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

SUBJECT: Requested Comments on "Draft Revision to NRC Inspection Manual Chapter 9900, "Technical Guidance, Operability Determinations and Resolution of Nonconformances of Structures, Systems, and Components" ("Regulatory Issue Summary 2004-XX")—(MC2262)," (69 FR 46599, August 3, 2004)

Ladies and Gentlemen:

Progress Energy, Inc. (PGN) has the following comments on the proposed generic communication.

1. Section 5.2. Immediate Determination. The NRC's expectation is that licensed operators make an immediate determination of Structure, System, or Component (SSC) operability even though complete information may not be available. The immediate determination should be based on the best information available. Section 5.2 states that "An immediate determination concluding that the SSC is operable must be predicated on the licensee's reasonable expectation that the SSC is operable, and that the prompt determination will support that expectation." Without further clarification, this could lead to subjective inspector application for cases in which new or additional information ultimately shows that the SSC, determined to be operable by the immediate determination, was in fact inoperable. Section 5.2 could be enhanced with clarifying language consistent with Section 5.7, Presumption of Operability. Specifically, without any information to the contrary, once a component or system is established as operable, it is reasonable to assume that the component or system should continue to remain operable.
2. Section 5.6. Scope of Determinations/Comparison to Current Licensing Basis. Bullet 7. It is not clear why "Determine safest plant configuration including the effect of transitional action" should be considered as part of Operability Determinations. Greater clarity is necessary.

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69 FR 46599
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Template = ADM-013

E-RIDS = ADM-03
Cox = K. Kavanagh (KAK)
C. Petrone (CDP)

3. Section 6.2. Operable But Degraded or Nonconforming. Second Paragraph. First Line. Missing Word. "SSCs that determined to be operable...". Insert "are" after "that".
4. Section 7.2. Timing of Corrective Actions. Second Paragraph. Last Sentence. Delete or clarify last sentence. This Section applies to the timeliness of corrective actions. The last sentence of the second paragraph is the only sentence in this section that addresses compensatory measures. Not only is the sentence misplaced (i.e., Section 7.3 applies to Compensatory Measures), but it is misleading in that it does not distinguish between compensatory measures taken to "enhance the capability of SSCs" and compensatory measures taken to "restore SCCs to an operable status".
5. Appendix A. Surveillances, Section A.2. Third paragraph. "Test failures should be examined to determine the root cause and ...". This sentence needs greater clarity so that it is not interpreted by an inspector to intend that a root cause evaluation (Significant Condition Adverse to Quality) be performed when a system fails a test.
6. Appendix B. Maintenance, Section B.2. Third paragraph. "If licensee activities to conduct maintenance would render TS "nonconservative", then ...". This entire paragraph is confusing and could lead to inconsistent application. It should be revised, and an example provided, to ensure its intent is clear and its application consistent.
7. Appendix C. Specific Operability Issues. Section C.5. Use of Manual Action in Place of Automatic Action. Fourth paragraph. The guidance in this paragraph pertaining to use of a dedicated operator is not consistent with the guidance for using dedicated operators in NEI 99-02 (Reactor Oversight Process(ROP)) and NUMARC 93-01 (Maintenance Rule(MR)) safety system unavailability. For example, this paragraph indicates that consideration should be given to "ability and timing in getting to the area". NEI 99-02 and NUMARC 93-01 indicate that credit for a dedicated local operator can be taken only if s(he) is positioned at the proper location throughout the duration of the test for the purpose of restoration of the train. As written in Appendix C, a licensee could determine that an SSC being was operable for Technical Specifications but unavailable for the ROP and MR. While the ROP and MR address different regulatory programs than GL 91-18, greater clarity/consistency is needed relative to what constitutes an acceptable dedicated operator.
8. Appendix C. Support System Operability. Section C.9. Eighth paragraph. "Therefore, upon declaring a support or supported system inoperable in one train, the licensee should verify the operability of corresponding independent support or supported systems and all other associated support systems in the opposite train(s)." Guidance requiring action beyond what is required by TS is inappropriate. It should read, "Therefore, upon declaring a support or supported system inoperable in one train, the required actions in the TS should be implemented.

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Please contact me at (919) 546-4579 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Tony Groblewski". The signature is written in a cursive style with a large, stylized initial "T".

Tony Groblewski
Supervisor - Regulatory Affairs

TG/kmh