

Unintended Tech Spec Action (UTSA) NEI Talking Points (5/18/00)

PROPOSED UTSA DEFINITION

"An UNINTENDED TECHNICAL SPECIFICATION ACTION is an unnecessary plant evolution or other action that results from an erroneous Technical Specification requirement. The erroneous Technical Specification may arise from an editorial error, an administrative error, or a technical inconsistency between a Technical Specification requirement and the underlying intent of the requirement as defined in supporting documents submitted to or generated by the NRC. The intended Technical Specification requirement, as described in applicable licensing-basis documentation, is not contradicted by other documentation of which the licensee is aware."

EXAMPLE

- 1) A licensee's Technical Specifications required an 18-month surveillance of the diesel-generators to demonstrate their capability to maintain voltage and frequency within pre-specified limits following "---a trip of the largest connected load, an ESW pump (#### Kw)"
- 2) #### was a design number put into an early draft of the Tech Specs prior to licensing. The actual size of the motor is #### -10 Kw.
- 3) During power operations, the NRC senior resident inspector identified the discrepancy.
- 4) The licensee confirmed that the previous surveillance was for a load rejection of ####-10 and not ####.
- 5) After confirmation of the actual value of the load rejection, the licensee entered LCO 3.0.3 because there was no current valid surveillance in accordance with the Tech Spec.
- 6) It was apparent to both the licensee and NRC staff that the intent of the surveillance had been met, i.e., load rejection of the largest connected load, and the #### number was in error.
- 7) Although an NOED was issued before power was reduced per LCO 3.0.3, the plant operations, maintenance, work planning, and licensing staffs were focused on preparation for a shutdown and unplanned outage recovery, as well as preparation of NOED and Tech Spec change requests. NRC management was similarly distracted from other duties to respond to the NOED request.
- 8) The licensee estimated that about 400 manhours were used to resolve this issue.
- 9) The proposed process for treating this issue as a UTSA would have required an assessment by the licensing and engineering departments with concurrence by the onsite review committee, with an estimated resource demand of about 30 manhours.

TALKING POINTS

- The current processes for resolving a UTSA (Emergency Tech Spec, Exigent Tech Spec, NOED) are overly restrictive and costly, given the minor nature of a UTSA.
- Each licensee's Tech Specs (TS) would be revised to include a generic TS 3.0.X process for UTSA's. Each "proposed UTSA-process TS" would be published in the Federal Register for prior notice & comment (opportunity for public hearing).
- The notice and comment on TS 3.0.X for establishing the UTSA process would satisfy the Atomic Energy Act.
- All subsequent UTSA's would be published in the Federal Register for notice & comment within 60 days of identification.
- The UTSA concept applies to a limited, specific set of actions needed to establish timely TS conformance with the licensing basis.
- A sound basis for saying the TS is in error, and therefore a UTSA is needed, must appear in licensing basis documentation.
- Careful scope definition is needed at the front-end of each UTSA determination to ensure the process is used only for non-substantive, non-safety, non-risk-significant cases.
- Each UTSA situation would be reported to NRC early in the process.
- Subjective cost-benefit evaluations indicate that a single UTSA would "pay back" the cost of the TS 3.0.X change.
- A review by the NEI Licensing Action Task Force (LATF) of NOEDs for the last two years (1998-99) indicated that approximately four NOEDs/year would have fit the UTSA category. Emergency and Exigent TS changes were not reviewed.
- A relatively low enforcement threshold would accompany the UTSA process. If misused, a licensee would be subject to violation of the UTSA process, as well as the TS in question.
- There is a similar concept already in use in current Standard Tech Spec surveillance requirement (SR) 3.0.3.

**ESTIMATED SAVINGS (LOWER BOUND)
FROM USE OF THE UTSA PROCESS**

Activity and Estimated Hours Expended:

- Preparation for enforcement discretion telephone conference call with NRC:
24 hours
- Enforcement discretion telephone conference call with NRC:
12 hours
- Preparation/review/approval/submittal of written request for enforcement discretion:
70 hours
- Preparation/review/approval/submittal of application for emergency or exigent license amendment:
72 hours
- Implementation of enforcement discretion/emergency license amendment:
12 hours

Total hours:

- 210 hours

Additional Impacts:

- Focus of plant senior management and middle management on the unintended action, which although non-safety significant, requires attention to avoid an unnecessary plant shutdown.
- Need for backup preparation for potential shutdown and restart (contingency action plan to support preparations and scheduling of a short-notice outage).
- Preparation/review/approval/submittal of the written request for enforcement discretion is likely to require continuous work into off-hours until completed. NRC enforcement discretion policy requires the onsite review group (made up of selected managers and superintendents at the plant) to review the request prior to submittal to the NRC.
- In the absence of a UTSA process, excess resources are required to resolve minor surveillance testing discrepancies even if the testing is successful, because a parallel request for enforcement discretion is needed in case testing is not successful. The LATF review of NOEDs did not track these near-occurrences, which nevertheless require a significant expenditure of licensee and NRC staff resources.

3.0 SURVEILLANCE REQUIREMENT (SR) APPLICABILITY

SR 3.0.1 SRs shall be met during the MODES or other specified conditions in the Applicability for individual LCOs, unless otherwise stated in the SR. Failure to meet a Surveillance, whether such failure is experienced during the performance of the Surveillance or between performances of the Surveillance, shall be failure to meet the LCO. Failure to perform a Surveillance within the specified Frequency shall be failure to meet the LCO except as provided in SR 3.0.3. Surveillances do not have to be performed on inoperable equipment or variables outside specified limits.

