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December 28, 2001

U.S. Nuclear Regulatory Commission
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Subject: Response to Solicitation of Public Comments on the Second Year of Implementation of the Reactor Oversight Process

- References:
- (1) Volume 66, Federal Register No. 225, Pages 58529-58530, dated November 21, 2001
 - (2) Nuclear Energy Institute letter, "Public Comment on the Second Year of Implementation of the Reactor Oversight Process (ROP)," dated December 21, 2001

Exelon Generation Company, LLC and AmerGen Energy Company, LLC, appreciate the opportunity to comment on the NRC's Second Year of Implementation of the Reactor Oversight Process. Exelon Generation Company, LLC and AmerGen Energy Company are actively involved with Nuclear Energy Institute (NEI) on this issue and fully endorse the industry comments submitted by NEI in Reference 2.

The Reactor Oversight Process (ROP) is still seen as an improvement over the previous process in that the approach is objective, safety-focused, predictable and more transparent to the industry and the public. This approach provides an objective measurement of performance, avoids unnecessary regulatory burden, focuses NRC and licensee resources on risk or safe significant issues, and dictates NRC response to findings based on safety significance. In addition, it gives the public and industry a timely and understandable assessment of a plant's performance, which has led to an increase in public confidence regarding the nuclear industry.

Improvement to the process has been on going and needs to continue into the future for the continued success of the Process. Industry and the NRC must continue to properly prioritize and pursue ROP process changes in the inspection and assessment areas. Enhancements in the inspection arena would include revisions to the Significance Determination Process (SDP) and Inspection Program. Changes need to be made to the ALARA, Emergency Preparedness, Fire Protection, and Physical Protection SDPs to mitigate flaws and address implementation issues. Changes in the Inspection Program would include enhancements to the Safety System Design inspection guidance and Fire Protection inspection guidance and the crediting licensee's self-assessments in lieu of inspections. Assessment area enhancements include the initiation of new Performance Indicators (PIs); the revision of existing indicators, such as the Scram Performance indicators, to better reflect plant activities; and the adoption of a common PI definition and threshold for mitigating system performance that will be consistent between NRC, WANO, EPIX, Maintenance Rule, and probabilistic risk assessment.

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An integral part of this process was the access to plant data on the NRC web site for both the utilities and the general public. Having this data readily available and depicted in a clear and concise manner allowed the general public to see the safety levels achieved by the various nuclear plants as well as the NRC actions taken in response to those plants that fell outside the licensee response band (i.e., non-green PI or inspection finding). This information also served as a good benchmarking source for the industry. Due to the recent national events, it is understandable why additional security measures were implemented and the information was removed from the web site. However, due to the importance of this information to the industry and the general public, every effort needs to be made to restore as much of this data as possible so that public confidence in this Process and the nuclear industry is maintained.

If you have any questions, please do not hesitate to contact us.

Very truly yours,

Marlene J. Taylor for

Michael P. Gallagher
Director, Licensing and Regulatory Affairs
Mid-Atlantic Regional Operating Group

cc: Nuclear Energy Institute – Stephen Floyd