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 To: <nrcprep@nrc.gov>  
 Date: Fri, Oct 1, 2004 8:53 AM  
 Subject: Response from "Comment on NRC Documents"

10/4/04  
 RDB received 9AM  
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8/4/04  
 69 FR 46577

Below is the result of your feedback form. It was submitted by

Michael C. Kammer (mkammer@scana.com) on Friday, October 01, 2004 at 08:52:29

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Document Title: RIS 2004-XX  
 OPERABILITY DETERMINATIONS AND RESOLUTION OF NONCONFORMANCES OF STRUCTURES,  
 SYSTEMS, AND COMPONENTS

#### Comments: Issue

The revised guidance indicates that changes to installed field components or licensing basis can be made with primarily a 50.59 screening/ evaluation. By virtue of its silence on the requirements of 10CFR50, Appendix B, Section III Design Control, when facilitating changes to the facility as described in the RIS, is it the NRC's intent that the 50.59 documentation defined in the text of the RIS supercedes the Design Control requirements of 10CFR50, Appendix B?

#### Background

Section 7.4 Final Corrective Action indicates in part that:

The licensee is responsible for corrective action. A licensee's range of corrective action may involve ...  
 (3) some modification of the facility or CLB other than restoration to the condition as described in the UFSAR.

In addition, the following sections discuss changes to the licensing or design configuration requirements:

...The 10 CFR 50.59 process applies when the final resolution of the degraded or nonconforming condition differs from the established UFSAR requirement. At this point, the licensee plans to make a change to the facility or procedures as described in the UFSAR. The proposed change is now subject to the review process established by 10 CFR 50.59...

#### 7.4.1 Change to Facility or Procedures in Lieu of Restoration

In the first situation, the licensee's proposed final resolution of the degraded or nonconforming condition includes other changes to the facility or procedures to cope with the uncorrected or only partially corrected degraded or nonconforming condition. Rather than fully correcting the degraded or nonconforming condition, the licensee decides to restore capability or margin by making another change. In this case, the licensee must evaluate the change from the UFSAR-described condition to the final condition in which the licensee proposes to operate its facility. If the 10 CFR 50.59 screening/evaluation concludes that a change to the TS is involved or the change meets any of the evaluation criteria specified in the rule for prior NRC approval, a license amendment must be requested, and the corrective action process is not complete until the approval is received or some other resolution occurs.

#### 7.4.2 Change to the Current Licensing Basis

In the other situation the licensee proposes to change the current licensing basis to accept the as-found nonconforming condition. In this case, the 10 CFR 50.59 review covers the change from the UFSAR-described condition to the existing condition in which the licensee plans to remain (i.e., the

K-RFDS = ADM-03

ADM = K. Kavanagh (KAK)  
 C. Petrone (CDP)

Template = ADM-013

licensee will exit the corrective action process by revising its licensing basis to document acceptance of the condition)... To resolve the degraded or nonconforming condition without restoring the affected equipment to its original design, a licensee may need to obtain an exemption from 10 CFR Part 50 in accordance with 10 CFR 50.12 or relief from a design code in accordance with 10 CFR 50.55a. The use of 10 CFR 50.59, 50.12, or 50.55a in fulfillment of 10 CFR 50 Appendix B corrective action requirements does not relieve the licensee of the responsibility to determine, for significant conditions adverse to quality, the cause, to examine other affected systems, to take action to prevent recurrence, and to report the original condition, as appropriate.

#### Request

Please clarify the applicability of other Quality Assurance Program attributes described in 10CFR50, Appendix B when discussing changes to the Licensing or Design basis for the facility via the non conformance/ corrective action processes.

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