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January 28, 1991
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Mr. Samuel J. Chilk
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, DC 20555

ATTENTION: Docketing and Service Branch

Oyster Creek Nuclear Generating Station (OCNGS)
Docket No. 50-219

Three Mile Island Nuclear Generating Station Unit 1 (TMI-1)
Docket No. 50-289

- RE: 1. Notice of Availability SECY-90-347
"Regulatory Impact Survey Report"
55 Federal Register 53220 (December 27, 1990)
Request for Comments
- 2. Nuclear Management and Resources Council (NUMARC)
Letter of January 28, 1991 with Reference to SECY-90-347

Dear Mr. Chilk:

GPU Nuclear Corporation (GPUN) is submitting these comments in response to the invitation of the United States Nuclear Regulatory Commission (NRC) for comments on the Notice of Availability of SECY-90-347 "Regulatory Impact Survey Report", dated October 9, 1990 (55 Fed. Reg. 53220 (December 27, 1990)).

GPUN appreciates the invitation to comment on SECY 90-347 "Regulatory Impact Survey Report". We commend the NRC for undertaking the survey to obtain the perceptions of licensees and regulatory staff of the effect of NRC activities on the safe operation of Nuclear power plants and to assist the staff in determining if regulatory programs require modification. GPUN believes that this initiative by the NRC is an important step which can lead to an improved interface between the NRC and licensee, to the benefit of the NRC, licensee and public safety.

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GPUN believes that comments and recommendations made by NUMARC on SECY-90-347 as documented in reference 2 are appropriate and endorses these comments and recommendations in their entirety. It is not our intent in this letter to duplicate NUMARC's comments and recommendations. We, rather, intend to emphasize upon certain issues that, though evident in "summary list of themes" (reference 1, page 3), are not adequately addressed by NRC-identified three regulatory areas of improvement.

Out of the seven themes presented in reference 1, page 3, the NRC has identified three specific regulatory areas for improvement: (1) considerations of the cumulative effect of the NRC's generic requirements and generic communications, (2) scheduling and control of inspections, (especially team inspections), and (3) training, preparation and management of inspectors. These issues, though important, do not encompass the larger concern of lack of delineations of the role, responsibilities and management of the NRC staff vis a vis those of licensees.

The seven points of the "Summary list of the themes" clearly point towards this lack of delineation. The NRC's responsibility as a regulator is to establish the parameters and oversight mechanism to enforce compliance with this parameters. The licensee's responsibility is to effectively and efficiently manage its resources to meet or exceed these parameters. However, as mentioned in #2 of "the Summary list of themes", when "NRC dominates licensee resources through its existing and changing formal and informal requirements (SECY-90-080)", it is tantamount of managing licensee resources.

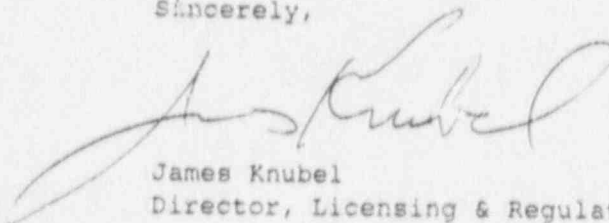
An example of such involvement by the NRC into management of licensee resources is Integrated Regulatory Requirements Implementation Schedule (IRRIS). IRRIS appears to contemplate that licensees should freeze their outage plan a year in advance. This is difficult to do with any finality so far in advance. As NUMARC has suggested "the need to integrate a ninety-day period for staff review into this process will further complicate the process, and the staff's comment that the outage activities would be frozen under IRRIS may not provide the flexibility needed by a licensee to respond to changing circumstances." Such excessive involvement of NRC into operational management of licensee undercuts the authority and responsibility of licensee to manage its business effectively and efficiently to meet the requirements set forth by the regulations and is, therefore, counterproductive to its intended purpose ... ensuring public health and safety.

In addition to NRC's excessive involvement into licensee management, there are other concerns that result from the "Summary list of the themes". These include direction of licensee activity by informal vehicles such as generic communication, licensees' acquiescence to avoid poor SALP ratings or to avoid confrontation, and volume and scheduling of NRC activities on site. GPUN recently had experience with the last concern mentioned above; volume and scheduling of NRC activities at site. During the fall of 1990 significant amount of GPUN resources were dedicated for planning for a major refueling outage for Oyster Creek. During the same period, the company had to provide resources for Electrical Distribution Safety System Functional Inspection (EDSSFI) at TMI-1. Concurrent with these activities, company was obligated to further stretch its resources for Diagnostic Evaluation Team's (DET) inspection at Oyster Creek, which involved significant coordination and management effort requiring dedicated effort by the same management and technical staff that were deployed for the other two activities. Such concurrent scheduling and volume put significant strain on resources and resource management of licensees.

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GPUN believes that the aforementioned concerns of delineation of roles and responsibilities, direction of licensee activity and the resultant licensee acquiescence, and volume and scheduling of the NRC activity on site are important regulatory activities that greatly impact licensee ability to comply with the regulation. The three issues identified by the NRC do not adequately address these concerns, therefore this emphasis. We request that NRC consider NUMARC's recommendations and address the broader issues mentioned above. We appreciate this opportunity to provide input on this important issue.

Sincerely,



James Knubel
Director, Licensing & Regulatory Affairs

JK/ST/cb
C300L019

cc: Administrator, Region I
Oyster Creek NRC Project Manager
Senior NRC Resident Inspector, OC
Senior NRC Resident Inspector, TMI-1
TMI-1 NRC Project Manager
Byron Lee, Jr. (NUMARC)