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U. S. Nuclear Regulatory Commission  
Attn: Docketing and Service Branch  
Washington, D. C. 20555

- References:
- 1) Fermi 2  
NRC Docket No. 50-341  
NRC License No. NPF-43
  - 2) SECY-90-347, "Regulatory Impact Survey Report",  
dated October 9, 1990

Subject: Comments on SECY-90-347, "Regulatory Impact Survey Report"

Detroit Edison has reviewed SECY-90-347, "Regulatory Impact Survey Report". We applaud the Nuclear Regulatory Commission for initiating action in response to the Regulatory Impact Survey and for providing the opportunity for public comment. Detroit Edison endorses NUMARC's general comments on SECY-90-347 and additionally would like you to consider the following comments.

In general, the NRC improvement plan is a step in the right direction in solving the problems identified in the Regulatory Impact Survey. However, it does not go far enough in addressing the areas of informal requirements, NRR staff enhancements and reasons behind licensee acquiescence to NRR requests. We endorse the NUMARC comments on the latter item, so this letter will address the first two items while discussing specific comments on the three areas the NRC has targeted for action.

In the area of managing the effect of cumulative requirements and generic communications, Detroit Edison agrees an integrated schedule is a good starting point. The NRC's plan to stabilize advanced planning of regulatory requirement implementation will be beneficial considering the long lead time needed for effective engineering, work planning, and parts procurement for plant modifications. We have developed a 5 year operating plan which includes major modifications and other projects, including NRC mandated, NRC committed and self-initiated items. To be effective, all these items need to be included. To prevent ineffective use of resources, items from any source should be dropped if their priority, including their

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safety-benefit, are low. For NRC mandated and committed activities, communication of deletion of these items should be conducted, but the NRC needs to be open to the elimination of such items so that resources can be most effectively used. Also, the NRC should review existing prioritization and scheduling schemes in developing their guidance. We would be happy to provide a copy of our prioritization criteria for your consideration.

A last comment on the topic of generic requirements and communications is that the NRC should closely evaluate the use of the adequate protection standard. Items meeting the adequate protection criteria are not further evaluated for cost/benefit considerations and per SECY-90-347 would not be eligible for prioritization review. At the Region III backfitting workshop, attendees expressed the opinion that the adequate protection criteria is overused in generic communications. We share that opinion.

Regarding scheduling and control of inspections, Detroit Edison is happy that the NRC now recognizes the large impact team inspections have on licensees. However, 4 team inspections within a year would still cause an extremely heavy impact on a plant. Typically, at least one employee is tied up during the inspection per inspector plus department heads and senior management are greatly involved. Additional resources are used in followup activities. No more than 1 team inspections per year should be the threshold for the additional review and approval.

Detroit Edison endorses the NRC plan to announce significant NRC site activities. We request that the NRC also consider planned refueling outages in developing inspection schedules. The necessary extensive demands on personnel during a team inspection are more difficult to handle when plant personnel are already extremely busy during a refueling outage.

The last area the NRC has targeted for action is training, preparation and management of NRC staff. The majority of actions in this area are aimed at inspectors. These actions are very important. However, many of these initiatives would serve to improve the professionalism and consistency of performance among all NRC personnel, not just inspectors. The backfitting training being given for both regional and NRR staff is a good example of an action that will benefit both the NRC and utilities by creating common understanding of the backfit rule. This, hopefully, will also reduce the number of informal requirements that NRC personnel, regional, site, and headquarters, attempt to promulgate. These informal requirements, which are sometimes tied verbally to SALP scores, can engage considerable plant resources whether the plant acquiesces or disagrees. Refresher training or discussions in the areas of backfitting and management expectations would also be helpful to keep NRC personnel focused in

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the direction management expects and to prevent recurrence of some of the problems identified in the Regulatory Impact Survey.

Following the discussions of the three major improvement areas, SECY-90-347 discusses other comment topic areas. One of the areas discussed is improved Technical Specifications. We are growing concerned at the continued delays in the issuance of the draft SER and whether the approved Technical Specifications will be so different from what was proposed as to negate the benefits of the improvements. To achieve the industry-wide benefits that were the original goals of this program, the approved version of the improved Technical Specifications has to be something the licensees are willing to adopt or this large NRC and licensee effort will have been in vain.

In the discussion on event reporting, SECY-90-347 mentions that the NRC staff is considering making a revision to 10CFR50.72 and 50.73 to eliminate unnecessary reports of certain engineered safety features. Detroit Edison strongly agrees with this idea. Eliminating unnecessary reports on such "events" as scram signals when the reactor is shutdown and cleanup system isolations will save both NRC and licensee resources that can be used more effectively elsewhere. The primary focus of changes to event reporting regulations should be on the safety significance of events being reported. This focus is being embodied in guidance under development by the BWR Owner's Group. Detroit Edison has been actively participating in this effort.

In conclusion, Detroit Edison generally agrees with the actions discussed in SECY-90-347, but thinks additional steps are necessary to more fully address the problems identified by the Regulatory Impact Survey. If you have any questions or would like to discuss any specific comment, please contact Lynne S. Goodman at (313) 586-4211.

Sincerely,

