



NUCLEAR ENERGY INSTITUTE

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February 11, 2009

Ms. Mary Ann Ashley  
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Division of Inspection and Regional Support  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

**Subject:** Comments on an NRC Proposal for Integrating Traditional Enforcement into the Assessment Program

**Project Number: 689**

Dear Ms. Ashley:

On behalf of the nuclear industry, the Nuclear Energy Institute (NEI)<sup>1</sup> offers the following comments on an NRC proposal for integrating traditional enforcement into the Reactor Oversight Process (ROP). Some of these comments were made during a working meeting with stakeholders on January 14 of this year. The industry appreciated the opportunity to participate with other stakeholders in the public meeting. This letter provides more specific comments and recommendations.

The industry agrees with the staff proposal to split the traditional enforcement actions from the significance determination process (SDP). It makes sense to determine the significance of an event in a timely manner without having to wait for a possible OIG investigation that should have no bearing on the SDP. The industry also agrees that traditional enforcement should be followed up with inspection, but that these inspections would be outside of the action matrix. Finally, the industry agrees that traditional enforcement results that are significant, i.e., SL III, II, or I, and should be considered in the mid-cycle and annual assessments.

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<sup>1</sup> NEI is the organization responsible for establishing unified industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, nuclear materials licensees, and other organizations and entities involved in the nuclear energy industry.

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In general, industry disagrees with the staff position that Severity Level IV violations should be aggregated. They are of very low regulatory significance just as Green Inspection Findings have very low risk significance in the ROP and are not aggregated or trended. In addition, industry does not believe that all traditional enforcement violations should be of equal weight. Traditional enforcement includes:

- Willfulness
- Impeding the Regulatory Process
- Actual Consequences

For example, we believe that if a legacy 10 CFR 50.59 evaluation was done improperly, and a change should have received NRC approval prior to implementation, it may impede the regulatory process, but it should not carry the same weight as something that was willful or had actual consequences. Similarly, an error in PI reporting, if not willful, should not carry the same weight as something that was willful or had actual consequences.

If one of the staff's goals is to use certain traditional enforcement items as a more integrated input into the assessment process, we feel that a better way to meet the goal that is to address traditional enforcement issues using IP 71152 "Identification and Resolution of Problems" which is already integrated into the assessment process rather than IP 92702. Multiple traditional enforcement issues in the same area in a year's time suggest a failure of the corrective action process to prevent recurrence. This makes the IP 71152 a more appropriate inspection than the IP 92702.

Industry reviewed the flowchart "Proposal for Integrating Traditional Enforcement into Assessment" which was discussed during the public meeting. For the most part, our comments center around the block named "Proposed Criteria for Triggering Follow-up inspections." The staff proposal is to aggregate traditional enforcement items over a two-year period. We propose the following alternative approach:

- The staff proposes that for one or two SLIVs in two years, that a follow-up inspection of four hours using IP 92702 be performed. We recommend that for two or more willful SLIVs within two assessment cycles (one year) that the staff conduct a four hour follow-up of the licensee's cause and corrective actions using IP 71152. For situations where the SLIVs are not willful, then if more than two exist within two assessment cycles (one year), the regional director, division of reactor projects would determine whether, based on the nature and relationship of the issues, a four-hour IP71152 review is necessary.

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- The staff proposes that for three SLIVs or one SLIII over a two-year period a more intrusive inspection be performed using IP 92702. We recommend that for any SLIII (time frame eliminated) that the staff conduct a follow-up inspection of eight hours using IP 71152 that would review the licensee's root cause, extent of cause, and extent of condition.

In the above two cases, the results of any follow-up inspections would be inputs integrated into the IP 71152 inspection report.

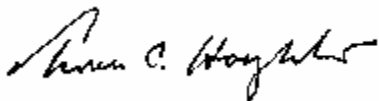
- The staff proposes that if there are four SLIVs, multiple SLIIIs, or any violation greater than SLIII over a two-year period, that a follow-up inspection using IP 92702 be performed and that the proposed focus be expanded to include some aspects of safety culture. We recommend that for two SLIIIs over a two assessment cycle (one year) period or any SL II or SL I that the staff perform a review of related causal analyses in a follow-up inspection of 16 hours using IP 71152 or IP 92702. We do not think that the inspection focus should be expanded to include aspects of safety culture.

Industry believes that the results of these inspections should be incorporated in integrated inspection reports and the semi-annual and annual assessment letters.

Again, the industry appreciates the opportunity to provide comments for your consideration as you proceed to develop your process for integrating traditional enforcement into the ROP.

If you have any questions, please contact me (202-739 8107; [tch@nei.org](mailto:tch@nei.org)).

Sincerely,



Thomas C. Houghton