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RULES REVIEW & DIR. BR.
USNRC

C. Lance Terry
Group Vice President, Nuclear

Chief, Rules Review and Directives Branch
U.S. Nuclear Regulatory Commission
Washington, DC 20555

SUBJECT: COMMENTS ON PROPOSED GENERIC LETTER ON TESTING OF SAFETY
RELATED LOGIC CIRCUITS

REF: 1. Federal Register 60FR27141 (FR. Vol. 60 No.98) dated
May 22, 1995

Dear Sirs:

In the Federal Register Notice (FRN) 60FR27141 (FR. Vol. 60 No.98) dated May 22, 1995, the NRC requested comments on a proposed Generic Letter concerning Testing of Safety Related Logic Circuits. TU Electric supports the comments submitted by the Nuclear Energy Institute and provides these additional comments.

In the Discussion and Background section of the FRN the NRC's cites several Information Notices (IN) which document reports, by licensees, associated with testing of safety logic circuits. The INs led the NRC to conclude that licensees have not adequately addressed testing of actuation logic systems in surveillance programs. The NRC conclusion does not acknowledge that most of the events listed in the more recent information notices issued were discovered and reported by licensees. TU Electric believes that recurring reports of testing problems and corrective action are indicative that licensees are adequately addressing testing of safety related logic circuits by initiating reviews, reporting findings, and taking corrective action. Information Notice 93-38 reports that in September 1992, personnel at South Texas Units 1 and 2 discovered and reported that the containment spray system was not being adequately tested. In February 1993, McGuire Units 1 and 2, Catawba Units 1 and 2, and Byron Units 1 and 2 discovered and reported conditions similar to South Texas. Similarly, Information Notice 95-15 reports that in May and July of 1994, Cooper and Fermi 2 respectively discovered and reported discrepancies in their testing. In September and October 1994, Waterford 3, Grand Gulf,

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and Arkansas Nuclear one Units 1 and 2 also performed reviews and reported discrepancies. The timing and close grouping of the reports indicate that Licensees are initiating reviews and taking corrective action in response to events occurring throughout the industry.

TU Electric believes that a complete technical review of all surveillance procedures would be expensive and an unnecessary expenditure of licensee resources. As stated earlier, the information notices cited by the NRC as basis of the proposed generic letter indicate that most of the testing inadequacies are found as a result of licensee reviews which are sometimes initiated in response to events at other facilities. A generic letter requires a response, under oath or affirmation, which provides a response or commits to a course of action and a schedule for implementation. As licensees are performing the reviews requested by the proposed generic letter already, issuance of the letter will only make licensees commit to a time table. TU Electric believes that the NRC seeks information which will impose an unnecessary burden on licensees by requiring allocation of resources to comply with the requested actions within the time requested by the proposed generic letter.

In the backfit discussion NRC acknowledges that the proposed generic letter constitutes a backfit; however, because of the exclusion of 10CFR50.109(a)(4)(I) the NRC does not provide the backfit analysis of 10CFR50.109(c). Under 10CFR50.109(a)(4) a backfit analysis is not required if the modification is "necessary to bring a facility into compliance with a license or the rules or orders of the commission, or into conformance with written commitments by the licensee." A generic letter applies to all licensees whether in compliance or not. For those licensees in compliance the backfit analysis should be performed since the exclusion does not apply. The exclusion of 10CFR50.109(a)(4)(I) was meant to apply to one facility at a time. Applying the exclusion to all licensees with the broad brush provided by a generic letter goes against the intent of 10CFR50.109(a)(3). TU Electric further feels that by invoking the exclusion of 10CFR50.109(a)(4)(i) the NRC circumvents the requirement that direct and indirect costs associated with implementation be justified by a substantial increase in the overall protection of the public health and safety.

TXX-95224
Page 3 of 3


In summary, TU Electric believes the proposed generic letter will only impose a time table on reviews that licensees are already performing and will unnecessarily burden licensee resources by requiring the review of surveillance procedures on the timetable requested by the proposed generic letter. TU Electric further believes that the backfit analysis in the FRN should provide the showing of substantial increase in overall protection to offset the costs associated with the backfit as required by 10CFR50.109 (a)(3).

If you have any questions please contact Jose' D. Rodriguez at (214) 812-8674.

Sincerely,

C. L. Terry

By:



J. S. Marshall
Generic Licensing Manager

JDR/grp