

50-335/389



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W., SUITE 2900
ATLANTA, GEORGIA 30323-0199
November 14, 1996

MEMORANDUM TO: Roy P. Zimmerman, Associate Director
Associated Director for Projects

FROM: Ellis W. Merschoff, Director
Division Reactor Projects *EW Merschoff*

SUBJECT: INCONSISTENCIES BETWEEN NRC POSITIONS IN RESPONSE TO TIA 95-013 AND NRC INSPECTION MANUAL CHAPTER, PART 9900 INTERIM GUIDANCE ON 10 CFR 50.59. ISSUED IN APRIL 1996.

Attached is a copy of Florida Power and Light (FPL) response (L-96-254 dated 10/21/96) to a violation involving the 2B Emergency Diesel Generator oil line unreviewed safety question (NRC Special Inspection Report Nos. 50-335, 389/96-12 (EA 96-236 and 96-249)). While FPL agreed to the violation, FPL identified inconsistencies between NRC positions in response TIA 95-013 and NRC Inspection Manual Chapter, Part 9900 Interim Guidance on 10 CFR 50.59 issued in April 1996. NRC Inspection Manual Chapter, Part 9900 (Page 3, Paragraph 4) specifically states that "... the staff has found compensating effects such as changes in administrative controls acceptable in offsetting uncertainties and increases in the probability of occurrence or consequences of an accident previously evaluated in the safety analysis report or reductions in margin of safety, provided the potential increase or reductions in margins are negligible." On the other hand, NRC positions in response to TIA 95-013 suggests that compensatory measures can no longer be credited to offset small potential increases in probability. Therefore, the licensee requests that NRC resolve the differences in interpretation and apparent inconsistencies.

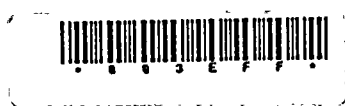
Since this issue is related to the current efforts to review the implementation of 10 CFR 50.59, it is provided to you for appropriate action.

Docket Nos. 50-335 and 50-389

Attachment: As stated

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