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1 UNITED STATES OF AMERICA  
2 NUCLEAR REGULATORY COMMISSION

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4 OPERABILITY WORKSHOP

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6 ROCKVILLE, MARYLAND

7 + + + + +

8 THURSDAY, AUGUST 14, 2003

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10 The workshop was held in the Auditorium at  
11 the Nuclear Regulatory Commission, NRC Auditorium, Two  
12 White Flint North, 11545 Rockville Pike, at 8:30 a.m.,  
13 Andrew Walker, facilitating.

14 PRESENT:

15 ANDREW WALKER, Facilitator

16 STEVE ALEXANDER, NRR/IEPB

17 DR. WILLIAM BECKNER, Chief, Reactor Operations Branch

18 BRUCE BOGER, Director, Division of Inspection

19 Program Management

20 TERENCE CHAN, Section Chief, Materials and Chemical

21 Engineering Branch, Office of Nuclear Reactor

22 Regulations

23 KERRI KAVANAGH, Senior Reactor Engineer, Office of

24 Nuclear Reactor Regulations

25 JIM LUEHMAN, Deputy Director, Office of Enforcement

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PRESENT: (CONT.)

EILEEN MCKENNA, Senior Reactor Engineer, Office of  
Nuclear Reactor Regulations

WAYNE SCOTT, Senior Operations Engineer, Office of  
Nuclear Reactor Regulations

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P-R-O-C-E-E-D-I-N-G-S

8:37 a.m.

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MR. BOGER: Okay. Let's get started. You might have noticed a momentary delay up here as it took a professional to come and understand that the microphone was on, so I apologize for the short delay this morning. But thank you for coming. My name is Bruce Boger. I'm the director of the Division of Inspector Program Management at the NRC. I would like to welcome you to this Operability Workshop. This is a great turn out. I see a lot of representatives from the industry, people that I have had the privilege of working with in meetings before. There are public interest groups here, members of the Regional Management staff. There's a lot of NRC staff here. So there's a broad array of folks here this morning. We also have an international visitor. We import people all the way from Spain to come to these meetings, so I'm trying to embarrass her, at this point.

Well, as you are aware, the NRC is planning to revise its guidance in the area of operability. The objective of this workshop is to receive and discuss preliminary input on the guidance that we have on operability, Degraded and

1 Nonconforming Conditions, and related aspects of  
2 Generic Letter 91-18. And I'm really pleased that so  
3 many of you have an interest in this topic. For many  
4 of you, I'm sure, this is a topic that you deal with  
5 on more than an occasional basis, and because of that  
6 it's important for us to make sure that our guidance  
7 is reflective of the real experience that's occurring  
8 out in the field.

9 We find that our products are better when  
10 they are influenced by the inputs of our stakeholders  
11 and by that, I mean, the full range stakeholders so  
12 that we know what the issues are. I appreciate the  
13 fact that because so many of you are not from NRC  
14 headquarters, that you have traveled to get here.  
15 You've taken time out of your busy schedules to meet  
16 with us. We value your input and we want to make sure  
17 that we capture all of it.

18 But this is not a meeting where people are  
19 going to sit up here and talk to you and feed you  
20 information. It's not that type of meeting. It's  
21 intended to be an interactive meeting. This is your  
22 meeting. This is your opportunity to provide the NRC  
23 with your insights, so we might better shape our  
24 documents. In order to make that happen, we're going  
25 to use a facilitator. Andrew Walker is going to be

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1 the facilitator and he is going to make sure that we  
2 stay on track. And it will be difficult, because this  
3 is a large number of people, and he'll be going to  
4 different areas through the afternoon.

5 I do want to acknowledge that meetings  
6 like this just don't happen. I mean, they just don't  
7 materialize. It takes a lot of hard work from folks  
8 to make it happen, to do the organization and to bring  
9 things together. And to that end, I want to commend  
10 Kerri Kavanagh for bringing it together. Thanks,  
11 Kerri.

12 (Applause)

13 MR. BOGER: Now, from a historical  
14 perspective, Generic Letter 91-18 was issued back in  
15 November of 1991, and it was the first time, in my  
16 mind, that certain things came together. And David  
17 Lochbaum helped me refresh my memory somewhat. But it  
18 was at a time when we had inspection guidance that  
19 some people had, and the NRC, of course, had it, but  
20 some licensees had, some didn't, and it was our effort  
21 to make sure that everyone was working from the same  
22 set of information. So we made our Operability  
23 Guidance public, basically, in the Generic Letter.

24 I'm curious though, again in the spirit of  
25 an interactive nature of this meeting, how many people

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1 were dealing with Generic Letter 91-18 in the 1991  
2 time frame.

3 (People raise hands.)

4 MR. BOGER: All right. That's pretty  
5 good. Then about six years later we revised it, and  
6 we needed to reflect some of the information in 10 CFR  
7 50.59, so we made a transition, at that point. Again,  
8 who was dealing with it at that point in time? A few  
9 more?

10 (People raise hands.)

11 MR. BOGER: All right. Well, we need to  
12 change it. We need to reflect what is going on, the  
13 experience gained over these entire 10 years of  
14 experience. But I will tell you that we're not  
15 planning to make a wholesale change to Generic Letter  
16 91-18. That's not the purpose of our effort, at this  
17 point in time. We want to clarify items and we want  
18 to make sure that some items that are known to us are  
19 reflected back in the guidance. A good example of  
20 that is we don't plan to change our guidance on PRAS  
21 with respect to operability.

22 We will try to influence some of the  
23 discussions within the documents related to how PRA is  
24 used in Maintenance Rule or 50.59 type evaluations,  
25 but not to address operability itself. We're

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1 considering combining the two inspection manual  
2 chapters. We're considering bringing in more  
3 information on 50.59 Maintenance Rule into the  
4 guidance. But you're going to help us shape that  
5 through the course of the day.

6 Again, you determine the success of this  
7 workshop. The results and feedback from the workshop  
8 will be used to draft a draft Generic Letter and, as  
9 is our practice, we will issue the draft Generic  
10 Letter for public comment. So you'll have another  
11 bite of the apple at that point in time. But I would  
12 acknowledge to you that the best time to provide your  
13 input is now before we ever issue the draft generic  
14 letter. So I really employ you to make yourselves  
15 known, make your comments known.

16 Andrew will set the game rules for you to  
17 do that, but I do look forward to having a lot of  
18 feedback from you. I don't have to tell everybody to  
19 move down. This is really great. Andrew will tell  
20 you to use the microphone, but that's going to be  
21 important for us also, because the meeting is  
22 transcribed. But anyway, have a great day. Thank you  
23 for coming. Andrew, it's all yours.

24 FACILITATOR WALKER: Thank you, Bruce.  
25 Well, good morning. My name is Andrew Walker. I

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1 would like to offer my welcome also. And I think  
2 Bruce has adequately described what we're going to try  
3 and do today in terms of a participatory nature. As  
4 you can imagine, a group this size it's going to be a  
5 little complex, especially, when we're trying to use  
6 breakout sessions to maximize the amount of  
7 participation. And because of security, necessary  
8 security issues here in the building, that's going to  
9 offer a little bit more of a challenge. So we ask you  
10 to be patient about that, and I'll explain that here  
11 in a minute as we go along.

12 As I said, my name is Andrew Walker. I'll  
13 be serving as the primary facilitator, but I will be  
14 joined by three of my colleagues that will be helping  
15 me with the breakout sessions, and you'll get to meet  
16 them when you go to the breakout sessions. We're from  
17 WPI. We're a not for profit affiliate of Virginia  
18 Tech and we've been working with NRC for about three  
19 years. So my role really is really two-fold, as far  
20 as I'm concerned. One is I'm familiar with the  
21 objectives. I know what we want to try and do. I'm  
22 going to try and make sure we do that for the benefit  
23 of everybody.

24 And the second thing I'm going to do is  
25 try to make the train run on time. I'm hoping you

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1 will appreciate that as the day goes on. Although, it  
2 may seem like at times I might cut some things short.  
3 I'm only doing that in the interest of trying to move  
4 us to where we need to get to by the end of the day.  
5 So I hope you will appreciate that.

6 Now, you have roles as participants. I  
7 mean, many of you, of course, will understand that.  
8 I'm asking you to ask questions when that's the right  
9 time. This morning we're going to focus a lot on  
10 that. We're trying to give as much clarification as  
11 possible. And then we're trying to get to the  
12 breakouts as soon as possible, and give you all a  
13 chance to participate and give the kind of input that  
14 we've discussed, but in the agenda and this morning.

15 As I would expect everybody to respect  
16 everybody's point of view, and if I issue or the other  
17 facilitators issue a general reminder, that's intended  
18 to help things along, not to cut the conversation  
19 short, but to make sure we get as far as we can into  
20 today. So we've already stated the objective of the  
21 meeting. It has been said in writing and this morning  
22 it's early in the process. I think this is  
23 commendable. So much is going into getting as much  
24 input and feedback early in the process, and I might  
25 point out this is not the end of the process. This is

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1 the very beginning of the process.

2 So I hope you will appreciate that that  
3 many opportunities are going to exist for you all  
4 starting today to provide input. So we've tried  
5 really hard to structure a workshop given the  
6 constraints of numbers of people, the facility, the  
7 security and we've tried really hard to structure this  
8 and give you the maximum amount of opportunity to both  
9 learn and participate.

10 So if you'll look at the agenda, you  
11 should have it there in front of you, there's a couple  
12 of things in the meeting packet, that probably you've  
13 had a chance to look through, so I'm a little late in  
14 this, but if I could, I'll talk to you about the  
15 agenda a little bit. If you notice, it's really  
16 broken up into three major pieces. Right after I  
17 finish, I'll be joined up here by an expert Panel from  
18 NRC, and the objective of this morning's session is to  
19 answer your questions.

20 Now, I might say, I do want to point out  
21 that I would really like you to try and ask questions.  
22 The point here is not to provide input, at this point.  
23 That's what the breakout sessions are for. And, you  
24 know, if we can move to smaller groups, the idea is  
25 that we can be more interactive and allow more

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1 discussion at the breakout session. So the idea this  
2 morning is to provide clarification, more information,  
3 a good foundation about what is to be included, maybe  
4 what's not to be included, and things like that. So,  
5 please, ask your questions, that's what the panel is  
6 here for. They'll join me in a minute and I'll ask  
7 them to introduce themselves.

8 Then we have two sort of groups of  
9 breakout sessions. And I'm going to explain the form  
10 that you should have seen in your breakout packet.  
11 There is a form in there for you to select or  
12 preselect, I might say, the breakout session that you  
13 think you might be most interested in participating  
14 in. Now, let me explain a little bit how we're going  
15 to do that.

16 First of all, I would ask you to fill that  
17 out. If you haven't, my colleagues, if you pass it to  
18 the end, they will circulate and pick them up. Many  
19 of you have already filled these out. So again,  
20 basically, what you have a choice of, and again this  
21 is predominantly driven by just the dynamics of the  
22 building and the security issues. So you really have  
23 a choice of two breakout sessions, one in the morning  
24 and one in the afternoon.

25 We've told you in the agenda what we think

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1 the breakout sessions are going to be based on  
2 preliminary feedback we have received from some of  
3 you. So we think we might know what the breakouts are  
4 going to be, but we're allowing ourselves, during the  
5 Q&A session, to evaluate the input that you give us on  
6 these feedback forms, and we may restructure the  
7 breakout slightly. Again, this is really designed to  
8 be responsive to your needs. If it turns out that  
9 just about everybody wants to talk about Issue 1 and  
10 3, then we'll structure something mainly around Issue  
11 1 and 3.

12 So that's the plan. So we really would  
13 like your feedback. And I might say, please, write  
14 down what your preferences are, so that you remember  
15 what they are, because I'm not going to be able to  
16 say, George Smith, you're going to Room 14, 15B.  
17 We're just not going to have time for that. So what  
18 I am going to say is hey, if you express interest in  
19 Topic 1, then you're going to go here. I might say  
20 there's so many people in Topic 1 that people's names  
21 beginning A through L, you're going to go to that room  
22 or something like that. So allow us to work out  
23 during the Q&A session and then I'll tell you what  
24 appears to be the best situation for the majority of  
25 you. So that's our plan.

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1           There is a fifth topic, if you will. We  
2 have preselected four basic topics. There is a fifth  
3 topic planned in the afternoon, if there's enough  
4 interest in that, and that's basically other. If  
5 there is other issues that were not preselected or  
6 were not obvious and you feel like those are  
7 important, then we want to make sure you have an  
8 opportunity to talk about that.

9           So I hope that's relatively clear.  
10 Please, fill out your forms, if you haven't done so,  
11 and pass them to the end and we'll pick them up. And  
12 again, I'll go over this in more detail, so it is  
13 going to be a little operationally complex, because of  
14 security. We're going to have escorts basically meet  
15 us in the lobby and escort us to where we need to be  
16 and then bring you back down, and we'll have to do  
17 that both morning and afternoon.

18           So I think we've got it worked out.  
19 Again, this is sort of my role is to make sure the  
20 train runs on time. There is not a lot of flexibility  
21 in time. I ask you to, please, be where you need to  
22 be when you need to be, take your breaks when you have  
23 to, and be back on time so that we can make sure that  
24 we get this done for you all. So that's the breakout  
25 session.

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1           And the third major piece of the agenda is  
2 really where it all comes back together at the end of  
3 the day, and again this is my sense that it's a good--  
4 because of the situation, everybody can't go to every  
5 breakout. This is your chance to hear what other  
6 breakouts talked about when they were in those  
7 breakout sessions. So we're trying to give as much  
8 information back to you about what was discussed. So  
9 I hope that will be responsive to your needs. I think  
10 it will be.

11           If in the notebook, the only other thing  
12 I wanted to point out is most of the information there  
13 is self-explanatory. There is a blank -- two things  
14 I want to point out. One is the blank index card. If  
15 we don't get to all of your questions, we still want  
16 to hear what those questions are. If we don't have a  
17 chance, I'm hoping there's lots of questions, if there  
18 are, and we don't get to them, and we run out of time,  
19 I would ask that you drop those off to us on the way  
20 out the door during the break and then on to your  
21 first breakout session, so we capture as much  
22 information.

23           And the second thing in there I call your  
24 attention is the evaluation form. We do care about  
25 what your input about the meeting process was, about

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1 the content, so, please, fill out by the end of the  
2 day and leave that for us. One other thing about  
3 breakout sessions, again, most of you have already  
4 selected this. If you're from the same organization,  
5 obviously, one way to handle that is one of you all go  
6 to one and the other go to another. So that's one way  
7 to do that. So we can accommodate a few changes if  
8 that wasn't obvious to you in the sign up.

9 So again, I'm sorry for the complex sort  
10 of explanation of the meeting, but I think it's  
11 important, given what we're trying to do there. A few  
12 housekeeping notes. As I said, security is a concern,  
13 necessary concern to us all today, and so it's  
14 offering some special challenges, and mainly it means  
15 getting to the breakouts, being escorted by NRC  
16 employees, so we'll explain that. Again, I don't want  
17 to do too much explanation up here now, but when we  
18 get ready to go breakout, I'll tell you in detail how  
19 we're going to handle this.

20 But I would ask you again, please, be on  
21 time. Now, the good news is if you're a visitor,  
22 obviously in this area in front of the auditorium  
23 there are restrooms across the hall, that's fine. We  
24 can go there. I believe, Kerri, we can go upstairs on  
25 the elevator and then we can get to the lobby and that

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1 gives us access to the snack bar and to the cafeteria,  
2 correct?

3 MS. KAVANAGH: That's correct.

4 FACILITATOR WALKER: Maybe the stairs if  
5 they are open. So there's only one small elevator, so  
6 if we can use the stairs, that would be great. But  
7 again, if you're going to a breakout, we're going to  
8 try and, you know, figure out a place for you to meet  
9 your breakout escort and off you go. And we'll be on  
10 time. But in terms of breaks and restrooms and drinks  
11 and things like that, you can get to those without  
12 being escorted, right?

