

From: "Janati, Rich" <rjanati@state.pa.us>
To: <nrcprep@nrc.gov>
Date: Tue, Nov 21, 2006 8:13 AM
Subject: FW: ROP Survey

Attached please find our responses to the NRC survey questionnaire on the Reactor Oversight Process (ROP).

Please let me know if you have any questions or need additional information.

Sincerely,

Rich Janati, M.S.
Chief, Division of Nuclear Safety
Bureau of Radiation Protection
Administrator, Appalachian Compact Commission
717-787-2163
rjanati@state.pa.us

10/10/06

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-----Original Message-----

From: Z Fu <ZBF@nrc.gov>
To: rjanati@state.pa.us <rjanati@state.pa.us>
Sent: Thu Oct 12 10:20:38 2006
Subject: ROP Survey

Mr. Janati,
Thanks for your interest in taking the survey. I've attached the file and the link as requested.
You may email your response to nrcprep@nrc.gov

Feel free to contact me should you have any questions. Thanks!

Bart

Bart Fu
Office of Nuclear Reactor Regulations
U.S. Nuclear Regulatory Commission
ZBF@NRC.GOV
301-415-2467

CC: <zbf@nrc.gov>, "Allard, David" <djallard@state.pa.us>

SONSI Review Complete
Template = ADM-013

F-RIDS = ADM-03
Add = Print FW (zbf)

Mail Envelope Properties (4562FB62.49C : 22 : 46236)

Subject: FW: ROP Survey
Creation Date Tue, Nov 21, 2006 8:12 AM
From: "Janati, Rich" <rjanati@state.pa.us>

Created By: rjanati@state.pa.us

Recipients

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Files	Size	Date & Time
MESSAGE	908	Tuesday, November 21, 2006 8:12 AM
rop2006survey.doc	91648	
Mime.822	128603	

Options

Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling
 This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
Junk Mail handling disabled by Administrator
Junk List is not enabled
Junk Mail using personal address books is not enabled
Block List is not enabled

SOLICITATION OF PUBLIC COMMENTS ON THE 2006 IMPLEMENTATION
OF THE REACTOR OVERSIGHT PROCESS

Participant Name: Rich Janati

Company: Pennsylvania Department of Environmental Protection, Bureau of Radiation
Protection, Division of Nuclear Safety

Address: P.O. Box 8469 Harrisburg, PA. 17105-8469

E-mail: rjanati@state.pa.us

Phone Number: 717-787-2163

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

October 2, 2006

**SUBJECT: SOLICITATION OF PUBLIC COMMENTS ON THE 2006 IMPLEMENTATION
OF THE REACTOR OVERSIGHT PROCESS**

The U.S. Nuclear Regulatory Commission (NRC) continues to seek to improve its approach to inspecting and assessing the operation of commercial nuclear reactors. The Reactor Oversight Process (ROP) approach is based upon many years of inspection, regulatory, and plant operating experience. The ROP has been in effect at all commercial operating nuclear power plants since April 2000. It is briefly described in the attached Federal Register Notice (FRN).

To continue to improve the ROP, the NRC is requesting feedback from the public and other external stakeholders. A summary of the feedback obtained will be included in the annual ROP self-assessment report and will be provided to the Commission.

We welcome your comments and insights on the ROP. The attached FRN lists questions on which the NRC is specifically seeking public comment. An electronic version of the survey questions may be obtained from <http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/rop2006survey.pdf>. Please send us your response by December 1, 2006, either by e-mail to nrcprep@nrc.gov or via the U.S. Postal System to:

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

Thank you for your interest in our Reactor Oversight Process.

Stuart A. Richards
Division of Inspection & Regional Support
Office of Nuclear Reactor Regulation

Attachment: Federal Register Notice Soliciting Public Comments on the Implementation of the Reactor Oversight Process

U.S. NUCLEAR REGULATORY COMMISSION

**SOLICITATION OF PUBLIC COMMENTS ON THE IMPLEMENTATION OF THE REACTOR
OVERSIGHT PROCESS**

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for public comment.

SUMMARY: The NRC is soliciting comments from members of the public, licensees, and interest groups related to the implementation of the Reactor Oversight Process (ROP). An electronic version of the survey questions may be obtained from <http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/rop2006survey.pdf>. This solicitation will provide insights into the self-assessment process and a summary of the feedback will be included in the annual ROP self-assessment report to the Commission.

DATES: The comment period expires on December 1, 2006. The NRC will consider comments received after this date if it is practical to do so, but is only able to ensure consideration of comments received on or before this date.

