

*E. Baker*

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**From:** <Joseph.A.Bauer@ucm.com>  
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**Date:** Mon, Apr 10, 2000 6:31 PM  
**Subject:** Commonwealth Edison Company's Comments on the Allegation Program

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*Feb. 9, 2000*

RULES & DIR. BRANCH  
IS, NEC

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Attached, please find Commonwealth Edison Company's response to the "Request for Public Comment on the Allegations Program Under the New Regulatory Program," (65 FR 6399; February 9, 2000).

Thanks for your attention.

Joe Bauer  
Nuclear Licensing Administrator  
Regulatory Services Department  
Commonwealth Edison Company  
(630)663-7287

<<Allegation Process 041000 ComEd.doc>>

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April 10, 2000

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:** Request for Public Comment on the Allegations Program Under the New Regulatory Oversight Program

**References:** (1) 65 Federal Register 6399; February 9, 2000

(2) Commission Paper, SECY-99-273, "Impact of Changes to the Inspection Program for Reactors on Implementing the Allegation Program," dated November 23, 1999

(3) Nuclear Energy Institute Letter, "Request for Public Comment on the Allegations Program Under the New Regulatory Oversight Program (65 Fed. Reg. 6399; February 9, 1999)," dated April 10, 2000

Commonwealth Edison (ComEd) Company is pleased to have the opportunity to comment on the "Allegations Program Under the New Regulatory Oversight Program," (65 FR 6399, February 9, 2000).

We have carefully reviewed the four options presented in Commission Paper, SECY-99-273, "Impact of Changes to the Inspection Program for Reactors on Implementing the Allegation Program," dated November 23, 1999, and we fully endorse the comments of the Nuclear Energy Institute (NEI) by letter dated March 22, 2000.

Our general position toward allegations is that all valid allegations must be investigated and the results provided to the alleging individual within a reasonable amount of time. No valid allegation should be left unanswered.

Using risk insights to evaluate allegations is an appropriate method for determining whether additional inspection is necessary and the schedule upon which any inspection should proceed. A composite of the concepts discussed in the third and fourth options of SECY-99-273 would lead to considerable process improvements. Applying the risk-informed approach for addressing allegations in Option 3, coupled with enhanced communication with the alleging individual described in Option 4, will support the NRC's stated goals of achieving efficient use of the resources, maintaining adequate protection of the alleging individual's identity, assuring alleging individuals that plants are being safely operated, enhancing the public confidence,

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improving the efficiency and effectiveness of the regulatory process, and reducing unnecessary regulatory burden.

We would like to specifically note our opposition to the Option 4 proposal that an alleging individual may insist on independent NRC follow-up of an issue. This "veto" power would undermine the very basis of the risk-informed approach and the NRC's independent authority to regulate. This "veto" power is unnecessary to build public confidence so long as timely communication is maintained with the alleging individual.

We do not see a benefit in implementing changes to the allegation program on a pilot basis and; therefore, endorse implementing these beneficial changes at all reactor facilities.

For the reasons discussed above, we endorse implementation of a composite of the concepts discussed in the third and fourth options of SECY-99-273 to enhance the NRC's allegation resolution process.

If you have any questions, please contact me at (630) 663-7330.

Respectfully,

ORIGINAL SIGNED BY R. M. KRICH

R. M. Krich  
Vice President – Regulatory Services

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