13 MS. KAVANAGH: Right.

14 FACILITATOR WALKER: So any questions you  
15 have about the breakout session, thank you. One other  
16 thing, when we get to the question and answer session,  
17 and really any time we're in this main room, I would  
18 like you to try and use the microphones. It's not  
19 something I'm -- I'm sort of used to moving around and  
20 being a little more dynamic, but I think we need to  
21 use the microphones here today. We do have a  
22 transcriber, that's important, and I would ask that if  
23 you can, please, state your name, so that they will  
24 have that for the record, and then that can be listed  
25 in the transcription, please.

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1                   Are there any questions about breakouts or  
2 how that is supposed to work or anything I can help  
3 you with that? Is it relatively clear? Great. Thank  
4 you for your patience on that. So I would like the  
5 panelists to join me up front, please, if they would.  
6 I'm going to -- while they come up here, again, the  
7 idea here is for you to be able to ask questions.  
8 We're hoping that I won't have to prompt you, that  
9 this is not the time for -- we were looking for  
10 comments so much as clarifying questions. So I'm  
11 really hoping that you put a question mark at the end  
12 of it, and I'll know that that's what we're doing  
13 here.

14                   I would ask you to go to the mikes again.  
15 Microphones are important. We've got microphones  
16 stationed on either side of the room. If you all  
17 would cue up there and I'm from the south, so I tend  
18 to use you all a lot, so I hope that's okay. But if  
19 you would, please, go to the mikes and cue up there.  
20 First, I thought to get things started what I would  
21 ask the panel to do is introduce themselves, give  
22 their expertise relevant to the topic at hand to this  
23 morning, and then perhaps maybe if they have got a  
24 question they are aware of, a key question they have  
25 heard or are prepared to talk about that they think

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1 might be of interest to you, maybe that would kick  
2 start the Q&A session.

3 One last thing, I wanted to point out one  
4 last thing that I forgot to mention, is the meeting  
5 summary will be available. It will be put together  
6 and my understanding is it will be available on the  
7 NRC website and/or on the ADAMS system and I think  
8 that means something to most of you all that  
9 understand that. If it doesn't, I can clarify that  
10 this afternoon. Okay. We're all right? Okay. So I  
11 would like just if the panel would introduce  
12 themselves. I'll try and field the questions. I'm  
13 hoping I'm going to see five or six people at each  
14 mike and it will be fun for me to sit here and figure  
15 out who goes next. So could I ask you to -- Kerri, do  
16 you want to start at your end?

17 MS. KAVANAGH: I'll start.

18 FACILITATOR WALKER: Thank you.

19 MS. KAVANAGH: My name is Kerri Kavanagh.  
20 I'm a senior reactor engineer from the Tech Spec  
21 Section where I'm a member of the Division of  
22 Inspection Program Management just recently, actually.  
23 My expertise are in reactor systems and ECCS, that's  
24 generally what I do in the Tech Spec Section, but I'm  
25 also responsible for revising the Operability Guidance

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1 with a lot of assistants. Oh, and I have lots of  
2 questions that I have heard, but I can't repeat them  
3 all.

4 FACILITATOR WALKER: Thank you.

5 MR. SCOTT: I'm Wayne Scott. I'm in the  
6 Quality and Maintenance Section of NRR. I'm here  
7 because I know something about the Maintenance Rule.

8 MS. MCKENNA: I'm Eileen McKenna. I'm in  
9 the Policy and Rule Making Branch. I was project  
10 manager for the 50.59 rule change and also the  
11 principle author of the Revision 1 to 91-18 in 1997,  
12 and the Draft RIS that we put out in 2001 that tried  
13 to update things to reflect Maintenance Rule among  
14 other things.

15 MR. CHAN: Terence Chan. I'm a section  
16 chief in the Materials and Chemical Engineering  
17 Branch. My section deals with materials, integrity  
18 issues and Generic Order 90-05.

19 MR. LUEHMAN: Yes, my name is Jim Luehman.  
20 I'm the deputy director of the Office of Enforcement  
21 and my contribution here would be that I worked on the  
22 -- I'm probably the only individual alive, maybe, who  
23 actually read all the comments from the 1992 and 1993  
24 workshops that were held after the Generic Letter was  
25 issued. And I can answer questions like why didn't we

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1 have a revision based on those comments back in the  
2 '93/94 time frame, if anybody is interested.

3 MR. ALEXANDER: Well, I'm interested. I'm  
4 Steve Alexander. I was asked to join the panel here  
5 a little bit late, because somebody thought I knew  
6 something about some of these topics. So I thought I  
7 would come and make sure I disabused you all of that  
8 erroneous notion. I'm a reactor engineer in the  
9 Quality and Maintenance Section in Bruce Boger's  
10 division at NRR, and I've had some experience in  
11 Maintenance Rule, various technical issues, quality  
12 assurance, that sort of thing. So hopefully I will be  
13 able to help.

14 FACILITATOR WALKER: Okay. Well, thank  
15 you. I don't see a line. Come on, somebody is going  
16 to have to ask the first question. I've been assured  
17 that people have some concerns about this, but they  
18 also have some questions that might be useful to start  
19 and get that discussion started. And we're certainly  
20 not prepared to go to the breakouts yet. So, thank  
21 you. I've got one here and then you're --

22 AUDIENCE MEMBER: One question that we've  
23 experienced or that I have a question about is I know  
24 we're going to be making some changes or you're going  
25 to be making some changes to guidance. But I don't

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1 know if you're planning on addressing the current  
2 disparity between Generic Letter Guidance for  
3 reasonable assurance and what's to be enforced with  
4 the region of residents with absolute assurance. Will  
5 you provide an operability determination with the  
6 technical rationale and the reasonable judgment using  
7 your operating experience and all the guidance that's  
8 available to you, and then from the regional  
9 perspective you're going to say well, do you know for  
10 sure it is going to do that. And well, they say we'll  
11 be reasonable. It's not absolute.

12 So we get into one of those situations  
13 back and forth and since Davis-Besse, I think, it's  
14 really become more and more questions, but that's the  
15 question I have. One of the first questions I have  
16 anyway. Did we currently plan to address that? I  
17 don't know that you recognize the disparity is there  
18 and so that's why I want to throw it out there. It is  
19 there. And I want to make sure that we address that  
20 or the plans to address that.

21 MS. KAVANAGH: Did you want to talk about  
22 the preponderance issue?

23 MR. LUEHMAN: Well, the only thing I would  
24 -- the first thing I would say is that this sounds  
25 like a question, and this is a question that we had

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1 way back in those workshops back in '92 and '93. And  
2 I think one of the big issues that we discussed back  
3 then was, you know, worked on when we were working on  
4 a revision in the mid '90s on the guidance. One of  
5 the big issues was the documentation of these  
6 engineering judgments. That's frequently a place of  
7 disagreement or a place of discussion between the NRC  
8 and the licensee.

9 You know, the NRC frequently has taken the  
10 position that it is not sufficient that you just say,  
11 that somebody just say it's my engineering judgment  
12 that, but there has to be a documented rationale for  
13 that engineering judgment. I guess I can't really  
14 comment. I mean, obviously, two engineers are going  
15 to have different opinions about what is sufficient or  
16 what is reasonable. And to the extent that that  
17 judgment is documented by the party that is making the  
18 judgment, it makes it a more scrutable judgment,  
19 rather than just saying, you know, I think, this is my  
20 opinion based on my 20 years of experience.

21 Well, you know, you really have to kind of  
22 write down what the basis for that is so that the  
23 other parties can look at it. So I know that that  
24 does -- I know that there is still even with that,  
25 there is going to be disagreements about whether it's

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1       adequate. But I think that back then in that time  
2       frame, that's one of the things that we talked about  
3       that frequently NRC inspectors ran into the issue of  
4       licensees simply saying that that was the judgment,  
5       rather than writing all that judgment down.

6               And, in fact, when all the judgment --  
7       when the things that went into that judgment are  
8       written down, frequently, I think that the inspectors  
9       found the rationale acceptable and easy to follow. In  
10      the cases where it was just simply stated, it makes it  
11      harder to follow and, you know, leaves it open to  
12      questions.

13             AUDIENCE MEMBER: Well, I guess, just to  
14      further clarify the perspective of where I'm coming  
15      from is the operability determination with about 29  
16      pages of rationale and engineering judgment using the  
17      information from the vendor, the industry, you know,  
18      all the information that's available looking at the  
19      testing and operating experience, a very extensive  
20      review, a very deep background on the judgment that  
21      came to that conclusion, that's the kind of background  
22      I'm talking about coming in with an operability  
23      determination.

24             So then it, you know, gets to be, you  
25      know, in particular, I don't want to get real personal

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1 about some of these things, but in particular, this  
2 one resulted in a particular one, and as just an  
3 example, we ended up going to an NRC management  
4 meeting, and then we presented the same information,  
5 and they said well, it's not -- we don't like the  
6 operability determination, but never really said it's  
7 inoperable. You're just -- it kind of left them in  
8 netherlands, because it wasn't absolute assurance.  
9 And it really was an uncomfortable position to be in  
10 as a licensee to say well, your operability  
11 determination is not what it needs to be.

12 But then on the other hand, it's not  
13 unacceptable, so you're kind of moving in a  
14 netherlands as to where you need to be. Where do you  
15 draw the line between reasonable assurance, because  
16 you kind of unload with a lot of deep technical  
17 information and rationale. And the question still  
18 comes back down to absolute assurance. And I don't  
19 expect an answer from the panel to do that, but just  
20 as far as where we're going with this guidance, that  
21 we provide some improved guidance for the residents,  
22 because they need it.

23 MS. KAVANAGH: Right.

24 AUDIENCE MEMBER: But at the same time, so  
25 we're consistent in how we -- what we can expect

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1 there, too.

2 MS. KAVANAGH: Okay. Thank you.

3 FACILITATOR WALKER: Any other follow-up  
4 from that one? Okay. Thank you.

5 MR. BURN: Yes, my name is Tom Burn. I'm  
6 from Fort Calhoun Station Licensing. My question  
7 really is more just one of scheduling. My question  
8 would be is there going to be a RIS still or has the  
9 decision been made that we're just going to go with a  
10 revision to the Generic Letter, and when would that  
11 Generic Letter be proposed to be coming out?

12 MS. KAVANAGH: It's one of my priorities,  
13 and it's not -- it's equal priority to everything else  
14 that I have to do. The decision hasn't been made  
15 whether or not it's going to be a revision of the  
16 Generic Letter. Normal correspondence, as of today,  
17 it would have to be a RIS, but there is some  
18 discussion about keeping it as a Generic Letter,  
19 because it doesn't fall into the definition of a  
20 Generic Letter any more. And, Dr. Beckner, please,  
21 correct me if I'm wrong on that.

22 As for schedule, again I don't have a  
23 definitive schedule that I'm working to. As I said,  
24 it's one of my many projects that I have. We're  
25 hoping to have it done within the next year, but

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1 that's the best I can tell you, at this point.

2 MR. LUEHMAN: Kerri, the only thing I  
3 would add just to sort of talk when you talk about a  
4 RIS and a Generic Letter. One of the big comments  
5 that we got from the industry way back when we were  
6 working on this was, please, please, please, don't  
7 issue it as something different than a Generic Letter,  
8 because a lot of people have procedures which refer to  
9 the Generic Letter. And if you now call it something  
10 else or add an additional document that's not the  
11 Generic Letter, that's going to have some cost in  
12 doing that.

13 If we could just call it the Generic  
14 Letter, it makes -- you know, and I heard that comment  
15 over and over. So I'll just throw that one out there,  
16 you know, for your consideration that there are people  
17 that have proceduralized Generic Letter 91-18. They  
18 don't just talk about operability decisions. They  
19 actually use the nomenclature. And if we go to  
20 something different, there's people out there that are  
21 going to have to change procedures to reflect this new  
22 title or whatever it is.

23 MS. KAVANAGH: Yes, I've heard the same  
24 comments over and over again, so but there hasn't been  
25 a decision made.

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1 FACILITATOR WALKER: Okay. Thank you.  
2 Yes?

3 MR. SALAS: Pedro Salas, TVA. As you  
4 think about which form the document should take, keep  
5 in mind one of the primary customers is an engineer  
6 sitting at the sight. And that from a human factor,  
7 that document should be utilized by a person and be  
8 able to make decisions without too many uncertainties.  
9 And there are documents that have been produced before  
10 like 10-22, either through the use of examples and  
11 other things help a person at the working level make  
12 decisions. So let's think about not necessarily  
13 writing it as a high level policy document, but  
14 actually one that can be utilized by an engineer in  
15 the field.

16 FACILITATOR WALKER: Exactly.

17 MR. SALAS: Sometimes an issue can be  
18 debated afterwards for an entire week. Now, just  
19 think about that. At some point in time, an engineer  
20 had to make a decision in a short period of time, and  
21 that same issue had resulted in weeks of debate,  
22 whether at NRR or the region. I just said that, in  
23 some cases, the guidances were not clear for the  
24 working level person. And I think that the industry  
25 probably would be able to -- willing to work with you

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1 even for some resources and drafting or whatever from  
2 existing examples.

3 And I would encourage you to go back and  
4 look at examples of created problems and to say what  
5 was it about those examples that created problems, and  
6 make sure that in the end the guidance document  
7 addresses it, so that person will know how to navigate  
8 through it without making a mistake.

9 MS. KAVANAGH: Thank you.

10 FACILITATOR WALKER: And I think that's  
11 precisely what we're hoping to get to in some of the  
12 breakouts, including operational examples, is one of  
13 the things we're hoping to hear. So did you all have  
14 a response? Did anybody have?

15 MS. MCKENNA: Yes, I just wanted to  
16 comment on one thing. I think one of the issues that  
17 came up when we were carrying or having some  
18 discussion about this is that right now the 91-18 is  
19 written as Inspection Guidance for NRC. And I think  
20 what you're talking about is more guidance for user,  
21 as in the licensee, and those audiences and therefore  
22 the way certain things are written are sometimes  
23 different. And, you know, so I think that's partly  
24 why some of those things do arise, because we  
25 originally wrote the guidance ourselves, but obviously

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1 because it impacted on everybody else, we shared it,  
2 and obviously we iterated on it many times.

3 FACILITATOR WALKER: Yes?

4 MR. KILPATRICK: Good morning. Jim  
5 Kilpatrick, Calvert Cliffs, Constellation Energy. I  
6 have a question concerning the -- actually, it's  
7 probably administrative, concerning the working of the  
8 Degraded and Operability Guidance, which Eileen has  
9 worked on and we've had comments on it, and now we're  
10 working on the Operability Guidance, which is the  
11 second part of 91-18.

12 When the Degraded and Nonconforming  
13 Condition Revision was out, there was a lot of changes  
14 made to it. There was a lot of comments, feedback.  
15 The industry wasn't really sure where we are in those  
16 comments, and now here is the operability document on  
17 the street asking comments. It's also asking comments  
18 about where it doesn't interact well with the  
19 Degrading and Nonconforming Petition document. I had  
20 trouble, and I was looking at it saying well, are we  
21 talking about the one, the degraded condition document  
22 on the street? The one that was proposed?

23 Since we're not sure where the resolution  
24 of the comments that went in were, we're not really --  
25 you know, so I was just kind of curious as to how this

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1 is going to play out with regard to the Operability  
2 Guidance going out for comment and whether that is  
3 going to be sent out at the same time as the Degraded  
4 and Nonconforming Condition document. If the two  
5 documents are going to be still considered to be  
6 separate, such that we can try to resolve all these  
7 issues and get the documents talking to one another,  
8 and at least, from our standpoint, have a chance to  
9 comment on them simultaneously.

10 MS. KAVANAGH: Right. The easy answer is  
11 that the objective was to combine the two documents.  
12 And the idea was to take what Eileen had put together  
13 that have received public comments in the past and  
14 incorporate that into the new guidance. So we've  
15 already got a leg up that part of it has already been  
16 out in the public spectrum and reviewed and commented  
17 on, as of how you address the comments.