ADDRESSES: Completed questionnaires and/or comments may be e-mailed to nrcprep@nrc.gov or sent to Michael T. Lesar, Chief, Rulemaking, Directives and Editing Branch, Office of Administration (Mail Stop T-6D59), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. If you choose to send your response using email, please include appropriate contact information so the NRC can follow-up on the comments. Comments may also be hand-delivered to Mr. Lesar at 11545 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

Documents created or received at the NRC after November 1, 1999, are available electronically through the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov/reading-rm.html>. From this site, the public can access the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of the NRC's public documents. For more information, contact the NRC's Public Document Room (PDR) reference staff at 301-415-4737 or 800-397-4209, or by e-mail at pdr@nrc.gov.

FOR FURTHER INFORMATION CONTACT: Mr. Bart Fu, Office of Nuclear Reactor Regulation (Mail Stop: OWFN 7H2), U.S. Nuclear Regulatory Commission, Washington DC 20555-0001. Mr. Fu can also be reached by telephone at 301-415-2467 or by e-mail at ZBF@NRC.GOV.

SUPPLEMENTARY INFORMATION:

PROGRAM OVERVIEW

The mission of the NRC is to license and regulate the Nation's civilian use of byproduct, source, and special nuclear materials to ensure adequate protection of public health and safety, promote the common defense and security, and protect the environment. This mission is accomplished through the following activities:

- License nuclear facilities and the possession, use, and disposal of nuclear materials.
- Develop and implement requirements governing licensed activities.
- Inspect and enforce licensee activities to ensure compliance with these requirements and the law.

While the NRC's responsibility is to monitor and regulate licensees' performance, the primary responsibility for safe operation and handling of nuclear materials rests with each licensee.

As the nuclear industry in the United States has matured, the NRC and its licensees have learned much about how to safely operate nuclear facilities and handle nuclear materials. In April 2000, the NRC began to implement more effective and efficient inspection, assessment, and enforcement approaches, which apply insights from these years of regulatory oversight and nuclear facility operation. Key elements of the Reactor Oversight Process (ROP) include NRC inspection procedures, plant performance indicators, a significance determination process, and an assessment program that incorporates various risk-informed thresholds to help determine the level of NRC oversight and enforcement. Since ROP development began in 1998, the NRC has frequently communicated with the public by various initiatives: conducted public meetings in the vicinity of each licensed commercial nuclear power plant, issued FRNs to solicit feedback on the ROP, published press releases about the new process, conducted multiple public workshops, placed pertinent background information in the NRC's Public Document Room, and established an NRC Web site containing easily accessible information about the ROP and licensee performance.

NRC PUBLIC STAKEHOLDER COMMENTS

The NRC continues to be interested in receiving feedback from members of the public, various public stakeholders, and industry groups on their insights regarding the calendar year 2006 implementation of the ROP. In particular, the NRC is seeking responses to the questions listed below, which will provide important information that the NRC can use in ongoing program improvement. A summary of the feedback obtained will be provided to the Commission and included in the annual ROP self-assessment report.

This solicitation of public comments has been issued each year since ROP implementation in 2000. Although written responses are encouraged, there are specific choices to best describe your experience to enable us to more objectively determine your level of satisfaction.

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) Strongly Agree 2) Agree 3) Neutral 4) Disagree 5) Strongly Disagree

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 the last question of the survey.

Questions related to specific Reactor Oversight (ROP) program areas

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

(1) The Performance Indicator Program provides useful insights to help ensure plant safety.

1 2 3 4 5

Comments: It is not clear as to whether the existing PIs and their associated thresholds can provide useful insights to help ensure "plant safety". The basis for setting the existing 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. Additionally, the PI Program might not be working as originally envisioned because the great majority of PIs have remained consistently green and have not changed color (have not crossed green/white threshold). It is possible that the thresholds for certain PIs are not set at the proper level. NRC should review the effectiveness of the PI Program and should also evaluate the need for revisions to the existing thresholds.

(2) Appropriate overlap exists between the Performance Indicator Program and the Inspection Program.

1 2 3 4 5

Comments: Overall, there is appropriate overlap between the PI Program and the Inspection Program. However, it is recommended that the NRC periodically reexamine the Baseline Inspection Program and the PI Program to ensure proper focus and effectiveness. NRC should also consider developing supplemental inspections for those areas that PIs are not very effective.

(3) NEI 99-02, "Regulatory Assessment Performance Indicator Guideline" provides clear guidance regarding Performance Indicators.

