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April 13, 2001

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

Subject: Response to Request for Public Comments on the First Year of Initial Implementation of the Reactor Oversight Process

- References:
- (1) Volume 65, Federal Register, Page 78215 (65 FR 78215), dated December 14, 2000
  - (2) Nuclear Energy Institute letter, "Comments on NRC Request for Public Comment on the First Year of Initial Implementation of the Reactor Oversight Process (65 Fed. Reg. 78215)," dated April 13, 2001

Exelon Generation Company (EGC), LLC and AmerGen Energy Company, LLC (i.e., AmerGen), appreciate the opportunity to comment on the NRC's First Year of Initial Implementation of the Reactor Oversight Process (ROP). 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) in supporting this important change to the regulatory process and fully endorse the industry comments submitted by NEI in Reference 2.

The 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 or safety significant issues, standardizes NRC response to findings based on safety significance, and it gives the public and industry a timely and understandable assessment of a plant's performance. This effort appears to have led to an increase in public confidence in the regulatory process.

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Even though this process is much improved, enhancements that reflect the lessons learned from the initial year of implementation are in progress or under NRC consideration. Industry and the NRC must continue to properly prioritize and pursue ROP process improvements to achieve all four goals of the process: safety, understandable, enhances public confidence and reduces unnecessary burden. Changes to the Initiating Events Cornerstone Performance Indicators (PIs) and the Safety System Unavailability PIs are needed to sharpen the focus on risk significant conditions, reduce unnecessary burden associated with differing definitions for similar PIs and address perceived concerns on unintended consequences. Changes to Significance Determination Process tools for the Physical Protection, Radiation Protection and Fire Protection areas are needed to sharpen the focus on risk significant conditions and eliminate unnecessary resource expenditures. Enhancements to inspection guidance should be considered in the Fire Protection, Radiation Protection, Problem Identification and Resolution, Safety System Design Inspection areas and the treatment of No-Color findings. Provisions for a period of discretion in the Enforcement Policy or supporting guidance should be considered when new PIs or major process changes are piloted and initially implemented industry wide.

If you have any questions, please do not hesitate to contact me at (630) 663-7330.

Respectfully,



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

cc: S. Floyd - Nuclear Energy Institute