



FPL

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U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

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RULES AND DIRECTIVES
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Re: Florida Power & Light Company, FPL Energy Seabrook, LLC, and FPL Energy Duane Arnold, LLC, Comments on "Solicitation of Public Comments on the Implementation of the Reactor Oversight Process" (71 FR 59,539-59,540, October 10, 2006)

Florida Power & Light Company, the owner and operator of the St. Lucie Nuclear Plant, Units 1 and 2 and Turkey Point Nuclear Plant, Units 3 and 4; FPL Energy Seabrook, LLC, the owner of a controlling interest in and operator of Seabrook Station; and FPL Energy Duane Arnold, LLC, the owner of a controlling interest in and operator of Duane Arnold Energy Center (collectively FPL), submit these comments on the above-referenced request for public comments on the implementation of the Reactor Oversight Process (ROP).

FPL supports the NRC's ROP-related initiatives to improve the Significance Determination Process (SDP), as set forth in NRC Inspection Manual Chapter 0609 (IMC 0609), and timeliness in issuing final SDP results. These initiatives include the incorporation in November 2005 of the Planning Significance and Enforcement Review Panel (SERP) process into IMC 0609, the issuance of the Phase 2 SDP notebooks (Revision 2) in December 2005, and the efforts to further enhance Standardized Plant Analysis Risk (SPAR) models to provide a more enhanced Phase 3 SDP tool for evaluating at-power internal events consistent with the licensee's probabilistic risk assessment (PRA).

FPL would like to provide the following comments with respect to Questions 10 and 15 of the subject Federal Register notice (p. 59,450), which relate to the efficacy of the overall ROP:

Question (10)

The ROP oversight activities are predictable (i.e., controlled by the process) and reasonably objective (i.e., based on supported facts, rather than relying on subjective judgement).

Question (15)

The ROP is effective, efficient, realistic and timely.

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an FPL Group company

One of the original objectives of the ROP was to improve the objectivity of the reactor oversight process, i.e., so that subjective decisions and judgements are not central to the process (see NRC Significance Determination Process - Task Group Report (TGR), December 13, 2002, page 4). The NRC routinely uses engineering judgement in formulating its assumptions on whether a degraded structure, system or component would have performed its safety function given a specific demand. Also, when performing Phase 3 SDP assessments of final significance, the NRC often introduces hypothetical scenarios involving what could have happened -- even though such hypothetical scenarios are a departure from the facts of what occurred, the actions taken by the licensee in response to the actual event and the actual consequences of the event (if any). These practices can introduce an outcome-determinative subjective element in to the SDP risk significance determination.

FPL respectfully submits the SERP process should include, especially for more complex issues involving Phase 3 SDP assessments, more specific guidelines to ensure that the final significance characterization is consistent with the original premise of the ROP of providing an objective process based upon supported facts and actual consequences (i.e., rather than upon the possibility of what theoretically "could have happened" no matter how improbable the postulated scenario). Such guidance would help to ensure that assumptions that are influential to the significance result (i.e., will cause the color to vary) are both objective and realistic and could include guidelines on determining when the results of a licensee's PRA are of sufficient quality for use in the final significance determination. The guidelines could be expressly incorporated, for example, in the SERP Worksheet for SDP-Related Findings (Exhibit 4 of Attachment 1 to IMC 0609).

As a general comment pertaining to Question 14 of the subject Federal Register notice (p. 59,450), while the NRC's recent ROP safety culture enhancements clarify NRC's expectations and focus licensee attention, we are concerned with the potential unintended result that ultimately licensees are more susceptible to having substantive cross-cutting issues (based upon the sheer volume of cross-cutting aspects allocated to safety culture under the ROP, as revised). This could impose unnecessary licensee burden.

In addition to the above comments, FPL provides the following comments regarding two specific definitions contained within NRC Inspection Manual Chapter 0612, Section 0612-03, "Definitions":

"NRC-Identified" - The definition should be revised to read along the lines of "Added value means that the inspector has identified previously unknown significant weaknesses in the licensee's classification, evaluation, or corrective actions associated with the licensee's correction of a finding after the licensee has completed the particular activity in question." In this regard, the supporting comment for the definition should address the situation in which an inspector asks questions or makes observations that do not result in identification of unknown significant weakness in a finished product (i.e., would not meet the definition of added value).

"Performance Deficiency" - Some clarification should be made in the last two sentences of the first paragraph pointing out that self-imposed widely accepted industry standards or practices are not necessarily regulatory requirements.

FPL appreciates the opportunity to provide feedback on the ROP.

Sincerely yours,

A handwritten signature in black ink, appearing to read "J. A. Stall". The signature is stylized with a large, sweeping initial "J" and a circular flourish at the end.

J. A. Stall
Senior Vice President, Nuclear and
Chief Nuclear Officer