1 2 3 4 5

Comments: The existing guidance document appears to be helpful in defining the PIs. However, it would be more appropriate for the industry to comment on the effectiveness of this document.

- (4) The Performance Indicator Program, including the Mitigating Systems Performance Index, can effectively identify performance outliers based on risk-informed, objective, and predictable indicators.

1 2 3 4 5

Comments: See the previous comments regarding the effectiveness of the PI Program. The new MSPI is a positive development because it is risk-based and it is the integration of both unavailability and unreliability of systems. However, MSPI is complex and relies heavily on plant-specific PRAs, which vary in quality.

- (5) The Inspection Program adequately covers areas important to safety, and is effective in identifying and ensuring the prompt correction of any performance deficiencies.

1 2 3 4 5

Comments: The NRC Inspection Program is intended to cover areas that are important to safety, but there are opportunities for further improvements.

1. There is extensive use of resources on the part of the NRC staff and the licensees to assess the significance of inspection findings, specifically for greater than "Green" findings. This also applies to those findings that are not of safety significance.

2. The number of findings in the cross-cutting areas (human performance, safety culture and problem identification and resolution) is relatively high. Additionally, there are some plants that are experiencing relatively high number of "substantive" cross-cutting issues. The effectiveness of the ROP Inspection Program as it relates to the identification and resolution of cross-cutting issues is subject to further review.

3. The role of the NRC in situations that do not involve regulations, but might involve a performance deficiency should be examined and better defined.

4. The NRC should consider more frequent inspection or verification of the licensees' Corrective Action Program (CAP). This is important considering that the ROP relies heavily on the CAP for timely resolution of issues or problems. Additionally, it is clear that the effectiveness of the CAP varies significantly within the industry and some utilities are not very effective in this area.

- (6) The information contained in inspection reports is relevant, useful, and written in plain English.

1 2 3 4 5

Comments: The information contained in the inspection reports is relevant and useful.

- (7) The Significance Determination Process yields an appropriate and consistent regulatory response across all ROP cornerstones.

1 2 3 4 5

Comments: Overall, SDP has contributed to improved communications between NRC and licensees regarding the issues that are risk-significant. However, it is a resource-intensive and complicated process. Also, it may not always yield equivalent results for issues of similar significance in all ROP cornerstones. Additionally, licensees continue to challenge the SDP findings.

The NRC should continue to collect data, trend the timeliness and the resource intensiveness of the process, and make improvements as necessary.

- (8) The NRC takes appropriate actions to address performance issues for those plants outside of the Licensee Response Column of the Action Matrix.

1 2 3 4 5

Comments: Based on our experience with the ROP implementation at the PA power plants, the actions taken by the NRC to address performance issues for licensees outside the Licensee Response Column conform to current ROP program.

- (9) The information contained in assessment reports is relevant, useful, and written in plain English.

1 2 3 4 5

Comments: The assessment reports are generally relevant and contain useful information.

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

- (10) The ROP oversight activities are predictable (i.e., controlled by the process) and reasonably objective (i.e., based on supported facts, rather than relying on subjective judgement).

1 2 3 4 5

Comments: The ROP is more objective and predictable than the previous process and the Inspection Program is better structured. However, there is a concern about the relatively high number of issues and findings in the cross-cutting areas and whether the ROP could reasonably and effectively predict the potential implications of these findings.

- (11) The ROP is risk-informed, in that the NRC's actions and outcomes are appropriately graduated on the basis of increased significance.

1 2 3 4 5

Comments: The ROP is more risk-informed than the previous process and overall, the NRC actions are generally graduated on the basis of increased significance.

- (12) The ROP is understandable and the processes, procedures and products are clear and written in plain English.

1 2 3 4 5

Comments: In general, the ROP is an understandable process, however certain aspects of the ROP are complex and are not transparent to the public stakeholders (i.e., MSPI, SDP, etc.).

- (13) The ROP provides adequate regulatory assurance, when combined with other NRC regulatory processes, that plants are being operated and maintained safely.

1 2 3 4 5

Comments: There are no signs of declining plant safety or performance at any of the nine operating plants in Pennsylvania since the implementation of the ROP. However, as mentioned previously, there are concerns about the relatively high number of performance deficiencies and findings in the cross-cutting areas. It should be mentioned that the event at Davis Besse plant has eroded public confidence in the effectiveness of the ROP to detect and correct problems or weaknesses in a timely manner.

