

From: "Dave Lochbaum" <dlochbaum@ucsusa.org>
To: <nrcprep@nrc.gov>
Date: Mon, Dec 5, 2005 4:36 PM
Subject: UCS comments on ROP

Good Day:

Per a voicemail message from Ms. Serita Sanders on the NRC staff, the December 1st comment deadline for ROP comments was extended a couple of weeks. UCS comments are attached.

Thanks,
Dave Lochbaum
Union of Concerned Scientists

CC: <sxs5@nrc.gov>

10/21/05

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Mail Envelope Properties (4394B2E5.1AD : 7 : 41389)

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Creation Date: Mon, Dec 5, 2005 4:37 PM
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Created By: dlochbaum@ucsusa.org

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Files

MESSAGE
rop2005survey.doc
Mime.822

Size

241
77312
107299

Date & Time

Monday, December 5, 2005 4:37 PM

Options

Expiration Date: None
Priority: Standard
Reply Requested: No
Return Notification: None

Concealed Subject: No
Security: Standard

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Note: Those who wish to complete this survey anonymously will not receive a direct response from NRC.

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FRN Subject: Solicitation of Public Comments on The 2005 Implementation of the Reactor Oversight Process

QUESTIONS

In responding to these questions, please consider your experiences using the NRC oversight process. Shade in the circle that most applies to your experiences as follows:

1) very much 2) somewhat 3) neutral 4) somewhat less then needed 5) far less then needed

If there are experiences that are rated as unsatisfactory, or if you have specific thoughts or concerns, please elaborate in the "Comments" section that follows the question and offer your opinion for possible improvements. If there are experiences or opinions that you would like to express that cannot be directly captured by the questions, document that in question number 19.

FOR FURTHER INFORMATION CONTACT: Ms. Serita Sanders, Office of Nuclear Reactor Regulation (Mail Stop: OWFN 7A15), U.S. Nuclear Regulatory Commission, Washington DC 20555-0001. Ms. Sanders can also be reached by telephone at 301-415-2956 or by e-mail at SXS5@nrc.gov.

Please send us your response by December 1, 2005, either by postal mail or e-mail:

U.S. Postal System: Michael T. Lesar
Chief, Rules and Directives Branch
Office of Administration (Mail Stop: T6-D59)
Nuclear Regulatory Commission
Washington, DC 20555-0001

Electronically: NRCREP@nrc.gov

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 to help ensure plant safety?

| 1 | 2 | 3 | 4 | 5 |
|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments: The Performance Indicators (PIs) originally did indeed provide useful insights. But their value has eroded over time via the frequently asked question (FAQ) process and other means to the point where the PIs are essentially all GREEN all the time. The least useless of the PIs had been the Safety System Unavailability one, but the industry got rid of it by pressuring the Commission to force the NRC staff to change its position on the Mitigating System Performance Index (MSPI). The MSPI is quite simply the easiest indicator to "game." If one is about to cross the GREEN to WHITE threshold on MSPI, all one needs to do to avoid that outcome is reschedule some tests from next quarter to this quarter and chalk up several successful surveillance tests to boost the reliability numbers. For variety, one could "game" MSPI by rescheduling some surveillance tests from this quarter to next quarter to boost the availability numbers. MSPI is a ludicrous exercise that has no rightful place in a regulatory oversight package.

- (2) Does appropriate overlap exist between the Performance Indicator Program and the Inspection Program?

| 1 | 2 | 3 | 4 | 5 |
|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments: Because the Performance Indicators are essentially as useless as an appendix on a mannequin, there can be no appropriate overlap. The Inspection Program, and the event followup process, are left to provide all of the useful insights into licensee performance and plant safety levels.

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

| 1 | 2 | 3 | 4 | 5 |
|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comments: No opinion.

- (4) Does the Inspection Program adequately cover areas important to safety and is it effective in identifying and ensuring the prompt correction of performance deficiencies?

| 1 | 2 | 3 | 4 | 5 |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comments: With the unfortunate demise of Performance Indicators as oversight tools, the Inspection Program has, by default, become the only "eyes and ears" within the reactor oversight process. Perhaps following the old adage that losing one sense heightens the remaining senses, the Inspection Program is better today than when the ROP hit the streets in April 2000. Of particular note is the area of cross-cutting issues. I attended a session at the 2005 Regulatory Information Conference during which industry representatives protested that the NRC staff's use of cross-cutting issues was subjective and out of control. My subsequent look into these charges led me to conclude that, while some improvements could be (and have been) made to clarify identification of cross-cutting issues and exit from them, the NRC staff had not made mountains out of mole-hills. Also noteworthy was NRC Region IV's inspection efforts at Palo Verde relative to the ECCS piping issue. At the top of the "To Do" list for the Inspection Program is the Problem Identification and Resolution (PI&R) module. This module is quite simply inadequate and needs extensive overhaul. Its two major flaws are: (1) poor criteria for selection of sample size and (2) poor criteria for placing findings in context. The selection criteria are almost exclusively linked to risk significance of systems/components, with some insights from recent inspection findings. What is lacking from the selection criteria is an explicit, formal attempt to probe the breadth of the corrective action process. For example, the PI&R inspection, either individually or spanning a series of PI&R efforts, should evaluate how the corrective action process is implemented by major plant organizations (e.g., Operations, I&C Maintenance, Electrical Maintenance, Mechanical Maintenance, Radiation Protection, System Engineering, Civil Engineering, Fuels Engineering, etc.).