18 MS. MCKENNA: Well, I think a couple of  
19 the comments were that there were potential  
20 inconsistencies between the degraded and nonconforming  
21 that was a little more recent and the operability, and  
22 that's one of the three things that led us to the  
23 thought of well, maybe we need to bring them together  
24 more closely, rather than keep them as two separate  
25 documents, because sometimes they cross-reference to

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1 each other or had corrective action stuff  
2 inoperability, and you also had it degraded and  
3 nonconforming.

4 So we had some things that maybe didn't  
5 fit quite right. And we did consider actually going  
6 ahead and issuing the degraded and nonconforming piece  
7 as the RIS in 2001. And a couple of the reasons we  
8 didn't was the issue about whether it should be a RIS  
9 or a Generic Letter, that was one of them, and the  
10 effect that would have on procedures and programs  
11 within the industry.

12 And secondly was that, you know, if there  
13 were these inconsistencies that, you know, are putting  
14 out kind of half the job maybe wasn't the right thing  
15 to do. And that led us to these questions about well,  
16 maybe we should combine them and take it on more  
17 thoroughly. But I think Kerri's point is that to the  
18 extent with the part we already worked through, I  
19 think there was general agreement with the  
20 improvements that were in that version and the way it  
21 reflected on how you dealt with temporary conditions  
22 and that kind of thing. And that that part, you know,  
23 would stay as it was already written, and it would be  
24 dealing with some of the things in the Operability  
25 Guidance that may be out of date or there may be more

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1 information on the table.

2 MS. KAVANAGH: You know, it wasn't our  
3 intention to lose what we have already accomplished so  
4 far.

5 FACILITATOR WALKER: Okay. Thank you.  
6 Yes, next question.

7 MR. LEBLOND: Pete LeBlond, LeBlond and  
8 Associates. To some degree following up on that or  
9 expanding on it, what are your goals? I mean, why are  
10 you doing this? We know why we're here. But, you  
11 know, what do you hope to achieve? Are you -- and be  
12 as specific as possible. Are you trying to address  
13 specific issues? Are you trying to update/outdate the  
14 guidance? Have there been implementation issues in  
15 the field? To some degree, what do you hope to  
16 achieve on this? Because you say you had a lot of  
17 stuff to do, so why this? Why now? And what do you  
18 hope -- what would the success look like from your  
19 perspective?

20 MS. KAVANAGH: Well, it has been a long  
21 time coming. Since the last revision, which was to  
22 the Degraded and Nonconformance document, we've had  
23 the implementation of the revised 50.59, along with A-  
24 4 and a couple of RIS informed technical  
25 specifications. So the Tech Spec Section is

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1 responsible for this guidance. So the key point was  
2 to get some of the A-4 and the tech specs aligned with  
3 the Operability Guidance.

4 I mean, it's out there and we want to get  
5 things aligned better. And in the process, Eileen had  
6 trouble issuing her guidance, so it seemed beneficial  
7 to address both of those at the same time. There are  
8 other issues in the background. We keep on getting  
9 the same calls about operational leakage and what not.  
10 So if there's anything we can do to make it clearer  
11 out there as to what a licensee should be doing and,  
12 you know, what a resident should be doing to follow-up  
13 on some of these things, that would be success, such  
14 that they don't have as many questions. Does that  
15 help?

16 FACILITATOR WALKER: Yes.

17 MS. KAVANAGH: Okay.

18 MR. FEIST: I'm Chuck Feist, Comanche  
19 Peak. On that, one of the areas I see a lot of  
20 updating to be done is an area of updating the  
21 matched, the improved technical specifications. So  
22 operational leakage is one of those areas. Another  
23 area is the operability and the use of operability, in  
24 that you have Tech Spec Operable and with the new  
25 improved tech specs, it's a lot clearer as to what

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1 functions are covered by tech specs.

2 There are many applications in the plant,  
3 many functions of the equipment that are multi  
4 functioned. Some covered by tech specs and some not.  
5 A fine protection example, you may have something  
6 required for fire safe shutdown, but if a fibre is  
7 impaired, you wouldn't be tech spec inoperable, you  
8 have a program for fire barriers sending your fire  
9 protection program.

10 Operational leakage is one area where the  
11 91-18 originally was based on the standard tech spec  
12 of social integrity, which no longer exists.

13 MS. KAVANAGH: For the most part.

14 MR. FEIST: And when we removed that, it  
15 was clear that we would be treating our Class 2 and 3  
16 systems under just the definition of operability in an  
17 operability evaluation and not an instant, you know,  
18 your inoperable system, because you have operational  
19 leakage. So I would hope that we look real closely  
20 and improve tech spec changes in those implications on  
21 others.

22 MS. KAVANAGH: Now, your comment was that  
23 when you have operational leakage, your last comment,  
24 can you repeat that again, so I understand what you're  
25 saying? Because the guidance says it's written out.

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1 If you have leakage in Class 1, 2 or 3 piping, you  
2 have to declare the system inoperable.

3 MR. FEIST: Yes.

4 MS. KAVANAGH: Unless you file a Generic  
5 Letter 90-05. So I am confused by your last  
6 statement. If you could repeat it, please?

7 MR. FEIST: If you look at original 91-18,  
8 it states it was based on the standard tech spec.  
9 It's structural integrity.

10 MS. KAVANAGH: Right.

11 MR. FEIST: And it was clear that if you  
12 have that tech spec, that is what you would have to  
13 do. The improved tech specs deleted that tech spec.

14 MS. KAVANAGH: Right.

15 MR. FEIST: And the basis was we would  
16 treat our Class 2 and 3 systems under the definition  
17 of operability and evaluate it on a case-by-case  
18 basis. And not instantly declare it inoperable. We  
19 would evaluate it and determine if the system was  
20 operable based on the leakage and the characteristic.

21 MS. KAVANAGH: So you're implying that  
22 there is a disconnect between the 91-18 Guidance, as  
23 it is, and the current tech specs?

24 MR. FEIST: Yes.

25 MS. KAVANAGH: Thank you.

1 MR. WYCLEF: Ed Wyclef from the Nuclear  
2 Management Company. Kerri, I think I communicated  
3 this question to you to take a little bit of  
4 disagreement with your last statement that you have to  
5 declare the system inoperable for Class 1, 2 and 3.  
6 The Generic Letter, at the last paragraph, says you  
7 have to declare the component inoperable. And that's  
8 part of the problem, I think, with the last paragraph.  
9 Section 6.15, 9900, it says "Upon discovery from Class  
10 1, 2 or 3 component pressure boundary, the licensee  
11 should declare the component inoperable. The only  
12 exception is for Class 3 moderate entry piping, as  
13 discussed in 90-05."

14 The question is does the exception apply  
15 to the sentence before or the sentence after in that  
16 Class 3 moderate entry piping, the licensee may treat  
17 the system containing through all flows evaluated and  
18 found, etcetera. The question is the exception that  
19 you have to declare the Class 3 piping inoperable or  
20 is the exception that you have to declare inoperable  
21 and then do the flow evaluation. And is it -- if a  
22 branch line is leaking, does that make the system  
23 inoperable, since the first sentence says "You have to  
24 declare the component inoperable."

25 MS. KAVANAGH: And I'm not the expert on

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1 classes. You want to help out there?

2 MR. CHAN: The way our branch has been  
3 interpreting that is that you first declare the  
4 component inoperable. You do your flow evaluation.  
5 You do your extent of degradation review. You  
6 determine a rate of degradation and of all that, you  
7 then determine whether or not that component is  
8 operable. Now, there are some cases where taking a  
9 component inoperable automatically puts that train  
10 inoperable, and then you will have to take care of  
11 that.

12 MR. WYCLEF: So like for a vent line,  
13 which has a flow head, you could evaluate the impact  
14 of an inoperable component on the operability of the  
15 system?

16 MR. CHAN: That's the first step.

17 MR. WYCLEF: But the sentence applies, the  
18 middle sentence applies to the fact that you may do an  
19 operability evaluation with an existent flaw.

20 MR. CHAN: Yes.

21 MR. WYCLEF: I would ask if that --

22 MR. CHAN: Well, based upon my  
23 understanding of your question, that answer is yes.

24 MR. WYCLEF: Okay. We've asked to add  
25 this answer on one of our sites, but I think the staff

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1 needs to clarify the last paragraph of 6.15 of 9900.

2 Thank you.

3 FACILITATOR WALKER: I would ask you to  
4 make sure that in a breakout session you make sure  
5 we've got that adequately covered. Next question,  
6 please.

7 MR. GRIME: Sure. Larry Grime, Grime and  
8 Associates, AcroServices. A question on the scope of  
9 operability. The current guidance has a listing here  
10 in Section 1 of eight different criteria to apply to  
11 define the scope. I know in the '01 document that was  
12 put out the last of those was dropped, which was NEI  
13 SSC described in the FSAR was not included in the  
14 scope of operability. But as practiced, it is really  
15 only the last two items that most licensees focus on.  
16 And I think the NRC focuses on, as well. I would like  
17 to hear some discussion to that.

18 And those last two are really SSCs  
19 explicitly subject to the facility technical  
20 specifications and SSCs subject to facility tech spec  
21 through the definition of operability as being the  
22 real scope where people really focus. And there was  
23 an opportunity to greatly simplify the scope by having  
24 the future document focus on that area as opposed to  
25 the other five items that will remain in there from

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1 the RIS.

2 FACILITATOR WALKER: Comments, please?

3 MS. KAVANAGH: Well, we can look at it.  
4 We've received that comment from our inspectors, too.  
5 But a lot of times when you're looking at any SSC  
6 describing the FSAR, you really have to look at how  
7 important that SSC is. And if it's not important to  
8 the overall system, sometimes inspectors will not  
9 follow it as much as they would something that's a  
10 higher probability or a more important component  
11 that's having the operability problem. So I'm --

12 AUDIENCE MEMBER: But what is your thought  
13 then that really that eighth item should be on the  
14 list, even though it was taken off in '01 draft?

15 MS. KAVANAGH: Well, it's part of your  
16 design basis. So my answer to you would be it's part  
17 of your -- anything in the FSAR is part of your design  
18 basis.

19 AUDIENCE MEMBER: Anything or just those  
20 things that are tied to regulatory requirements? I  
21 mean, there's a lot of things in FSARs that go beyond  
22 the minimum requirement for information to be in  
23 FSARs.

24 MR. LUEHMAN: Oh, I think that the -- way  
25 back originally when we had this, I mean, this was a

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1 comment that was made in the original comments back in  
2 the workshops. And I think that, you know, VIII,  
3 which was SSC described in the FSAR was dropped or was  
4 considered -- they were considering dropping it is  
5 that, I think, when you went back and looked at the  
6 first seven, okay, and you thought about well, is  
7 there anything in there that's not covered by the  
8 first seven that would be in the FSAR that would be of  
9 anything more than my -- probably not even minor  
10 safety significance, I think people were hard pressed  
11 when we got together as a group to think about  
12 something that wasn't covered in I through VII that  
13 needed to be included from VII.

14 Because there are some things in the FSAR,  
15 that there are some plant description type issues,  
16 depending upon the vintage of your FSAR and, you know,  
17 how detailed it is, that really don't have anything to  
18 do with the safety of the plant. And so given 1  
19 through VII, there was a feeling that if it's not  
20 covered with I through VII, and it is still in the  
21 FSAR, we couldn't think of an example where it would  
22 be something that would probably be worth spending any  
23 time considering. So that's sort of how the decision  
24 was made that VIII probably didn't need to be there,  
25 given the first seven.

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1 MS. MCKENNA: Well, I think, just to pick  
2 up on what you were saying, but from kind of the point  
3 of view of the scope of what the guidance was trying  
4 to deal with, which was Inspection Guidance to worry  
5 about degraded conditions that we have a regulatory  
6 interest in and operability questions, that the scope  
7 would be those things that were in I through VII,  
8 because they come from regulatory requirements. They  
9 come from tech specs versus other things that might  
10 happen to be described in the FSAR as part of the  
11 plant, but don't play that kind of a role.

12 AUDIENCE MEMBER: Yes, I guess, in  
13 practice I haven't seen it, you know, being a major  
14 concern. But again the gentlemen from, I think, TVA  
15 mentioned trying to keep it as easy as possible for  
16 the people that have to implement it, particularly the  
17 operator's focus is on the tech specs, and that will  
18 capture, I suspect, you know, on the order of maybe  
19 99.5 percent of the items that might fit the seven  
20 items in the scope. And there might be that half a  
21 percent out there or one little component or something  
22 that maybe there should be consideration of.

23 And I would suggest that it might be  
24 easier to regulate that outside of operability space,  
25 consistency with the SAR meeting requirements,

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1 etcetera, as opposed to trying to force the operator  
2 to spend a lot of time searching for that little half  
3 percent that's beyond the tech specs, but let the  
4 operator focus on the tech specs. He has got a  
5 component. He needs to have that component and its  
6 support system operable, because that's where the  
7 operability definition resides.

8 So I ask for consideration of again  
9 focusing really on just the tech spec and the needed  
10 support functions for that expected components tie  
11 into the tech spec operability definition.

12 FACILITATOR WALKER: Thank you.

13 MR. MAGRUDER: Hi, this is Stew Magruder  
14 from the Tech Spec Section. I just want to clarify,  
15 I don't want to leave the design basis issue where it  
16 was. I want to clarify that everything with FSAR is  
17 not design basis information. And that NEI, I think,  
18 97-04 is a great document describing what is and what  
19 is not design basis information.

20 FACILITATOR WALKER: I've got a question  
21 here and then here. I'll take the one on the right  
22 first.

23 MR. MCKINNEY: Yes, I'm Doug McKinney from  
24 Southern Nuclear Company. I'm sure we will get into  
25 more detail in the breakout sessions, but I would like

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1 to hear some discussion from the Panel about what you  
2 would expect to see licensees do differently in the  
3 future with respect to operability.

4 MS. KAVANAGH: Anyone want to take that?  
5 How about a fortunate point of view?

6 MR. MCKINNEY: No, I think that that was  
7 the earlier comment, occasionally, that I made with  
8 regard to the rigor of the engineering judgments. I  
9 mean, I think overall given as Stew points out, for  
10 instance, the guidance on design basis and, you know,  
11 just more years of working with this guidance. I  
12 think that overall the level of rigor at which  
13 operability analysis are done and the assumptions are  
14 written down and there is cross checking to make sure  
15 you're not making one assumption over here for this  
16 function of the equipment that's negated by an  
17 assumption over here that's for this other function of  
18 the equipment, you know.

19 I think the rigor at which and the level  
20 of detail at which the operability decisions are made  
21 has, from the feedback I've gotten and quite frankly  
22 from the number of enforcement actions that involve  
23 these types of things, at least from where I sit, I  
24 think it has improved a lot. That there has been --  
25 you know, that the NRC has seen from the industry that

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1 there is a lot of rigor in discussing and writing down  
2 the engineering judgments that are used to make  
3 operability decisions.

4 And so, you know, from that standpoint, I  
5 would say is there -- if there's anything that we  
6 would want to continue is that, and make sure that  
7 that's uniform, that it's not inconsistent. That, you  
8 know, sometimes there is a good job done and then  
9 other times, you know, things aren't written down and  
10 you sort of have to, you know, pull those things out  
11 of the individual's head, so to speak, because some of  
12 the assumptions aren't written down.

13 FACILITATOR WALKER: Okay. Thank you.  
14 Yes, next question.

15 MR. ANGSTADT: Curt Angstadt, Perry. I  
16 would just like to back up to the previous question  
17 just for a brief moment. I really think this subject  
18 of operability and just the terminology that goes with  
19 it has caused a lot of confusion about when we're  
20 talking about the operability with the big "O," the  
21 tech specs and what that means and LCO land, and what  
22 the operators are trained to do day in and day out,  
23 and what really was the baseline intent of the Generic  
24 Letter when it talks of operability in these seven or  
25 eight items.

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1                   Because if you -- just from a practical  
2 experience, we, at Perry, have basically as Larry  
3 Grime has set focus meaning on the tech spec, but  
4 there's a lot of other items that have safety  
5 significance outside of tech specs. And if you tend  
6 to identify deficiencies there and track them sort of  
7 stealth operability items, and enter up condition  
8 report process, they can lose management visibility.  
9 They can lose timeliness of corrective action. And I  
10 really encourage us to get on the same page for  
11 understanding of what the intent is, so we all are on  
12 the same page and can put the right resources to  
13 resolve them. Because if they are less important  
14 because they're not tech spec, I wish you would tell  
15 us. Because right now it's really confusing. Is my  
16 question -- do you understand my question?

