

Commonwealth Edison Company
1400 Opus Place
Downers Grove, IL 60515-5701

DS09
A. Madison

RECEIVED

200 JAN -3 PM 2:50
RULES & DIR. BRANC
US NRC

64FR 40394
July 26, 1999

ComEd

11

December 30, 1999

Chief, Rules and Directives Branch
Division of Administrative Services
Office of Administration
Mail Stop: T-6 D59
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555-0001

Subject: Comments on the Pilot Program for the New Regulatory Oversight Program

References: (1) Volume 64, Federal Register, Page 40394 (64 FR 40394), dated
July 26, 1999

(2) Letter from Ralph E. Beedle (NEI) to U.S. NRC, "Public Comments On
The Pilot Program for the New Regulatory Oversight Program," dated
December 29, 1999.

This letter provides Commonwealth Edison (ComEd) Company comments on the Pilot
Program for the New Regulatory Oversight Program published in Reference 1.

ComEd has learned some valuable lessons through our involvement in the development of
the new Reactor Oversight Program, including the participation of our Quad Cities Nuclear
Power Plant as one of the pilot plants, senior management participation on the Pilot Process
Evaluation Panel (PPEP), and through our participation on various industry working
groups. For the new oversight process to work effectively, we consider that licensees must
have four essential elements in place. These are: a complete understanding of all required
rules, standards, programs and processes; robust programs for corrective action, self-
assessment and internal oversight; careful evaluation of performance indicator data; and
proper utility response to NRC inspections in order to gain insights from agency evaluations.
Overall, we consider the new process to be much improved compared to the existing
process and that the Pilot Program has been effective in achieving its goals.

ComEd would like to emphasize the importance of resolving the following issues prior to
full industry-wide implementation.

- The issue of how 10 CFR 50.9, "Completeness and Accuracy of Information", is to be
applied for non-willful minor/inadvertent performance indicator data errors needs to be
resolved. It is recommended that a period (i.e., the initial year of implementation) should
be established for errors and differing technical views to be resolved without
enforcement action.

Add:
A. Madison

PDR A0001.05000254
A Unicom Company

December 29, 1999
Chief, Rules and Directives Branch
Page 2

- The Security Equipment Performance Index performance indicator requires analysis and correction. At a minimum this indicator's thresholds need to be adjusted.
- The application of the Significance Determination Process (SDP) to the Safeguards Strategic Performance Area lacks sufficient guidance to obtain repeatable results and could produce outcomes that are inconsistent with other Performance Indicator (PI) thresholds and SDP results.

ComEd was involved in the preparation of the generic industry comments provided in the Reference 2 letter. ComEd fully endorses the industry comments submitted in the Reference 2 letter.

With the resolution of the above issues and those noted in Reference 2, ComEd considers that the new regulatory oversight process can meet the NRC's goals of ensuring safe operation, improving efficiency, reducing unnecessary regulatory burden, and enhancing public confidence. We consider that sufficient progress has been made to support industry-wide initial implementation beginning in April 2000.

We recognize that further refinements to the process will be necessary as initial implementation proceeds. We recommend that a rigorous change process be adopted which preserves the NRC's final decision making authority while encouraging public interaction and cooperation among process stakeholders. ComEd is prepared to continue its support of this important initiative.

ComEd appreciates the opportunity to comment and commends the NRC for the significant initiative undertaken to achieve improvements in the oversight process. If you would like to discuss our comments further, please contact Ms. P. A. Loftus of my staff at (630) 663-7250.

Respectfully,



R. M. Krich
Vice President – Regulatory Services

cc: Dr. William Travers, Executive Director for Operations, NRC
Mr. Samuel J. Collins, Director, Nuclear Reactor Regulation, NRC
The Honorable Richard A. Meserve, Chairman, NRC
The Honorable Greta J. Dicus, Commissioner, NRC
The Honorable Nils J. Diaz, Commissioner, NRC
The Honorable Edward McGaffigan Jr., Commissioner, NRC
The Honorable Jeffrey S. Merrifield, Commissioner, NRC