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LTR-NRC-13-62
August 23, 2013

Subject: Interim Report of the Evaluation of a Deviation Pursuant to 10 CFR 21.21(a)(2)

The purpose of this letter is to provide the Commission with the prescribed interim report as required per 10CFR21.21 (a)(2) of a deviation identified by Westinghouse Electric Company LLC. (This also will serve as an interim report under 10 CFR 50.55 (e)(3)(ii) to the extent applicable.) Several technical specifications were identified in a Corrective Action Report (CAR) as having a time response surveillance requirement that cannot be directly measured due to logic pathways where overlap with another protective function occurs. Westinghouse is now determining what other reactor trip and engineered safeguards actuation system protective functions have a credited time response in the Safety Analysis for the AP1000^{®1} plant and therefore should be assigned a time response surveillance requirement in the Technical Specifications. The evaluation will address the safety implication of the items identified in the CAR as well as confirm that all other protective functions where a time response was credited in the safety analysis have a measurable surveillance requirement in the Technical Specifications.

- (i) Name and address of the individual or individuals informing the Commission.

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- (ii) Identification of the facility, the activity, or the basic component supplied for such facility or such activity within the United States which fails to comply or contains a defect.

As noted above, the deviation being evaluated is to determine what reactor trip and engineered safeguards actuation system protective functions have a credited time response in the Safety Analysis for the AP1000 plant and therefore should be assigned a time response surveillance requirement in the Technical Specifications. Several technical specifications were identified in a Corrective Action Report as having a time response surveillance requirement that cannot be directly measured due to logic pathways where overlap with another protective function occurs.

¹ AP1000 is a registered trademark of Westinghouse Electric Company LLC, its affiliates and/or its subsidiaries in the United States of America and may be registered in other countries throughout the world. All rights reserved. Unauthorized use is strictly prohibited.

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The evaluation will address the safety implication of the identified items as well as confirm that all other protective functions where a time response was credited in the Safety Analysis have a measurable surveillance requirement in the Technical Specifications. Westinghouse has not yet concluded its determination as to whether there is a defect as defined by 10CFR21 (or any non-compliance under 10 CFR 50.55(e) to the extent applicable) if the deviation is left uncorrected.

The **AP1000** plant Design Control Document (DCD), Revision 19, has been delivered to the following U.S. **AP1000** plant sites and incorporated into their Combined Licenses (COLs):

- Summer Units 2 and 3
- Vogtle Units 3 and 4
- Levy Units 1 and 2
- Harris Units 2 and 3
- Lee Units 1 and 2
- Turkey Point Units 6 and 7
- Bellefonte Units 3 and 4

- (iii) Identification of the firm constructing the facility or supplying the basic component which fails to comply or contains a defect.

As noted, this is an Interim Report and whether a failure to comply or defect exists has not been determined. The basic Component which contains the deviation is supplied by:

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- (iv) Nature of the defect or failure to comply and the safety hazard which is created or could be created by such defect or failure to comply.

Pursuant to the **AP1000** plant Design Control Document (DCD), Chapter 16, Revision 19, time response surveillance requirements are identified in Table 3.3.1-1 and Table 3.3.2-1 for various protection functions. As a result, potentially incomplete or untestable surveillance requirements for these protection functions have been delivered to the customer. It has not been determined whether the deviation would create a safety hazard.

- (v) The date on which the information of such defect or failure to comply was obtained.

The safety significance evaluation for the **AP1000** plant is still in process and a determination of the potential to create a substantial safety hazard is not yet complete.

- (vi) In the case of a basic component which a defect or fails to comply, the number and location of these components in use at, supplied for, being supplied for, or may be supplied for, manufactured, or being manufactured for one or more facilities or activities subject to the regulations in this part.

The basic component for which this interim report is filed is the time response surveillance requirements identified in Chapter 16 of the AP1000 plant Design Control Document (DCD), Revision 19, listed in Table 3.3.1-1 (Reactor Trip System Instrumentation) and Table 3.3.2-1 (Engineered Safeguards Actuation System Instrumentation).

- (vii) The corrective action which has been, is being, or will be taken; the name of the individual or organization responsible for the action; and the length of time that has been or will be taken to complete the action.

Westinghouse is working to complete an evaluation of the safety significance of this issue. Westinghouse will complete the 10 CFR Part 21 (and as applicable 10 CFR 50.55(e)) evaluation by November 27, 2013.

- (viii) Any advice related to the defect or failure to comply about the facility, activity, or basic component that has been, is being, or will be given to purchasers or licensees.

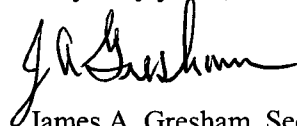
The affected licensees/customers have been made aware of this issue through verbal and electronic communications and by a copy of this correspondence. Communications resulting from the subject Westinghouse evaluation to be provided to affected licensees/customers will depend on the conclusions derived from the Westinghouse detailed assessment.

- (ix) In the case of an early site permit, the entities to whom an early site permit was transferred.

In the case of a completed reactor manufactured under part 52 of this chapter, the entities to which the reactor was supplied.

See Item (ii) above.

Very truly yours,



James A. Gresham, Secretary
Westinghouse Safety Review Committee

cc: E. Lenning (NRC MS O-11-F1)
B. Whitley (SNC)
A. Paglia (SCANA)