17                   MS. KAVANAGH: I believe so.

18                   MR. ANGSTADT: Okay.

19                   MR. LUEHMAN: I guess I would just make  
20 one comment on that. When we did write the Generic  
21 Letter, we did have the big "O" operability, and then  
22 we had the operability of, you know, other systems,  
23 because there is other things besides the tech specs,  
24 you know, such as fire protection requirements and  
25 things like that, where under the regulations the

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1 licensee has a responsibility to maintain those things  
2 in operable condition and functioning conditions to  
3 perform their intended functions.

4 And those are not -- that type of  
5 equipment is -- it used to be, some of it used to be  
6 in the technical specifications, and there was a real  
7 effort with the improved standard tech specs to move  
8 a lot of that type of stuff out of the tech specs. So  
9 looking at the tech specs, obviously, that covers the  
10 waterfront on a lot of things, but there still are  
11 other requirements outside the tech specs that exist  
12 in the regulations where licensees have the  
13 responsibility to ensure, you know, that equipment is  
14 operable as well.

15 FACILITATOR WALKER: This question first  
16 and then I'll --

17 MR. MATHESON: I'm Michael Matheson,  
18 Cooper Nuclear Station. The way 91-18 is written  
19 currently, it's kind of a catch-all or encompasses all  
20 aspects. You know, instead of operability, then it  
21 gets into the 50.59 criteria and it's like it's there  
22 are special requirements due to 91-18 requirements  
23 where timeliness is a corrective action. Instead of  
24 specifying or clarifying that it's actually an  
25 Appendix B requirement, we kind of roll up the whole

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1 issue into a 91-18 issue versus just dealing with  
2 operability. I think we need some clarification  
3 there, so the organization doesn't ball it all up into  
4 this 91-18 issue.

5 MS. KAVANAGH: Right. Yes, and that's  
6 going to be a challenge, because we are adding a lot  
7 more with the Maintenance Rule and the Revised 50.59.  
8 And so, yes, that's going to continue to be a  
9 challenge that we're not getting too much into the  
10 other areas that are covered by something else.

11 FACILITATOR WALKER: Yes?

12 MR. WICKS: My name is Jim Wicks. I'm  
13 from Palisades Nuclear Management Company, and I'm a  
14 shift manager. I deal with operability day in, day  
15 out. And I hear a lot of conversation about  
16 operability determinations, recommendations. Before  
17 we even get that far, I would like clarification from  
18 the Panel. In that Generic Letter 91-18, you  
19 mentioned, you know, 24 hours for making the  
20 determination of operability. But then you also  
21 mentioned there is no indeterminate state of  
22 operability.

23 So one question I have is there's a lot of  
24 talk here about developing engineering judgment and  
25 documenting your engineering judgment to determine if

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1 a component is operable, whether it is the big "O" or  
2 the little "o." Usually with the big "O", it's in  
3 tech spec. You don't meet surveillance requirements.  
4 Boom, you're done. It's breezy to make the call. You  
5 don't meet the LCO under the Action Statement.

6 But for the Appendix R issues, the EQ  
7 issues, those are the ones the shift manager has more  
8 decision making day to day. Now, when you mention the  
9 24 hours versus the indeterminate state of  
10 operability, is it your intention that the shift  
11 manager can use up to 24 hours to gather all  
12 information to validate the fire protection system  
13 from Appendix R or the CEQ valve or a component is  
14 reasonably assured of operability is maintained or is  
15 it that the shift manager has to say oh, based on what  
16 I'm seeing, I'm pretty sure it's operable and I need  
17 engineering to get 24 hours to back it up with some  
18 documentation?

19 So I would like to see that clarified.  
20 And then the other issue about the big "O" versus the  
21 little "o," and I agree if you look at the scope, when  
22 we did our procedure for Nuclear Management Company,  
23 we looked at this closely and it really becomes an  
24 issue for all you plants who aren't operators and the  
25 operators is getting your operators properly trained.

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1 And you, as a shift manager, I don't know now -- I  
2 don't have the FSAR memorized. I don't have the  
3 design basis memorized. If it's outside of tech spec,  
4 it takes some research.

5 A lot of this comes to having a good  
6 support team and having trained so that you know of  
7 the Appendix R and EQ stuff that you can have that  
8 reasonable source of operability and then make the  
9 determination with engineering's back up later. So I  
10 would like to see more clarification on that in the  
11 letter when it comes out. Thank you.

12 MS. KAVANAGH: Okay.

13 MR. ALEXANDER: I would like to comment on  
14 part of your comment and question with regard to  
15 environmental qualification. There is another Generic  
16 Letter, 88-07, and, in fact, we like to think of that  
17 as maybe the prototype for 91-18. Some of the similar  
18 concepts are embodied. And with regard to EQ issues,  
19 Generic Letter 88-07 had some guidance that most  
20 people found pretty easy to follow in terms of  
21 deciding whether or not an item that was determined to  
22 be either definitely unqualified or whether there was  
23 some questions as to the qualification of an item that  
24 came up, and that guidance follows along the lines of  
25 -- it gives you some steps to take.

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1           In other words, determining whether the  
2 item could perform its safety function prior to  
3 failure, if upon failure if it would impact any other  
4 safety function or mislead the operator, and then it  
5 talks about breaking those things down into other  
6 things that are tech specs or non-tech specs beyond  
7 that. So I would refer you to some of that as one of  
8 the tools you can use to help determine operability  
9 for environmental qualified equipment.

10           MR. WICKS: And I guess the point I was  
11 trying to drive to earlier is the shift manager  
12 doesn't have all the stuff at his disposal, back  
13 shift, weekend, holiday, to determine if a piece of  
14 equipment is operable based on this one Generic  
15 Letter. We usually refer to tech specs. But that's  
16 a good point. I want to discuss the component versus  
17 training. With the improved tech specs, we rely on  
18 operability and I'm meaning the limited condition of  
19 operation usually on a trained basis.

20           So my question is how does an EQ component  
21 that you feel is not operable, how would it affect the  
22 operability of a train in tech spec space regarding  
23 whether you meet the limited condition of operation or  
24 not for the whole train? I guess that was several  
25 questions back, but we're talking about training

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1 versus component. Because that's a good question. I  
2 need to make a whole chain of high pressure safety  
3 injection operable for one instrument that might not  
4 meet the EQ requirements.

5 MR. LUEHMAN: Well, before Steve gets to  
6 the operability, going back to the 24 hours, again,  
7 this takes me back to the evaluating the original  
8 comments. The issue of the 24 hours and whether there  
9 should be a time frame in there or whether there  
10 shouldn't be is probably one of the longest standing  
11 comments in everything. I think that -- I think you  
12 said it well when you -- and I'll try to rephrase. I  
13 mean, try to be consistent with what you said. But  
14 really, you know, in talking about whether there is no  
15 indeterminate state of operability and you have 24  
16 hours, I think you did state it well that the NRC's  
17 position is that if you think it's -- if your  
18 engineering judgment at the time it occurs is that  
19 it's operable, then, you know, you have up to 24 hours  
20 and all the caveats that are in the guidance, because  
21 it's not that simple to make that determination, to  
22 back up that determination.

23 You know, in some cases, you may, given  
24 the significance equipment, it may be a lot less time  
25 to back that up. But the fact is it was not the

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1 intent of the NRC to say if you have a shift manager  
2 say well, I think this is inoperable, and now you have  
3 some 24 hours to go on the assumption that well, I  
4 think it's operable, but I got up to 24 hours to  
5 figure that out.

6 No, the NRC's position is if you really  
7 think, if your engineering judgment is it's inoperable  
8 now, that you take the action for the inoperable  
9 equipment now. You don't have 24 hours. If you think  
10 it's operable, everything that you have points to  
11 that, then you need to verify that. You got up to 24  
12 hours or again, like I said, in certain high risk  
13 equipment or certain short LCO time 24 hours is  
14 probably way too long. And I think that the guidance  
15 discusses that.

16 So our intent was you either think it's  
17 inoperable or you think it is operable. There is no  
18 other state.

19 FACILITATOR WALKER: Just pull the  
20 microphone over there. Is this a follow-up to that,  
21 I assume?

22 AUDIENCE MEMBER: Yes, it's about his  
23 comment.

24 FACILITATOR WALKER: Okay.

25 AUDIENCE MEMBER: Now, to clarify, my

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1 intention was that at any time you think it is  
2 inoperable, you make the inoperability call. My  
3 question was if you think it is operable, okay, I find  
4 a piece of equipment that is degraded, some kind of  
5 degraded form. And then, okay, as the shift manager,  
6 I might not be an expert on the system, so I need to  
7 have some conversation with some people as to what  
8 they think.

9 Okay. So right now it's operable until  
10 proven inoperable, that's how we pretty much follow  
11 the rules. So I call Jerry on the phone and say hey,  
12 this is our degraded condition of this component. How  
13 do you -- well, I mean, what is the design basis say  
14 it needs to do? So he goes off, reads his book, and  
15 comes back an hour later and says oh, it's operable.  
16 It's not a problem. Your thought is right. I say  
17 okay. Well, then can you get me some paper to back it  
18 up?

19 So that's what I'm talking about the 24  
20 hours. I mean, I got to make some phone calls to get  
21 some information to determine operability. Now, our  
22 discussion earlier was asking for recommendations.  
23 Okay. I had this conversation with the engineer. He  
24 says, you know, it's going to take some time to dig up  
25 this information. So I said okay. I need reasonable

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1 assurance of operability based on my conversation with  
2 engineering. I call operable and ask for  
3 recommendation, and then they go up and dig out the  
4 paperwork.

5 Now, if it's going to take them more than  
6 24 hours to dig up their paperwork, the fact that for  
7 the reasonable assurance of operability, I don't think  
8 I have the 24 hour window any more. I think I'm  
9 outside that. I was under the impression the 24 hour  
10 window was to make the prompt determination of whether  
11 you have reasonable assurance of operability or not.  
12 Not having something at the -- you know, go through  
13 document control in 24 hours and dig up the backup  
14 information. That's why I think it was disjointed  
15 what you were saying.

16 MR. LUEHMAN: Well, I think the answer is  
17 I think I agree. I generally agree with your  
18 statement.

19 AUDIENCE MEMBER: Thank you.

20 MR. LUEHMAN: You know, obviously, again,  
21 I don't want to be hung up on the 24 hours, because,  
22 as I said, the guidance does say that, you know, there  
23 is going to be situations given some of the short LCOs  
24 and the high risk equipment that waiting 24 hours is  
25 going to be too long. You know, we just set that as--

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1 I mean, again, that gets back to -- we're back to why  
2 have a number in there at all. But you're right.

3 You make the determination of operability.  
4 You have some length of time, depending upon the  
5 significance of the equipment, to get some engineering  
6 verification, once you have made that call.

7 AUDIENCE MEMBER: And I agree with you 100  
8 percent. So maybe the answer would be to take the 24  
9 hour statement out of there, because that might add  
10 more confusion. I think the thought process is --  
11 what you're saying is true, and that 24 hours, I think  
12 gives a lot of people the wrong impression. That's  
13 how I've seen it in the past couple of years. Thank  
14 you.

15 FACILITATOR WALKER: Thanks. Thanks for  
16 being patient.

17 MR. FEIST: Okay. Chuck Feist, Comanche  
18 Peak. I actually have a follow-up to that from the  
19 engineering perspective. We deal, I deal extensively  
20 a lot of time dealing with the operators and operating  
21 procedure writers and the training people. And this  
22 is a real concern for them. And from an engineering  
23 perspective, we know that if we bring them a problem,  
24 we bring them all the information they need for  
25 operability when we get there, as far as what is going

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1 to be adequate for them to say it's not indeterminate,  
2 we are operable and everything is fine.

3 But not every problem comes to them  
4 through engineering, and they don't have -- they have  
5 problems where they have no clue as to operability.  
6 And so having them instantly have to say well, I don't  
7 know, that being indeterminate, is a real problem.  
8 And it would really cause unnecessary things to  
9 happen. So there has to be some -- this indeterminate  
10 to have some period of -- they should have an  
11 opportunity to gather some information about the issue  
12 and operability before they have to make the decision.

13 You know, I think, an hour to several  
14 hours is very reasonable, but not instantaneous. As  
15 soon as they hear the problem, they don't know the  
16 answer. They shouldn't be declaring equipment  
17 inoperable. We've brought problems where it took  
18 hours to just explain to them what the problem was and  
19 why they were still operable. Much less them having  
20 to make a decision with no input. So there should be  
21 an opportunity for operators to get input before they  
22 have to make a decision on something they are not  
23 educated in or a problem they don't fully understand.

24 I think that's the comment is that, you  
25 know, indeterminate, that term can be a problem if you

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1 have to make it instantly and don't have some time to  
2 gather information.

3 MS. KAVANAGH: Okay. Thank you.

4 FACILITATOR WALKER: Yes?

5 MR. GRIME: It's Larry Grime. Just an  
6 issue, I know I have spoke both to Eileen and Kerri  
7 have at least mentioned that there has been some  
8 consideration of extending operability tech guidance  
9 to situations where you have planned activities.  
10 Beyond the barrier, a removal issue that is already  
11 out there, could you comment on that and exactly how  
12 you -- you know, what some of the pros and cons are  
13 from the staff's position and also how you would see  
14 it maybe taking shape and what would be the factors  
15 that will get you there if, indeed, there is an intent  
16 to go there?

17 MS. KAVANAGH: I'm not ready to discuss  
18 that.

19 MS. MCKENNA: I'm not so sure we're ready  
20 to go into great detail on it. I think one of the  
21 reasons it arises was because of the Maintenance Rule  
22 and the whole idea of entering into LCOs to do  
23 maintenance, and therefore doing barriers and things  
24 like that, which are situations where you then are  
25 faced with considering operability for those kinds of

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1 activities as opposed to the cases where you have some  
2 nonconforming condition that has been identified, and  
3 that's why the shift supervisor is trying to make a  
4 decision on operability, at that point in time.

5 You know, I think some of the concepts  
6 with respect to operability in the guidance apply,  
7 obviously, equally in terms of capability of  
8 performing its safety function and that kind of thing.  
9 But circumstances and the timing and things like that  
10 can be somewhat different and so I think that was part  
11 of the idea. But, as I say, I think the Maintenance  
12 rule plays a big role in that, because that's really,  
13 I think, the big thing that changed from when we had  
14 the earlier guidance in terms of how did you decide  
15 what was the right length of time and some of these  
16 issues.

17 Absent, okay, I have a degraded condition  
18 that I have to deal with. I need to kind of take the  
19 right action and the right time and answer it with  
20 importance and that kind of thing. And the  
21 Maintenance Rule then, I think, helps you deal more  
22 with the planned activities. Obviously, you know, the  
23 tech specs, where there are tech specs, LCOs, that  
24 gives you a time to start with. But then for these  
25 other systems that maybe aren't in tech specs, then

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1 you need to go back to that to help you in the planned  
2 activities.

3 MS. KAVANAGH: But we haven't got it all  
4 figured out yet.

5 MS. MCKENNA: Yes.

6 MS. KAVANAGH: To be honest, you know,  
7 it's there.

8 FACILITATOR WALKER: Okay. Yes, sir?

9 MR. GUNTER: My name is Paul Gunter. I'm  
10 with Nuclear Information and Resource Service. I  
11 guess I would like to follow-up on the issue of  
12 timeliness of response to inoperability issues, both  
13 by the industry and by the Agency. And my question  
14 goes to, you know, when do lingering inoperability  
15 issues become lack of enforcement issues? And the  
16 case in point would be a very old issue, Thermalag  
17 Fire Barriers, goes back to being declared inoperable  
18 in 1992 for a majority of the plants here in the  
19 United States.

