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April 6, 1994

Mr. David L. Meyer, Chief,
Rules, Review and Directives Branch
Office of Administration
U. S. Nuclear Regulatory Commission
Washington, DC 20555

D. Allison
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2/7/94
(8)

ATTN: Docketing and Service Branch

Subject: Entergy Operations, Inc. Comments on NUREG-1022, Rev. 1, Second Draft

Reference: Federal Register Volume 59, Page 5614, February 7, 1994

CNRO-94/00009

Dear Sir:

The referenced Federal Register listing invited comments on NUREG-1022, Rev. 1, Second Draft. Entergy Operations, Inc., the licensee for Arkansas Nuclear One, Units 1 and 2, Grand Gulf Nuclear Station, River Bend Station, and Waterford 3 Steam Electric Station has reviewed the revised draft and offers the following comments for your consideration.

Although the guidance does include some positive changes, we are concerned that some significant areas remain where the guidance increases the reporting burden with no appreciable gains in safety. Additionally, we believe the guidance in several areas will result in more confusion and inconsistency rather than clarification. In other cases, it appears to elevate the apparent safety significance of some reportable events by requiring 50.72 notifications inappropriately.

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Entergy Operations Comments on NUREG-1022, Rev. 1, Second Draft

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April 6, 1994

In addition to our specific comments noted above, Entergy Operations, Inc. provided input to and generally concurs with the comments submitted by the Nuclear Energy Institute (NEI) in regard to this request for comments.

We appreciate the opportunity to provide our comment on the revised event reporting guidelines.

Our detailed comments are included as Attachment 1 to this letter.

Sincerely,



JGD/jkw
attachment

cc:

Mr. T. W. Alexion
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Corporate File []
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**Energy Operations Comments on
NUREG-1022, Rev. 1, Second Draft**

GENERAL

Although there are some significant improvements over the existing reporting guidance, Energy Operations is concerned that this draft guidance will for the most part increase reporting burden, lower the threshold to report non-safety significant issues, and promote increased inconsistency in industry reporting. This is due to the ambiguity and conflicting guidance in portions of the NUREG and the additional reporting burden added. The current revision if adopted would in effect conflict with the stream lining efforts undertaken for 10CFR50.72 & 50.73 in the fall of 1992.

Significant issues remain in the NUREG that would very likely result in an increase in the reporting burden with little or no gain in safety. Some examples are:

- Voluntary reporting guidance, although stated to be in the interest of consistency in reporting, will very likely promote the opposite. For example, "actuation of a non-ESF system" is ambiguous and subject to multiple interpretations or definitions. Existing guidance in 50.73 suggesting reporting of significant generic type events or conditions of interest to the NRC is adequate. "Of interest to the NRC" should mean non-safety system events that significantly impact safety related systems or safe plant operation.
- The guidance concerning reporting of conditions outside the design basis requires ENS (50.72) notifications for events in which a system is discovered not to have "suitable redundancy" for an extended period of time. This guidance would expand 50.72 notification requirements to events that are typically reported as LERs under the existing guidance as conditions or operation prohibited by the Technical Specifications. Lack of redundancy is not a consideration for plant design basis reportability. This is another area where the guidance in effect will increase reporting burden and promote inconsistency.
- The example on relief valve testing (page 14) indicates a reportable condition from a common cause mechanism in spite of the fact that analysis determined the valves could fulfill their safety function.
- The NUREG considers loss of part of a normal barrier between the RCS and the environment to be reportable. The example cited is the inadvertent opening of a high/low pressure boundary valve. Opening of a valve does not represent a serious degradation of the RCS pressure boundary, which is the required reportability consideration. Additionally, this

position would require reporting any steam generator tube leak or any RCS leak, regardless of whether it is within Technical Specification limits.

SPECIFIC COMMENTS

Section 2.7, Pg 13, & 14

This is an entirely new section added to this draft as compared to the first draft issued by the NRC. This is a new position that has not had the benefit of appropriate backfit analysis or public comment. Additionally, this would require licensees to call incidental multiple failures common cause failures without the benefit of a failure analysis. This appears to be a regression instead of a move toward burden reduction.

In the example on page 14, 13 of 20 main steam safety valves were found out of tolerance (high) during surveillance testing. Analysis proved that the valves would still have performed their safety function as 110% of design pressure would NOT have been exceeded during the worst case event. A "common cause" mechanism was identified as causing the out of spec settings. This example suggests that the existence of a common cause mechanism makes the event reportable disregarding that the evaluation determined that the system remained operable.

The Stated Criterion : 50.73(a)(2)(v) - Any event or condition that alone could have prevented the fulfillment of the safety function of a structure or system etc. Analysis proved the valves capable of performing their safety function of maintaining pressure within 110% of design; therefore, this criterion is not applicable.

The Stated Criterion : 50.73(a)(2)(vii) - Any event where a single cause or condition caused at least one independent train to become inoperable in multiple systems or two independent trains of same system etc. The NUREG states that the condition is reportable because mechanism was common, disregarding the fact that the valves (system) remained capable of performing their safety function. The example appears to conflict with the regulation.

