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66 FR 47700
9/13/01
(2)

November 5, 2001

U. S. Nuclear Regulatory Commission
Washington, DC 20555

ATTENTION: Chief, Rules and Directives Branch

SUBJECT: Calvert Cliffs Nuclear Power Plant
Unit Nos. 1 & 2; Docket Nos. 50-317 & 50-318
Comments on Proposed Regulatory Issue Summary Dealing with Degraded and Non-Conforming Conditions, 66FR47700

REFERENCE: (a) Federal Register 66FR47700, September 13, 2001

We appreciate the opportunity to comment on the proposed Regulatory Issue Summary published in Reference (a). Our comments are provided in Attachment (1).

Should you have questions regarding this matter, we will be pleased to discuss them with you.

Very truly yours,

CHC/PSF/bjd

Attachment

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Template = ADM-013

E-RIDS = ADM-03
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ATTACHMENT (1)

COMMENTS ON PROPOSED

REGULATORY ISSUE SUMMARY DEALING

WITH DEGRADED AND NON-CONFORMING CONDITIONS,

66FR47700

Calvert Cliffs Nuclear Power Plant, Inc.
November 5, 2001

ATTACHMENT (1)

COMMENTS ON PROPOSED REGULATORY ISSUE SUMMARY DEALING WITH DEGRADED AND NON-CONFORMING CONDITIONS, 66FR47700

1) Section 4.9; Pre-Maintenance Risk Assessments

A proposed change to the guidance clarifies that it is applicable to the "discovery" of degraded or non-conforming conditions, but correctly notes that licensees "may find it necessary to take actions that reduce the functional capability of SSCs in order to perform maintenance" (*Id.*, at 47702). According to the proposed guidance, licensees are to apply the requirements of 10 CFR 50.65(a)(4) and conduct a pre-maintenance risk assessment.

Of particular interest is the Nuclear Regulatory Commission (NRC) Staff's related guidance in Regulatory Issue Summary (RIS) 2001-09, "Control of Hazard Barriers." Regulatory Issue Summary 2001-09 discusses situations that involve a pre-maintenance risk assessment, an operability assessment, and a "change" to the plant (i.e., removal of a hazard barrier) to support the maintenance activity. (Title 10 CFR 50.59 would generally not apply to this Temporary Alteration.) The scope and intent of the "operability assessment," referred to in RIS 2001-09 (especially in examples 1 and 2), can only be fully understood and fully comprehended through the use of Generic Letter (GL) 91-18 guidance. Generic Letter 91-18 clearly discusses both "operability" and "full design" and provides a clear distinction between the two concepts.

In order for NRC RIS 2001-09 to be properly understood and complied with, the use of this GL 91-18 guidance must be allowed beyond the discovery of a degraded or non-conforming condition. With this proposed revision to GL 91-18, the limitation of this guidance to only discovered conditions, NRC would need to develop another "operability assessment/determination" process and philosophy for a licensee to use when applying RIS 2001-09.

Note: Regulatory Issue Summary 2001-09 makes a similar cautionary note that GL 91-18 is only for degraded/non-conforming conditions; however, RIS 2001-09 uses GL 91-18 as guidance for performing operability assessments on planned changes (i.e., removing a barrier for maintenance).

We recommend that NRC clarify what is meant by an "operability assessment/determination" regarding both RIS 2001-09 (to support a planned activity) and the proposed guidance (when discovering a degraded/non-conforming condition), in order for licensees to properly understand and consistently implement both the proposed guidance and RIS 2001-09. Either the concept of an "operability assessment/ determination" is identical between the two documents, or NRC needs to clarify the differences.

