

PUBLIC SUBMISSION

| |
|--|
| As of: November 06, 2009 |
| Received: November 06, 2009 |
| Status: Pending_Post |
| Tracking No. 80a52c26 |
| Comments Due: November 06, 2009 |
| Submission Type: Web |

Docket: NRC-2009-0417
Reactor Oversight Process

9/25/09

74FR 49043

3

Comment On: NRC-2009-0417-0001
Solicitation of Public Comments on the Implementation of the Reactor Oversight Process

Document: NRC-2009-0417-DRAFT-0001
Comment on FR Doc # E9-23214

Submitter Information

Name: Allan Haeger
Submitter's Representative: D. Guinn
Organization: RUG IV

General Comment

See attached file with response to request for ROP comments from Region IV member utilities

Attachments

NRC-2009-0417-DRAFT-0001.1: Comment on FR Doc # E9-23214

RECEIVED

NOV 06 PM 4:45

RULES AND DIRECTIVES
BRANCH
10/20/09

SONSI Review Complete
Template = ADM-013

E-REDS = ADM-03
Add = R. Frohman (RKF)

November 6, 2009

Michael T. Lesar, Chief
Rulemaking and Directives Branch (RDB), Office of Administration
Mail Stop: TWB-05-B01M
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Regional Utility Group (RUG) IV Comments on the Implementation of the Reactor Oversight Process

Reference: 74 FR 49043, Solicitation of Public Comments on the Implementation of the Reactor Oversight Process, dated September 25, 2009

Dear Mr. Lesar,

Member plants of the Regional Utility Group (RUG) IV would like to take advantage of this opportunity to comment on implementation of the Reactor Oversight Process (ROP). RUG IV has been working with the Nuclear Energy Institute (NEI) and the Strategic Teaming and Resources (STARS) alliance in the development of industry comments. RUG IV supports the comments submitted by NEI and the STARS alliance.

Since implementation in April 2000, the ROP has exhibited marked improvement over the former inspection and enforcement process. The principles on which the ROP is based (i.e., to provide risk-informed, objective, predictable tools for reactor oversight) remain sound. The involvement of stakeholders in routine ROP public meetings and the periodic solicitation of public feedback have continued to improve the process. The structured frequently-asked question (FAQ) process and the FAQ appeal process continue to improve consistency in application of performance indicator guidance and capture the rationale for the decisions.

RUG IV member plants look forward to assisting in the continuing efforts to further develop and improve the ROP.

Attached please find the RUG IV response to the referenced solicitation of public comments. This response has been endorsed by all RUG IV member plants, with the exception of Cooper Nuclear Station.

If there are any questions regarding these comments, please contact me at 402-533-7337 (dguinn@oppd.com) or Bryan Ford, Chair at 601-368-5516 (bford@entergy.com).

Sincerely,

(original signed by)
Donna Guinn, Vice Chair
RUG IV

Attachment

RUG IV Comments on the Reactor Oversight Process

(1) Does the Performance Indicator Program provide useful insights, particularly when combined with the inspection program, to help ensure plant safety and/or security?

Response

In general, the performance indicator (PI) program provides useful insights to ensure plant safety and security. Since the last NRC request for comments in 2007, the revision to the PI for Unplanned Scrams with Complications (replacing the Scrams with Loss of Normal Heat Removal PI) has resulted in a more-risked informed indicator.

Licensees focus attention and resources on the underlying issues that result in good performance in the PI program. Thus, continued improvement in the industry-wide PI results should be viewed as a successful outcome of the reactor oversight process (ROP). The industry supports changes to the PI program that result in fundamental improvement in the way licensee safety performance is monitored. However, the NRC should limit attempts to change PI program guidance or interpretation if those changes are mainly intended to produce additional instances of performance outside the green band. For example, recent discussions in ROP public meetings have included the potential for changes to the guidance for the Safety System Functional Failures PI and the Mitigating Systems Performance Index (MSPI) PIs. Care should be taken to ensure that these potential changes be evaluated against the goal of fundamental improvement in the process for measuring performance.

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

Response

The process is well integrated and appropriate overlap does exist – in some cornerstones more than others. By their nature, PIs are useful for areas that measure licensee performance quantitatively, rather than by evaluating individual events. In theory, this would allow the inspection program to spend more time looking at those areas that require more evaluation and investigation. In the FAQ process, the NRC has sometimes provided interpretations of the PI guidance that hinge on the existence of licensee performance deficiencies during individual events. The industry believes that the PI program guidance should not be based on interpretations of licensee performance during individual events. The inspection program is the fundamental process for evaluating the significance of licensee performance on individual events and issues.

