Gallagher, Carol

From: Mosebey Dennis G [demoseb@WCNOC.com]
Sent: Friday, November 20, 2009 9:55 AM
To: Gallagher, Carol
Subject: NRC-2009-00417 Revised Oversight Process
Attachments: rop_external_survey (Autosaved).docx

<<rop_external_survey (Autosaved).docx>> I realize the Comment Period is over on the solicitation of comments. As a nuclear utility worker I do not check the Federal Register daily and only noted this item in my recent copy of Nuclear News.

I do not know if my comments can still be considered even though past the due date, but if so, can you tell me how to post them. I went into www.regulations.gov but I cannot figure out easily how to post them.

I provide here those comments for information and thank you for your help in this matter.

Dennis Mosebey
Wolf Creek Generating Station

9/25/09
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E-RIDS = ADM-03
Add = R. Frahm (rkf)

SUNSI Review Complete
Template = ADM-013

[7590-01-P]

NUCLEAR REGULATORY COMMISSION

[NRC-2009-0417]

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 and additional information about the ROP are available at http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/index.html. 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 November 6, 2009. The NRC will consider comments received after this date if it is practical to do so, but is able to ensure consideration of only those comments received on or before this date.

ADDRESSES: You may submit completed questionnaires and/or comments by any one of the following methods. Please include Docket ID **NRC-2009-0417** in the subject line of your

comments. Comments submitted in writing or in electronic form will be posted on the NRC website and on the Federal rulemaking website Regulations.gov. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed.

The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed.

Federal Rulemaking Website: Go to http://www.regulations.gov and search for documents filed under Docket ID **NRC-2009-0417.** Address questions about NRC dockets to Carol Gallagher 301-492-3668; e-mail Carol.Gallagher@nrc.gov.

Mail comments to: 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, or by fax to RDB at (301) 492-3446.

You can access publicly available documents related to this notice using the following methods:

NRC's Public Document Room (PDR): The public may examine and have copied for a fee publicly available documents at the NRC's PDR, Public File Area O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland.

NRC's Agencywide Documents Access and Management System (ADAMS): Publicly available documents created or received at the NRC are available electronically at the NRC's Electronic Reading Room at http://www.nrc.gov/reading-rm/adams.html. From this page, the public can gain entry into ADAMS, which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the

documents located in ADAMS, contact the NRC's PDR reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr.resource@nrc.gov.

Federal Rulemaking Website: Public comments and supporting materials related to this notice can be found at http://www.regulations.gov by searching on Docket ID: **NRC-2009-0417.**

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Frahm, Office of Nuclear Reactor Regulation (Mail Stop: OWFN 7G13), U.S. Nuclear Regulatory Commission, Washington DC 20555-0001. Mr. Frahm can also be reached by telephone at 301-415-2986 or by e-mail at Ronald.Frahm@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.

Although 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 Federal Register Notices to solicit feedback on the ROP, published press releases about the process, conducted multiple public workshops, placed pertinent background information in the NRC's Public Document Room, and maintained 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 2009 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.

QUESTIONS

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:

Generally yes, but the MSPI indicator is way too labor intensive for the value gained. Consider deleting it and if a related reliability indicator is needed, all one needs to do is divide 1 by the unplanned unavailability which used to be reported.

Regarding the SSFI indicator. It is stated the staff feels this is a strong precursor indicator, but in many instances it can duplicate information in the MSPI. For instance if a plant has to shut down due to the unavailability of both Safety Injection pumps, then this is an entry into Tech Spec 3.0.3 and hence an LER which is then also counted in the SSFI. The SSFI needs to be eliminated as the crosscutting issues of human performance and or corrective action can also

be used to pick up this facet. In other words it is double jeopardy and redundant.

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

Comments:

Yes I think so.

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

Comments:

For the most part yes, though the MSPI section is somewhat spread out with part in Main Text and then Appendices? It would be nice to have it all in one place when referencing it.

