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RULES & DIR. BRANCH  
US NRC

December 30, 1999  
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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 the Solicitation of Comments on the Pilot Program for the New  
Regulatory Oversight Program, 64 Federal Register 142, dated July 26, 1999, as  
Revised on November 4, 1999 (64 Fed. Reg. 60244)

Dear Sir:

The purpose of this letter is to respond to the NRC's request for public comment on 64 Federal Register 142, "Public Comment on the Pilot Program for the New Regulatory Oversight Program." Florida Power Corporation's (FPC's) comments are included in the attachment to this letter. FPC recognizes and appreciates the NRC's openness and sharing of ideas in the development of this important program.

In addition to the attached comments, FPC endorses the comments of the Nuclear Energy Institute (NEI) provided on the industry's behalf.

Please contact Mr. Sid Powell, Manager, Nuclear Licensing at (352) 563-4883 if you need further information regarding FPC's comments.

Sincerely,

*S. L. Bernhoff*

S. L. Bernhoff  
Director, Nuclear Regulatory Affairs

Attachment

cc: Regional Administrator, Region II  
Senior Resident Inspector  
NRR Project Manager  
NRC Document Control Desk

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**ATTACHMENT**

**Florida Power Corporation's (FPC's) Comments on 64 Federal Register 142**  
**"Public Comment on the Pilot Program for the New Regulatory Oversight Program"**

The Federal Register Notice requested comments on the following issues:

1. Does the new oversight process provide adequate assurance that plants are being operated safely?

**Response to 1: Yes, FPC endorses the NEI comments.**

**In addition to the comments submitted by NEI, FPC provides these comments concerning the Protected Area Security Equipment Performance Index Performance Indicator. As currently presented, this Index could be misleading to the public. The title would lead one to believe that nuclear plant security is degraded if the Index is not 100%, when in fact the equipment is being properly compensated for and there is no loss of security effectiveness. In addition, the title proports the Index to be equipment-related while the data reporting elements consist of the hours spent by security officers compensating for equipment out of service. The Index should accurately report equipment unavailability and be calculated similar to the Safety Systems Unavailability PI.**

**The Protected Area Security Equipment Index Performance Indicator needs to be corrected prior to the full implementation of the NRC Oversight Program in April 2000.**

2. Does the new oversight process enhance public confidence by increasing the predictability, consistency, clarity and objectivity of the NRC's oversight process?

**Response to 2: Yes, FPC endorses the NEI comments.**

3. Does the new oversight process improve the efficiency and effectiveness of the regulatory process focusing agency resources on those issues with the most safety significance?

**Response to 3: Yes, FPC endorses the NEI comments.**

4. Does the new oversight process reduce unnecessary regulatory burden on licensees?

**Response to 4: Yes, FPC endorses the NEI comments.**

5. The new oversight process does not currently provide an overall assessment of performance of an individual safety cornerstone other than a determination that the cornerstone objectives have or have not been met. However, it does identify regulatory actions to be taken for degraded performance within the safety cornerstones.

Is an overall safety cornerstone assessment warranted or appropriate?

**Response to 5: No, FPC endorses the NEI comments.**

6. Licensee findings as well as NRC inspection findings are candidates for being evaluated by the significance determination process.

Does this serve to discourage licensees from having an aggressive problem identification process?

**Response to 6: No, FPC endorses the NEI comments.**

7. In the new oversight program, positive inspection observations are not included in NRC inspection reports and the plant issues matrix (PIM) due to a lack of criteria and past inconsistencies and subjectivity in identifying such issues. Previous feedback on this issue indicated that the vast majority of commenters believed positive inspection findings should not be factored into the assessment process.

Does the available public information associated with the revised reactor oversight process, including the NRC's web page which includes information on performance indicators and inspection findings, provide an appropriately balanced view of licensee performance?

If not, should positive inspection findings be captured and incorporated into a process to reach an overall inspection indicator for each cornerstone?

**Response to 7: FPC endorses the NEI comments. All subjective comments (both positive and negative) should be eliminated from inspection results. Inspection results should be based on factual information and not subjective statements that may be inconsistent and misinterpreted.**

8. The staff has established several mechanisms such as public meetings held in the vicinity of the plants, this Federal Register Notice, and the NRC's website to solicit public feedback on the Pilot Program.

Are there any other appropriate means by which the agency could solicit stakeholder feedback, in a structured and consistent manner, on the Pilot Program?

**Response to 8:** FPC endorses the NEI comments. In addition to the above, the NRC should consider holding public meetings in the vicinity of all operating nuclear plants in the US to keep the public informed on its oversight activities.

9. Are there any additional issues that the agency needs to address prior to full implementation of the new oversight process at all sites?

**Response to 9:**

**Reactor Safety Strategic Area – Emergency Preparedness Cornerstone – Alert and Notification System Performance Indicator:** A commenter noted that this should be expanded to include communications systems (phones and data links) between required emergency response facilities. FPC disagrees. Such equipment (and failures of that equipment) should be included in the inspections for that Cornerstone. The Alert and Notification System Performance Indicator should not be expanded.

**Reactor Safety Strategic Area – Emergency Preparedness Cornerstone – Alert and Notification System Performance Indicator:** A commenter noted that this should be expanded to include known failures of the alert and notification system detected between scheduled tests. FPC disagrees. Such equipment (and failures of that equipment) should be included in the inspections for that Cornerstone. The Alert and Notification System Performance Indicator should not be expanded.

The results for six of the nineteen Performance Indicators are given in whole numbers. The graphs of these Performance Indicators present the threshold at the level of a whole number (e.g., Public Radiation Safety – Offsite Release Performance Indicator presents the Green – White Threshold at 6 and the White – Yellow Threshold at 13). This may confuse viewers in not knowing which color to attribute to a Performance Indicator value which is on the Threshold. It would be a better visual presentation to put the Threshold at the half-value (e.g., Public Radiation Safety – Offsite Release Performance Indicator could present the Green – White Threshold at 6.5 and the White – Yellow Threshold at 13.5). This would clarify which color to associate with any Performance Indicator value.