In addition, following the guidance in RIS 2001-09, licensees have little flexibility in removing the functionality of a hazards barrier for a period of time to allow maintenance activities in certain areas of a plant. While the pre-maintenance risk assessment may demonstrate the low risk significance of removing a hazards barrier for a period of time (e.g., based on the low probability of a high-energy line break or flood in the area), an operability assessment of equipment (conducted in accordance with GL 91-18 guidance) in the affected area that could be affected by, for example, a high-energy line break while the hazards barrier is not functional, may limit performing the maintenance activity. That is, even if there is a low risk of an event that requires functionality of the hazards barrier, an operability assessment may conclude that the equipment in the affected area would be "inoperable" while the hazards barrier is not functional. In this case, the maintenance activity that requires the hazards barrier to be breached would be limited in time by applicable Technical Specification Limiting Conditions for Operation for the affected equipment.

We recommend that the NRC consider developing a process that would allow removal of a hazards barrier for a specified period of time, based on a risk assessment of the time the hazards barrier

would be breached, specifically without having to consider equipment in the affected area inoperable. It is often difficult or impractical to install a temporary barrier, as suggested in RIS 2001-09, yet the risk of breaching a hazards barrier for a limited period of time may be lower than continuing to operate with a condition that could be quickly resolved by a maintenance activity. Such a process would give licensees a means to perform short-term corrective or preventive maintenance, and would not allow continued operation for an unlimited time period. We believe this approach is an acceptable application of risk insights and should be included in the proposed guidance.

2) **Section 2.2; Definition of 'Design Basis'**

The definition of "design basis" has been amended to include a reference to Nuclear Energy Institute (NEI) 97-04, Appendix B, as endorsed by NRC Regulatory Guide 1.186, for guidance and examples for identifying 10 CFR 50.2 design basis information. This reference is not appropriate as most, if not all, licensees have not committed to this Regulatory Guide, nor have they re-reviewed their 50.2 design basis to ensure consistency with this NEI document. In fact, the following text from NEI 97-04, Appendix B, is presented to dissuade the NRC from referencing this document in this proposed guidance.

> **"Relationship of 10 CFR 50.2 Design Bases to FSARs**
>
> Updated Final Safety Analysis Reports (UFSAR) should be updated in accordance with 10 CFR 50.71(e) and NEI 98-03 to reflect new or modified design bases. In conjunction with NEI 98-03, this guidance may be used to support UFSAR updates to reflect new or modified design bases going forward. However, this guidance is not intended to be used to judge the completeness of existing 10 CFR 50.2 design bases in the UFSAR or as the basis for adding or removing detail to/from the existing design bases in the UFSAR. Title 10 CFR 50.34(b)(2) requires the FSAR to include a description of structures, systems, and components "...sufficient to permit understanding of the system designs and their relationship to safety evaluations."

Referencing the NEI document in this proposed guidance could cause misunderstandings between NRC inspectors and licensees who have not committed to Regulatory Guide 1.186, regarding what constitutes "design basis" for their particular facility. It is recommended that this footnote be deleted.

3) **Section 2.6; Definition of 'Operable/Operability'**

Allowing the application of this definition, by NRC inspectors, beyond Technical Specification structures, systems, and components is inconsistent with licensees' current requirements and practices, and should not be endorsed by NRC via this proposed guidance. It is recommended that the second paragraph of this definition be deleted. Section 4.7, "Reasonable Assurance of Safety" is/should be the only "operability" criteria applied to these non-Technical Specification structures, systems, and components.

4. **Section 4.5 "Establishing a Basis for Continued Operation"**

This entire section is not consistent with the context of the existing GL 91-18, Revision 1 Section 4.5, dealing with justifications for continued operation. This revised section appears to be discussing the content and scope of "operability determinations." This proposed guidance should only discuss "resolution of degraded and non-conforming conditions," as the title implies. There is separate NRC Part 9900 guidance on operability determinations.

In a few instances, this section is in direct conflict with the "operable/operability" Part 9900 issued October 31, 1991. In particular, this section appears to allow the use of probabilistic risk assessment in making operability determinations. This is in conflict with the Part 9900 operability guidance Section 6.9, which states that probabilistic risk assessment cannot be used in making operability decisions.

It is recommended that Section 4.5 be reverted back to its current context and content dealing with justifications for continued operation being submitted to the NRC for permission to continue plant operation.