66 FR 47700
9/13/01
(3)

NEI
NUCLEAR ENERGY INSTITUTE

Lynnette Hendricks
DIRECTOR, LICENSING
NUCLEAR GENERATION

October 29, 2001

Chief, Rules and Directives Branch
Division of Administrative Services
Office of Administration (Mail Stop: T6-D59)
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: Proposed Generic Communication; Resolution of Degraded and Nonconforming Conditions; ("Generic Letter 91-18 Process")

The subject document was published for comment in the *Federal Register* on September 13, 2001 (66 FR 47700). The Nuclear Energy Institute (NEI) has the following comments:

- The draft RIS represents a marked improvement of the Generic Letter (GL) 91-18 process (NRC Inspection Manuel, Part 9900: Technical Guidance, "Resolution of Degraded and Nonconforming Conditions"). It provides additional guidance and clarifying information that better define the scope of structures, systems, and components (SSCs) subject to the process.

- Industry and NRC should monitor implementation of the final RIS to (1) ensure consistent application and continued incorporation of risk insights and (2) identify and resolve implementation concerns as they occur.

If you have any questions regarding the comments, please contact Mike Schoppman at 202-739-8011 (mas@nei.org).

Sincerely,

Lynnette Hendricks

Lynnette Hendricks

c: Eileen McKenna, NRC

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Template = ADM-013

E-RIDS = ADM-03
Add = J. Shepaker (JWS)
E. McKenna (EMM)

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STARS Strategic Teaming and Resource Sharing

D. R. Woodlan, Chairman
Integrated Regulatory Affairs Group
P.O. Box 1002, Glen Rose, Texas 76043

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October 29, 2001

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Washington, DC 20555-0001

STRATEGIC TEAMING AND RESOURCE SHARING (STARS) COMMENTS ON PROPOSED GENERIC COMMUNICATION; RESOLUTION OF DEGRADED AND NONCONFORMING CONDITIONS; ("GENERIC LETTER 91-18 PROCESS") (MB2530) (66 FR 47700)

Docket Numbers: 50-483, 50-482, 50-498, 50-499, 50-275, 50-323, 50-445, 50-446

Gentlemen:

This letter presents comments from the Strategic Teaming and Resource Sharing (STARS)[1] nuclear power plants on the subject generic communication which was proposed by the U. S. Nuclear Regulatory Commission on September 13, 2001, in the above referenced Federal Register (FR) notice.

The STARS utilities have reviewed the proposed generic communication to the nuclear power industry to update staff guidance on the resolution of degraded and nonconforming conditions. While we agree that this updated guidance will reflect relevant NRC regulatory process and regulation changes that have occurred since Generic Letter 91-18, Revision 1, was issued , we believe that additional changes to Part 9900 "Resolution of Degraded and Nonconforming Conditions" should be made and that changes to Part 9900 "Operability" should also be made. Based on a review of findings in the industry, it appears that additional clarification is warranted.

[1] The STARS group consists of five plants operated by TXU Electric, AmerenUE, Wolf Creek Nuclear Operating Corporation, Pacific Gas and Electric Company and STP Nuclear Operating Company. In addition, the Palo Verde Nuclear Generating Station participated in the development of these comments.

E-RIDS = ADM-03
Template = ADM-013
Add = J. Shapaker (SWS)

E. McKenna (EMM)

The following specific comments are provided:

1. GL 91-18 issues have been around for 10 years and the term "GL 91-18" has become engrained into many of the utilities' programs and procedures. Changing the basic reference document will cause confusion and will unnecessarily require significant licensee resources to update plant documentation. Recommend issuing the proposed RIS as GL 91-18 Revision 2.

2. The definition of Operable/Operability in Section 2.6 should be consistent with the Standard Technical Specification (STS) definition of Operable/Operability. Specifically, "safety" was deleted from "specified safety function(s)," "normal or emergency" was deleted before "electrical power," and in two places, "or" was replaced with an "and." The NRC and the industry agreed upon this STS definition after much focused effort and the STS definition should be used.

3. The expression "With the explicit inclusion of an affected requirement in Facility TS" in the second paragraph of Section 4.2 is unclear and confusing. We have no recommended change because we could not understand the intent of the sentence.

4. Page 1 of the flow chart for "Resolution of Degraded and Nonconforming Conditions" should be updated/human factored. For example, under "Prompt Follow-Up Action" it is not clear if the "AND" box goes with both decision boxes above it. Similar confusion exists in the bottom part of the "Decision Category."