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

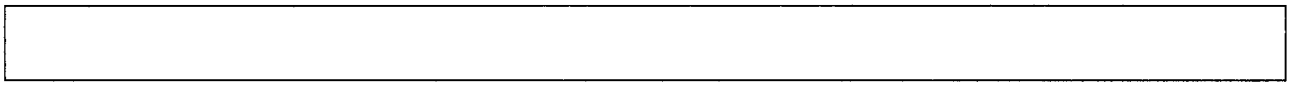
Comments:

For the most part Yes, but again I question the value of SSFI since it is truly not a risk informed item, it is just straight LER report count per quarter. Thus it really does not fit in a risk informed process. Also in the MSPI while the competition against one's own CDF has value, the tabulation and labor required does not yield a significant benefit at all.

(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 I feel it does



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

Comments:

Generally yes.

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

Comments:

Yes except recently my plant got a green noncited violation for several valves with dry boric acid in minimal amounts on them. These were manual valves and the safety significance was low, yet it was classified Green Non Cited vice minor. I feel inspectors still do not play fair with this and I also feel that there is still heavy emphasis on determinism in the NRC vice a true acceptance of risk informed processes. In the field in real life I just do not see it from the Residents and also sometimes from outside inspection teams, especially on CDBI's.

(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:

There are many examples of where the questions asked by Residents at my plant actually divert focus from safety. Some examples are, "Why are not all the cotter pins on the A Diesel injectors not bent the same amount?" This came up while working on restoration from a 7 day TESO and then the inspector demanded an answer within an hour later about B DG. The cotter pins are a secondary fastener on the Diesel Generator and any reasonable person understands that any cotter pin even bent a slight amount will do its function. Yet this caused a lot of diversion of focus from critical evolutions. In another case we were issued a violation for preconditioning involving cycling our rods prior to an actual surveillance test even though the NRC's own document states that if one is following vendor recommendations it is not to be considered preconditioning. The Resident stuck to the violation and my utility chose not to protest it. Obviously a utility cannot protest every such violation. This illustrates that Residents at least at my plant pursue their own agenda and beliefs outside NRC's own guidance with no apparent accountability to Regional Headquarters. In another case the Resident was going to give two violations for not documenting risk assessments properly. These were refuted by the utility and with the help of interface from Headquarters were eventually retracted but it took much time and effort on our part. More examples can be given, but while Residents can and must ask questions, there is a strong tendency at least at my plant to pursue the issue way beyond the safety significance once the answer has been given. It is not clear to me why this is so.

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:

Nope, Residents still apply their own interpretations and then it is up to the utility to deal with it on the FAQ process which is very time consuming. I think this ties back to ineffective buy in of risk informed aspects all the way back to headquarters. The "ratchet" process is also still used even though this new process was supposed to limit it. See also comments to safety culture question above.

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

Comments:

Yes for the most part although in the case I mention above on the boric acid valves the classification of Green Non Cited vice Minor was way overboard.

(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:

Realism and efficiency are NOT key aspects of the new process. Especially realism is lacking in the new inexperienced residents being sent to the field. Often we at the utilities end up training them through countless hours of questions and indeed responding and contesting violations. Painful for us, painful for them. I do not think the NRC has a very good training program and I doubt it could pass an INPO style accreditation process like the utilities have to undergo.

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

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:

Yes

(20) Does the ROP result in unintended consequences?

Comments:

Yes the recent change in how the NRC looks at the SSFI and report data I am afraid will result in personnel, for the gray areas choosing not to report. In the past if one was uncertain it was best to report, now with this SSFI in effect it can have a chilling effect. A plant may choose to wait to report pending more investigation vice being timely. Very bad message at least to me.

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

Comments:

Overall it is not bad, but I do not see the buy- in to its true premises from Residents and Inspection Teams. I think the old absolute determinism camp is still very alive and well and is still trying to impose their will to retard the positive benefits to NRC, Public, and the Utilities of the risk informed approach. With the departure of Diaz, McGaffigan, and Merrifeld from the Commission the risk informed approach lost true allies. I am glad to see Apostolakis from MIT is now being considered for a Commission position. This will help. But the gains made are being slowly eroded away. The present Commissioners are not in my view committed to risk informed thought processes. This is too bad because great strides were being made in this very important area.

Dated at Rockville, Maryland, this 17th day of September, 2009.

For the U.S. Nuclear Regulatory Commission

/RA/

Michael Cheok, Deputy Director
Division of Inspection & Regional Support
Office of Nuclear Reactor Regulation