

May 11, 2006

Mr. David Lochbaum
Director, Nuclear Safety Project
Union of Concerned Scientists
1707 H Street NW, Suite 600
Washington, DC 20006

Dear Mr. Lochbaum:

Thank you for your participation and attendance at the U.S. Nuclear Regulatory Commission's (NRC) 2006 Regulatory Information Conference (RIC). The RIC was successful, in part, due to its widely attended and diverse participation creating an open environment for discussions. In addition, we appreciate your comments regarding the NRC's Reactor Oversight Process (ROP) Significance Determination Process (SDP).

Let me reassure you that the NRC has no intentions of departing from the SDP timeliness goal of assessing the significance of licensee performance deficiencies within 90 days. We have found, however, that the current single metric (90 percent of SDP evaluations be completed within 90 days of inspection report issuance) alone does not provide the insights necessary for us to measure and improve our performance in this area.

As Mr. Gibbs stated at the RIC, we have not met the SDP timeliness metric since the ROP's inception. Accordingly, we have taken a number of actions to improve SDP timeliness focusing on the use of best available information during the course of evaluating the significance of inspection findings. As a result of these actions, the time to complete SDP evaluations has shortened significantly and we believe that our performance is improving towards consistently completing SDP determinations within 90 days. However, our analysis of SDP timeliness results has indicated that a complementary metric focused on average time would help us further improve our performance. For example, the present metric does not differentiate between a risk significant issue that is one day late and one that is months or years late. This new metric will therefore help us more effectively manage late issues and bring them to closure. Additionally, our analysis of last year's performance indicated that several of the determinations over 90 days were untimely by a week or less. We are using the average metric to target a 10 percent improvement in average timeliness this year which we believe will help us prevent SDP determinations that marginally exceed the 90 day goal.

D. Lochbaum

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The 90 day average with the backstop metric approach Mr. Gibbs mentioned is currently being piloted as described in Inspection Manual Chapter 0307, "Reactor Oversight Process Self-Assessment Program." We plan to continue to use the established metric of "90 percent within 90 days" as the primary indication of performance in the NRC's Performance and Accountability Report. Future changes to this metric would occur only after the process provides stable, predictable, and successful results.

Again, thank you for comments.

Sincerely,

/RA/

Bruce A. Boger, Associate Director
for Operating Reactor Oversight and Licensing
Office of Nuclear Reactor Regulation

D. Lochbaum

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