5. Justification for Continued Operation (JCO) is a term that is confusing and misleading. The term JCO is not used in the NOED process (see RIS 2001-10). It is confusing switching between basis for continued operation in Section 4.5 and JCO in Section 4.6. We recommend moving the first paragraph in Section 4.6 to the end of Section 4.5. The third and fourth sentence in that paragraph, where JCO is discussed, should be deleted. The remaining paragraph in Section 4.6 should be modified by deleting the first sentence and "For example," from the second sentence. With these changes, the 10 CFR 50.54(x), 10 CFR 50.54(y) and NOED processes are discussed under the basis for continued operation (a better location) without any reference to a JCO. The term JCO is limited to specific processes already addressed by regulatory guidance, for example the equipment qualification area (see GL 88-07).

6. There are inconsistencies between Part 9900 Operability and the proposed revision to the guidance on resolution of degraded and nonconforming conditions. Examples include:
   - Section 1.0, Purpose and Scope, in Part 9900 Operability,
   - Section 2.0, Definitions, in Part 9900 Operability.

   In addition, Part 9900 Operability needs to be updated to clarify specific issues. For example:
   - Section 6.10, Equipment Qualification, needs to include seismic adequacy(GL 87-02),
   - Section 6.12, Support System Operability, should include ITS 3.0.6.

On behalf of the STARS utilities, I thank you for the opportunity to comment on the proposed changes to the Generic Letter 91-18 Process. Please contact me if there are any questions concerning these comments (254-897-6887 or dwoodla1@txu.com).

Sincerely,

D. R. Woodlan, Chairman
Integrated Regulatory Affairs Group
Strategic Teaming and Resource Sharing
(STARS)

JCH/jch

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APS

Palo Verde Nuclear Generating Station

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October 29, 2001
102-04620-WEI/DGM

Rules and Directive Branch
Office of Administration
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Sirs:

Subject: Palo Verde Nuclear Generating Station (PVNGS)
Units 1, 2 and 3
Docket Nos. STN 50-528, 50-529 and 50-530
License Nos. NPF-41, NPF-51 and NPF-74
Comments On Proposed Generic Communication; Resolution of Degraded and Nonconforming Conditions; ("Generic Letter 91-18 Process")--(MB2530) (66 FR 47700)

This letter presents comments from the Palo Verde Nuclear Generating Station on the subject generic communication which was proposed by the U. S. Nuclear Regulatory Commission on September 13, 2001, in the above referenced Federal Register (FR) notice.

Palo Verde has reviewed the proposed generic communication to the nuclear power industry to update staff guidance on the resolution of degraded and nonconforming conditions. We agree that this updated guidance will reflect relevant NRC regulatory process and regulation changes that have occurred since Generic Letter 91-18, Revision 1, was issued on October 8, 1997.

Palo Verde endorses the comments provided by the Nuclear Energy Institute (NEI) and the Strategic Teaming and Resource Sharing (STARS)

The following comments are provided:

1. Section 4.3, first paragraph states, in part; "The licensee must establish a schedule for completing the corrective action." Palo Verde disagrees with the new wording. The previous wording stated; "The licensee must establish a time frame for completion of corrective action." The schedule referenced in the new wording imposes timing that has no flexibility. This is inconsistent with the allowance that the timing be commensurate with the safety significance. Palo Verde proposes the original wording be retained.

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Add = J. Shepker (JWS)
A. McKenna (EMM)

2. Palo Verde disagrees with the philosophy presented in the first two paragraphs of Section 4.5. If an SSC (TS or not) is degraded or nonconforming, but is capable of performing its specified safety function (operable), then no basis for continued operation should be necessary. Palo Verde proposes a paragraph, to replace the preamble to the list of matters to be considered, which reads as follows:

   "If an SSC not covered by TS is degraded or nonconforming, but operable, no additional action is necessary. If an SSC not covered by TS is determined to be inoperable, then the licensee should develop a basis for continued operation. In developing a basis for continued operation, licensees should consider, commensurate with the safety significance of the issue, matters such as the following:"

Palo Verde thanks you for the opportunity to comment on the proposed changes to the Generic Letter 91-18 Process. Please contact James T. Taylor if there are any questions concerning these comments (602-393-6080 or JTAYLO01@apsc.com).

No commitments are made to the NRC in this letter.

Sincerely,

[Original signed by William E. Ide}

DGM/dgm

cc:	E. W. Merschoff	(NRC)
	J. M. Moorman	(NRC)
	L. R. Wharton	(NRC)
	J. T. Taylor	(PVNGS)