SR 3.0.2 The specified Frequency for each SR is met if the Surveillance is performed within 1.25 times the interval specified in the Frequency, as measured from the previous performance or as measured from the time a specified condition of the Frequency is met.

For Frequencies specified as "once," the above interval extension does not apply.

If a Completion Time requires periodic performance on a "once per . . ." basis, the above Frequency extension applies to each performance after the initial performance.

Exceptions to this Specification are stated in the individual Specifications.

SR 3.0.3 If it is discovered that a Surveillance was not performed within its specified Frequency, then compliance with the requirement to declare the LCO not met may be delayed, from the time of discovery, up to 24 hours or up to the limit of the specified Frequency, whichever is less. This delay period is permitted to allow performance of the Surveillance.

If the Surveillance is not performed within the delay period, the LCO must immediately be declared not met, and the applicable Condition(s) must be entered.

When the Surveillance is performed within the delay period and the Surveillance is not met, the LCO must immediately be

(continued)

3.0 SR APPLICABILITY

SR 3.0.3
(continued) declared not met, and the applicable Condition(s) must be entered.

SR 3.0.4 Entry into a MODE or other specified condition in the Applicability of an LCO shall not be made unless the LCO's Surveillances have been met within their specified Frequency. This provision shall not prevent entry into MODES or other specified conditions in the Applicability that are required to comply with ACTIONS or that are part of a shutdown of the unit.

SR 3.0.4 is only applicable for entry into a MODE or other specified condition in the Applicability in MODES 1, 2, 3 and 4.

Reviewer's Note: SR 3.0.4 has been revised so that changes in MODES or other specified conditions in the Applicability that are part of a shutdown of the unit shall not be prevented. In addition, SR 3.0.4 has been revised so that it is only applicable for entry into a MODE or other specified condition in the Applicability in MODES 1, 2, 3, and 4. The MODE change restrictions in SR 3.0.4 were previously applicable in all MODES. Before this version of SR 3.0.4 can be implemented on a plant-specific basis, the licensee must review the existing technical specifications to determine where specific restrictions on MODE changes or Required Actions should be included in individual LCOs to justify this change; such an evaluation should be summarized in a matrix of all existing LCOs to facilitate NRC staff review of a conversion to the STS.

BASES

SR 3.0.2
(continued)

Therefore, there is a Note in the Frequency stating, "SR 3.0.2 is not applicable."

As stated in SR 3.0.2, the 25% extension also does not apply to the initial portion of a periodic Completion Time that requires performance on a "once per ..." basis. The 25% extension applies to each performance after the initial performance. The initial performance of the Required Action, whether it is a particular Surveillance or some other remedial action, is considered a single action with a single Completion Time. One reason for not allowing the 25% extension to this Completion Time is that such an action usually verifies that no loss of function has occurred by checking the status of redundant or diverse components or accomplishes the function of the inoperable equipment in an alternative manner.

The provisions of SR 3.0.2 are not intended to be used repeatedly merely as an operational convenience to extend Surveillance intervals (other than those consistent with refueling intervals) or periodic Completion Time intervals beyond those specified.

SR 3.0.3

SR 3.0.3 establishes the flexibility to defer declaring affected equipment inoperable or an affected variable outside the specified limits when a Surveillance has not been completed within the specified Frequency. A delay period of up to 24 hours or up to the limit of the specified Frequency, whichever is less, applies from the point in time that it is discovered that the Surveillance has not been performed in accordance with SR 3.0.2, and not at the time that the specified Frequency was not met.

This delay period provides adequate time to complete Surveillances that have been missed. This delay period permits the completion of a Surveillance before complying with Required Actions or other remedial measures that might preclude completion of the Surveillance.

The basis for this delay period includes consideration of unit conditions, adequate planning, availability of personnel, the time required to perform the Surveillance, the safety significance of the delay in completing the required Surveillance, and the recognition that the most

(continued)

BASES

SR 3.0.3
(continued)

probable result of any particular Surveillance being performed is the verification of conformance with the requirements. When a Surveillance with a Frequency based not on time intervals, but upon specified unit conditions or operational situations, is discovered not to have been performed when specified, SR 3.0.3 allows the full delay period of 24 hours to perform the Surveillance.

SR 3.0.3 also provides a time limit for completion of Surveillances that become applicable as a consequence of MODE changes imposed by Required Actions.

Failure to comply with specified Frequencies for SRs is expected to be an infrequent occurrence. Use of the delay period established by SR 3.0.3 is a flexibility which is not intended to be used as an operational convenience to extend Surveillance intervals.

If a Surveillance is not completed within the allowed delay period, then the equipment is considered inoperable or the variable is considered outside the specified limits and the Completion Times of the Required Actions for the applicable LCO Conditions begin immediately upon expiration of the delay period. If a Surveillance is failed within the delay period, then the equipment is inoperable, or the variable is outside the specified limits and the Completion Times of the Required Actions for the applicable LCO Conditions begin immediately upon the failure of the Surveillance.

Completion of the Surveillance within the delay period allowed by this Specification, or within the Completion Time of the ACTIONS, restores compliance with SR 3.0.1.

SR 3.0.4

SR 3.0.4 establishes the requirement that all applicable SRs must be met before entry into a MODE or other specified condition in the Applicability.

This Specification ensures that system and component OPERABILITY requirements and variable limits are met before entry into MODES or other specified conditions in the Applicability for which these systems and components ensure safe operation of the unit.

(continued)