The NUREG also states that multiple "out of spec." readings is a good indication of common mode failure and also a "good indication" that the failures occurred over a period of time. Proof of common mode failure should be determined by evaluation. Existing NRC guidance allows assuming "time of discovery" unless firm evidence indicates otherwise. If a good faith effort is performed to determine the cause of failure and none is identified, time of discovery may be assumed to be the time of failure.

Section 2.9, Page 15

Voluntary reporting guidance, although stated to be in the interest of consistency in reporting, will very likely promote the opposite. For example, "actuation of a non-ESF system" is ambiguous and subject to multiple interpretations or definitions. Existing guidance in 50.73 suggesting reporting of significant generic type events or conditions of interest to the NRC is adequate. "Of interest to the NRC" should mean non-safety system events that significantly impact safety related systems or safe plant operation.

The NUREG encourages the use of voluntary LERs rather than informational letters or 10CFR50.9 reports. In the past, licensees have had the flexibility to use "informational reports" to inform the NRC of significant issues that do not meet the reporting criteria of 10CFR50.72 or 50.73. It appears that the NRC is now recommending a voluntary LER to replace a required report (50.9). In addition, 10CFR50.9 reflects the proper significance level for reporting issues not covered by 10CFR50.73.

The concept of specific, detailed regulatory guidance on "voluntary" reports will in effect, remove them from being "voluntary." While the NUREG states this would not be subject to enforcement, it is a serious concern due to the potential for mis-communication and mis-interpretation between licensees and the NRC for areas that do not involve enforcement. The entire section on voluntary reporting should be deleted.

Section 2.10, Pg 15

The NUREG states that ENS notifications can be retracted by calling the NRC Operations Center and LERs can be canceled by letter as described in Sections 4.2.3 and 5.1.3, respectively. This section implies, though not substantiated by rule, that permission must be obtained before retracting a 50.72 or 50.73 Notification. It is not clear what this section would mean to those utilities which do not retract notifications (50.72) but determine that no LER is required. This appears to increase the burden on licensees. In the third sentence of the second paragraph, the word "request" should be changed to "withdrawal."

Section 2.11, Pg 16 & 17

The current guidance in NUREG-1022, Supplement 1, Question 14.5 provides a "reportability date," the date when it is discovered that an event is reportable under 10CFR50.73. The revised NUREG states that this date is not used for starting the reportability clock.

The section is somewhat unclear as to its intent. The definition of "discovery date" should be clarified so that it is clearly understood that the 30 day clock begins when the evaluation determines a reportable condition, not when a "potentially reportable" condition is identified.

The new guidance also states that the guidance of GL 91-18 is appropriate for reportability determinations as well as operability determinations. This allows time for an evaluation of the reportability of an existing but previously unrecognized condition, provided there is a reasonable expectation that the condition will ultimately be determined to be "not reportable."

Section 3.2.2(4), Pg 28, Last Paragraph

The failure to promptly declare equipment inoperable is not reportable in and of itself. This guidance is redundant and misleading if not read carefully. Therefore, it should be removed from the NUREG. An LCO action statement time clock would be entered upon discovery of the inoperable equipment. Time limits for required actions become applicable at that time. Time of system or equipment inoperability is the only reportability concern.

Section 3.2.2(3), Pg 28, Second Paragraph

This use of "may be" is not very clarifying and could easily lead to misinterpretations or conflicts with Resident Inspectors.

Section 3.2.2(6), Pg 30

Example 3 on page 31 refers to a case where the only operable essential water chiller tripped, causing the plant to enter STS 3.0.3 and requiring an LER. The example should be clarified to indicate the chiller trip would not be reportable in all circumstances such as when a transfer between divisions was being performed. In such cases, it would be reportable if the only remaining operable chiller failed in addition to the trip.

Section 3.2.4 (1), Pg 36

The NUREG considers loss of part of a normal barrier between the RCS and the environment to be reportable. They use an example of the inadvertent opening of a high/low pressure boundary valve. Opening of a valve certainly does not represent a serious degradation of the RCS pressure boundary, which is the required reportability consideration. Additionally, this position would require reporting any steam generator tube leak or any RCS leak, regardless of whether it is within Technical Specification limits.

Section 3.2.4(3), Pg 37 & 38

The guidance concerning reporting conditions outside the design basis requires ENS (50.72) notifications for events in which a two-train system is discovered not to have "suitable redundancy" for an extended period of time. The guidance states that a single train of a two-train system that is inoperable for a period in excess of the TECHNICAL SPECIFICATION LCO time would be reportable as a condition outside the design basis because "suitable redundancy" did not exist. This guidance would expand 50.72 notification requirements to events that are typically reported as LERs under the existing guidance as conditions or operation prohibited by the Technical Specifications.

