

NRCREP - Region IV Utility Group - Comments on ROP

From: "Ted Enos" <ted.enos@certrec.com>
To: <nrcprep@nrc.gov>
Date: 12/01/2006 4:55 PM
Subject: Region IV Utility Group - Comments on ROP
CC: "Tim Hope" <thope1@txu.com>, "CULLEN, GREGORY V." <GVCULLEN@energy-northwest.com>

Attached as a pdf file are the comments from the Region IV Utility group in response to your Solicitation of Public Comments on the Implementation of the Reactor Oversight Process.

We appreciate the opportunity to provide our input to this process.

You may direct any comments or questions to me or directly to

Mr. Tim Hope
RUGIV Chairman
Thope1@cpses.com

Thanks You.

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10/10/06
 71 FR 59539
 (11)

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Subject: Region IV Utility Group - Comments on ROP
Creation Date Fri, Dec 1, 2006 4:54 PM
From: "Ted Enos" <ted.enos@certrec.com>

Created By: ted.enos@certrec.com

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Files	Size	Date & Time
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RUGIV ROP EOY Comments 2006.pdf		72136
Mime.822	107084	

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Expiration Date: None
Priority: Standard
ReplyRequested: No
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Concealed Subject: No
Security: Standard

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RUG IV

REGION IV UTILITY GROUP
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Ref: ROP 71 FR 59539

December 1, 2006

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

SUBJECT: Solicitation of Public Comments on the Implementation of the Reactor Oversight Process

REFERENCE: *Federal Register* Vol. 71, No. 195, Pages 59539 – 59540,
Dated October 10, 2006

Dear Mr. Lesar:

The Region IV Utility Group (RUG IV) is pleased to submit our comments regarding the implementation of the Reactor Oversight Process (ROP). This is the fourth year for the RUG IV Licensing Managers to respond to this federal register request. The comments included in this letter are the collective comments of the RUG IV members (shown in Attachment 1) and are not necessarily reflective of any single utility.

In general, we believe the ROP is meeting the established performance goals. Furthermore, we appreciate the opportunity to meet on a monthly basis with the NRC and the public to provide direct input to revisions and enhancements of the ROP and look forward to ongoing discussions in the coming year. Our detailed comments that may help to further improve the process are contained in Attachment 2 to this letter.

If there are any questions regarding these comments, please contact me at (254) 897-6370 or thope1@cpses.com.

Sincerely



Tim Hope, Chairman
Region IV Utility Group

Attachments

Attachment 1

Region IV Utility Group Participating Members

Ameren UE – Callaway Plant
Arizona Public Service – Palo Verde
Energy Northwest – Columbia Generating Station
Entergy Operations, Inc. – ANO
Entergy Operations, Inc. – Grand Gulf
Entergy Operations, Inc. – River Bend
Entergy Operations, Inc. – Waterford 3
Nebraska Public Power District – Cooper Nuclear Station
Omaha Public Power District – Ft. Calhoun Station
Pacific Gas & Electric – Diablo Canyon
Southern California Edison – San Onofre
STP Nuclear Operating Co. – South Texas Project
TXU Electric – Comanche Peak SES
Wolf Creek Nuclear Operating Company – Wolf Creek Generating Station

Attachment 2

RUG IV Comments on the Implementation of the Reactor Oversight Process

2006 Survey Form on Reactor Oversight Process

Contact Information:

Participant Name:	Region IV Utility Group (Tim Hope, Chairman)
Company:	RUG IV Utilities
Address:	4200 S Hulen; Suite 422; Ft. Worth, TX 76087
Email:	thope1@cpses.com
Phone Number:	254 897 6370

Shade in the circle that most applies to your experiences:

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.

Strongly Agree Agree Neutral Disagree Strongly Disagree

Comments:

The performance indicators have developed into performance standards that the industry strives to meet. Since the performance indicators are based on NRC defined acceptable limits, they reinforce industry and licensee safety performance. Implementation of MSPI is considered an enhancement by adding a more risk informed performance indicator to the PI program.

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

Strongly Agree Agree Neutral Disagree Strongly Disagree

Comments:

Performance indicators look at the areas where clear performance thresholds have been developed. This allows the inspection program to spend more time looking at those areas that require evaluation and investigation. The process is well integrated and, while overlap exists, the overlap seems appropriate. There appears to be more overlap in the security area between performance indicators and inspections than in the other areas.

- (3) NEI 9902, "Regulatory Assessment Performance Indicator Guideline" provides clear guidance regarding Performance Indicators.