20 That went to interminably long fire  
21 watches, some cases eight years of fire watches, which  
22 certainly is a reach over the compensatory action that  
23 fire watches are intended. And now, it lingers on  
24 into unanalyzed manual actions that have been carried  
25 out by the industry without going through the license

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1 amendment process. So clearly there seems to be a  
2 lack of enforcement, as well as, you know, that  
3 compounds the issue of inoperability. I'm wondering  
4 if you, the Panel could speak to that?

5 MR. LUEHMAN: I think that to address your  
6 comment on Thermalag and the compensatory actions,  
7 when you have a component that won't -- you know, the  
8 operability guidance already contains some discussion  
9 about when, you know, manual actions or compensatory  
10 actions can be used in lieu of the original design  
11 basis function. And it sets up some, you know,  
12 guidance in that regard. And, you know, it puts the  
13 burden on the licensee to show that they have the  
14 manning, that they have the ability to perform these  
15 functions, you know, in considering all the  
16 environmental effects, the shift manning effects,  
17 having the proper training for the individuals.

18 And, you know, if those things can be  
19 demonstrated, you know, compensatory actions can be,  
20 you know, kept in place for some length of time. You  
21 know, it really depends upon the individual issue and,  
22 you know, I don't know that, you know, we call them  
23 lingering, you referred to them as lingering  
24 operability issues. Well, the fact is that the  
25 component was not meeting, the function was not being

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1 -- would not be accomplished in the method that was  
2 originally intended. But nevertheless, after  
3 evaluation, the function would be accomplished in  
4 accordance with an acceptable method. And so I don't  
5 under -- I don't know that there would be -- what the  
6 enforcement issue is.

7 AUDIENCE MEMBER: Well, specifically, the  
8 enforcement issue would be noncompliance with Appendix  
9 R3(g)2 in this case. So we've got plants that have  
10 been out of compliance with 3(g)2 now since 1992. And  
11 they have compounded the problem now by not addressing  
12 it through the license amendment process without  
13 seeking the issue of, you know, going over the  
14 operability, over the appropriateness of these manual  
15 operator actions.

16 So, I mean, when do you, as an Agency, go  
17 to an enforcement mode rather than continue to provide  
18 for a malleability of the regulations? This is a  
19 major public confidence issue here and your ability to  
20 act as an Agency to show authority as a regulator on  
21 important safety issues. And we certainly have  
22 concerns that further revisions to 91-18 only provide  
23 for more malleability rather than to provide an  
24 opportunity for this Agency to show that it has some  
25 enforcement spine.

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1 MR. LUEHMAN: Well, the only comment I  
2 would make to that is that the Agency has made a  
3 determination that addressing the 3(g)2 issue through  
4 enforcements not the proper avenue. And, in fact,  
5 that is being pursued through a rule making. And we  
6 have some interim guidance and there is rule making to  
7 address the issue of 3(g)2 and compensatory actions  
8 that is ongoing right now. So I guess I would dispute  
9 a little bit that we're ignoring this issue. The  
10 Agency is choosing not to use enforcement to resolve  
11 it, but it is being resolved generically through the  
12 rule making process as we speak.

13 FACILITATOR WALKER: All right. Next  
14 question, please? Thank you.

15 MR. SIMPSON: Patrick Simpson with Exelon  
16 Nuclear. A couple of questions. One is the guidance  
17 with respect to when you need to document an  
18 operability decision in terms of SROs making those  
19 decisions constantly when reviewing work requests or  
20 corrective action documents, those sorts of things.  
21 So it would be useful, I think, both from a resident  
22 perspective, as well as a licensee perspective, to get  
23 some clarification with respect to what are the  
24 expectations for when an SRO is expected to request  
25 engineering to provide supplemental engineering

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1 judgment, supporting information to justify an  
2 operability decision versus just an SRO being able to  
3 say okay, I don't think this impacts operability.  
4 We'll prioritize it appropriately for the next 12 week  
5 work window.

6 So I think that would be useful if you  
7 could put that in there, because I know we've had  
8 discussions in the past with our residents about what  
9 is a proper scheduling for things and why didn't you  
10 get a full blown operability eval for something versus  
11 just taking this guy's decision on something. So I  
12 think that would be something both sides could find  
13 useful.

14 And secondly, if you could somehow within  
15 the proposed revision clarify which portions of the  
16 Generic Letter would apply to what scope of things in  
17 terms of, obviously, like I just discussed, there's a  
18 lot of work orders on systems that may be of a  
19 corrective maintenance type that don't impact  
20 operability, but document a degraded condition. You  
21 could, if you are on one extreme, say that well, you  
22 need to get all those fixed by the next refueling  
23 outage, otherwise justify each individual item why you  
24 didn't do it per the Generic Letter or you could just  
25 say that Generic Letter revision to do that only

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1 applies to those cases where you have requested a  
2 formal operability evaluation from engineering. So I  
3 think it would be useful to clarify within there what  
4 scope of which parts of the Generic Letter need to be  
5 applied to what level of documentation.

6 MS. KAVANAGH: Okay. Thank you.

7 MR. TIPPS: I'm Steve Tipps with Southern  
8 Nuclear. I didn't say that to begin with. One thing  
9 that we've been seeing, I'll make a statement, then  
10 I'll ask you the question, is that with some of the --  
11 especially this year I guess more so than any other  
12 time, we've had some degraded, but operable conditions  
13 where we provided that information to operations. And  
14 those involve calculations, some for heat exchanger,  
15 some for temperature considerations. And when we  
16 provide that operability determination, we include all  
17 the technical rationale, the assumptions, the results  
18 of the engineering calculations that support, that  
19 bare out in result to those assumptions as they were  
20 calculated and that's included.

21 And then the questions that come back is  
22 well, you need to include the calculations in the  
23 operability determination, not just the numbers and  
24 the crunching, but, you know, the calculations. And  
25 NEI does the calculations. It's an interim process

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1 and they can be quite lengthy. So I guess what the  
2 question I have is are there plans to provide some  
3 improved guidance for the level of detail that  
4 accompanies an operability determination, including  
5 the detail calculations versus the results, like I  
6 talked about, where the assumptions that, from a  
7 resident perspective is, the guy controlling needs to  
8 look at this and confirm that he agrees with that.

9 Well, we don't expect the operators to be  
10 an engineer or have the background to be able to know  
11 how to apply each of the parameters, but they do need  
12 to know what the assumptions are and what the end  
13 result of that calculation is. And what I'm finding  
14 is that, from a regional perspective, they want to  
15 kind of verify engineering calculations as well. And  
16 I guess I need to see from a guidance perspective, you  
17 know, what do we really expect? You know, do we  
18 expect to submit the calculations for engineering, I  
19 mean, for regional engineering to look at it to  
20 confirm they agree with that end result or to be able  
21 to provide that, you know, initial assumption and the  
22 result of the calculations with the items that are  
23 included in the calculations, as far as like the end  
24 result of the temperature or pressure or flow reading  
25 or whatever it has to be.

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1 We put out the assumptions in the end  
2 result. And that's to see if we plan on providing  
3 some guidance there, because it seems like there is  
4 more questions along those lines expecting to be put  
5 in the operability determinations, and this just  
6 happens. And I don't want to keep pointing back at  
7 Davis-Besse, but there has been some questions, you  
8 know, making sure we really covered the bases. And  
9 the NRC feels vulnerable, as well, making sure they  
10 have confirmed that we've really done the job  
11 correctly. And I guess that's where I'll stop.

12 MS. KAVANAGH: Now, are these backup  
13 calculations are available to the inspectors to look  
14 at at any time?

15 MR. SIMPSON: Sure, sure.

16 MS. KAVANAGH: So that doesn't seem the  
17 problem. But the question is though, you're getting  
18 questions from the regions as to the whole package is  
19 not going to the operators to review the calculations?

20 MR. SIMPSON: Right.

21 MS. KAVANAGH: And does the operators have  
22 that kind of time to review?

23 MR. SIMPSON: No.

24 MS. KAVANAGH: I mean, that's my question.

25 MR. SIMPSON: No, they don't have that

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1 time. And we've communicated that that's not a real  
2 expectation for the operation staff. They need to see  
3 what the assumptions are and what the technical  
4 rationality is and the end result of that engineering  
5 calculation. And I guess right now there's a bar  
6 being raised to put calculations into the operability  
7 determination. The guidance is not there to do it,  
8 but it's kind of the -- so we're putting them there  
9 based on requests on a case-by-case basis. And, I  
10 guess, what I'm looking for is more general guidance,  
11 not only for us, but for the residents as well, so  
12 they have clear guidance on what should be expected in  
13 operability determination.

14 MS. KAVANAGH: Right. And as part of this  
15 review, we're talking to the regions and we're trying  
16 to find out what their issue is. So we'll take this  
17 back and find out, you know, the basis for the request  
18 and we'll consider it in the revised guidance.

19 MR. SIMPSON: Okay.

20 MS. KAVANAGH: So that we have an  
21 understanding from both sides.

22 MR. LUEHMAN: Yes, the only comment I  
23 would make is that as a former inspector there that if  
24 somebody provided me an operability calculation that,  
25 you know, determined that a pump was operable and had

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1 like a half a gallon of margin, you probably could  
2 expect me to want to see the calculations. If the  
3 same pump was operable and, you know, needed to  
4 provide 200 gallons and provided a 1,000, if that's  
5 what your calculations show, at least myself as an  
6 inspector, I probably wouldn't pursue it right then,  
7 given that, you know, the margin was so large. But if  
8 the margin was that the -- if the operability  
9 determination was telling me that this pump, according  
10 to the calculations that you did, was just barely  
11 meeting the requirement, I think you could probably  
12 expect that most inspectors would probably pretty  
13 quickly want to see the calculations that support  
14 that. So, I mean, that's the only guidance I would  
15 offer on that.

16 MS. KAVANAGH: Right. But the difference  
17 being does the actual supporting calculations have to  
18 be going to operations as part of the package? I  
19 believe that's the question, right?

20 MR. LUEHMAN: Right. And as far as a  
21 requirement, I would say no, but I would say you  
22 shouldn't be surprised at the immediate follow-up  
23 question that I do want to see the calculations right  
24 now, given that the margin is so slight.

25 MS. KAVANAGH: Right.

1 MR. LUEHMAN: Even with the calculation  
2 you've done. If the margin is a lot larger, you know,  
3 I would expect the inspector would probably want to  
4 look at it, but it probably wouldn't have the  
5 immediacy given that the margin was rather large.

6 FACILITATOR WALKER: Okay. Thank you.  
7 Next question?

8 MR. HORIN: Hi, I'm Bill Horin with  
9 Winston and Strawn. Bruce, in his introduction,  
10 mentioned that as part of this effort you aren't going  
11 to necessarily be addressing PRA type considerations,  
12 but then he also mentioned that there may be some  
13 additional clarification. And my question goes to  
14 both what your current thoughts are with respect to  
15 this initiative with respect to 91-18 and taking into  
16 account risk considerations and perhaps what your  
17 thoughts might be on perhaps longer term efforts with  
18 respect to the consideration of the various impacts  
19 from the risk initiatives that are ongoing now.

20 MS. KAVANAGH: Okay. That one I can  
21 address. The current guidance that says that PRAs  
22 cannot be used to determine operability is not  
23 changing, and there isn't any effort, at this point,  
24 to change that. But we do allow the use of PRA for  
25 comp measures and there is work ongoing right now by

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1 the Human Performance Group on using PRA to determine  
2 manual actions. So we have some intentions of  
3 bringing in parts of that NUREG that they're working  
4 on to using PRA to evaluate those manual actions.

5 The Maintenance Rule allows use of PRA  
6 where the PRA was going to be discussed from that  
7 aspect. The risk informed technical specifications  
8 that we're working on relies on a lot of PRA. So by  
9 bringing those into the Generic Letter discussions of  
10 those initiatives and those new regulations, that was  
11 how PRA was going to be expanded on in the Generic  
12 Letter. But the actual use of PRA to determine  
13 whether or not a component system train is inoperable  
14 was not going to be changed, at this point, and it  
15 hasn't been discussed.

16 FACILITATOR WALKER: Okay. Next question,  
17 please.

18 MR. LEBLOND: Pete LeBlond, LeBlond and  
19 Associates. There are some old guidance about how you  
20 handle various clocks when your point of initial  
21 concern, identification of concern is different from  
22 when you declare something inoperable, similar to the  
23 conversation we just got done with. Is there any  
24 thought to either updating that guidance and/or  
25 integrating it into the revised Generic Letter?

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1 MS. MCKENNA: Multiple guidance? I  
2 believe, you're talking about different guidance than  
3 what is already --

4 MR. LEBLOND: Let me say there is two  
5 letters, one regarding when you start clocks for  
6 licensee event reports and another one for when you  
7 start clocks for LCOs, you know.

8 MS. MCKENNA: Are you talking about time  
9 of discovery times?

10 MR. LEBLOND: Time of discovery versus  
11 time of implementation of the regulatory clocks. I  
12 believe it says issue of the LER found if the  
13 determination is found within the original time  
14 period, then it says use the tech specs for when you  
15 know and enforcement is for when you should have known  
16 is what the second letter says.

17 MS. MCKENNA: Dr. Beckner is going to  
18 address that question for us.

19 MR. LEBLOND: Okay. So the question  
20 really is are you going to update? If you're going to  
21 integrate that guidance into this, you know, given the  
22 discussion on this 24 hours exceptional cases take  
23 longer, that's when that comes into play.

24 DR. BECKNER: Okay. This is Bill Beckner.  
25 I'm director of Operations Branch. That's a good

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1 question that licensees ask and regions ask all the  
2 time. There is guidance in the Enforcement Manual.  
3 Okay. Things about time discovery of when the clocks  
4 start and also it discusses how enforcement may go  
5 back and so forth. So, please, look in the  
6 Enforcement Manual. I don't have a specific page, but  
7 it's pretty deep, like 200 pages deep.

8 MS. KAVANAGH: It's Chapter 8.

9 DR. BECKNER: Chapter 8. Okay.

10 MS. KAVANAGH: But we'll look into that.  
11 We'll take that as a comment.

12 MS. MCKENNA: Okay.

13 FACILITATOR WALKER: Thank you. Next  
14 question.

15 MR. VIDAL: Good morning. I'm Avi Vidal  
16 from Plant Hatch. I have a specific question about  
17 alternate source term. With respect to AST, there is  
18 NEI guidance that supports the use of the alternate  
19 source term or operability determination? Has the NRC  
20 ever endorsed that or what is the NRC's position on  
21 that?

22 MS. KAVANAGH: Well, I'm not aware of the  
23 NEI guidance. I'm not the expert on alternate source  
24 term. But the rule requires that in order to use  
25 alternate source term, you need to have a license

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1 amendment. So if you're going to use any aspect of  
2 alternate source term, you need to have the license  
3 amendment to go with it. But I'm not familiar with  
4 the guidance that you are referring to.

5 MR. VIDAL: I don't have a number. I  
6 apologize. But it's control and habitability, NEI  
7 guide.

8 MS. KAVANAGH: Yes, I'm not the expert on  
9 that, but the rule requires that you have a license  
10 amendment. So that's what we're falling back on.

11 MR. SIMPSON: Pat Simpson with Exelon  
12 Nuclear again. Another question. Are you going to  
13 plan to clarify the differences between operable and  
14 available, like with respect to PIs, and I know at one  
15 of our stations we had an issue with whether a system  
16 was operable or available and the region had taken the  
17 position well, if it's not operable, it's not  
18 available, either. And so it would be useful, I  
19 think, to have some clarifications, because some of  
20 this translates into how you classify whether it's a  
21 safety system functional failure or whether it's a PI  
22 hit on unavailability. So I think it would be good to  
23 have some clarification or maybe you can explain now  
24 how those two interrelate.

25 MS. KAVANAGH: I would rather not try to

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1 explain it, because I would hate for you to take me on  
2 my word. There has been discussion to try to clarify  
3 and make distinguish between the two. And right now,  
4 we were just going to use the Maintenance Rule  
5 definition of available and reliable. But we haven't  
6 really thought about how that applies to the ROB and  
7 the PI. So we haven't gotten that far in the process.

