

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION
WASHINGTON, DC 20555-0001

September 26, 2005

**NRC REGULATORY ISSUE SUMMARY 2005-20:
REVISION TO GUIDANCE FORMERLY CONTAINED IN NRC
GENERIC LETTER 91-18, "INFORMATION TO LICENSEES
REGARDING TWO NRC INSPECTION MANUAL SECTIONS ON
RESOLUTION OF DEGRADED AND NONCONFORMING
CONDITIONS AND ON OPERABILITY"**

ADDRESSEES

All holders of operating licenses for nuclear power reactors, including those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel.

INTENT

The U.S. Nuclear Regulatory Commission (NRC) is issuing this Regulatory Issue Summary (RIS) to inform licensees that it has revised the guidance contained in two sections of NRC Inspection Manual Part 9900, Technical Guidance, "Operable/Operability: Ensuring the Functional Capability of a System or Component" and "Resolution of Degraded and Nonconforming Conditions," and has combined these two documents into a single document. The revised inspection guidance reflects relevant changes that have been made to NRC regulations, policies, and practices, and clarifies selected issues based on operating experience. This RIS requires no action or written response on the part of an addressee.

BACKGROUND INFORMATION

The NRC staff inspection guidance contained in the two NRC Inspection Manual sections described above were initially provided to licensees in Generic Letter (GL) 91-18, issued on November 7, 1991. The NRC staff revised the guidance in NRC Inspection Manual Part 9900, Technical Guidance, "Resolution of Degraded and Nonconforming Conditions," and issued it in Revision 1 of GL 91-18 on October 8, 1997. The purpose of Revision 1 of GL 91-18 was to more explicitly discuss the role of the 10 CFR 50.59 evaluation process in the resolution of degraded and nonconforming conditions.

In the summer of 2003, the NRC staff sought public comment on the technical guidance, which included holding a public workshop in August 2003. The staff revised the guidance based on the inputs received, and held a second public workshop to discuss it in August 2004. Subsequently, the NRC staff met several times in 2005 with an industry task force formed by the Nuclear Energy Institute (NEI), and resolved the comments received from various stakeholders.

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SUMMARY OF ISSUE

Attached is a revised NRC Inspection Manual, Part 9900, Technical Guidance, “Operability Determinations & Functionality Assessments for Resolution of Degraded or Nonconforming Conditions Adverse to Quality or Safety.” This guidance supercedes the guidance previously provided in GL 91-18 and Revision 1 to GL 91-18.

The attached inspection manual section provides guidance to NRC inspectors for reviewing the actions of licensees pertaining to the operability of structures, systems, and components (SSCs) following the discovery of degraded and nonconforming conditions in SSCs. However, many licensees have found NRC’s guidance to be very useful in developing their plant-specific processes, and therefore the NRC staff is communicating it to licensees as a RIS.

The NRC revised its inspection guidance to reflect ongoing regulatory changes, including implementation of the revised reactor oversight process, the requirement that licensees appropriately assess and manage risk related to proposed maintenance activities (10 CFR 50.65(a)(4)), and implementation of the revised change control process in 10 CFR 50.59, “Changes, Tests and Experiments.” The revision also clarifies selected issues in the guidance based on operating experience and industry feedback.

In addition, the NRC concluded that the two inspection manual documents were closely related. The NRC staff therefore combined the documents, and at the same time re-wrote them to make them clearer and more process-oriented. However, the NRC understands that licensees may collectively refer to the processes described in the revised Part 9900 as the “GL 91-18 process” or the “operability determination process (ODP).”

BACKFIT DISCUSSION

This RIS requires no action or written response and, therefore, is not a backfit under 10 CFR 50.109. Consequently, the staff did not perform a backfit analysis.

FEDERAL REGISTER NOTIFICATION

A notice of opportunity for public comment was published in the *Federal Register* on August 3, 2004 (69 FR 46599), to give interested parties an opportunity to suggest ways for improving the guidance. The staff concludes that this RIS and the attached NRC inspection guidance are informational and pertain to a staff position that does not represent a departure from current regulatory requirements and practices.

SMALL BUSINESS REGULATORY ENFORCEMENT FAIRNESS ACT OF 1996

This RIS is not a “rule” as defined in 5 U.S.C. 804 and therefore is not subject to the Congressional review provisions of the Small Business Regulatory Enforcement Fairness Action of 1996.

PAPERWORK REDUCTION ACT STATEMENT

This RIS does not contain any information collections and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). The information collection requirements referenced in Manual Chapter 9900 are approved by the Office of Management and Budget approval number 3150-0011 which expire February 28, 2007. The NRC may not conduct or sponsor, and a person is not required to respond to, an information collection unless the requesting document displays a currently valid OMB control number.

CONTACT

Please direct any questions about this matter to the technical contacts listed below, or to the appropriate Office of Nuclear Reactor Regulation (NRR) project manager.

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Patrick L. Hiland, Chief
Reactor Operations Branch
Division of Inspection Program Management
Office of Nuclear Reactor Regulation

Technical Contacts: Carl S. Schulten, NRR
301-415-1192
E-mail: css1@nrc.gov

James M. Trapp, (R-I)
610-337-5186
E-mail: jmt1@nrc.gov

Randall A. Musser, (R-II)
919-362-0601
E-mail: rxm1@nrc.gov

Stephen C. Burton, III, (R-III)
920-388-3156
E-mail: sxb3@nrc.gov

Charles R. Stancil, Jr., (R-IV)
817-276-6532
E-mail: crs1@nrc.gov

Attachment: NRC Inspection Manual Part 9900: Technical Guidance, "Operability Determinations & Functionality Assessments for Resolution of Degraded or Nonconforming Conditions Adverse To Quality or Safety"

Note: NRC generic communications may be found on the NRC public website, <http://www.nrc.gov>, under Electronic Reading Room/Document Collections.