



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 8, 2000

TXU Electric
ATTN: Mr. C. Lance Terry
Senior Vice President
and Principal Nuclear Officer
P.O. Box 1002
Glen Rose, TX 76043

Dear Mr. Terry:

I am responding to your November 23, 1999, letter requesting reimbursement of fees paid for the review of TXU Electric's November 27, 1995, request for exemption from 10 CFR 50.55a(f)(4)(i) and (ii). TXU Electric is the licensee for the Comanche Peak Steam Electric Station (CPSES) Units 1 and 2. The Nuclear Regulatory Commission (NRC) reviewed the submittal as part of a first-of-a-kind pilot plant initiative to utilize a risk-informed inservice testing (RI-IST) program to determine inservice test (IST) frequencies for certain valves and pumps that are categorized as low safety significant. As explained below, an exemption from the Part 170 fees for your November 27, 1995, submittal is granted in accordance with 170.11(b)(1).

The NRC encouraged licensees to submit applications for the RI-IST pilot programs. Your November 27, 1995, RI-IST exemption request was accepted as a pilot plant review as indicated in our March 15, 1996, March 12, 1997, April 25, 1997, and June 9, 1997, letters requesting additional information to facilitate the staff's review of the pilot plant exemption requests in parallel with the development of the risk-informed regulatory guides and Standard Review Plan sections. The NRC staff used the information provided by the pilot plant licensees to help develop a draft RI-IST Regulatory Guide (DG-1062) and draft Standard Review Plan section (SRP Section 3.9.7).

The NRC's August 14, 1998, letter approved CPSES's proposed risk-informed IST program as an acceptable alternative to the ASME Code Section XI requirements related to the test frequencies and methods used to ensure operational readiness of certain pumps and valves in the CPSES plant, pursuant to 10 CFR 50.55a(3)(i) based on the alternative providing an acceptable level of quality and safety. The Office of Nuclear Reactor Regulation has informed us that TXU Electric's participation in the RI-IST pilot effort provided the NRC with valuable information that can be used to provide a permanent approach to RI-IST. The staff intends to utilize the experience gained through the pilot applications in the proposed rulemaking process to modify 10 CFR 50.55a to explicitly endorse RI-IST methodology.

Based on the fact that your November 27, 1995, exemption request was reviewed as a pilot plant submittal, I have determined that a waiver of the Part 170 fee requirement is appropriate. This exemption is authorized by law and is granted in accordance with 10 CFR 170.11(b)(1).

I am refunding \$200,934 paid by TXU Electric for the NRC's review efforts associated with TAC Numbers M94165, M94166, MA1972, MA1973, MA2040, and MA2041. You should receive the refund in approximately 30 days from the date of this letter.

If you have any questions, please contact Ellen Poteat of my staff at 301-415-6392.

Sincerely,

Original signed by Jesse Funches

Jesse L. Funches
Chief Financial Officer

Distribution:

L. Tremper, OCFO

D. Jaffe, NRR

Invoice Files XM0366-96, XM0537-96, XM0655-96,

RL0092-97, RL0215-97, RL0397-97 RL0516-97,

RL0052-98, RL0202-98, RL0401-98, RL0559-98, RL0099-99

NUDOCS (ML-61) ~~PDR w/ey inc~~

OCFO/DAF/LFARB RF

OCFO/DAF RF (DAF-9-181A and DAF-9-247) (closes)

OCFO/DAF SF (LF 3.1.5)

OCFO/DAF/LFARB (LF-99-132 and LF-00-33) (closes)

OCFO RF

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C. Terry

Based on the fact that your November 27, 1995, exemption request was reviewed as a pilot plant submittal, I have determined that a waiver of the Part 170 fee requirement is appropriate. This exemption is authorized by law and is granted in accordance with 10 CFR 170.11(b)(1).

The \$200,540 paid for the NRC's review efforts will be refunded. You should receive the refund in approximately 30 days from the date of this letter.

If you have any questions, please contact Ellen Poteat of my staff at 301-415-6392.

Sincerely,

Jesse L. Funches
Chief Financial Officer

Distribution:

L. Tremper, OCFO

D. Jaffe, NRR

Invoice Files XM0366-96, XM0537-96, XM0655-96,
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NUDOCS (ML-61) PDR w/cy inc

OCFO/DAF/LFARB RF

OCFO/DAF RF (DAF-9-181A

OCFO/DAF SF (LF 3.1.5)

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10/23/99
JLF

DAF ACTION ITEM TRACKING

Date Rec'd: 9/28/99

DAF Action: DAF-9-181A

OC Action:

DAF Due Date: 10/15/99

Branch: LFARB

Action Item: Request for a Risk-Informed Inservice Testing exemption.

Description: Letter from C.L. Terry, TU Electric, Comanche Peak, requesting exemption. Assigned to Ellen Poteat.

Date to DIR:

Ext. Date:

Date Closed:

Signature:

Subject File:

Follow on Sign Palo Verde DAF-9-181
The Comanche Peak submittal
was reviewed as a first-priority