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December 23, 2002

U. S. Nuclear Regulatory Commission  
Washington, DC 20555

**ATTENTION:** Mr. Michael T. Lesar, Chief, Rules and Directives Branch

**SUBJECT:** Calvert Cliffs Nuclear Power Plant  
Unit Nos. 1 & 2; Docket Nos. 50-317 & 50-318  
Comments on the Third Year of Implementation of the Reactor Oversight Process

- REFERENCES:**
- (a) Solicitation of Public Comments on the Third Year of Implementation of the Reactor Oversight Process (67FR70468 – November 22, 2002)
  - (b) Letter from Mr. S. D. Floyd (NEI), to Mr. M. T. Lesar (NRC), dated December 20, 2002, Solicitation of Public Comments on the Third Year of Implementation of the Reactor Oversight Process

Constellation Energy Group welcomes the opportunity to provide comments on the Third Year of Implementation of the Reactor Oversight Process solicited by Reference (a). Constellation Energy Group has reviewed the Nuclear Energy Institute's (NEI's) industry comment which has been submitted to the Nuclear Regulatory Commission (NRC) on December 20, 2002 (Reference b). Constellation Energy Group endorses the NEI comments and wishes to add the following observations which have been addressed by comments on Questions 6, 10, and 19 in Enclosure to Reference (b).

We are concerned about the subjective nature of the Significance Determination Processes (SDPs) for cornerstones that fall outside a plant's probabilistic risk analysis. For example, a significant percentage of findings in the industry have occurred under the Emergency Preparedness Cornerstone. Many of these findings were preliminarily classified as white or yellow, and subsequently downgraded by the NRC only after significant licensee resources were expended in appealing the proposed level of severity. As stated in the NEI comment to Question 19 of Reference (a), the practice of assigning a conservative preliminary finding and subsequently changing the color provides critics with an opportunity to challenge the integrity of the process and creates doubt in the public's mind. Another example is the SDP for Public Radiation Safety, which specifies findings based on radioactive waste shipment dose rates regardless of actual risk to the public (e.g., accessibility of high dose rate area, duration of accessibility by the public, etc.).

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We strongly recommend that SDPs in these areas should be revised to ensure findings appropriately reflect the risk of the event as well as programmatic failures instead of single occurrences. We believe utilizing a risk-informed method will better reflect licensee performance to ensure plant safety.

Should you have questions regarding this matter, we will be pleased to discuss them with you.

Very truly yours,



CHC/GT/bjd

cc: Document Control Desk, NRC  
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