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To: <nrcprep@nrc.gov>
Date: Mon, Oct 24, 2005 1:13 PM
Subject: Comments on 2005 implementation of the Reactor Oversight Process

10/21/05
70 FR 41318

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As requested in the latter dated October 13, 2005 from Stuart A. Richards, I am enclosing my comments on the 2005 ROP implementation. I have reviewed the survey and decided it was too cumbersome for what I have to say. Therefore, I am supplying my comments via e-mail which is an option given in the "Addresses" section of the 10/13/2005 letter.

My general comment is that the ROP is of limited use. This is tied to what I regard as a very high threshold to reach "White" status. Or, to put it another way, the range between "good" GREEN and "bad" GREEN is at least as much as that between the GREEN-WHITE threshold and RED. This results in the following effects:

1. Too much is kept strictly between the NRC regions and the individual licensees insofar as to non-conformance with regulations. This leads to
2. Hampered ability of NRC to objectively trend licensee performance BEFORE it reaches a point of general breakdown.

Too much of what NRC does (and hence most of the licensees) is reactive and not pro-active. This leads to too much subjectivity in the significance determination process, i.e., the need to "force-fit" the "objective" results to a general impression of what is going on at a given facility. It also continues the politicizing of the NRC oversight role. If a lot of plants are not meeting the mark then Congress will get on NRC for not doing its job. Conversely, if all plants come out OK, then Congress will also get on NRC for not doing its job. The ideal political solution therefore, is to have some plants that are "bad" requiring extra NRC oversight, and which plants they are needs to change periodically so that no one is forced to lose their license (and the fees that are paid to NRC). Unfortunately, even this political compromise is being undermined by the NRC reliance on "the usual suspects."

What needs to happen is that trending of GREEN NCV findings has to happen - number, frequency, and functional area - based on a "chips fall where they may" philosophy. Every finding from every inspection, no matter how trivial, goes into the NRC trending report. This trending information can then be used as part of the significance determination process - by providing objective evidence of whether things are getting better or they are getting worse. This has the effect of having licensees to start worrying about number, type and extent of any problems and the need for them to find them and fix them before NRC finds them. It also takes the blinders off the inspectors - since all inspection findings will now matter in some shape or form. The trending results can also be used to adjust the GREEN-WHITE threshold down to something more appropriate. Further, don't let licensees argue about GREEN violations - this is what the NRC inspectors found - period. Individually it is not significant, but the aggregate is being trended. This could then change the focus of P&IR inspections to determining trends licensees finding and fixing their own problems compared to how many and what types of problems are being found by NRC. This will have three beneficial effects - (1) licensees won't argue with inspectors and waste their time; (2) even "marginal" GREEN-WHITE that are decided in

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the licensees favor will still count in the trending, and: (3) it will reduce licensees ability to "manage" the PI and thereby avoid ever having to look at the big picture until it is too late.

Part of the trending should also levelize the playing field - how many inspection hours were expended to determine how many findings? It has always seemed to me to be patently unfair that a plant that is perceived as being a "bad" performer gets more inspection hours; and SURPRISE, there are more findings! Thus, they waste a lot of time and resources on problems that would be perceived as trivial if they happened at another plant that is perceived as a "good" performer. The playing field needs to be leveled.

If you believe that the ROP and significance determination process is good, then how about an objective validation of the premise. One way that could be done is that NRC increases inspection hours on a "good" plant or two annually on a random basis to see what happens to the number and severity of the findings. That is one way to guard against complacency. It is particularly important to start this NOW since in the near-term, we can expect new construction. Where do you think all of the management talent will go to - overseeing existing plants (which requires a level of attention to detail that most managers simply do not possess) or building the new plants where the corporate financial risk and hence management career rewards lie?

Regards,

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