

DOCKETED
USNRC



21
TOLEDO
EDISON

A Centerior Energy Company

EDISON PLAZA
300 MADISON AVENUE
TOLEDO, OHIO 43652-0001

95 MAY 15 P3:06

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

May 10, 1995

RAS-95-00518

DOCKET NUMBER
PROPOSED RULE PR 50
(60 FR 9634)

United States Nuclear Regulatory Commission
Secretary
Washington, D. C. 20555
Attn: Docketing and Service Branch

Subject: Comments on Proposed Rule; 10 CFR 50 Appendix J, Primary Reactor
Containment Leakage Testing for Water-Cooled Power Reactors

Ladies and Gentlemen:

The Toledo Edison Company, operator of the Davis-Besse Nuclear Power Station, has reviewed the proposed rule, "Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors," published in the February 21, 1995 Federal Register (60 FR 9634). Toledo Edison supports such NRC initiatives to eliminate requirements marginal to safety and to reduce regulatory burden.

Toledo Edison offers the following comments for consideration:

1. The proposed rule notice describes the intent to provide a non-mandatory alternative to current Appendix J requirements, that is, to allow voluntary adoption of the new regulation, either in whole or by parts. Toledo Edison supports this approach since it allows the licensees flexibility in phasing in a new program as resources permit, and in concert with overall specific plant priorities.
2. Section V.B.2 of the proposed rule states that a licensee "... can adopt Option B, or parts thereof ... by submitting a notification of its implementation plan and request for revision to technical specifications to the Director of the Office of Nuclear Reactor Regulation." However, on Federal Register page 9641, under item 2 of "Specific Areas for Public Comment," it is stated that:

Further, the NRC proposes to require that plant technical specifications provide a general reference to the regulatory guide or other implementation document to ensure the prior review and approval by the NRC of licensee deviations from approved methods. This will help maintain a common understanding in the implementation of the performance-based rule, and ensure adequate basis for licensee deviations.

9505220101 950510
PDR PR
50 60FR9634 PDR

DSID

In order to implement Option B, or parts thereof, it is likely that a plant's existing Technical Specifications will require revision in order to avoid exceeding current TS test intervals as established by Option A (e.g., 24 months for Type B tests). However, to add a new requirement to the Technical Specifications which is already referenced in the rule itself (as proposed footnote number 7) is contrary to the reduction of regulatory burden under the Regulatory Improvement Program.

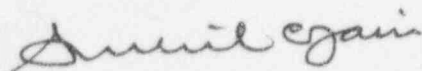
The proposed addition to the technical specifications is contrary to the Technical Specification Improvement Program as evidenced by the NRC's efforts to remove items from the technical specifications which are addressed within regulations. For example, NRC Generic Letter 93-07, "Modification of the Technical Specification Administrative Control Requirements for Emergency and Security Plans," dated December 28, 1993, recommended the removal of the audit of these plans and implementing procedures from the technical specifications because 10 CFR Parts 50 and 73 already contained these items.

In lieu of technical specification requirements referencing the regulatory guide or other implementation document, Toledo Edison suggests that licensees add this reference into their Updated Final Safety Analysis Reports (UFSAR) for control per 10 CFR 50.71(e). Existing NRC inspection and enforcement programs enable the NRC Staff to monitor facility changes and licensee adherence to UFSAR commitments and take any remedial action which may be appropriate.

3. The proposed rule notice indicates the intent to move details of Appendix J tests to a regulatory guide as guidance and also to endorse in a regulatory guide an approved industry guideline (NEI 94-01) on the conduct of containment tests. The proposed rule notice further states that the NRC has included an exception to the extension of Type C test intervals up to 10 years that is proposed in the NEI industry guideline, and will limit such extensions to 5 years. An extension of Type C test intervals to only 5 years would be of only limited benefit to licensees operating on a 24 month fuel cycle. Consideration should be given to at least a 6 year test interval for Type C testing.

Should you have any questions or require additional information, please contact Mr. William T. O'Connor, Manager - Regulatory Affairs, at (419) 249-2366.

Very truly yours,



S. C. Jain
Director - Engineering and Services

MKL/laj

cc: L. L. Gundrum, DB-1 NRC/NRR Project Manager
J. B. Martin, Regional Administrator, NRC Region III
S. Stasek, DB-1 NRC Senior Resident Inspector