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

Response

While questions on the guidance do arise, a formal FAQ process is available to the industry and NRC inspectors to resolve issues. When resolution is not achieved at the monthly ROP meetings, an FAQ appeal process is available and has been used to drive issues to resolution. The FAQ process and appeal process have proven to be effective and should be maintained.

The NRC should resist changes that increase the complexity of the PI guidance. For example, recent and pending changes to the MSPi guidance have the potential to significantly increase the complexity of an already-difficult indicator. Additionally, recent public meetings have discussed the potential for changes to the Safety System Functional Failures PI to decouple this guidance from the guidance for determining safety system functional failures contained in NUREG-1022. These changes should only be implemented if they will result in a clear improvement in the ability to measure licensee safety performance.

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

Response

In general, the PI program effectively identifies performance outliers. The RUG IV member plants support continued improvements that further increase the objectivity and risk-informed nature of the PIs. As stated in the response to question 1 above, the improvements in industry performance that have resulted in improved PI results should be viewed as a success of the PI program.

(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?

Response

In general, the inspection program is effective in ensuring areas important to safety are appropriately addressed. However, the component design bases inspections, while initially providing useful insights into system design and performance, have tended to continue to focus on the same set of plant systems and may no longer be providing fresh insights at the same level of importance as in the initial rounds of these inspections. Also, while improvements have occurred in the classification of radiation protection findings, the number of inspection hours in this area appears to be high compared to the number and significance of findings in this area.

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

Response

The NRC inspection reports are relevant, useful, and well written.

In some cases, the NRC's process for refining or revising findings between the plant exit meeting and the issuance of the inspection report needs improvement. During the inspection efforts, the inspection program appropriately allows for licensee input in characterizing a finding and any related determinations, such as safety culture aspects. The same principle should apply when the NRC is considering changes in finding characterization following the exit meeting with the licensee. In many cases, the NRC does communicate with licensees in these situations; however, this practice is sometimes not followed, and the NRC should consider reinforcing this expectation.

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

Response

The current Significance Determination Process (SDP) process lacks transparency and objectivity, and in some cases results in assigning higher significance to an issue than is warranted. This is largely due to the use of NRC-developed probabilistic risk assessment (PRA) models that are not as sophisticated as licensee models, and also due to subjective determinations regarding specific assumptions, such as common cause and human reliability factors. The RUG IV member plants encourage the use of licensee models for determination of the risk associated with findings. Licensee PRA models that achieve compliance with Regulatory Guide 1.200, Revision 2 will be the most complete and accurate tools for assessing the significance of events. The NRC could allow use of licensee PRA models for SDPs and continue to maintain a degree of independence by using a verification process modeled after the PI verification process.

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

Response

NRC action to address performance issues at plants outside the Licensee Response Column of the action matrix is generally appropriate. The content and scope of supplemental inspections has recently been more predictable and consistent with the safety significance of the performance issues that led to the supplemental inspections.

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

Response

The information contained in assessment reports is, for the most part, relevant, useful, and well written. Inspection schedules in particular are good to have in advance even if they are not fully refined. When significant changes are made to inspection schedules, however, revised schedules should be made publicly available.

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

Response

The safety culture enhancements do not focus licensee resources appropriately. Since licensees apply significant resources to correcting safety culture issues identified by the NRC, it is important that the NRC process for identifying these issues reflects an integrated picture of a licensee's safety culture. Basing conclusions about safety culture at a plant on the relatively small number of safety culture crosscutting aspects that are assigned to findings over a period of time does not provide an accurate assessment of safety culture. The "greater than three findings" threshold for a substantive cross-cutting issue seems to have no basis. There has been enough run-time on the program to re-evaluate the threshold. In addition, the cross-cutting aspect definitions are broad enough that deficiencies within an aspect may be unrelated and not constitute a valid trend in a particular area; however a substantive crosscutting issue

could be considered. Differences across regions and plants in the number of inspection hours and findings naturally produce variations in the number of safety culture aspects assigned and a corresponding wide variation in the number of substantive cross-cutting issues identified by the NRC.

(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)?

Response

In general, the ROP provides a predictable and objective framework for NRC oversight and is a significant improvement over the previous reactor oversight process. Refinements in the ROP have generally improved the process further. The biggest opportunity for reduction in subjectivity is in the safety culture portion of the ROP. As discussed in the response to item 10, this process has produced unintended consequences in driving licensee response based on an incomplete assessment of safety culture.

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

Response

The NRC's action matrix, if properly implemented, provides appropriate graduation on the basis of increased risk as the basis for NRC action to be taken. However, recent changes to the ROP are eroding the risk-informed elements that were initially established as goals for the process. Two examples are attempts to integrate NRC assessment of safety culture and traditional enforcement into the ROP. Safety culture assessments and traditional enforcement issues are based on deterministic concepts. While these elements are important and need to have NRC oversight, they should not be integrated into the ROP if the process is going to remain risk-informed.

