations was factored into later SDP analysis).

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

1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments: NRC needs to push utility actions harder.

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

1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments: The NRC should be more explicit in what they expect the utility to do about the problems and issues identified.

**Questions related to the efficacy of the overall ROP.** (As appropriate, please provide specific examples and suggestions for improvement.)

(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)?

1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments: The ROP is predictable in assessing every area as Green unless there has been a significant issue or event. The bar needs to be raised.

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

1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments: Improvement in risk-informing the ROP is needed as well as increasing the knowledge base of the utilities in this area.

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

1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments: In general the ROP is adequate. However, its implementation needs much improvement and the bar needs to be raised. What good are PIs if the threshold for good performance is too low?

(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
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments: All of the Green on the PIs give a false sense of Safety.

(13) Is the ROP effective, efficient, realistic, and timely?

1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments: The ROP need more forward looking performance indicators to prevent issues and problems from becoming more significant.

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

1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments: The answer is No. The public perception is that the NRC change from the SALP process to the ROP is hand-holding with the industry to provide elevated assessments of plant safety performance.

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

1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments: In addition to truly public input, an effort should be made to seek comments from nuclear professionals and to give that input extra weighting.

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

1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

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

1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

(18) Does the ROP result in unintended consequences?

1	2	3	4	5
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments: Again, the SDP performed on the Davis-Besse RVHD event demonstrates that the process is flawed.

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

I am a Senior Nuclear Licensing Consultant and an Ex-NRC NRR Project Manager. Since leaving the NRC and supporting commercial nuclear utilities, I have observed the slow deterioration of the NRC's regulatory strength and rigor in enforcement activities.

Regarding the ROP: Like the SALP before it, PUCs and PSCs use the ROP to make decisions on, and challenges to, the financial business of nuclear utilities. The "Sea of Green" on the ROP PIs help the nuclear utilities in their financial battles with the PUCs and PSCs (and stockholders for that matter), but they mask developing problems at the plants. All of those Greens provide a false mesasure of plant safety -- the performance bar needs to be raised. By the way, it is the public perception that the NRC changed the performance grading system to intentionally and artificially inflate performance of the plants (the same was also said when the number of SALP categories were reduced). Davis-Besse happened on the ROP program's watch. The poor implementation of the ROP allowed FENOC's management to destroy the nuclear safety culture, SCWE, and corrective action program effectiveness at Davis-Bess and almost resulted in an unisolable LOCA that would have been the death nell to any resurgence of the commercial nuclear power industry. Part of that responsibility would have been on the NRC's shoulders.

On the Enforcement side: Having been involved in the recovery and restart efforts for Millstone, D.C. Cook, and Davis-Besse, it is evident that the ROP implementation has resulted in a weaker NRC enforcement program. Anyone involved in these restart efforts call tell you the differences between the NRC's efforts at Millstone and the progressive weakening of NRC enforcement applied to D.C. Cook and then on to what is almost pathetic enforcement applied to FENOC and Davis-Besse. I personally fear that the NRC's weaknesses in enforcement will be an accomplice to a major safety event in the near future if not corrected.

The ROP needs to be founded on real measures of safety performance, the cross-cutting cornerstones, and forward-looking measures. The performance levels should be should be baselined to show only 50 percent of the plants as achieving overall Green performance. When truly Green performance has been achieved for some designated period of time, the bar needs to be raised to drive further improvements.

Dated at Rockville, Maryland, this 14th day of October 2005.

For the U.S. Nuclear Regulatory Commission

/RA/

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