

Exelon Generation Company, LLC
1400 Opus Place
Downers Grove, IL 60515-5701

www.exeloncorp.com

Nuclear

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Chief, Rules and Directives Branch
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Subject: Response to Request for Public Comments on Risk-Based Performance Indicators: Results of Phase-1 Development

- References: (1) Volume 66, Federal Register, Page 8606 (66 FR 8606), dated February 1, 2001
- (2) Nuclear Energy Institute letter, "Comments on "Risk-Based Performance Indicators: Results of Phase-1 Development," dated May 14, 2001
- (3) Boiling Water Reactor Owners' Group letter, "Comments on Risk-Based Performance Indicators: Results of Phase-1 Development," dated May 11, 2001

Exelon Generation Company (EGC), LLC and AmerGen Energy Company, LLC (i.e., AmerGen), appreciate the opportunity to comment on the draft document "Risk-Based Performance Indicators: Results of Phase-1 Development." This letter provides EGC's and AmerGen's comments in response to Reference 1. Both companies have been actively involved with the Nuclear Energy Institute (NEI) and the Boiling Water Reactor (BWR) Owners' Group in developing comments to the subject report and endorse the industry comments submitted by NEI and the BWR Owners Group in References 2 and 3 respectively.

The NRC Reactor Oversight Process (ROP) is seen as an improvement over the previous process in that the new approach is objective, safety-focused, predictable and more transparent to the industry and the public. This approach provides objective measurements of performance, avoids unnecessary regulatory burden, focuses NRC and licensee resources on risk significant issues, standardizes NRC response to performance issues based on safety significance, and it gives the public and industry a timely and understandable assessment of a plant's performance.

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Even though this process is much improved, enhancements that reflect the lessons learned from the initial year of implementation and the insights from the subject report provide a useful basis for discussion of the future direction of the ROP.

Industry and the NRC must continue to properly prioritize and pursue the ROP process improvements, such as performance indicator changes, within the context of the entire regulatory framework and industry initiatives to standardize and streamline industry performance indicator (PI) information. These process improvements must be compatible with existing regulations, risk-informed initiatives and plant Technical Specifications and add value to the process as it currently exists. The viability of proposed changes to the ROP performance indicators must be proven using the rigorous change management process defined in NRC Inspection Manual Chapter 0608, "Performance Indicator Program."

Changes to the ROP performance indicators, particularly the Safety System Unavailability PIs and associated performance thresholds are needed to sharpen the focus on risk significant conditions, reduce unnecessary burden associated with overly complex and differing definitions for similar PIs and address perceived concerns on unintended consequences. The subject report appears to provide some opportunities for improvement in the area of replacing safety system start and demand fault exposure unavailability with unreliability indicators. As the report suggests, consideration of plant specific risk-insights in the establishment of performance indicator thresholds is an improvement. However, wide variances in the green-white threshold should be carefully considered to avoid unintended consequences on public confidence and understandability.

We remain committed to continue working with the NRC and the industry to refine the ROP and its PIs. If you have any questions, please do not hesitate to contact me at (630) 663-7330.

Respectfully,

A handwritten signature in black ink, appearing to read "R. M. Krich".

R. M. Krich
Director – Licensing
Mid-West Regional Operating Group