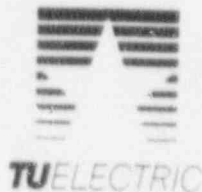


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USNRC
January 28, 1991

William J. Cahill, Jr.
Executive Vice President

Secretary of Commission
U. S. Nuclear Regulatory Commission
Attn: Docketing and Service Branch
Washington, DC 20555

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION (CPSES)
COMMENTS ON DRAFT NRC REGULATORY IMPACT REPORT

Gentlemen:

In response to NRC's SECY 90-347, "Regulatory Impact Survey Report," TU Electric hereby provides the following comments.

In general, TU Electric endorses the comments submitted by NUMARC. However, TU Electric is providing additional comments with respect to the proposed Integrated Regulatory Requirements Implementation Schedule (IRRIS) program intended to better manage the impact of implementing generic requirements.

TU Electric agrees that implementation of such a program could prove beneficial when prioritizing and scheduling plant activities. However, there is some concern regarding what should be taken into consideration for such a program.

For example, SECY 90-347 indicates that the review will consist of all unimplemented regulatory requirements excluding actions imposed to meet adequate protection standards or attain compliance with existing regulations. Without proper consideration of the excluded actions, prioritization and scheduling of other activities may seem skewed or unresponsive on behalf of the licensee due to scheduled activities that do not show up on the schedule, but may have a greater safety impact. It appears that for IRRIS to be effective, all activities, including those required to attain compliance with existing regulations/protection standards, and those that are self-initiated by the licensees, should be prioritized and scheduled in union.

SECY 90-347 seems to imply that generic resolutions that are imposed as a requirement by generic communications, such as Generic Letters, NRC Bulletins, etc., and plant specific NRC Requests for Additional Information, can be included in IRRIS for prioritization and scheduling considerations. Traditionally, generic communications legally do not impose new NRC requirements, but allow licensees to advise the NRC regarding licensee actions, if any, on the given subject. If the NRC intends to include licensee actions as a result of generic communications, this action should be considered as self-initiated by the licensee and part of the schedule.

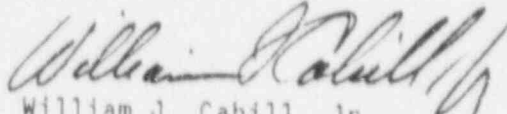
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Scheduled items to be implemented in a review period should not be frozen, nor should they rely solely on the application of 10CFR50.109. Some flexibility should be allowed as scheduled items are prioritized, such that the list can be amended and scheduled items shifted to the next review period in the event of unexpected or hardship modifications based on the plant's status during a review cycle. In addition, NRC imposed actions included on the list should not be based solely on 10CFR50.109. In Enclosure 3 of SECY 90-347, NRC management has identified a need for making improvements in staff training in the backfit process. The backfit rule was revised in 1989, NRC backfit guidelines were issued in 1990, regional workshops with industry were conducted, and NRC staff training is scheduled through 1991. Therefore, in establishing the list of scheduled items, the NRC should exercise caution in the application of 10CFR50.109 and continue to work closely with the licensee, until NRC training in the backfit process is complete.

Caution should be exercised in the development of NRC generic criteria and guidelines on prioritizing and scheduling. Guidelines set based on a pilot program which includes at least one plant from each NRC region may not accurately represent all plants. Characteristics which may affect the generic guidelines include vintage, containment type, A-E, design basis, licensing basis, and other considerations. Guidelines seem best to be applied on a case-by-case basis. In addition, it appears that at the earliest, guidelines for prioritizing and scheduling activities will be completed by 1993. Although IRRIS is a voluntary program, it does not appear that licensees can take any near term advantage of this program. On a case-by-case basis an interim voluntary program should be initiated to supplement the findings of the pilot program.

Sincerely,


William J. Cahill, Jr.

VPC/vld

c - Mr. R. D. Martin, Region IV
Resident Inspectors, CPSES (3)
Mr. J. W. Clifford, NRR