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SNC – Nuclear Licensing

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REMARKS: ☐ *Urgent* ☐ *For Your Review* ☐ *Reply ASAP* ☐ *Please Comment*

ENCLOSED PLEASE FIND THE SNC RESPONSE TO THE NRC "SOLICITATION OF PUBLIC COMMENTS ON THE IMPLEMENTATION OF THE REACTOR OVERSIGHT PROCESS.

REF DOCKET ID NRC-2009-0417.

GREG A. LANG, LICENSING ENGINEER
NEI ADMINISTRATIVE POINT OF CONTACT
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SUNSI Review Complete
Template = ADM-013

E-RIDS = ADM-03
Add = R. Frahm (RKF)

QUESTIONS

REFERENCE DOCKET ID NRC-10090417

In responding to these questions, please describe your experiences with the NRC's reactor oversight process. If additional space is needed, please attach to the back of the survey. If there are experiences or opinions that you would like to express that cannot be directly captured by the questions, please document them in the last question of the survey.

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, particularly when combined with the inspection program, to help ensure plant safety and/or security?

Comments:

The thresholds for the performance indicators should be re-evaluated given the amount of time the ROP has been in place and determine if the thresholds are where they should be. The rolling 36 month period for the failure to count against the indicator is too long and should be changed to a rolling 12 month period to be consistent with the inspection findings.

(2) Does appropriate overlap exist between the Performance Indicator Program and the Inspection Program to provide for a comprehensive indication of licensee performance?

Comments:

Shifting columns to the right in the action matrix as a result of white findings that are of low to moderate safety significance can result in re-allocation of resources away from more safety significant priorities.

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

Comments:

The guidance is relatively clear, but there needs to be some dialogue with the industry regarding the criteria for crossing thresholds and the time in which an indicator must remain despite having all corrective actions completed and excellent plant operation. However, the definitions for the boundary of a monitored component are not clear in all cases.

(4) Does the Performance Indicator Program effectively contribute to the identification of performance outliers based on risk-informed, objective, and predictable measures?

Comments:

The indicators at times are too rigid and do not allow enough flexibility to take credit for compensatory actions that do not increase risk.

(5) Does the Inspection Program adequately cover areas that are important to plant safety and/or security, and is it effective in identifying and ensuring the prompt correction of performance deficiencies?

Comments:

Yes. The Inspection Program along with the Corrective Action Program ensures performance deficiencies are addressed promptly and thoroughly. However, at times it appears regulations are promulgated by inspection findings (forces licensees to take actions not necessarily required by existing regulation).

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

Comments:

Yes. The reports are clear and relevant.

(7) Does the Significance Determination Process result in an appropriate regulatory response to performance issues?

Comments:

The change in the columns in which a licensee finds themselves can result in low to moderate safety findings moving a licensee to Column III in the Action Matrix. Very low level NCVs that are assigned cross cutting aspects seem to be severe. There is no credit given to the Corrective Action Process to resolve the issue and the 3 aspect categories don't fully model all elements of safety culture.

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

Comments:

Yes

(9) Is the information contained in NRC assessment letters relevant, useful, and written in plain English?

Comments:

Yes

(10) Do the ROP safety culture enhancements help in identifying licensee safety culture weaknesses and focusing licensee and NRC attention appropriately?

Comments:

No. The aspects are too broad and vague. The threshold of greater than 3 in any given aspect is too low and does not reflect a long term look. It should also be weighted based on the number of major inspections per period (e.g. PI&R, CDBI, and FP Triennial inspections may all occur in the same year). In addition, cross cutting issues and area aspects are by themselves a poor measure of safety culture. The proposed NEI process for measuring safety culture is much more comprehensive and inclusive and serves as a better measure of safety culture. SNC believes that the NRC should adopt this proposal.

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

(11) 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)?

Comments:

The findings are reasonably objective, but the final significance determination seems to rely more on the NRC SPAR model risk assessment rather than the licensees superior risk model. The result is subjective judgment and a bias toward consistency rather than the real risk of the situation.

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

Comments:

Yes.

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

Comments:

Yes.

(14) Does the ROP provide adequate assurance, when combined with other NRC regulatory processes, that plants are being operated and maintained safely and securely?

Comments:

Yes.

(15) Are NRC actions related to the ROP effective (e.g., are NRC actions of high quality, efficient, timely, and realistic to enable the safe use of radioactive materials)?

Comments:

No comments.

(16) Does the ROP ensure openness in the regulatory process (e.g., does the NRC appropriately inform stakeholders in the regulatory process)?

Comments:

Yes.

(17) Has the public been afforded adequate opportunity to participate in the ROP and to provide inputs and comments (e.g., does the NRC appropriately involve stakeholders in the regulatory process)?

Comments:

Yes

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

Comments:

Yes

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

Comments:

To a degree. There remain some subjective areas that seem to default to regional consistency rather than determinations made for a particular licensee.

(20) Does the ROP result in unintended consequences?

Comments:

Occasionally it could. Low to moderate safety significant items could divert resources from more important ones.

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

Comments:

In years when major inspections take place (e.g. CDBI, Triennial Fire Inspection, PI&R, etc.) there is an increased likelihood for findings/violations with cross cutting aspects. Depending upon the timing of these inspections, thresholds could be crossed, which may not be indicative of declining performance but rather more indicative of inspection hours. Therefore, there should be a weighting factor assigned based upon the inspection hours.

The Reactor Oversight process is an improvement over previous assessment processes. It assists licensees to focus on the areas important to safety in a consistent manner throughout the industry. However, the use of cross cutting aspects as an indicator of safety culture is subjective in nature. The NEI approach to safety culture monitoring is a better alternative to address safety culture.