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

| 1 | 2 | 3 | 4 | 5 |
|--------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Comments: Overall, the inspection reports today are far more relevant and better written than prior to the ROP. One area that has improved but not as consistently as desired is the incorporation of simplified drawings/schematics. Sometimes, an inspection report will contain an electrical one-line drawing to complement a narrative about an electrical distribution event. But many inspection reports contain the narrative sans visual aids. My suggestion would be to formally consider the need for graphics when the text write-up for a single event or finding exceeds 3/4 page in length. It may not be necessary to illustrate each and every 3/4-plus long narrative, but it would likely be worthwhile to visit the option each time.

- (6) Does the Significance Determination Process yield an appropriate and consistent regulatory response across all ROP cornerstones?

| 1 | 2 | 3 | 4 | 5 |
|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comments: No comment.

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

| 1 | 2 | 3 | 4 | 5 |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comments: No comment.

- (8) Is the information contained in assessment reports relevant, useful, and written in plain English?

| 1 | 2 | 3 | 4 | 5 |
|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comments: I seldom read the assessment reports because they follow boilerplate language so closely and completely as to preclude substantive insights about performance at individual sites. Reading one assessment report is like reading all assessment reports because noen really says anything..

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

- (9) 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)?

| 1 | 2 | 3 | 4 | 5 |
|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comments: No comment.

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

| 1 | 2 | 3 | 4 | 5 |
|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comments: No comment.

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

| 1 | 2 | 3 | 4 | 5 |
|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments: The ROP may be understandable and the processes, procedures, and products may very well be written in plain English - I just don't know. The ROP information on the NRC website is so maddeningly difficult to find that I seldom - very very seldom - am able to find the document that answers my questions. In the past year, several questions were raised as I looked at ROP information on the NRC website. For example, I'd want to know why the "x-to-y" threshold was established at "n" or want to know the precise definition for a PI. I suspected that the answers to these questions were hidden somewhere on the NRC's website, but I almost always gave up looking at half-dozen or more futile attempts to find the answers. The organization of ROP materials on the NRC website is illogical, poorly cross-linked, and basically unusable. The presentation of ROP materials on the NRC website should be completely overhauled. It is currently unusable.

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

| 1 | 2 | 3 | 4 | 5 |
|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comments: I would honestly like to answer this question with a "1" or "2" but I can point to no evidence to support such an answer.

(13) Is the ROP effective, efficient, realistic, and timely?

| 1 | 2 | 3 | 4 | 5 |
|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments: SDP timeliness for greater than green inspection findings is, and has always been, unacceptably slow.

(14) Does the ROP ensure openness in the regulatory process?

| 1 | 2 | 3 | 4 | 5 |
|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comments: No comment.

(15) Has the public been afforded adequate opportunity to participate in the ROP and to provide inputs and comments?

| 1 | 2 | 3 | 4 | 5 |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comments: As evidenced by (a) the monthly public meetings on the ROP conducted at NRC headquarters, (b) the annual public meetings for individual plant assessments conducted in the reactor communities, (c) the annual solicitation of public comments on the ROP, (d) the annual webcast Commission briefing on the ROP, and (e) the August 2005 NRC staff documented response to public comments from the 2004 comment period, the public has ample opportunity to participate in the ROP and provide comments. The only thing that prevents assigning a "1" rating to this question is the remaining need to improve the NRC feedback to the public to their inputs and comments. As noted above, the August 2005 NRC staff documented response to comments submitted by the public in 2004 is very good. If that feedback were matched by comparable feedback provided to public inputs and comments received during the annual assessment meetings, the rating would be "1."

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

| | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comments: See comments to Question No. 15 above.

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

| | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comments: See comments to Question No. 11 above. The ROP program documents are so dog-gone well hidden on the NRC website that I am unable to find them, let alone determine if the NRC is abiding by them whilst implementing the ROP.

(18) Does the ROP result in unintended consequences?

| | | | | |
|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comments: The ROP continues to result in the unintended consequences of wasting time and money on nonsense - but that waste is not the fault of the NRC staff. It's the product of terribly poor judgment by the NRC's licensees. The quintessential example this past year was the licensee for Palo Verde wasting untold time and money with its silly plexiglass scale model of the ECCS piping in a futile attempt to convince the NRC staff that its having deliberately drained water from the piping was no big deal. Likewise, the equally misguided attempt by the Cooper license to convince the NRC staff that a 10-plus fire at its site was actually a 9-minute fire followed shortly thereafter in the same vicinity by a 4-plus minute fire (all in a futile attempt to avoid having violating the requirement to notify the NRC each time a fire lasts longer than 10 minutes) was another wasteful exercise. But the NRC staff and the ROP is not to blame when common-sense-deprived licensees opt to supplement poor performance with poor judgment.

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

No additional comments.

Dated at Rockville, Maryland, this 14th day of October 2005.

For the U.S. Nuclear Regulatory Commission

/RA/

Stuart A. Richards
Office of Nuclear Reactor Regulation
Division of Inspection Program Management
Inspection Program Branch