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9/13/01

66FR47700

(7)

November 15, 2001

Chief, Rules and Directives Branch
U. S. Nuclear Regulatory Commission
Mail Stop T6-D59
Washington, DC 20555-0001

Subject: Comments on Proposed Generic Communication Regarding Degraded and Nonconforming Conditions

CNRO-2001-00052

Ladies and Gentlemen:

On September 13, 2001, the NRC published a proposed regulatory issue summary (RIS) (66FR47700) updating guidance on the resolution of degraded and nonconforming conditions. This guidance updated that of Generic Letter 91-18, Revision 1, which had been issued on October 8, 1997. The updated guidance was intended to reflect regulatory changes since 1997, including the reactor oversight process, 10CFR50.65(a)(4) and the revised 10CFR50.59. The proposed guidance will supersede in its entirety that previously issued as Generic Letter 91-18, Revision 1.

Entergy Operations, Inc. (Entergy) appreciates the opportunity to comment on the proposed generic communication. Entergy agrees the process for developing a basis for continued operation, or ensuring the facility is placed in a safe condition and taking appropriate corrective actions, is not fundamentally changed by the revised guidance. Entergy would like to propose two minor changes to the guidance that would enhance the guidance with respect to possible plant situations. The comments are noted in the attachment.

Again, thank you for the opportunity to provide our comments.

Sincerely,

MAK/FGB/baa
attachment

Template = ADM-013

E-RIDS = ADM-03
Add = J. Shapaker (SWS)
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**Comments on Proposed Generic Communication
Regarding Degraded and Nonconforming Conditions**

1. Section 2.6, second paragraph – Sentence currently reads: “This definition of operable and operability specifically applies to SSCs covered by its and” We presume that its used here may refer to Improved Technical Specifications. It is suggested that ‘its’ be replaced with ‘TS’ or ‘Technical Specifications’.
2. Section 4.2 – It is suggested the last paragraph be changed as follows (changes noted in **bold**):

In some cases, a design calculation or industry standard is used to define surveillance **or other technical specification** acceptance criteria but the specifics are not explicitly included in the TS (e.g., the TS surveillance requirement is to verify a capability for providing power or cooling and a reference document or the TS bases discuss the details of how this is determined). If an error in a calculation or nonconformance with an industry standard is found in these cases, the licensee should ~~assess~~ **determine the impact of the nonconformance on operability. The use of an incorrect value in the basis for a surveillance requirement or other technical specification limitation need not automatically constitute an inoperability. Rather, if the licensee can demonstrate the component would be expected to satisfy its intended function (e.g., margin in the calculation or in the surveillance results), then a determination of continued operability is appropriate.** If the affected SSC is determined to be inoperable, the TS define the appropriate actions. If, however, the affected SSC is determined to be operable, plant operation may continue, and the discrepancy resolved as further discussed in this guidance.

Reason:

The above words were proposed due to a TS surveillance requirement issue that arose on one of our plants. An initial position by the inspector was that because the correct value of the calculation had not been considered in the surveillance, a literal interpretation of the TS required a determination of inoperability. It was acknowledged that there was adequate margin in the results of the surveillance test. Entergy believes that this interpretation goes outside the intent of the guidance of GL 91-18. Entergy respectfully requests that the wording proposed above be considered in the inspection guidance.

However, the current NRC proposed wording does not fully resolve the intent of the reason for the proposed change. To not have the specific words that indicate that the condition in and of itself is not an operability, the condition can be interpreted as it still being a TS operability issue even though there is no direct operability concern.

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