8 MR. SIMPSON: Okay.

9 MR. SCOTT: In Maintenance Rule space  
10 we've always been very careful to avoid what we call  
11 the "O" word, so that we talk availability, but  
12 anybody says, you know, is it operable? We say wait  
13 a minute, you're talking Maintenance Rule here. We  
14 don't use that.

15 MR. SIMPSON: All right. Because, I mean,  
16 one of the issues would be like, for example, with the  
17 Generic Letter they give you a certain criteria in  
18 there in which you can use to demonstrate operability  
19 of something degraded, like a pipe support or  
20 something like that, or you may be able to use other  
21 engineering judgment or techniques that are not either  
22 endorsed by the Generic Letter, but are recognized by  
23 the industry as being acceptable to show something is  
24 available. But the region would take issue with the  
25 fact that while you are using something different than

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1 what is in the Generic Letter for availability, but  
2 like you just said the two don't really necessarily  
3 marry together, so I think we need to get some  
4 clarification there.

5 MS. KAVANAGH: Okay. We'll work on it.  
6 Thank you.

7 FACILITATOR WALKER: Yes?

8 MR. PATRICK: I'm Randy Patrick, Davis-  
9 Besse. I would like to follow-up on the question by  
10 the shift manager on the clock for determining  
11 operability. Typically, when we're on shift we  
12 receive conditions that deal with operability.  
13 Usually the ones that are most difficult we get at the  
14 end of shift from back shifts or on weekends.  
15 Possibly in your guidance, from your advices, you  
16 could add a little bit more to the guidance.

17 What I want to ask you is it says "In most  
18 cases a decision can be made immediately." If I have  
19 a reasonable expectation about a request, I'll do an  
20 evaluation or a formal written operability evaluation  
21 from engineering that yes, it is operable or no you're  
22 incorrect. Your statement in other cases an expected  
23 decision could be made within approximately 24 hours  
24 of discovery, even if complete information would not  
25 be available.

1 Does that 24 hours mean a written approved  
2 evaluation of operability? Does it mean the  
3 determination that the shift manager makes that this  
4 is operable or inoperable or what does that 24 hours  
5 really mean? Because when you're on shift, on back  
6 shift, you see this. You're under the clock.

7 MS. KAVANAGH: I was going to say --

8 MR. LUEHMAN: Again, I would say it means  
9 a sufficient basis to continue to have the -- that  
10 backs up the initial decision that the shift  
11 supervisor made. Will the ultimate, you know,  
12 approval of that and all the computer runs to support  
13 it, may they, in fact, take more time? The answer is  
14 on a case-by-case basis, yes. I mean, we feel that --  
15 you know, again, I think this whole thing, the whole  
16 issue of the 24 hours -- I mean, again, the 24 hours  
17 is not a hard and fast rule. It's a guidance.

18 It was put in there to simply tell you  
19 that, you know, you have to bring this to conclusion,  
20 that you can't have something like an indeterminate  
21 state, you know. And so yes, I think that there's an  
22 expectation that you're going to gather as much, you  
23 know, information as you can. It's probably  
24 reasonable that you're going to have that within a few  
25 hours, in most cases. Will that be supplemented and

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1 could it ultimately go the other way? In some cases,  
2 yes, it could. And then, at that point, you would  
3 have to change your determination from operable to  
4 inoperable.

5 MR. PATRICK: Okay. So that 24 hours  
6 isn't necessarily an approved engineering evaluation?  
7 And why I ask is because we give our engineering  
8 organization 24 hours to come up with an approved  
9 written engineering evaluation. And certainly a 1 day  
10 action statement versus a 30 day action statement.  
11 There is a great difference in safety significance  
12 based on that. So I'm just trying to get a feel for  
13 where the NRC was and if you're going to supplement  
14 that guidance in the next revision 91-18?

15 MS. KAVANAGH: It sounds like a good area  
16 that we need to make sure it's clear. Dr. Beckner?

17 DR. BECKNER: Yes. I've been hearing a  
18 number of questions along the same lines and it has  
19 gotten me thinking, and I don't know the answer. The  
20 big picture, the licensee makes the operability call,  
21 and has to provide whatever documentation to support  
22 that with anyone whom may question the reason. And,  
23 Jim, has made the correct statement that the more  
24 documentation, the better. And I think clearly it  
25 would also be useful to have many a common

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1 understanding between -- and again, it's going to be  
2 highly situation dependent, you know.

3 One hour AOT easy call versus long call.  
4 And so clearly, I think, it might be useful for the  
5 regions and the licensees to sort of interact on what  
6 level of detail is useful and so forth. But I guess  
7 the question I would have to you is to tell us how  
8 prescriptive would you like us to be in that area or  
9 would you like to have general guidance and, in  
10 effect, and again, you have that in your procedures  
11 based on knowledge of what to expect from the regions.  
12 And so I would sort of turn it back on you. Again,  
13 everything said here is true. You have to defend it.  
14 The more documentation, the better. But, you know,  
15 how prescriptive do you want us to get?

16 MR. SALAS: Pedro Salas with TVA. I want  
17 to follow-up to the question on alternate source term.  
18 And I want to make an analogy to some of the practice  
19 that has been in place for a long time, on EQ, and I  
20 would like you to explain me the difference between  
21 them. Indeed, if you go and incorporate alternate  
22 source term into your licensing basis, you need a  
23 license amendment.

24 The question is with that interim of time  
25 where I find that my equipment doesn't meet my current

1 legal requirements, by licensing basis, I may find  
2 other analysis based on scientific information or  
3 studies done by the NRC that may justify that interim  
4 period. And I will draw that analogy to EQ. In the  
5 EQ world, you may find that a component does not meet  
6 50.49 criteria. And for a long time, if you found  
7 that condition and you find yourself that you do not  
8 meet your licensing basis, you may still utilize some  
9 other means.

10 For example, the ODOR guidelines and other  
11 still scientific methods of evaluating the condition  
12 to determine whether or not that component will truly  
13 do what it is intended to do. And you find yourself  
14 in a very similar analogy, in that you do not meet  
15 your legal requirements, but you're going to utilize  
16 some other information that still has some scientific  
17 validity to it to establish, to cover that interim  
18 period.

19 So why would we not then say even though  
20 I may not have already incorporated into my licensing  
21 basis, because if I did, I wouldn't have a 91-18, why  
22 would I not utilize the loss of physics and analysis  
23 that the NRC has endorsed and say for that interim  
24 period while I return my component, while I fix my  
25 component, indeed, I have scientific basis that my

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1 system will do what it is intended to do. Why could  
2 I not do that? And how is it different from the old  
3 analogy to the 50.49?

4 MS. KAVANAGH: I have an answer, but the  
5 best answer is going to come from Steve La Vie.

6 Mr. LA VIE: My name is Steve La Vie. I'm  
7 with the Containment and Accident Dose Assessment  
8 Branch. I was the project manager on the alternate  
9 source term. I think the issue here is you got to go  
10 back to the basis of what we're doing. 91-18 does  
11 allow you to redo a calculation and because you shave  
12 some margin or what have you, you can now show that  
13 you are in compliance, the issue goes away. That's  
14 clearly provided for in 91-18 space.

15 Now, the whole intent of 91-18, however,  
16 is to demonstrate that you are in compliance with your  
17 design basis. Your design basis includes the  
18 assumptions used in analysis and the methods used in  
19 those analyses. The 50.59 rule provides you a  
20 mechanism to change that design basis. And under  
21 50.59, there is the criteria "Have you changed your  
22 methodology?" And the NEI guidance document that the  
23 staff endorsed has some guidance in that area. And it  
24 is true that that guidance tells you that if the  
25 method has been previously approved from the licensee,

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1 you are allowed to use it.

2           However, the point, I think, that is being  
3 missed here is that neither 91-18 or 50.59 allows you  
4 to ignore other regulations. And 50.67 very clearly  
5 specifies that a licensee that wants to change his  
6 design basis, to use the alternate source term, must  
7 apply for an amendment.

8           MR. SALAS: I don't disagree with that,  
9 but how is that different than on the 50.49? If that  
10 is the case, if I find something that doesn't meet  
11 Category 1 criteria, if I use that analogy, I have to  
12 declare it inoperable. I do not have the flexibility  
13 of utilizing it.

14           MR. LA VIE: But I think the difference,  
15 Pedro, is that 50.49 didn't describe a methodology of  
16 analysis.

17           MR. SALAS: It certainly does. Cat 1 has  
18 a pretty specific criteria describing the -- 50.49 has  
19 the specific testing criteria that must be met to meet  
20 Category 1. Yet when we find that component, that  
21 qualification comes into question, even since after  
22 publication of the rule in the guidance that you  
23 identified earlier, initial operability, it said "If  
24 you do not have the category, namely like in the other  
25 one, in that interim period, when you are recovering

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1 that component, you may utilize other scientific  
2 information through evaluated methods that will allow  
3 you." Because that is the nature of 91-18 is I did  
4 not meet my licensing basis.

5 MR. LA VIE: Okay.

6 MR. SALAS: But if I did that analysis, I  
7 wouldn't be in 91-18 space to begin with. I would be  
8 fully qualified. I would meet my full licensing  
9 basis.

10 MR. LA VIE: And if you can do that on the  
11 50.59, okay, then I don't disagree that you could  
12 change a calculation that shows whether or not you  
13 meet the environment for, particularly, an EQ item.

14 MR. SALAS: And if you do a 50.59?

15 MR. LA VIE: But if there is a regulation  
16 that says in order to use that assumption, you have to  
17 apply for an amendment, you have to apply for that  
18 amendment.

19 FACILITATOR WALKER: Interim basis,  
20 though, not current basis.

21 MR. LA VIE: The interim basis --

22 MR. SALAS: Every 91-18 that is done up  
23 there to some degree it's something that is short  
24 probably of a regulation, for a short period of time.  
25 I'm needing. I am degraded to some extent from what

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1 I committed for my licensing basis. I do not meet my  
2 licensing basis. I agree with you. If I intended to  
3 leave it there permanently, then I would agree with  
4 you 100 percent that I must do a 50.59 within the time  
5 frame and invoke all the right requirements and apply  
6 for license amendment.

7 The question is what do I do in that time  
8 frame when I know that I do not meet my licensing  
9 basis? And I think that's one question that needs to  
10 be considered.

11 MR. ALEXANDER: We may want to take a look  
12 at the guidance in Generic Letter 88-07 that addresses  
13 this. And since you're bringing up the question of  
14 environmental qualification under 50.49, the  
15 requirements in 50.49, to be fully qualified, they are  
16 not that detailed and prescriptive. Of course, they  
17 do refer to other documentation, namely EEE standard  
18 323, 1974 and Regulation Guide 1.89. And Generic  
19 Letter 88-07 doesn't really talk about using alternate  
20 source terms or any other kind of qualifications  
21 specifically.

22 What it says is that if you determine that  
23 you have reason to believe, for some reason, that a  
24 component is not environmentally qualified, then there  
25 is a presumption that that component, at some point,

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1 is going to fail as a result of exposure to the harsh  
2 environment of a design basis event. That's the first  
3 assumption. It says then that you make a  
4 determination, a prompt determination of operability.  
5 The basis for that determination of operability, there  
6 is guidance provided.

7 Under the assumption that the item will,  
8 in fact, fail at some point due to the exposure of  
9 that item to the harsh environment of a design basis  
10 event, you're supposed to determine whether or not you  
11 believe that item will finish performing its safety  
12 function before failure, and whether that is post  
13 action or pre action or during the action, it has to  
14 be able to perform its safety function before you  
15 would expect it to fail. If you can show  
16 deterministically that, in effect, that can happen and  
17 upon failure will it degrade other safety related  
18 equipment or mislead the operator, then if you can  
19 answer no to the second question and yes, it will  
20 perform its safety function prior to failure to the  
21 first question, you can then determine that it is  
22 operable.

23 It is not a matter of recalculating based  
24 on source term. In other words, that's not addressed.  
25 All it says is you have to determine whether or not it

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1 is going to perform its safety function prior to  
2 failure and that after failure, which is assumed to  
3 occur, will it degrade other functions or mislead the  
4 operator? And that's what the guidance says.

5 MR. SALAS: Right.

6 MR. ALEXANDER: So it doesn't address how  
7 you do that. It just says you have to answer those  
8 questions.

9 MR. SALAS: Right. And that's the  
10 parallel that I'm trying to say in here. And I would  
11 just ask you to think about it, because probably we've  
12 already talked too much about it as it is. I don't  
13 need my Cat 1, my licensing basis, what I'm required  
14 to do. Just like I don't with alternate source term  
15 if I have not implemented it. And in that case, I may  
16 go to other documents that are not legally applicable  
17 to me, because they are only applicable to somebody  
18 else, which may be DOI guidelines.

19 All I'm doing is I'm using methods of  
20 analysis to justify when I take actions to bring that  
21 qualification back to Cat 1 level. This other case is  
22 can I utilize if I have a question of operability on  
23 a component, in the interim while I bring that  
24 qualification back within the time frame while it is  
25 degraded, can I utilize the insights from new sources

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1 which have been published by the NRC to give me the  
2 scientific insights to say yes, this component will  
3 work. This will work as it is intended to do. And I  
4 will establish my -- I will return my system to its  
5 fully qualified component within the time frame as  
6 necessary. And if not, I have to apply for a license  
7 amendment. That's the thing I'm asking you to  
8 consider.

9 MR. LUEHMAN: Well, just before we get off  
10 the subject, the one thing that I would say on that is  
11 that you're using the number of terms interchangeably  
12 between the, you know, compliance with the design  
13 basis qualification and operability. And, I think,  
14 those terms are all different. Okay. If you don't  
15 meet operability, if you can't show that you meet  
16 operability, then, and it's a tech spec system, you're  
17 not in compliance with your license and your  
18 alternative is to follow the technical specification  
19 or in those cases where you can get a notice of  
20 enforcement discretion from the NRC.

21 And if you then get into that position  
22 where you are not in compliance, you are not operable,  
23 and you want to continue to operate, I think that the  
24 NRC would consider those things and whether they would  
25 grant a notice of enforcement discretion. But

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1 operability is a separate issue from qualification.  
2 In a qualification situation, if you don't meet your  
3 licensing basis, but the equipment is still operable  
4 within the definition of the technical specification,  
5 that's a different and easier to handle issue, and we  
6 would allow you to consider, you know, more things.

7 You haven't gotten to operability yet.  
8 You're not meeting all your licensing basis  
9 qualification requirements. And, you know, the  
10 guidance talks about then operability is another and  
11 more significant level. If you don't meet that, you  
12 can come in for a notice of enforcement discretion,  
13 and your arguments about why you're not operable in  
14 accordance with the tech specs, but you should be able  
15 to continue to operate for some period of time will be  
16 considered. So I think we need to keep the  
17 terminology of operability, qualification and  
18 licensing basis distinct, because they are distinct  
19 and separate.

20 FACILITATOR WALKER: Okay. Thank you.  
21 Let me just point out we've got about 10 minutes left,  
22 so I want to focus on if you have some questions,  
23 remember we have plenty of time to comment in the  
24 breakout, so I've got two here and we'll see how that  
25 goes. You're first, please.

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1 MR. HOLZMAN: Okay. All right. And  
2 before we leave the last subject, my name is Phil  
3 Holzman from Strategic Technology and Resources, and  
4 I'm a consultant to the Nuclear Utility Group on  
5 equipment qualification. This, in fact, is maybe one  
6 observation and a question. I agree with what Steve  
7 had said with respect to the Generic Letter 88-07 sort  
8 of in some ways being a predecessor to the General  
9 Operability Guidance.

10 But I think it is our perspective, in  
11 fact, one of the comments we provided that 88-07 is  
12 obsolete and it is somewhat frustrating for us,  
13 particularly for me, to hear that somehow we're  
14 treating 50.49 equipment in terms of operability  
15 different than other equipment. I mean, because  
16 conceptually it should be dealt with in the same way.  
17 There is nothing unique about EQ or 50.49 that would  
18 suggest that the considerations and the types of  
19 things that you would need to address should be  
20 different, and we would recommend that we now talk.  
21 I mean, it was a predecessor. Those ideas should be  
22 integrated into Operability Guidance or discarded if  
23 they are not generically applicable.