"Lack of redundancy" is not a consideration for plant design basis reportability. The ability to maintain the integrity of the plant's principal safety barriers and to limit offsite releases to less than 10CFR limits are plant design basis considerations. Since existing NRC guidance specifically states that we do not need to consider additional failures when determining reportability (NUREG page 66), 50.72(b)(1)(ii) and 50.73(a)(2)(ii) are not applicable. This condition would be reportable as an operation prohibited by Technical Specifications if the train was out for longer than allowed by Technical Specifications or the other train was taken out for maintenance or surveillance and 3.0.3 was applicable. The NUREG also indicates that HELB restraints not installed would be reportable under 50.72 prior to evaluation as a condition "outside the design basis of the plant." This would only be reportable if an evaluation showed the condition caused the system to be declared inoperable. This is another example of elevating the apparent significance of a condition before adequate evaluation.

Although the second draft does exclude minor infractions such as inoperability due to overdue surveillance tests or when the LCO allowed outage time is "slightly exceeded," the guidance remains confusing. This section should be revised to eliminate this new reporting requirement.

Section 3.2.4, Pg 38, Example 1

This example is very confusing and should be clarified or removed entirely. As stated, the utility entered 3.0.3 but reported being in an unanalyzed condition. The example does not address being in 3.0.3 which is misleading.

Section 3.2.7, Pg 46

In this section, the guidelines state that the unavailability of certain systems and facilities is reportable. In the following clarifications, the guidelines appear to contradict themselves by indicating the loss is not reportable unless the unavailability lasts longer than one hour or is

added to another failure. This section is confusing and very subjective as to what is reportable and should be revised.

Section 3.3.1, Pg 55, Example 3

The example describes an event in which fuel sipping operations during an outage identified four confirmed and twelve potential fuel leakers. An ENS notification was made because a principal safety barrier was found seriously degraded. However, subsequent evaluation concluded that no additional fuel failures had occurred; therefore, the ENS notification was retracted and no LER was required. The offgas system is designed for leakers and the Technical Specifications address this issue. This example is a very low threshold for reporting and the example leaves no room for evaluation of the severity of an indeterminate condition before reporting. The example should be eliminated. The existing guidance is adequate.

Section 3.3.2 Pg 57, 59, & 60

The NUREG includes guidance to report ESFs that originate from a non-ESF source (invalid ESFs). The NUREG would require a change to most licensee's reporting philosophy and would very likely result in an increase in the number of LERs due to ESF actuations.

The NUREG states that starting a charging pump in response to a rapidly decreasing pressurizer level would be reportable as an ESF actuation even if the ESF flow path was not utilized. This appears to be a case of component level reporting. The guidance uses the term "significant event" to describe reportable events, then appears to contradict itself. Since the guidance doesn't define "significant event" beyond including the word "rapidly" and advocates component level reporting, it adds confusion, not consistency. It should be noted that, if a licensee had a rapidly decreasing pressurizer level and stopped it by starting a charging pump, an LER would be required if RCS leakage had been in excess of Technical Specification limits. The licensee would have discussed starting the charging pump in the LER, as required, but would not have reported an ESF actuation unless it was manually started in anticipation of an automatic ESF initiation signal. Further, charging pumps are not ESF components at all plants.

The NUREG encourages voluntary reporting of a table of events (Table 2, page 64) due to differences in ESF definitions throughout the industry. While technically not enforceable, this will very likely expand reporting scope to include less significant events. The NUREG should not seek to stipulate when "voluntary" reports are required. Providing regulatory guidance for "voluntary reports" is inappropriate. It could easily lead to more reporting and more inconsistency in the industry. Investigating, developing a report, and submitting a report requires significant effort. This approach could hinder performing in-depth Root Cause Analysis of real

reportable events. We recommend that the guidance on voluntary reporting be deleted from the NUREG.

Section 3.3.2, Pg 64, Table 2

The addition of certain systems (i.e. ATWS, CTMT Cooling Water Systems, EDGs, CTMT Cleanup, etc.) to Table 2 Example Systems is a burden increase also with no appreciable increased safety benefit.

Section 3.3.3, Pg 66

NUREG states that "loss of offsite power " is reportable as an event or condition that ALONE could have prevented fulfillment of a safety function of a system that is needed to shut down the reactor and maintain it in a safe shutdown condition etc. The guidance states the requirements of GDC - 17 as the basis for the conclusion. The GDC describes general design criteria, not availability requirements. This is another example that would lower the threshold for reporting for less safety significant issues.

Offsite power is not safety related and is not credited for safe shutdown or accident mitigation in the Safety Analysis. Therefore, the stated criterion is not applicable. Since offsite power is included in the Technical Specifications, its loss would be reportable if it resulted in a violation of a time clock or entry into 3.0.3. In addition, loss of offsite usually results in a EDG start, which may be reported as an ESF actuation if applicable. If offsite power was lost while shutdown and no EDG start occurred or was required, no report would be required. Thus, the guidance appears to indicate that any non-compliance with a GDC would be reportable as a condition outside the plant's design basis regardless of a plant's ability to safely shutdown and/or mitigate an accident.

Section 3.3.3, Pg 69

NUREG states that one train being inoperable and the other train failing a surveillance test is reportable. The guidance is inconsistent with the regulation. The issue is - Does the event constitute "a condition that alone could prevent fulfillment of a safety function?". This would be reportable as operation prohibited by Technical Specifications only if the licensee entered 3.0.3 or exceeded an LCO clock.