Strongly Agree Agree Neutral Disagree Strongly Disagree

Comments:

While questions on the guidance do arise, the FAQ process is responsive to those questions. The guidance is then updated periodically based on the FAQs to enhance the guidance in an ongoing process.

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

Strongly Agree Agree Neutral Disagree Strongly Disagree

Comments:

Although still newly implemented, the MSPI appears to be a good risk-based/informed indicator and does identify conditions based on risk implications for the systems monitored. Other indicators may falsely indicate conditions as risk significant when they are not, because of the limited risk insights in the PI. The industry and NRC staff should endeavor to develop more risk informed elements for other existing indicators.

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

Strongly Agree Agree Neutral Disagree Strongly Disagree

Comments:

In particular, resident inspectors help ensure areas important to safety are appropriately addressed. The NRC should consider enhancing the use of generic communications for inspection trends. A process is needed to ensure early stakeholder involvement in the identification and resolution of inspection issues that potentially have generic implications (a process similar to the ROP PI FAQ process would seem appropriate). Examples include manual actions for response to fires, assessment of post-fire safe shut down equipment, and technical questions identified during inspections that involve development of new regulatory positions. Enhanced use of generic communications would also promote consistency between the NRC regions.

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

Strongly Agree Agree Neutral Disagree Strongly Disagree

Comments:

Generally, the reports are relevant, useful and written in plain English. We note, however, that the reports are growing in size and detail with minimal added value. Preliminary experience with the NRC's Safety Culture initiative, indicates cross cutting aspects associated with inspection findings are appropriately documented.

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

Strongly Agree Agree Neutral Disagree Strongly Disagree

Comments:

There are too many SDPs that are not based on risk or actual effect thresholds. The Radiation Protection, Security, and Emergency Preparedness, and other deterministically based SDPs, are very subjective (and commonly aggregate multiple non-significant findings into a single significant finding). As a result, a white finding under these SDPs is not the same significance as a white finding in the more risk-informed SDPs - (covered by IMC 0609 Appendix A). These deterministic SDPs do not always produce consistent results because of the dependence on the subjective views of the individuals applying the SDP guidance. The industry and NRC staff should strive to improve these SDPs by including more risk-based elements thus helping to limit the subjectiveness in the process.

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

Strongly Agree Agree Neutral Disagree Strongly Disagree

Comments:

The NRC action in accordance with the Action Matrix is clear and consistent for single White findings, but appears less consistent for more complex issues. There is evidence that process is not always followed (or may be deviated from) when circumstances should result in moving a licensee to a lower action state. Once a deviation from the process has occurred, it becomes unclear how to exit from the overall process.

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

Strongly Agree Agree Neutral Disagree Strongly Disagree

Comments:

The recent work by the NRC staff to clarify the exit process for a Substantive Cross Cutting Issue was very effective. The documented analysis of cross cutting aspect inputs to the assessment process could be improved. The current assessment guidance permits the cross cutting aspect to be changed if additional insights are available following publication of the associated inspection report. Given the regulatory principles that guided the development of the ROP (that overall assessments of licensee performance remain transparent, understandable, objective, predictable, risk-informed, and performance-based), any change in the assigned aspect should be readily available to the licensee as well as other stakeholders.

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).

Strongly Agree Agree Neutral Disagree Strongly Disagree

Comments:

The most recent revision to the Performance Deficiency definition is an improvement, however, additional improvements could be realized (e.g., defining the scope of "self imposed"). We recommend that this definition include a condition that the self imposed standard must have been incorporated into plant procedures prior to being considered for a performance deficiency.

A number of potential findings default to "affects the cornerstone objective" as the reason for the issue being greater than minor. Additional examples in IMC 0612 Appendix E are needed to improve the objectivity in this area.

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

Strongly Agree Agree Neutral Disagree Strongly Disagree

Comments:

We agree that the Action Matrix is graduated based on increased significance.

While also true for findings in the Initiating Events, Mitigating Systems, and Barrier Integrity cornerstones, it is not true for findings in the other cornerstones since the outcomes are not risk informed. For example, findings in the Radiation Protection cornerstone that should be considered minor are often conservatively treated as green due to the limited number of applicable examples of minor violations available in IMC 0612, Appendix E.

When an applicable example is not found, the application of the screening questions is not consistent with the principles used in developing the examples.

See also responses to items 7 and 10 as applicable to this item.

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

Strongly Agree Agree Neutral Disagree Strongly Disagree

Comments:

The ROP products are generally clear and understandable. However, inconsistent and/or changing interpretations of implementation guidance can impact the stakeholder's confidence in the final product.