24 The second thing I wanted to say was  
25 related to the discussion that I just heard, let's

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1 separate it a bit from EQ, about whether or not in  
2 operability evaluations you're allowed to address  
3 situations or take into consideration things that are  
4 sort of outside the design basis. I mean, in my  
5 implicit assumption, I think, the implicit assumption  
6 of many, and I think you've just heard Pedro say it  
7 is. You're doing operability because there is some  
8 indications you are not "fully qualified" in the 91-18  
9 sense of fully qualified. And that, in fact, it  
10 appears that you don't meet your design basis or  
11 licensing basis requirements.

12 And I guess I was somewhat upset to hear  
13 someone from the NRC suggest that that isn't the case.  
14 And then I was even more concerned not to hear someone  
15 up there provide clarification about where are we. I  
16 mean, do we agree that operability is a situation  
17 where you don't meet your current licensing basis?  
18 You don't meet your design basis. Could and can you  
19 use considerations and information and other things to  
20 make that determination, I mean, or are we dealing  
21 with something else?

22 MR. LUEHMAN: No, I think what I said was  
23 that yes, you're making an operability determination,  
24 because you have some point, part of your licensing  
25 basis that you don't need. But you still have the

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1 requirement for the equipment to be operable in  
2 accordance with the tech spec. And you have to  
3 determine whether that degradation in qualification or  
4 licensing basis has a significant enough effect on the  
5 piece of equipment that it is not longer operable.

6 If it doesn't degrade it so that it's no  
7 longer operable, then you can continue to operate. If  
8 this lack of qualification is significant enough or  
9 lack of whatever it is that's in your licensing basis  
10 is significant enough such that it invalidates the  
11 operability of the equipment, then you have to follow  
12 the applicable regulation to tech spec. That's what  
13 I said.

14 FACILITATOR WALKER: Okay. I think we  
15 have time for perhaps one more question. Pedro, this  
16 one first and we'll see what time we have.

17 MR. LOCHBAUM: Dave Lochbaum with the Unit  
18 of Concerned Scientists. Does the NRC staff envision  
19 providing some clarification on how long operation  
20 under 91-18 can continue to avoid the problem that  
21 happened 10 to 15 years ago with temporary  
22 alterations, temporary modifications and things being  
23 abused where that condition can go on, essentially,  
24 indefinitely and not be turned in to a permanent  
25 change to the plant?

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1 MS. KAVANAGH: But doesn't that fall under  
2 50.59?

3 MS. MCKENNA: I think it's a difficult  
4 question to deal with how long, it's too long. You  
5 know, I think, you had words the guidance talked  
6 about, I think, coming out of Appendix B and  
7 commensurate with safety significance. We tried in  
8 the '97 revision to take on a little bit this, you  
9 know, first reasonable opportunity to restore  
10 equipment back to their original licensing basis or to  
11 consider the change, if you will, to some other  
12 licensing basis, at that point, because it had not  
13 been restored.

14 But it is a challenge and I think it is  
15 very situational dependent, because, you know, there  
16 is a range of importance of components out there.  
17 There is a range of what these nonconformances might  
18 be. And I think, you know, Bill's comment about being  
19 too specific, you know, we've tried to not be too  
20 specific, because we have to take into account that  
21 range. But it is always a challenge of, you know,  
22 when does -- and we have these calls and discussions  
23 with the regions all the time.

24 They say here's a case we see where we  
25 think it is too long, and then we have to get into

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1 other kinds of decisions. And I think we've talked  
2 about okay, let's look at the risk significance.  
3 Let's look at safety significance. Let's look at are  
4 they taking reasonable measures to restore? And those  
5 are the kinds of questions and decisions we get into.  
6 But on individual cases, you know, we do agonize over  
7 those, because of some of the things I just said.

8 FACILITATOR WALKER: Last question.

9 MR. SALAS: Yes.

10 FACILITATOR WALKER: Please.

11 MR. SALAS: From the previous discussion,  
12 what I gather is that you are saying that a 91-18  
13 analysis must be performed utilizing NRC approved  
14 methods. And I do not see an SER for engineering  
15 judgment. So how do I reconcile it? If the method  
16 that I utilize, do a 91-18, it's got to be on NRC  
17 approved methods, namely new sources or something  
18 already incorporated. How do I ever utilize  
19 engineering judgment?

20 MR. LUEHMAN: Yes, I mean, I think the  
21 guidance addresses the use of engineering judgment.  
22 I mean, the engineering judgment is going to have to  
23 be written down. And if your engineering judgment is  
24 that, you know, there is no testing or whatever that  
25 shows anything to the contrary that, you know, this

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1 testing has been done, you know, and there is no --  
2 it's hard without a specific case. But I guess my  
3 point is that the guidance does address engineering  
4 judgment.

5 You know, engineering judgment could be  
6 used in a number of manners. One is to see if you are  
7 still operable, even though you are degraded. That's  
8 one set of engineering judgment. There's the other  
9 set of engineering judgment which is what I talked  
10 about earlier, which is, okay, now, let's say you've  
11 made the determination you are, in fact, inoperable.  
12 You cannot meet the requirement. Are you still safe  
13 enough to operate for some limited period of time  
14 while you restore that operability?

15 That's a separate set of engineering  
16 judgment, and that again, because you're going to come  
17 in and try to get a notice of enforcement discretion,  
18 you have more latitude on what arguments you can  
19 present to the NRC to get that acceptance, because  
20 there is now an explicit determination on the part of  
21 the utility, I'm clearly not operable. Not only am I  
22 not within my licensing or design basis, I'm clearly  
23 not operable within the technical specification and  
24 what it requires.

25 So there's really two sets of engineering

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1 judgment that you are talking about. One is set to  
2 determine whether a degraded condition is operable and  
3 another is to determine whether an inoperable  
4 condition is sufficient enough that you still have  
5 enough functionality in the system to continue to  
6 operate for some finite period of time.

7 FACILITATOR WALKER: Okay. Is this going  
8 to be very brief, because we're going to run out of  
9 time. We're out of time.

10 AUDIENCE MEMBER: I'll make it as brief as  
11 I can.

12 FACILITATOR WALKER: Okay. Is it a  
13 question?

14 AUDIENCE MEMBER: It's a follow-up on the  
15 source term thing. Let me give you a real quick  
16 example. Let's say I have a component that is tech  
17 speced. If I use my design basis source term, I have  
18 instantaneous source term and the equipment performs  
19 its function in the first 10 minutes. And although it  
20 won't meet that basis, but using the alternate source  
21 term, I know that it will not see radiation. I know  
22 technically it will not see radiation for two hours.  
23 And therefore it was doable as a tech spec function  
24 and I'm operable, and you're telling us I can't use  
25 the alternate source term technical information to

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1 make that operability decision and that bothers us.

2 FACILITATOR WALKER: Okay. Is this going  
3 to be the final word?

4 DR. BECKNER: I'm going to try to leave  
5 with a commandment to resolve this, because, quite  
6 frankly, I've become more confused sitting here. I  
7 don't think we've done a good job. Pedro, I'm not  
8 sure I totally understand your question, and so I  
9 think we have an action coming out of there is to  
10 better understand what the issues are and see if we  
11 can come up with some guidance.

12 FACILITATOR WALKER: Thank you.

13 DR. BECKNER: Because, like I said, I've  
14 got more confused sitting here. I thought I knew the  
15 answer, but now I'm not sure I do.

16 FACILITATOR WALKER: Thank you. And I  
17 think that was the intent of today, not to provide  
18 confusion, but to find out -- yes, thank you. It was  
19 to ask these kind of questions to help you get  
20 prepared to move to the breakout session. So I want  
21 to thank you all for being up here and tackling these  
22 questions. Thank you very much.

23 FACILITATOR PETERSON: Before you go, let  
24 me tell you where --

25 FACILITATOR WALKER: Yes, don't go

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1 anywhere. Yes, don't go anywhere. All right. I've  
2 asked Leila to come up here. She has figured out the  
3 breakout session process, so, please, be patient. It  
4 says we tell you about the breakouts and you'll have  
5 a 15 minute break. Then I ask you to, please,  
6 promptly show up where you need to, so we can get you  
7 up to the breakout sessions. Thank you.

8 FACILITATOR PETERSON: Well, luckily for  
9 us everything seemed to balance out fairly well. So  
10 it's going to basically follow the agenda, and I'm  
11 just going to go over where the different breakouts  
12 are going to be held. But before I get into specific  
13 rooms, most people will need escorts. Immediately  
14 outside of the auditorium there are signs posted with  
15 each topic. It also has the room number. If you go  
16 over to where that sign is, that's where you will find  
17 an escort to take you to that location.

18 For those of you who don't need escorts,  
19 Topic 1, Definitions of Operable But Degraded, this  
20 morning's session will be here in the auditorium.  
21 Topic 2, Support System Operability, will be in  
22 Building 112-B-4. Topic 3, Operational Leakage, will  
23 be this morning in Building 2, 9-A-1. Topic 4,  
24 Component Reliability, is in Building 1, 10-B-4. And  
25 again, these are all posted out on signs.

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1                   After lunch, you can and, Stew, correct me  
2 if I'm wrong, but you can come back down to the  
3 auditorium.

4                   MR. MAGRUDER: Right.

5                   FACILITATOR PETERSON: If you've left the  
6 building, get your badge back, come down here and  
7 again, you can go to be escorted with the topic that  
8 you signed up for that you want to go to with the room  
9 numbers posted. The only topic in the afternoon that  
10 will be in Building 1, so you might want to go to that  
11 lobby as another option, is the other topic.

12                  FACILITATOR WALKER: Topic 5.

13                  FACILITATOR PETERSON: Yes, Topic 5. So  
14 everyone else probably the most easiest thing after  
15 lunch is to come back out there to be escorted to  
16 where you need to go. But thank you very much and  
17 we'll see you at about 10:45 up in the breakout room.

18                  (Whereupon, at 10:33 a.m. a recess until  
19 3:03 p.m.)

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## A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

3:03 p.m.

1  
2  
3 FACILITATOR WALKER: Okay. We're going to  
4 go ahead and get started. The purpose of this  
5 afternoon is for everybody to get a chance to hear a  
6 little summary input of what happened at each one of  
7 the breakout sessions, both morning and afternoon. So  
8 what I will do is, I think, we'll just go by session  
9 and ask both recorders or reporters to come up and  
10 fill us in on what was talked about briefly, and then  
11 we'll close out with Dr. Beckner. Okay?

12 So Topic 1 was Operable But Degraded. Was  
13 that you, Jim?

14 MR. WICKS: Yes.

15 FACILITATOR WALKER: You're the guy?  
16 Would you like this?

17 MR. WICKS: Well, I think I can speak  
18 right here.

19 FACILITATOR WALKER: Okay. I think so.

20 MR. WICKS: Oh, I'm sorry, apparently not.

21 FACILITATOR WALKER: Okay. Here you go.  
22 You can speak into it.

23 MR. WICKS: Thank you.

24 FACILITATOR WALKER: You're welcome.

25 MR. WICKS: Speak into the mike. Okay.

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1 Again, a reminder, I'm Jim Wicks, Palisades shift  
2 manager, and our topic this morning that I attended  
3 was Operable But Degraded and the issues that our  
4 group felt needed to be discussed.

5 The first one, and I think we discussed  
6 this in detail even before we had our breakout, was  
7 timeliness of expectations for operability. Again, we  
8 all remember that Generic Letter 91-18 alludes to  
9 based on the safety significance of a system train  
10 component, and that it also has a name dropping of a  
11 24 hour issue.

12 Well, we felt that it would be great to  
13 have more guidance or maybe less restriction on how  
14 long the shift manager has to gather the information.  
15 First is when he has to make the prompt determination  
16 of operability and how long they generally have to  
17 provide the follow-up information to support that  
18 prompt determination of operability.

19 The example we talked about was a snubber,  
20 and I think another group had snubbers later, but you  
21 find a snubber broken on a safety injection train and  
22 you go up to the shift manager and says hey, the  
23 snubber is broken. Okay. What prompt determination  
24 of operability you do you make? You have no idea  
25 whether the snubber -- someone mentioned, you know,

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1 the baseplates are ripped out of the wall or someone  
2 just stepped on it and, you know, possibly broke it.

3 So you need time to gather information, so  
4 that you can even make your prompt determination of  
5 operability, and so we asked for more guidelines on  
6 that. And, I think, the thought process and the  
7 spirit of the law is that you take a reasonable amount  
8 of time based on safety significance. Again, if it's  
9 a one hour tech spec action, okay, you got get on the  
10 ball. If it's a 30 day tech spec action, take a  
11 little time, gather all your information. Make your  
12 prompt determination of operability and then request  
13 engineering. If it's not clear cut, then you request  
14 engineering to follow-up with some paperwork. That  
15 might take more than 24 hours, and if that's what it  
16 takes, it's what it takes.

17 The next one was examples of reasonable  
18 expectations of operability. And, again, I think it  
19 was mentioned if you look at the definitions, we have  
20 been throwing around the terms this morning,  
21 reasonable assurance of operability, though the actual  
22 term in Generic Letter 91-18 uses expectations of  
23 operability. So examples of that would be what should  
24 the shift manager, what should the engineer doing the  
25 operability recommendation look for in assuring that

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1 you have a reasonable expectation of operability.

2 Again, let's go back to the snubber.

3 Okay. Snubber broken, okay, baseplates not ripped out  
4 of the wall, so it's not quite obvious as to what the  
5 problem is, but someone brought up the example, do  
6 they just do a tech spec surveillance test that maybe  
7 had a water hammer event that caused that snubber to  
8 fail? Would that issue drive you to say maybe with  
9 some question as to the integrity of your pipe,  
10 existing piping.

11 Again, it's not quite clear cut as to how  
12 you're going to make your answer, so they are looking  
13 for some examples based on that. Well, how could the  
14 shift manager determine that okay, sure, broken  
15 snubber, but I have reasonable assurance that if I had  
16 a design basis accident, this safety injection train  
17 is going to start. It's going to provide water to the  
18 core and do a safety function.

19 Clarify meaning of safety functions,  
20 specified function and specified safety function. I  
21 think that was discussed before our breakout meeting  
22 also. In the present Generic Letter 91-18, all those  
23 three terms are used almost interchangeably, and we  
24 wanted to get clarification as to, you know, do they  
25 have separate meanings or are they all the same and

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1 let's just use one term then or specify safety  
2 function for the big "O" and specified function for  
3 the little "o," and let's get a little more  
4 clarification on that. And someone suggested they  
5 maybe drop the little operability definition just for  
6 non-tech spec related equipment, just use the term  
7 functionality. So we asked for maybe a little more  
8 clarification on that.

9 Oh, expand flow chart. Right now, if you  
10 look at the existing Generic Letter 91-18, it has got  
11 a nice flow chart for starting here with the degraded  
12 component, working all the way down through how you  
13 resolve the issue and have full qualification. And,  
14 I guess, what someone was asking was maybe for where  
15 they combine the sections of the 9900 or still keep it  
16 separate for degraded nonconforming and operability,  
17 that maybe they have flow charts that take the person  
18 doing the evaluation or recommendation through the  
19 process as to what to look for, so that they can  
20 provide the site, the plant or the shift manager with  
21 the right information and having using 91-18 as a  
22 guideline. And then add examples, everyone wants  
23 examples, so they know what they are talking about.

24 And then clarification on page 11 out of  
25 14. Anybody have that with them? I don't remember

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1 what that was. Okay. Good, please. We have a  
2 volunteer from the audience. Come on down.

3 AUDIENCE MEMBER: Actually, I think I got  
4 that cleared up in our meeting. What I was talking  
5 about in 91-18, change of current licensing basis, it  
6 says and I will read it, "The other situation is a  
7 final resolution in which the licensee proposes to  
8 change the current licensing basis to accept the as-  
9 found nonconforming condition. In this case, the  
10 50.59 evaluation is of the change from the SAR-  
11 described condition to the existing condition in which  
12 the licensee plans to remain, i.e., the licensee will  
13 exit the corrective action process by revising its  
14 licensing basis to document acceptance of the  
15 condition. If the 50.59 evaluation concludes that a  
16 change to the tech spec or USQ exists, a license  
17 amendment must be requested," etcetera, etcetera.

