



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
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April 23, 2002

Craig G. Anderson, Vice President
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Entergy Operations, Inc.
1448 S.R. 333
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**SUBJECT: CORRECTION TO RESPONSE TO BACKFIT CLAIM REGARDING NRC
INSPECTION REPORT 50-313/01-06; 50-368/01-06**

Dear Mr. Anderson:

Our letter to you from Ellis Merschoff dated April 15, 2002, inadvertently omitted an excerpt from NRC Management Directive 8.4, "NRC Program for Management of Plant-Specific Backfitting of Nuclear Power Plants." That excerpt is attached. Please add this to the letter of April 15, 2002. We apologize for any inconvenience this may have caused you.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/ADAMS.html> (the Public Electronic Reading Room). The original letter of April 15, 2002, can be found in ADAMS as accession number ML021090419.

Sincerely,

Charles S. Marschall, Chief
Engineering and Maintenance Branch
Division of Reactor Safety

Attachment: Excerpt from NRC Management Directive 8.4, "NRC Program for Management of Plant-Specific Backfitting of Nuclear Power Plants"

Dockets: 50-313; 50-368
Licenses: DPR-51; NPF-6

Entergy Operations, Inc.

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cc: w/Enclosure

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EXCERPT FROM MANAGEMENT DIRECTIVE 8.4

Formerly Manual Chapter NRC-0514

"NRC Program for Management of Plant-Specific Backfitting of Nuclear Power Plants"

Approved: August 26, 1988

"044 Appeal Process. The appeal processes described in this section are of two types, applied to two distinctly different situations:

- a. Appeal to an Office/Region to modify or withdraw a proposed backfit which has been identified, and for which a regulatory analysis has been prepared and transmitted to the licensee; or
- b. Appeal to an Office/Region to reverse a denial of a prior licensee claim either that a staff position, not identified by the NRC as a backfit, is one, or that backfit which staff believes falls within one of the exceptions from the requirement for a regulatory analysis, does not.

In the first type of situation described, licensees should address an appeal of a proposed backfit to the Office Director or Regional Administrator whose staff proposed the backfit with a copy to the EDO [Executive Director for Operations]. The appeal should provide arguments against the rationale for imposing a backfit as presented in the staff's regulatory analysis. The Office Director or Regional Administrator shall report to the EDO within 3 weeks after receipt of the appeal concerning the plan for resolving the issue. The licensee should also be promptly and periodically informed in writing regarding the staff plans. The decision of the Office Director on an appeal of plant specific backfit may be appealed to the EDO unless resolution is achieved at a lower management level. The EDO shall promptly resolve the appeal and shall state his reasons therefor. Summaries of all appeal meetings shall be prepared promptly, provided to the licensee, and placed in appropriate Public Document Rooms. During the appeal process, primary consideration shall be given to how and why the proposed backfit provides a substantial increase in overall protection and whether the associated costs of implementation are justified in view of the increased protection. This consideration should be made in the context of the regulatory analysis as well as any other information that is relevant and material to the proposed backfit.

In the second type of appeal situation the appeal should be addressed to, and will be decided by, the Director of the program office having responsibility for the program area relevant to the staff position, unless resolution is achieved at a lower management level. A copy of the appeal should also be sent to the Executive Director for Operations. The appeal should take into account the staff's evaluation, the licensee's response, and any other information that is relevant and material to the backfit determination. The EDO may review and may modify a decision either at his or her own initiative or at the request of the licensee. If the licensee appeals to the EDO, the EDO shall promptly resolve the appeal and shall state the reasons therefor. Backfit claims and resultant staff determinations that are reevaluated in response to an appeal, and that are again determined by the NRC not to be backfits, or are excepted from the requirement for a regulatory analysis, are not to be treated further in the context of this chapter. Such matters are to be dealt with within the normal licensing or inspection appeal process and are not subject to the requirements of this chapter."