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

Subject: **Solicitation of Public Comments on the Implementation of the
Reactor Oversight Process
71 FR 59539**

Dear Mr. Lesar:

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

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

SCE endorses the comments, provided separately, by the Nuclear Energy Institute (NEI) and the Region IV Utility (RUG IV) group. The following SCE comments are provided to augment those of NEI and RUG IV.

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

- As in all things, Performance Indicators (PIs) and other aspects of the ROP (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.

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- While some conservative “false positives” are acceptable from any such processes, it is necessary that the ROP identifies and resolves potential opportunities for “false negatives” (i.e., failure to identify a potential safety concern). “False negatives” have the potential to significantly undermine the credibility of the entire ROP.
- While much improvement has been realized, there is a continuing need to improve the public’s understanding of all the elements of the ROP. It appears that much of the public continues to perceive the new ROP as solely the self-reported Performance Indicators, and is less aware of the revised independent Inspection Process, SDPs, Action Matrix, and Enforcement Policy.
- SCE remains concerned with continuing proposals to revise upward some of the PI thresholds. Changing the PI thresholds in such a manner 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 represents “acceptable licensee performance.”
- Difficulties continue to be experienced with the development, precision, and robustness of several of the Significance Determination Processes. Several SDPs are not as robust as they should be, and do not produce consistent and/or meaningful 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 efforts to improve SDP timeliness and we support this effort. The Commission is establishing goals for SDP 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 would require waiving the 90-day goal for such exceptional cases.
- The NRC should make additional use of licensee-developed Probabilistic Risk Assessment (PRA) models that meet the necessary quality standards. In those cases where the SDP would require evaluation beyond the screening criteria, the NRC should move directly to a Phase III evaluation using the licensee’s plant specific PRA.

- The Commission has initiated a comprehensive effort to appropriately incorporate Safety Culture into the ROP. The changes made to date are significant and will require considerable management oversight and stakeholder involvement to ensure that a predictable and "scrutable" process results. As this effort proceeds, it should include participation of the ROP stakeholders and be subject to the same checks and balances as any other ROP changes.
- The opportunity to provide comments on the NRC's revised ROP is appropriate and appreciated. We recommend that the NRC staff provide formal, timely, and public feedback on comments received from the external stakeholders. We further recommend that the ROP survey continue on an annual basis.

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. Spence". The signature is written in a cursive style with a large, sweeping initial "A".