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Nuclear

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Rules and Directives Branch
Office of Administration
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Response to Request for Comments on Regulatory Issue Summary related to Resolution of Degraded and Nonconforming Conditions "Generic Letter 91-18 Process"

Reference: Volume 66, Federal Register, Page 47700 (66 FR 47700), dated September 13, 2001

Exelon Generation Company (EGC), LLC appreciates the opportunity to comment on the NRC's proposed draft Regulatory Issue Summary, "Resolution of Degraded and Nonconforming Conditions 'Generic Letter 91-18 Process'." EGC's comments in response to the Reference are provided in an attachment to this letter.

If you have any questions or require additional information please contact Mr. Robert Brady at (630) 657-2822.

Respectfully,



K. A. Ainger
Director - Licensing
Mid-West Regional Operating Group

Attachment

Template = ADM-013

E-RIDS = ADM-03

add = J. Shapaker (SWS)
E. McKenna (EMM)

Attachment
Comments Related to Regulatory Issue Summary concerning Resolution of
Degraded and Nonconforming Conditions "Generic Letter 91-18 Process"

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1. It was acknowledged in the background section that the Part 9900 guidance on operability that was originally provided in Generic Letter (GL) 91-18 has not been revised. However, a number of changes that were made to the section related to degraded and nonconforming conditions are also referenced in the section related to operability. The section related to operability should be updated as well to reflect changes being presented in the degraded and non-conforming section. If unchanged these two documents that are closely related will have sections that will include conflicting references, and could be sources of contention at a later time. These include, but are not limited to the following:
 - Purpose and scope section removes criteria (viii) "any SSC described in the final safety analysis report (FSAR)" and now prefaces the criteria in this section by stating the SSC(s) are normally described in the updated final safety analysis report (UFSAR). The section on operability still has criteria (viii) in its purpose and scope.
 - The revised section on degraded and nonconforming conditions removed reference to "current licensing bases" in lieu of "licensing basis." The section on operability still references "current licensing bases."
 - The definition for degraded condition and nonconforming were revised during the update. The section related to operability still contains old versions of these definitions.
2. Section 4.5 describes the actions necessary to consider when developing a basis for continued operation with a degraded or nonconforming, but operable SSC. This includes the following:
 - Probability of needing the safety function.
 - Probabilistic risk assessment (PRA) or Individual Plant Evaluation (IPE) results that determine how operating the facility in the proposed manner will impact the core damage frequency or conditional core damage probability.This is now not consistent with Section 6.9 of guidance related to operability.
3. The guidance in Section 4 should be provided to allow implementation of the flow chart attached to the document. However, some sections do not match the flow chart. For example, the section on Justification for Continued Operation (JCO) should be revised to reflect the fact that JCO's no longer exist. The JCO section describes the actions necessary for the case of a Technical Specification condition that was determined not to be operable.
4. The last sentence in Section 4.8 is confusing and should be clarified. It can be interpreted that no compensatory measure would allow compliance with a Technical Specification system. However, when applied with the prior sentence it can also be interpreted to mean those compensatory measures that would require prior NRC approval prior to implementation can not be credited until approval is received and that the time limitations of the TS apply.

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5. Two editorial changes are provided.
 - The first sentence in the last paragraph of Section 2.6 has a grammar/typo error, 'This definition of operable and operability specifically applies to **SSCS** (should be **SSCs**) covered by **its** (should be **ITS**) and to those support systems that fall within the definition.
 - In Section 4.10, reference to "10 CFR 50.59 evaluation" (used in "Change to Facility or Procedure" and "Change to Licensing Basis") should be "10 CFR 50.59 review." This allows the recognition that the disposition may terminate with a 10 CFR 50.59 screening vice a full evaluation.



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