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**Subject:** Public comments on ROP

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Comments are made as an individual and do not necessarily represent the company position.

(See attached file: ROPcomments.doc)

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Add = MS Mahey (MSH3)

To; Don Olson

12/20/01

From; Jim Crossman

NAPS response to NRC solicitation of public comments  
on the second year of the ROP process

1. NRC inspectors are utilizing the inspection procedure guidelines and are focusing almost exclusively on safety significant issues and systems. NRC inspection reports do not contain subjective comments or discussions of minor violations. NRC schedules have been maintained. Cross cutting issues for human performance and corrective action criteria are not well defined or understood. There is no closure mechanism for non-color cross cutting issues.
2. The process is risk informed and NRC response has reflected actions based on risk assessment of events and findings. An event at North Anna involving a loss of emergency power and a reactor shutdown did not exceed the green-white risk threshold therefore additional NRC response beyond the resident inspector event investigation did not occur. Cross cutting issues is becoming an exception and may be opening up an area where subjectivity and inconsistency in NRC response can occur.
3. The ROP is understandable, the procedures easily accessible, and the inspection reports concise. Numerous opportunities have been provided to receive training on the process and provide feedback to the NRC and NEI on this process. The SDP process, phases 1 and 2, is complex and due to infrequent use is not a tool that is used by the licensee. Manual determinations of risk are bypassed in favor of using PRA group expertise. This appears to be the case for the NRC as well.
4. The ROP process verifies key licensee activities and is an adequate means of determining that licensees are operating plants safely. Some inspection areas such as RP receive more attention than needed. The rules for reducing inspection hours do not seem to be exercised at this juncture in the new process. There is over lap between the maintenance rule regulations and the ROP process.
5. The ROP process has greatly improved both the effectiveness and the realism of the inspection process. There are now established criteria and a focus on truly risk significant issues. This has made the process more consistent and objective. The NRC response is more predictable. See question 2 response for one exception.
6. The public was very involved in the development of this process, which was a positive aspect of this new program. In any case, the majority of Americans approve of Nuclear Power. Public confidence would also be improved by more aggressive advertising of public meetings. Public confidence may be damaged by constant revisions to performance indicators that have no value added i.e. reactor scram criteria.
7. See above comments
8. Some members of the public have questioned the reliability of PRA models used to determine risk. The NRC and some utilities have been open and cooperative in

explaining the use of these tools.

9. In general the program has been implemented by established guidelines. One supplemental inspection report went beyond an evaluation of the utility RCE adequacy and addressed a finding based on an extent of condition evaluation. The finding was valid but should have been addressed in a different mechanism other than the supplemental inspection report.
10. Some regulatory burden has occurred to administer the new program. Training must now evaluate emergency drill participants to provide data for the PI on emergency drill participation. A slight increase in inspection hours actually occurred for the station under the new program. The utility and NRC PRA groups have had a significant increase in workload to support risk assessments associated with this program. This is balanced by less NRC inspection and oversight activity if risk determinations fall below increased regulatory response levels. See also Question 15 response.
11. In addition to comments from question 10, a burden has been placed on the Engineering staff that determines maintenance rule and WANO unavailability hours. Variations in reporting criteria create error likely situations in data reporting due to keeping two books. Also, there is no basis for the belief that the reactor scram criteria created unintended consequences by encouraging the reactor operators to continue to operate the unit to avoid a manual reactor trip.
12. The action matrix is appropriate for performance issues that exceed risk thresholds.
13. The assessment reports no longer contain subjective comments or discussion of minor, non-safety significant issues.
14. The information in the reports is more for the benefit of the public. Inspection results are made known to the licensee's through inspection exit meetings and other communications with the NRC.
15. The PI's currently used do have some impact on licensee performance and planning and scheduling. The Maintenance rule regulations have already been effective in limiting mitigating systems unavailability. However, mitigating systems and security and emergency planning equipment issues are more closely scrutinized and equipment outages more carefully planned due to the NRC PI's. Managers are made aware of decreasing trends and factor that in to their planning and training processes. Planning and scheduling has asked Station Licensing the impact on NRC PI's due to planned activities on several occasions.
16. In general, appropriate overlap exists between the PI's and the inspection program.
17. Licensee burden would be reduced in the area of tracking mitigating systems unavailability if M-rule, WANO, INPO, and NRC PI unavailability reporting criteria could be standardized. See answer to question 11.
18. In general the guidance is clear. Many FAQ's have been generated to address plant specific design issues. Unplanned power change criteria, what constitutes a valid leak rate, and what constitutes acceptable operator action for equipment unavailability are some examples of items that have created some controversy. The process for obtaining clarification of guidance is not very efficient. It is expected that the resident inspector will first try to resolve any licensee questions but resident inspectors don't feel comfortable making these decisions so an FAQ always has to be submitted. FAQ's have been handled in a fairly timely and efficient manner.

19. Some refinement is needed in this area. Few opportunities have occurred to exercise the SDP process but it seems as if non-reactor cornerstone events can yield more severe regulatory response than would seem reasonable. The fire protection SDP is confusing and has not been revised to my knowledge.
20. The NRC should re-evaluate the periodicity of some RP, PI&R, and SSDI inspections. An evaluation of the utility corrective action system is probably not warranted at the once per year frequency.