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

Response

The ROP procedures and products are generally clear and understandable. Changes to Manual Chapter 0305 regarding the definition of the multiple/repetitive degraded cornerstone column in the action matrix and additional guidance to prevent double counting an inspection finding and PIs with the same underlying cause added clarity to Manual Chapter 0305.

However, it does not appear that the process for characterizing performance deficiencies is applied uniformly across all regions and plants. This can be seen in the difference in performance deficiencies found between regions and plants. Some deficiencies are found at particular plants that do not appear to be at issue in others.

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

Response

The ROP, when combined with other regulatory processes, provides adequate assurance that plants are being operated and maintained safely. By almost every measure, industry safety performance continues to improve. Changes in the ROP have contributed to this trend, as shown by industry improvement following introduction of new performance indicators and inspection modules. Since the industry has other processes in place to encourage excellence in operations, future changes to the ROP should be considered based on the need to correct identified deficiencies in the NRC's ability to provide an adequate level of safety assurance.

(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)?

Response

For the most part, the ROP is effective, efficient, realistic, and timely. A continuing area for improvement is the SDP. The SDP is a fundamental process for the ROP, as it is exercised frequently and is used to determine the safety significance of findings. As such, it is in both industry and NRC interests that the process be efficient, transparent, and objective. Current concerns with the SDP include timeliness of completion and subjectivity in the determination of outcomes. While timeliness has improved somewhat in the past several years, the timeliness and subjectivity concerns are linked; often licensees spend much time challenging SDP determinations that appear to involve subjective elements in the use of risk tools, thus delaying SDP completion. The industry and NRC should continue to work together to improve the SDP, including consideration of the proposal to use licensee PRA models as discussed in the response to question 7 above.

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

Response

The ROP process, with its many public meetings and opportunities for involvement, does ensure openness that was not available in the previous process. However, improvements could be made in soliciting stakeholder feedback when revising or developing regulatory documents such as Inspection Procedures, Manual Chapter guidance, or Regulatory Issue Summaries. As the agent for the industry, NEI routinely requests the opportunity to review draft documents and provide feedback in a public venue. However, the NRC is sometimes reluctant to share draft information, particularly changes affecting PIs and the inspection and enforcement process being addressed by the Office of Nuclear Security and Incident Response (NSIR).

(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)?

Response

The public has been afforded adequate opportunity to participate in the ROP and to provide inputs and comments by way of the public monthly ROP meetings, ROP feedback surveys, and the public plant performance assessment meetings.

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

Response

The NRC for the most part has been responsive to public inputs and comments on the ROP. The NRC published a response to the 2007 ROP survey in which comments received were dispositioned.

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

Response

For the most part, the ROP is implemented as defined by program documents. However, RUG IV member plants are concerned about inconsistencies in the number of findings, violations, and safety culture cross-cutting aspects issued across the four regions. RUG IV member plants recommend that continued efforts be made to ensure that the NRC programs are consistently implemented.

(20) Does the ROP result in unintended consequences?

Response

In some cases, the ROP as implemented has resulted in unintended consequences. As discussed in the response to question 11 above, the safety culture enhancements have resulted in unintended consequences regarding the amount of attention that licenses apply to incomplete data regarding safety culture.

Regarding the PI program, when examples of unintended consequences become evident, the FAQ process has generally been effective in correcting them. A recent example that has not yet been addressed through the FAQ process is in the way corrections are made to the Safety System Functional Failure (SSFF) PI. The current guidance specifies that an SSFF should be counted for PI purposes when the licensee event report (LER) is submitted to the NRC. When a change to the SSFF indicator is required due to an error in reporting or an incorrect initial reportability determination, recent NRC interpretation of the PI guidance requires the SSFF PI to be reported in the quarter that the revised LER is submitted. The unintended consequence is that this interpretation of the PI guidance does not accurately reflect the timing of occurrences of failures. While the RUG IV member plants support the use of the FAQ process for this type of an issue, in general, efforts should be made to preserve the original intent of the indicator when interpretations are made.

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

Response

Consideration should be given to develop bases documents for all of the PIs, similar to the bases that were developed when the PI for Unplanned Scrams with Complications was revised. The original bases for some of the indicators are becoming obscure, partly because of the high turnover in the industry and the NRC.

The NRC's request for ROP comments is made in the fall during the time when a high percentage of power plants schedule refueling outages. This makes it difficult to collect and coordinate a response. RUG IV recommends that the future requests provide a longer comment period.

As the industry moves toward operation of new plants, a potential concern is the early use of PI data for newly-operating plants that may not provide a true picture of the performance of these plants. RUG IV recommends that the NRC plan ahead to assess performance at new plants using indicators that account for the challenges associated with new plant operations.