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Nuclear  
Operations

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Mr. David L. Meyer  
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Office of Administration  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

- References:
- 1) Fermi 2  
NRC Docket No. 50-341  
NRC License No. NPF-43
  - 2) Special Review of NRC Regulations, Request for  
Comments (57 FR 6299)
  - 3) "Review of Light Water Reactor Regulatory  
Requirements", NUREG/CR-4330 (3 Volumes)

Subject: Comments on NRC Initiatives to Review Regulatory  
Requirements

In response to the Reference 2 Federal Register Notice, Detroit Edison is providing the following comments related to recent NRC initiatives concerning the economic burden and effectiveness of NRC regulations.

Detroit Edison believes it is feasible to reduce or eliminate existing requirements based upon their regulatory burden and lack of safety significance. Licensee resources are inherently limited. Any resources freed by the reduction of regulatory burden can thus be used on more safety significant activities. Therefore, we believe this effort can ultimately benefit public health and safety.

The NRC's intention to focus the special review by the Committee to Review Generic Requirements (CRGR) on 10CFR Part 50 regulations promulgated prior to CRGR's creation in 1981 is unnecessarily limiting. A substantial portion of the total regulatory burden has been imposed since 1981. Although these requirements did receive CRGR and Commission review, they were approved believing that all these requirements are still necessary or that all economic and other burdens imposed were correctly estimated.

We believe CRGR should revisit requirements causing substantial continuing costs to licensees and review their original decisions. Where appropriate probabilistic risk assessment insights should be utilized to aid in identifying requirements which add little to

safety. The NRC's Safety Goal Acceptance criteria should be used in this review. Unnecessary requirements should be eliminated and, where costs are greater than originally estimated, less costly alternatives should be considered.

Limiting review to regulations in 10CFR50 could also exclude areas where significant burdens are imposed by other forms of regulatory "guidance". For example, NUREG-1021 on Operator Regualification Exam Standards which is used in an excessively prescriptive manner to define the content of training programs. NUREG-1022 on License Event Reports is also used in a prescriptive manner, and the recently distributed draft of the latest revision would place an added significant burden on licensees, through expansion of reporting requirements, without any accompanying safety benefit.

As stated in Reference 2, the NRC has performed an earlier study of regulatory requirements (Reference 3). Many of the candidate requirements for elimination or reductions apparently were not studied further due to low frequency of mention during interviews conducted during the study's scoping phase. These candidates should be more fully examined.

In addition, a review of Appendix J of 10CFR50 to make this regulation less prescriptive was recommended by the Reference 3 study. This review should be expedited since these activities are primarily performed during plant outages, when resource constraints are more acute. An example of an Appendix J related requirement which should be reviewed is the need to determine as-found leakage for isolation valves when maintenance is already planned for the valve. The as-found data provides minimal information of safety significance. An as-left leakage determination following maintenance is sufficient to assure public health and safety.

Activities to implement regulatory requirements which take place during outages should be reviewed with a high priority. These items would lead to shorter outages, higher plant capacity factors, and fewer potential challenges to safety related equipment. An example of such an activity which yields little safety benefit in comparison to its resource requirements is Instrumentation Response Time Testing requirements. This item will be addressed in a BWR Owners' Group Topical Report planned for submittal within the next month. Review of this Topical Report should receive a high priority.

Since the Maintenance Rule (10CFR50.65) was enacted last year, industry and NRC have expended a major effort on the development of regulatory guidance to implement the rule. We should now have a much clearer idea of the resources necessary to implement the rule than we did a year or two ago. The actual safety benefits of this rule should also be clearer once the implementation guidance is formulated. Detroit Edison believes that this regulatory burden will be much

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greater than originally intended by the Commission and out of proportion with any safety benefit.

The regulatory burden of security related requirements appears to have been excluded. Detroit Edison believes there are many security related areas, including fitness for duty, where regulatory burden can be reduced without a significant reduction in safety.

An ongoing program which will result in a reduced regulatory burden for participating licensees is the Improved Technical Specifications (ITS) program. This program particularly reduces regulatory burden for requirements relocated from Technical Specifications (TS) to plant programs. Relocated requirements were determined by application of the Commission's Interim Policy Statement (IPS) on TS. Some requirements have been retained in TS based upon marginal application of the IPS. CRGR should review the application of the IPS to current TS to assure that the safety benefit of retained requirements merit the burden of including the requirement in the TS.

In addition, a substantial number of requirements have been identified by the ITS program for eventual relocation out of TS. Detroit Edison believes CRGR should determine if there is any safety benefit in delaying this relocation until the ITS program completes the process of reviewing and revising the retained requirements. We believe an accelerated program to approve additional line item improvements would be an effective way of speeding up the process of reducing the scope and thus the burden of the TS.

If you have any questions, please call Mr. Glen D. Ohlemacher at (313) 586-4275.

Sincerely,



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