



Nuclear Management Company, LLC

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Chief, Rules and Directives Branch
Division of Administrative Services
Office of Administration, Mail Stop T6–D59
U.S. Nuclear Regulatory Commission
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Comments on Proposed Generic Communication; Draft Revision to NRC Inspection Manual Chapter 9900, "Technical Guidance," Operability Determinations and Resolution of Nonconformances of Structures, Systems, and Components," (Regulatory Issue Summary 2004-XX) (69 FR 46599)

Nuclear Management Company, LLC (NMC) is the licensed operator of the Duane Arnold Energy Center, Kewaunee Nuclear Power Plant, Monticello Nuclear Generating Plant, Palisades Nuclear Plant, Point Beach Nuclear Plant Units 1 and 2, and Prairie Island Nuclear Generating Plant Units 1 and 2. NMC is providing comments on the proposed generic communication, draft Regulatory Issue Summary (RIS) 2004-xx, which was published in the Federal Register on August 3, 2004.

NMC participated in the Nuclear Energy Institute (NEI) operability determination (ODP) task force to provide preliminary industry comments to the Nuclear Regulatory Commission (NRC). NMC supports the comments that NEI provided to the NRC in a letter from James W. Davis dated September 30, 2004. The comments stress the following points:

- The consolidation into one document of "operability guidance" and "functionality guidance" has generated a number of concerns among industry reviewers. It is important that follow-up public meetings be scheduled to identify and resolve these concerns, and to establish a well-understood document scope.
- The scope of the draft guidance is broader than just "operability." It includes other important process considerations associated with the maintenance rule, reactor oversight, performance indicators, and risk-informed decision-making. The ODP task force recommends that the final RIS be organized to separate operability from functionality, especially with respect to structures, systems, and components that are not in Technical Specifications.

- Follow-up NRC/industry discussions are needed to:
 - Identify and define key terms, including references back to basis documents.
 - Identify the personal and organizational attributes of individuals authorized to make operability determinations.
 - Differentiate the concept of “operability” from the concept of “functionality.”
 - Differentiate the concept of Technical Specification “OPERABILITY” from the concept of “corrective action.”
 - Determine the degree of prescription warranted in a guidance document.
- Licensees will need additional time to thoroughly review the detailed Assistance Navigator that NRC has developed as a companion to the guidance document. Explanatory guidance should accompany each step of the Assistance Navigator.
- Finally, the RIS should stress that the Inspection Manual chapter contains guidance to inspectors, not requirements that licensees can be cited against.

NMC commends the NRC for providing a draft document that addresses changes to related NRC regulatory process and regulations, clarifies guidance for selected issues, and consolidates related requirements. NMC also supports NEI's efforts to work with the NRC to further enhance the guidance before it is issued.



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cc: Kerri Kavanagh (USNRC)