

MAY - 4 1992

Docket No. 50-458
License No. NPF-47

Gulf States Utilities
ATTN: James C. Deddens
Senior Vice President
P.O. Box 220
St. Francisville, Louisiana 70775

Dear Mr. Deddens:

SUBJECT: NRC INSPECTION REPORT NO. 50-458/91-21

REFERENCES:

1. NRC Inspection Report No. 50-458/91-21, October 16, 1991
2. Response to the Notice of Violation, J. C. Deddens to NRC, November 15, 1991
3. Acknowledgement of Receipt of Response to the Notice of Violation, A. B. Beach to GSU, December 24, 1991
4. Supplemental Response to the Notice of Violation, J. C. Deddens to NRC, January 13, 1992.

This letter refers to the correspondence and discussions between our staffs on an issue contained in NRC Inspection Report 50-458/91-21, which was transmitted to you on October 16, 1991. A Notice of Violation (Notice) was enclosed with that report which involved the removal of a temperature control switch for the charcoal bed heaters for one train of the fuel building filtration system. Your response, dated November 15, 1991, provided further information and requested that the Notice be withdrawn.

My review of the correspondence on this subject leads me to conclude that our respective staffs have not been focused on the real issue, which is your staff's failure to declare the subsystem inoperable when the temperature control switch was removed.

I am disappointed that your staff failed to recognize that removal of the temperature control switch resulted in an inoperable safety subsystem, given the definition of OPERABLE contained in your Technical Specifications. Our expectations are that, when conditions do not satisfy that comprehensive definition, the system is declared inoperable, which brings into focus the licensee's and the NRC's activities to assess the safety significance of the specific situation. In the instant situation, the prudent administrative controls over fuel handling activities, the absence of high humidity conditions, and efforts to replace the heater switch may well all have served

*RFP:DRP/C
EECollins
4/1/92

*C:DRP
PHHarell
5/1/92

*D:DRP
ABBeach
5/2/92

RA
RDMartin
5/4/92

*previously concurred

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PDR ADOCK 05000458
PDR

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as a suitable underpinning of a Justification for Continued Operation (JCO) if switch replacement had been delayed. Such a JCO may well have led to a Waiver of Compliance, were it warranted. This process of interaction and evaluation between our staffs is an essential part of meeting our related responsibilities for public health and safety. That process, in essence, relies on the declaration of an inoperable system by your staff. As I understand it, the temperature control switch was returned to service and the subsystem restored to a fully operable status before exceeding the applicable limiting condition for operation (LCO) action statement. Therefore, rather than continue further correspondence on this subject, the Notice is hereby withdrawn.

I am confident that, as your response indicates, your staff will make conservative operability evaluations on systems that are required to be operable by the Technical Specifications and on systems that are described in the Updated Safety Analysis Report.

I appreciate your cooperation in this matter.

Sincerely,
ORIGINAL SIGNED BY
ROBERT D. MARTIN

Robert D. Martin
Regional Administrator

cc:
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Docket No. 50-458
License No. NPF-47

bcc to DMB (IE01)

bcc distrib. by RIV:

R. D. Martin

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Lisa Shea, RM/ALF

DRSS-RPEPS

Project Engineer (DRP/C)

DRS

Senior Resident Inspector, Fort Calhoun

Resident Inspector

Section Chief (DRP/C)

MIS System

RSTS Operator

RIV File

Senior Resident Inspector, Cooper

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