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Manager of  
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December 23, 2005

Michael T. Lesar  
Chief, Rules and Directives Branch  
Office of Administration (Mail Stop T-6D59)  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

*10/21/05*

*70 FR 61318*

*(21)*

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RULES AND DIRECTIVES  
BRANCH  
USNRC

**SUBJECT: Solicitation of Public Comments on the Implementation of the  
Reactor Oversight Process  
70 FR 61318**

Dear Mr. Lesar:

The subject Federal Register Notice requested public comments on the implementation of the NRC's Reactor Oversight Process. Southern California Edison (SCE) believes that the U. S. Nuclear Regulatory Commission's (NRC's) revised Reactor Oversight Process (ROP) continues to be a significant improvement over the prior deterministic approaches and we continue to support this important effort.

During this past year, significant progress has been made on several new ROP initiatives. SCE has actively supported the development of the revised Reactor Oversight Process, served on the Initial Implementation Evaluation Panel, was a pilot in the Mitigating Systems Performance Index pilot program, and continues to support its improvement initiatives.

SCE endorses the comments, provided separately, by the Nuclear Energy Institute (NEI). The following SCE comments are provided to augment those of NEI, and include programmatic issues/comments we have identified previously.

SCE believes that the NRC revised Reactor Oversight Process has been successful in providing a more risk-informed framework. There are several areas, however, that we believe require continuing attention:

- As in all things, Performance Indicators (PIs) and other aspects of the Reactor Oversight Process (e.g., Significance Determination Process (SDP), etc.) can create unintended consequences. There is a continuing need for a robust and ongoing process to identify and address such situations as they arise.

*SISP Review Complete*

*ERIDS = ADM-03*

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- While some conservative “false positives” are acceptable from any such processes (i.e., Performance Indicators, SDPs), it is also necessary that the Reactor Oversight Process identifies and resolves potential opportunities for “false negatives.” “False negatives” have the potential to significantly undermine the credibility of the entire Reactor Oversight Process.
- While much improvement has been realized, there is a continuing need to improve the public’s understanding of all the elements of the Reactor Oversight Process. It appears that much of the public continues to perceive the new Reactor Oversight Process as solely the “Performance Indicators”, and is less aware of the revised Inspection Process, SDPs, Action Matrix, and Enforcement Policy.
- SCE remains concerned with various recent proposals made by the NRC staff to revise upward some of the Performance Indicator thresholds. Changing the PI thresholds would impose a de facto “rising standard.” SCE supports the original NRC position that the thresholds were set with the expectation that, while licensee performance would be expected to improve, performance at the current thresholds represent “acceptable licensee performance.”
- Difficulties continue to be experienced with the development, precision, and robustness of the Significance Determination Processes. Several SDPs are not as robust as they should be, and do not produce consistent and/or accurate results.
- The Mitigating Systems Performance Index (MSPI) effort has been a lengthy and difficult process and the resultant MSPI has evolved well beyond what was originally piloted. SCE believes, therefore, that the NRC should conduct a “lessons learned” evaluation of the MSPI effort before further changes are made.
- The NRC has initiated effort to improve Significance Determination Process timeliness and we support this effort. The Commission is establishing goals for Significance Determination Process timeliness at 90 days. There may, however, occasionally remain complex engineering judgment issues that may take longer than 90 days to resolve. SCE believes the NRC should give a licensee sufficient time to determine the actual facts and circumstances of an event, even if that should require waiving the 90 day goal for such exceptional cases.
- The ROP Task Force public meetings have ensured good communication vehicle between the ROP stakeholders. We note, however, that the recent revision to MC 0612 was not afforded the appropriate opportunity to be commented on by stakeholders prior to its’ final release.

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- The Commission staff has initiated an comprehensive effort to appropriately incorporate Safety Culture into the Reactor Oversight Process. The issues identified to date are significant and will require considerable deliberation and stakeholder involvement to ensure that a predictable and “scrutable” process results. As this effort proceeds, it should include participation of the Reactor Oversight Process stakeholders, and be subject to the same checks and balances as any other Reactor Oversight Program changes.
- The opportunity to provide comments on the NRC’s revised Reactor Oversight Process Program is appropriate and appreciated. We recommend that the NRC staff provide formal, timely, and public feedback on comments received from the external stakeholders.

SCE appreciates the opportunity to provide these comments to the Nuclear Regulatory Commission. If you require any additional information, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "A. B. Scherer". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.