- (14) The ROP safety culture enhancements help identify licensee safety culture weaknesses and focus licensee and NRC attention appropriately.

1 2 3 4 5

Comments: It is premature at this time to make any conclusions regarding the effectiveness of the ROP safety culture enhancements. Safety culture is an important indicator of licensee performance. The ROP's processes for detecting safety culture problems have not been very well defined, although the NRC and the industry are making progress in this area. It would be a challenge for the NRC to effectively incorporate this relatively subjective area into the ROP, which is designed to be an objective process.

The NRC must routinely assess safety culture as part of the ROP Inspection Program and develop the capability to determine, in a timely manner, whether safety culture problems are contributing to performance problems. An important component of an effective regulatory oversight of safety culture is to provide adequate training to the NRC inspectors, including

lessons learned from the event at Davis Besse plant.

(15) The ROP is effective, efficient, realistic, and timely.

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

Comments: Overall, the ROP is more effective and more realistic than the previous process however, there are areas of improvement.

1. ROP Efficiency: The NRC and the licensees continue to expend significant amount of time and resources in addressing findings that are greater than "Green", although some of these findings do not have safety implications.

2. ROP Efficiency and Effectiveness: The PI Program, including the NRC verification of licensee PIs, is resource intensive. This may not be an efficient use of resources since it is not very clear as to whether the existing PIs provide useful insights to help ensure plant safety.

3. ROP Timeliness and Efficiency of SDPs: The NRC timeliness goals are not always being met, which also questions the efficiency of SDPs.

4. ROP Effectiveness: The effectiveness of the ROP in identifying problems in the cross-cutting areas, and particularly inspections of safety culture, is unknown at this time.

(16) The ROP ensures openness in the regulatory process.

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

Comments: Some aspects of the ROP are inconsistent with the NRC goal of openness in the regulatory process. For example, the plant specific PRAs are not available for public review and scrutiny. The SDP is a complex process and inspection findings that use this process are not generally open to public scrutiny. Additionally and for obvious reasons, information regarding security assessments are not being shared with the members of the public.

(17) The public has 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: The NRC has been seeking public input on the ROP but overall, the level of participation by the public has been very low and public confidence in the process does not appear to be increasing. Some of the contributing factors are the complexity of the ROP, particularly as it relates to the use of PRAs and the SDPs, and the lack of confidence in the NRC's public participation process. Additionally, the NRC assessment meetings and enforcement conferences are very structured and lack the flexibility to effectively seek input from various stakeholders, other than the industry.

It is recommended that NRC develop and implement an effective mechanism to receive public input continuously and on a "plant specific basis". The NRC resident inspectors can and should play a more active role in the agency's public involvement activities within the local communities. The posting of plant specific information 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.

(18) The NRC has 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: There is at least a perception on the part of the public that the NRC does not value their input. One of the contributing factors is that the NRC has been generally slow to respond to public inputs and comments. Since the inception of the new ROP, the public has expressed concerns regarding the effectiveness of the PIs (and the PI thresholds), the timeliness of the SDP findings, the lack of standardized risk analysis tools, the effectiveness of the ROP to identify problems in the cross-cutting areas, the disproportionate reliance on the licensees' CAP to resolve problems in a timely manner, etc. The NRC has taken measures to address some of these issues or concerns however, the agency's response has been generally slow.

(19) The NRC has implemented the ROP as defined by program documents.

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

Comments: Overall, it appears that the NRC has implemented the ROP as defined by the NRC program documents.

(20) The ROP minimizes unintended consequences.

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

Comments: It might be premature at this time to conclude that the ROP "minimizes" unintended consequences. Based on our experience in PA and as it relates to plant safety, it can be concluded that as of now, the ROP has not resulted in any unintended consequences.

(21) You would support a change in frequency of the ROP external survey from annually to every other year, consistent with the internal survey, as proposed in SECY-06-0074.

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

Comments: We support a change in the frequency of the ROP external survey from annually to biennially. However, the NRC should continue to seek input from the stakeholders before it decides to make any significant changes or modifications to the existing process. Also, see comments on question # 22.

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

The NRC is encouraged to conduct periodic public meetings or workshops, as needed, to: 1) discuss the results of the agency's most recent self-assessment of the ROP; 2) review and discuss any changes or proposed changes to the ROP; and 3) seek feedback from external stakeholders.

Dated at Rockville, Maryland, this 2nd day of October, 2006.

For the U.S. Nuclear Regulatory Commission

Stuart A. Richards
Division of Inspection & Regional Support
Office of Nuclear Reactor Regulation