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Ref: 70 FR 61318
ROP

STARS-05015

December 1, 2005

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Washington, DC 20555-0001

**STRATEGIC TEAMING AND RESOURCE SHARING (STARS)
COMMENTS ON THE IMPLEMENTATION OF
THE REACTOR OVERSIGHT PROCESS
(70 FR 61318)**

Gentlemen:

Attached are comments from the Strategic Teaming and Resource Sharing (STARS)¹ nuclear power plants on the implementation of the Reactor Oversight Process (ROP). The STARS plants appreciate this opportunity to provide comments on the ROP. The STARS plants have been working with NEI and RUG IV in the development of industry comments. STARS endorses the comments submitted by NEI and RUG IV.

Since implementation in April 2000, the ROP has exhibited marked improvement over the former inspection and enforcement process. Subjecting the ROP to continuous improvement by way of the routine ROP public meetings and the periodic solicitation of public feedback has assisted the ROP in effectively meeting the intended objectives, i.e., to maintain reactor safety; to enhance public confidence; to improve the effectiveness, efficiency, and realism of the oversight process; and to reduce unnecessary regulatory burden. Reassessment of performance indicators and adopting more effective indicators (e.g., Mitigating Systems Performance Index and Scrams with complications) is applauded. STARS supports and looks forward to assisting in the continuing efforts to further develop and improve the ROP.

¹ STARS is an alliance of six plants (eleven nuclear units) operated by TXU Power, AmerenUE, Wolf Creek Nuclear Operating Corporation, Pacific Gas and Electric Company, STP Nuclear Operating Company and Arizona Public Service Company.

STSP Review Complete

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E-RFDS = ADM-03

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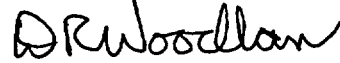
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70 FR 61318

(18)

If there are any questions regarding these comments, please contact me at 254-897-6887 or dwoodla1@txu.com.

Sincerely,

A handwritten signature in black ink, appearing to read "D. R. Woodlan". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

D. R. Woodlan, Chairman
Integrated Regulatory Affairs Group
STARS

Attachment

Attachment to STARS-05015

**STARS Comments on the Implementation of the
Reactor Oversight Process**

STARS Comments on the Implementation of the Reactor Oversight Process

The NRC requested feedback on the Reactor Oversight Process (ROP) in 70 FR 61318. The shaded circle represents the answer that most applies to our experiences with the ROP using the following rating scheme:

- 1 = very much
- 2 = somewhat
- 3 = neutral
- 4 = somewhat less than needed
- 5 = far less than needed.

(1) Does the Performance Indicator Program provide useful insights to help ensure plant safety?

1	2	3	4	5
	●			

Comments:

The Performance Indicator (PI) Program does provide useful insights to help ensure plant safety. Over the past six years, site programs have improved as a result of the PI Program, notably evident by the positive trends in Unplanned Power Changes, Safety System Functional Failures, Emergency Preparedness Drill Participation, Alert and Notification System Reliability, Occupational Radiation Safety, and Physical Protection Equipment Performance. Some indicators have been consistently high in the green band since the initial implementation of the Reactor Oversight Process. While these may not demonstrate a notable improvement from an indicator perspective, they continue to promote public confidence that barrier integrity is being maintained and radioactive releases are being tightly controlled.

STARS supports current ongoing efforts by the NRC and Industry to better risk inform the Safety System Unavailability, Scrams with loss of normal heat removal, and RCS Leakage PIs.

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

1	2	3	4	5
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Comments:

In some cases, the PI and Inspection Programs have excessive overlap. For example, Occupational Radiation Safety PI, "Occupational Exposure Control Effectiveness," monitors the number of technical specification high radiation area occurrences, very high radiation area occurrences, and unintended exposure occurrences. Even though this PI effectively monitors these regulatory requirements, NRC continues to document inspection findings (NCVs) related to the same issues. If it can be monitored adequately with a PI, then the inspection activities should only need to focus on licensee's compliance with PI data reporting requirements.