A process for addressing generic implementation issues would be helpful. Please see our discussion in response to Item 5.

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

Strongly Agree Agree Neutral Disagree Strongly Disagree

Comments:

No Comments.

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

Strongly
Agree Agree Neutral Disagree Strongly
Disagree

Comments:

It is too soon to make a conclusion. Early impressions are the NRC staff and licensees are spending an inappropriate amount of time in this effort when compared to direct inspection of plant activities. Continued monitoring and oversight by NRC management and licensees is required to ensure the intended enhancements are realized. Consistent application of the cross cutting aspects is critical. We appreciate NRC's support of the RUG IV and other industry workshops as an important measure to help licensees understand the Safety Culture elements and to help achieve consistent implementation of those elements.

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

Strongly
Agree Agree Neutral Disagree Strongly
Disagree

Comments:

Overall we are in general agreement. However, the current CDBI inspections are consuming substantial licensee resources. There appears to be a significant opportunity to improve the efficiency of this process by applying more discipline to maintaining the schedule. The number and significance of the findings to date do not seem to support the level of resource the inspection requires. We suggest that scope and periodicity of the CDBI be reevaluated based on results of the first round of inspections.

Occasionally, exits are significantly delayed in time from close of inspection activities onsite, resulting in inefficiencies in the process.

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

Strongly
Agree Agree Neutral Disagree Strongly
Disagree

Comments:

The ROP process with its many public meetings and opportunities for involvement ensures openness not available in the previous process. The NRC website is useful and open to the public.

(17) The public has been afforded adequate opportunity to participate in the ROP and to provide inputs and comments.

Strongly Agree Agree Neutral Disagree Strongly Disagree

Comments:

Members of the public and media are frequently present at the monthly ROP meeting. It is important to closely follow process and ensure that all changes to ROP elements are properly addressed in an open forum (e.g., change to IMC 0612 definition of performance deficiency).

(18) The NRC has been responsive to public inputs and comments on the ROP.

Strongly Agree Agree Neutral Disagree Strongly Disagree

Comments:

The safety culture public meetings are a good example of this. The outside stakeholders played a large part in developing the safety culture initiative program guidance. We also appreciate the NRC staff's consideration of feedback provided in the 2005 ROP survey.

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

Strongly Agree Agree Neutral Disagree Strongly Disagree

Comments:

See our comments on Items 5 and 12 above.

(20) The ROP minimizes unintended consequences.

Strongly Agree Agree Neutral Disagree Strongly Disagree

Comments:

Current licensee experience finds that on occasion, significant time is expended on minor issues. Improved discipline in this area is needed to reduce the unnecessary regulatory burden that can occur when efforts are not well focused.

Press releases are typically made in advance of NRC special inspections. However, there are not always press releases or followups made by NRC upon closure of the inspection informing the public of the results. This has the potential unintended consequence of raising an issue to public attention without resolving the issue in the same public arena.

(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.

Strongly Agree Agree Neutral Disagree Strongly Disagree

Comments:

Significant changes in the ROP were introduced in 2006; specifically MSPI and safety culture enhancements. There is a need for the continued stakeholder involvement this survey affords. Allowing issues to go for two years without collecting feedback may not be consistent with the continued success of the ROP driven by continuous improvement.

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

Comments:

The NRC staff and external stakeholders should develop project plan to review the ROP over the next few years. This review should look at all areas and seek areas for improvement in resource utilization. Some specific areas to review include:

- An effectiveness review of the Component Design Basis Inspection.
 - A review of overall inspection hour utilization. An effectiveness review of each inspection area should be considered.
 - A review of consistency between NRC regions should be performed that considers 1) the number of findings, 2) percent of findings with cross cutting aspects assigned, 3) inspection issues that appear to be confined to one region.
 - Consider an improved process for more timely sharing of inspection issues with potential generic implementation interest. (See comment on Item 5.)
- RUGIV would be pleased to participate in a working group/task force with NRC staff and other industry stakeholders to develop such a process.
- A review of the deterministically based SDPs to make them more risk-informed.
 - A review of current performance indicators for effectiveness and possible improvement or elimination.
 - A review of crediting self assessments and external assessments instead of performing direct inspection.

A new oversight process should be developed to address new plant construction, utilizing a similar process for stakeholder involvement that was successfully used for the current ROP.

Discussions need to be held to define the interactions between the various NRC staff organizations and the licensee when the licensee has both an operating plant and plants under licensing/construction at the same site.