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

1	2	3	4	5
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Comments:

NEI 99-02 provides clear guidance regarding the PIs with the exception of IE02, "Scrams with loss of normal heat removal." STARS understands and continues to support the ongoing efforts by the Industry and NRC to simplify the IE02 PI.

Other efforts taken to date by the Industry and NRC to clarify the guidance in NEI 99-02 have been very successful, especially with the recent revision to the Frequently Asked Question (FAQ) process. Incorporation of dispositioned FAQs and the new FAQ process have reduced the number of questions submitted by the Industry and the NRC seeking NEI 99-02 guidance clarification.

(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
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Comments:

The inspection program is effective in accomplishing its goals in covering areas important to safety and ensuring that performance deficiencies are identified and promptly corrected. Some of the inspected areas with demonstrated good and improving performance, such as Radiation Protection, may be over inspected. Some thought should be given to adjusting the inspection schedule to more effectively distribute the inspection resources.

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

1	2	3	4	5
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Comments:

Documentation required by Manual Chapter (MC) 0612 meets the needs of licensees. The recent changes to MC 0612 were effective in clarifying and distinguishing between the terms "Licensee-Identified," "NRC-Identified," and "Self-Revealing." Other recent improvements include the addition of examples of minor issues and cross-cutting aspects to MC 0612 Appendix E.

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

1	2	3	4	5
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Comments:

The Significant Determination Process (SDP) does not yield equivalent results for issues of similar significance across all ROP cornerstones. Specifically, issues and events such as Emergency Preparedness, Security, Radiation Protection, and Fire Protection are evaluated using processes that are more deterministic in nature. These deterministic SDPs tend to exaggerate the actual risk. The reactor safety SDP is the most risk informed and should be used whenever possible. "Specialized" SDPs should be minimized. This same comment was submitted in 2004.

(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
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Comments:

Actions taken by the NRC to address performance issues for licensees outside the Licensee Response Column conform to the current ROP program. While the program is being followed as written, improvements should be considered. Specifically, two white inputs into the action matrix is not necessarily equivalent to a yellow input, especially in cornerstones that provide more opportunities for input, such as Mitigating

Systems. A more appropriate approach would be to consider 3 white inputs or some combination more equivalent to a yellow input as the entry threshold for a degraded cornerstone.

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

1	2	3	4	5
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Comments:

Yes, the information contained in assessment reports is relevant, useful, and written in plain English. Some improvement could be made in the way "Safety-Conscious Work Environment" (SCWE) issues are characterized and what actions would be considered appropriate for successfully addressing a SCWE issue.

Questions Related to the Efficacy of the Overall ROP

(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
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Comments:

ROP oversight activities are predictable and objective when a plant is in the Green Band of the Action Matrix with no events with the exception of cross-cutting aspects applied to findings. Recent revisions to Manual Chapters 0305 and 0612 provide some guidance and examples of cross-cutting aspects, but the application of cross-cutting aspects to date has been overly subjective.

One recent change to MC 0612 is of concern to STARS. The verbiage associated with the term "performance deficiency" is very subjective and permits actions to be taken against a licensee for non compliance with a standard to which the licensee may not be committed. STARS is not aware of any specific docketed examples where performance deficiencies were identified for non compliance with a standard which the licensee was not be committed to. However, the process as described, appears to circumvent the back fit rule.

Other unpredictable areas in the ROP are Security and Fire Protection; Security because of the constantly changing requirements driven "secretly" and sometimes solely by an NRC organization outside the Inspection Branch, and Fire Protection because of the continuing efforts to hold licensees accountable to industry standards outside their licensing basis.

(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
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Comments:

Many areas of the ROP are risk informed such that NRC actions are on the basis of increased significance but there are some areas that are still deterministic in nature such as Emergency Preparedness, Security, and Operator Training. The areas covered by Manual Chapter 0609, Appendix A are the most risk informed.

Efforts are currently ongoing to better risk inform the "Safety System Unavailability" and "Scrams with loss of normal heat removal" PIs. STARS supports the implementation of the "Mitigating Systems Performance Index" and the "Scrams with Complications" PIs as replacements for these indicators.

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

1	2	3	4	5
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Comments:

Generally the ROP is understandable and the process, procedures, and products are clear and written in plain English. STARS recognizes the efforts made by the NRC to provide necessary clarifications such as the definitions of "Licensee-Identified," "NRC-Identified," and "Self-Revealing" in MC 0612 and "cross-cutting aspects" and "substantive cross-cutting issue" in MC 0305. STARS believes these definitions will improve consistency across the Regions.

(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
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Comments:

The ROP does provide adequate regulatory assurance that plants are being operated and maintained safely.

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

1	2	3	4	5
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Comments:

The ROP is an improvement over the old SALP process. Inspections are more focused, findings are evaluated using a more structured tool, and performance assessment is more objective. Efficiency could be gained by combining related inspection activities. Evaluating a reduction in some inspection areas such as Occupational Radiation Safety should be considered due to sustained safety performance. Timeliness of the SDP process has improved.

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

1	2	3	4	5
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Comments:

For most areas of the ROP, the regulatory process is open. However, Security has been closed and disassociated with the rest of the ROP. If this question applied to Security alone, STARS would rate it at a 4 or 5. STARS believes more openness in Security could be gained by minimizing the use of "Orders" or "Advisories" and returning to the rule making process. Another area of the ROP that remains closed is the Significance Determination Process and Enforcement Review Panel (SERP).

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

1 2 3 4 5

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Comments:

The public is afforded adequate opportunity to participate in the ROP process. On a monthly basis, the NRC has held public ROP meetings to discuss improvements in the ROP process and answer Frequently Asked Questions. The monthly ROP meetings have been effective in maintaining open lines of communication between the NRC, industry, and other stakeholders. The one exception is in the area of Security. If this question applied to Security alone, STARS would rate it at a 4 or 5. While there may be opportunities to participate in the area of security for a select few, these opportunities do not exist for the public.

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

1 2 3 4 5

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Comments:

In the aggregate, the NRC has been responsive to public input and comments on the ROP. Following the 2004 solicitation for public comment on the ROP, the NRC published a response to comments submitted which was welcomed by the industry. Also, the action item list used to track and status issues discussed at the monthly ROP meetings has been useful in ensuring issues and actions are assigned and tracked to closure. This comment does not apply to the area of Security in which the NRC remains relatively unresponsive to public input. If this question applied to Security alone, STARS would rate it at a 4 or 5.

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

1 2 3 4 5

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Comments:

Overall, the NRC has implemented the ROP as defined by program documents with the exception of the Security area which is neither scrutable nor predictable. If this question applied to Security alone, STARS would rate it at a 4 or 5.

(18) Does the ROP minimize unintended consequences?

1 2 3 4 5

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Comments:

The ROP does minimize unintended consequences. A good example of avoiding an unintended consequence is the recent revision to MC 0612, which clarified the definition of "Licensee-Identified." The definition in the previous revision did not encourage a licensee to openly identify problems. Caution should be used when implementing change without thorough review of the ROP working group. One area susceptible to unintended consequences is Security.

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

STARS views the Reactor Oversight Process as an evolving process and, as such, appreciates the ability to participate in the ROP task force. The ROP task force is an excellent collaborative effort allowing stakeholders to continuously review and improve the process. Some of the more notable improvements made in the past year include progress with MSPI implementation, forward movement with a replacement indicator for the "Scrams with loss of normal heat removal" PI, implementation of a revised FAQ process that includes tools to deal with questionable FAQs and provides an appeal process, and revisions to MC 0612 and 0305.

Areas for continued improvement are Security and Fire Protection which need to be more scrutable and predictable. STARS believes a greater degree of oversight in the Security and Fire Protection areas by the ROP task force would further the improvement process and the NRC goals of scrutability and predictability in the ROP.