18 Now, if you read on, it says later on in  
19 the same section, "The need to obtain NRC approval for  
20 a change does not affect the licensee's authority to  
21 operate the plant. The licensee may make mode  
22 changes, restart from outages, etcetera, provided that  
23 necessary equipment is operable and the degraded  
24 condition is not in conflict with the tech specs or  
25 the license."

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1 I saw potential conflict between license  
2 there and the fact that we're submitting a license  
3 amendment, and if license meant broadly anything with  
4 a licensing basis, then that would be a conflict. But  
5 I think we determined in the breakout session that  
6 it's just talking about the license, and not  
7 necessarily a calculation that's in the FSAR, for  
8 example. So I don't think that one -- I think we  
9 meant to cross that out.

10 MR. WICKS: Okay. Never mind.

11 AUDIENCE MEMBER: If everybody agrees.

12 MR. WICKS: Okay. Next one is extent of  
13 the condition review. Some of you might know that  
14 term as aggregate assessment or aggregate review.  
15 Basically, when a component is declared operable or  
16 Operable But Degraded or nonconforming, some sort of  
17 expectation exists and, again, I don't think it's  
18 directly in 91-18, but it's a term being floated  
19 around the industry as of late. We would kind of like  
20 clarification on it. It's what type of aggregate  
21 review or extended condition needs to be resolving?  
22 How far do you go down the line?

23 If you have one safety injection flow  
24 control valve failed and you have to do extended  
25 condition related to the other one, what does that

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1 exactly mean? How far do you want to go? Did it pass  
2 the tech spec surveillance test? Okay. Does it have  
3 recent calcs then on it that it will open in such  
4 amount of time, provide the right amount of flow?  
5 Okay. Great, we have all that. So what are they  
6 looking for? What is the NRC regions and NRR looking  
7 for regarding extended condition and/or aggregate  
8 review of a degraded condition? And we ask for more  
9 guidance on that.

10 And the threshold for 91-18 degraded  
11 conditions scope and when needed, meaning that right  
12 now, if you look at the beginning of Generic Letter  
13 91-18, it describes the scope of items that you would  
14 have to do an operability determination on. Okay.  
15 So, I guess, they are looking for more information on  
16 what is the scope, because you have fire protection  
17 systems, you have that watch, you have EQ, you have  
18 all these other non-tech spec related systems, and in  
19 some plants you do actually have guidance if you lose  
20 a safety related fire station or compensatory measures  
21 you need to put in place. I don't know if all plants  
22 have that, but again, if you read the scope for the  
23 letter, you would have to do an operability  
24 determination on that system.

25 So they are looking for a threshold. How

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1 far do you go in defining your scope, not so much for  
2 the big "O," but for the little "o" or functionality  
3 equipment, the at watch, the fire protection systems.  
4 So, you know, we want to narrow down the scope for the  
5 non-tech specs systems as to what would actually need  
6 an operability determination and/or a recommendation.

7 I think that covers it. Does anybody from  
8 my group see something I didn't cover, anything you  
9 want to cover? Okay. That's all. Thank you.

10 FACILITATOR WALKER: Thank you very much.

11 MR. WICKS: You're welcome.

12 FACILITATOR WALKER: Okay. Who was the  
13 second? Can you do it?

14 AUDIENCE MEMBER: I'll do it.

15 FACILITATOR WALKER: Okay.

16 AUDIENCE MEMBER: Well, as you can see  
17 here, we changed our mind quite a bit here. The first  
18 point here we want to talk about, the first area we  
19 talked about was consistency. We felt that using  
20 examples in whatever guidance documents are put out on  
21 this would be very helpful, and also that NUREG 10-22  
22 would be a good model to look at with respect to  
23 revising 91-18.

24 We also looked at the definitions of scope  
25 for Operable But Degraded versus nonconforming. We

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1 might want to think about just using simple one-liners  
2 with an amplifying discussion, loss of qualify and  
3 function effects and how it affects operability.

4 Another thing we talked about was  
5 timeliness of operability evaluations similar to the  
6 first session. NRC needs to provide some information  
7 about what they -- needs to explain what they need for  
8 documentation and maybe some guidance on the time in  
9 order to make the determination versus extending the  
10 LCO time. We spent quite a bit of time talking about  
11 well, if we're in an area where there is a very short  
12 completion time, maybe just a few hours, you know,  
13 goodness, is it okay for us to do a full blown  
14 evaluation that might take a week or longer, Lord  
15 knows and, you know, where are we in that case? Let's  
16 see, you know, what are the conditions for when we're  
17 in "evaluation space?"

18 And the last thing we talked about was the  
19 definition of specified function with respect to  
20 current licensing basis. This is the same thing that  
21 they talked about in the first session with the  
22 numerous definitions of function, specified function,  
23 design function, etcetera. So that's all I got.

24 FACILITATOR WALKER: Thank you. Okay.  
25 Now, the second topic was Support System Operability.

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1 You certainly may.

2 AUDIENCE MEMBER: I'm actually going to be  
3 addressing both versions or both sessions on Support  
4 System Operability recognizing that Support System  
5 Operability is really a smaller subset of all the  
6 Generic Letter 91-18 aspects, and some of the comments  
7 that were already made, some of the issues that were  
8 brought up are ones that we also brought up.

9 We tried to focus on exactly what Support  
10 System Operability, the kinds of problems it created  
11 for both those support systems that are inside  
12 technical specifications and those that are outside.  
13 In addition to those ones being outside, those that  
14 were in technical specifications before and relocated  
15 versus those that never were.

16 So, like I said, it was always somewhat  
17 focused. We tried to expand to look at this with  
18 respect to how did it work inside Generic Letter 91-  
19 18? So there were a number of issues that came up.  
20 The first thing we came up with was that we did not  
21 want to utilize the small "o." We believe that the  
22 definition for operability, the capital "O" for  
23 operability should be restricted solely to those  
24 things in technical specifications, and we should  
25 clearly only call those things outside of tech specs

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1 functional or capable of performing some function or  
2 whatever. The terminology you want to use, but not  
3 little "o" operability.

4 The second major issue that came up as one  
5 can imagine, as a result of those things outside of  
6 technical specifications, was snubbers. Recognizing  
7 that that was an LCO inside of technical  
8 specifications and that we believed, at one time, that  
9 the delay time that was permitted by the snubbers was  
10 relocated outside of technical specifications.

11 We had a great deal of dialogue about how  
12 that was being addressed and that there is a Technical  
13 Specifications Task Force Initiative underway under  
14 TSTF-372 to specifically address this, this being  
15 worked now currently with the NRC and also with the  
16 Snubber Users Group to make sure that the final  
17 resolution of this issue is acceptably flexible with  
18 regard to operation and maintenance, but also  
19 acceptable to the staff with regard to allowing a  
20 delay time for the three major types of snubbers we  
21 have identified.

22 And also, that is what I was also going to  
23 address, so that you know, other seismic restraints.  
24 Now, in that discussion, we also did dialogue about  
25 those things for pipe whip and water hammer, but that

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1 is not currently under the scope of the TSTF to  
2 address in this issue.

3 The third item was hazards. We looked at  
4 the fact that hazards have been a problem for many  
5 plants, and we went out and did some surveys and found  
6 that the manner in which a number of these evaluations  
7 or analyses that are being done are very inconsistent.  
8 Now, as some folks said, there is a RIS 2001-09, which  
9 gives a fairly good explanation of how things should  
10 be done, but what we found in that application is two  
11 things. One, the duration of being allowed to be  
12 nonfunctional differs significantly, two, and the  
13 actions or compensatory actions that are taken in the  
14 evaluation of those systems on the other side of these  
15 HELBs is also being done differently, the issue that  
16 came up about the 50.49 qualification, one that we  
17 believe we have addressed.

18 So there is a Risk Informed Tech Spec Task  
19 Force Initiative, Initiative 7(a), whose proposal  
20 under TSTF-427 is to give a generic 30 day completion  
21 time for all barriers and all hazards to facilitate  
22 giving you a time frame to either perform not only  
23 preventative maintenance, but also corrective  
24 maintenance. So that's where different is added.  
25 There are a number of different things that vary from

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1 the RIS 2001-09.

2 Now, that is 7(a). 7(b) is going to be an  
3 even larger part. We discussed that, too, it was that  
4 there is a number of other support systems that are  
5 outside of technical specifications, which create  
6 problems, things such as corner room doors, other  
7 types of barriers, in addition to the ones we have  
8 talked about here, coolers, things of that nature,  
9 cooling ventilation systems to distribution systems  
10 and things of that nature. That is what Initiative 7  
11 bravo is going to do, is try to evaluate all those and  
12 give a finite period of time for acceptable  
13 utilization of those in a nonfunctional status.

14 We also agreed that Section 6.12 of  
15 Generic Letter 91-18 needed to have consistency  
16 between the terms necessary and required, that there  
17 was some misunderstanding about what the actual  
18 application of those were in different conditions, and  
19 whether or not there was always a consistent  
20 interpretation on behalf of the industry and for that  
21 matter, on behalf of the NRC.

22 And then we looked at support system LCOs  
23 in tech specs, recognizing it, and we looked at this  
24 specifically with regard to the improved technical  
25 specifications, but also with regard to other plants

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1 that still have support system LCOs inside their  
2 technical specifications. We looked at how that is  
3 currently being addressed, and wanted to make sure  
4 that the guidance that is going to be in Generic  
5 Letter 91-18 is consistent with the way people are  
6 doing business, because the current wording in  
7 guidance in 91-18, Section 6.12 could easily take  
8 someone in a direction that is inconsistent with the  
9 way it was intended to utilize for those support  
10 system LCOs inside tech specs.

11 The next item was the criteria for  
12 determining acceptability of alternate temporary  
13 systems and to provide examples. We discussed, and  
14 fortunately we had a number of NRC resident and  
15 regional based inspectors and directors in the room  
16 with us, about the acceptable types of alternatives  
17 for what kinds of temporary conditions could we  
18 utilize, examples being well, we might prop open a  
19 door and use a Red Devil blower to cool something, but  
20 we would have to consider not only the current  
21 condition, but also the post accident condition and  
22 how that would be structured and what kind of  
23 evaluation we would have to do, not only what kind of  
24 format content detail, but what kind of rigor would  
25 that have to have associated with it to be found

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1 acceptable to the staff and to us, and what kinds of  
2 time frames would we, therefore, believe would be  
3 acceptable.

4 Now, of course, risk, we'll be coming to  
5 this in a moment, would also have some bearing on  
6 that. And our plan is to provide some examples of  
7 those. You heard in the previous discussion about the  
8 NUREG 10-22 type examples. We think that examples are  
9 very, very important to try to display and convey what  
10 our true message is.

11 The next one was tech spec operability  
12 versus functionality, a recognition that we have often  
13 had a lot of discussions about functionality versus  
14 operability, and that is even more clear if you look  
15 at some of the bases of the technical specifications  
16 where it talks about meeting the LCO and, obviously,  
17 having tech spec operability being predicated on,  
18 performing the surveillances in the specified interval  
19 and having no other reason to believe that it  
20 otherwise is incapable of performing its intended  
21 safety function.

22 There are areas and variations on that,  
23 especially with support systems, that still maintain  
24 operability, but have some level of degradation, and  
25 as far as the functionality of the support system, but

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1 not as far as the operability of the LCO.

2 And then we had one that, I think, has  
3 already been brought up about tech specs versus  
4 licensing basis, and that really came into play about  
5 specified safety function, specified function or  
6 safety function, a consistent application and  
7 clarification as to what those terms are, when they  
8 are to be used and how they are to be integrated, and  
9 that has already been discussed, so I imagine we'll be  
10 finding a solution to that one, too.

11 And we also wanted to ensure an  
12 integration of the risk informed initiatives, as  
13 appropriate, recognizing that risk does not determine  
14 operability, however, but that risk is a part of the  
15 consideration of the acceptability of the degraded  
16 condition of the support system. We wanted to make  
17 sure that we clarified that and integrated those  
18 appropriately, so that 91-18 recognized those  
19 initiatives that are oncoming that would feed into  
20 this. So it would really be more of just a  
21 description of what those are and how those will  
22 integrate.

23 And then we also believe Generic Letter  
24 91-18 currently addresses that licensees should be  
25 knowledgeable of what support systems are necessary

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1 for tech spec LCOs to be met or to be operable. We do  
2 not believe that requires a list to be maintained or  
3 to be provided to the NRC, but that rather we expect  
4 that each licensee would have a thorough and complete  
5 understanding of what those are, and the staff seemed  
6 amenable to that.

7 And the last part is the integration of  
8 the tech specs and the Maintenance Rule A-4. As we go  
9 forward and do that, there is a recognition that there  
10 actually be a coordination with the support system  
11 considerations as to how they impact those tech spec  
12 LCOs.

13 If there is anyone in any one of the  
14 morning session or the afternoon session who thinks we  
15 missed something, please, say so now.

16 FACILITATOR WALKER: Okay.

17 AUDIENCE MEMBER: We talked in the  
18 afternoon session, you know, at length not about A-4  
19 specifically, but about the use of operability as it  
20 relates to maintenance as a criterion for determining  
21 availability of support system, temp alts, etcetera.  
22 We didn't discuss at all any of the risk informed  
23 alternative approaches, but felt that, at least in my  
24 experience, in the afternoon we didn't talk about it,  
25 but I think that the approach for hazard barriers that

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1 is provided by the RIS is substantially different than  
2 the one that is offered by the TSTF, what is it, 7(a).  
3 And while they may be complimentary, I think in most  
4 cases they don't overlap.

5 AUDIENCE MEMBER: Well, two things, maybe  
6 three. One, I was supposed to be speaking to the  
7 morning and the afternoon session, so I do recognize  
8 that some of the things I identify during this  
9 discussion, you may not have been present for. Two,  
10 yes, TSTF-427, which is Initiative 7 alpha, does offer  
11 a different solution path to the hazards and barriers  
12 than the current RIS does, and there is a belief that  
13 this provides greater flexibility and gives more  
14 opportunity for utilization. I can have that  
15 discussion with you out of here.

16 And the third thing was about maintenance.  
17 We had a discussion in the morning, too, but we didn't  
18 list that, because we weren't sure that that wouldn't  
19 end up being addressed under our Maintenance Rule  
20 application utilization for the risk initiatives being  
21 considered for that applicability for those support  
22 systems, so that it the only reason it wasn't called  
23 out specifically. Did that address all your issues,  
24 sir?

25 AUDIENCE MEMBER: The ones I brought up.

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1 FACILITATOR WALKER: Well, that's good  
2 enough for now.

3 AUDIENCE MEMBER: Everybody following  
4 that?

5 FACILITATOR WALKER: Okay. Topic 3 was  
6 Operational Leakage. Mark, you want to go first and  
7 then Donald after that?

8 MR. FLAHERTY: I'm Mark Flaherty from  
9 Ginna and don't worry, I will be shorter than Don was.  
10 We had four specific issues we talked about with  
11 respect to leakage, the first one concerning Section  
12 6.14 and 15 of the Generic Letter. They are  
13 inconsistent with the approved tech specs for flaws  
14 and leakages.

15 Examples were brought up, one of them  
16 being the basis for the Ginna tech spec, documents,  
17 the fact that certain systems can withstand  
18 substantial leakage and still meet accident analysis  
19 assumptions on the order of like 500 gallons per  
20 minute.

21 However, strict interpretation, a reading  
22 of the Generic Letter implies that if I have got a one  
23 gallon per hour leak, I need to declare that  
24 inoperable in accordance with the code. So  
25 clarification needs to be with respect to that.

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1 Basically, this gets into, you know, is operability  
2 defined with respect to tech specs or the overall  
3 operability design basis?

4 Secondly, Generic Letter 91-18 is outdated  
5 with respect to its use of Generic Letter 90-05.  
6 There are alternative co-cases for Class 3 piping,  
7 specifically N-513, and there is a rev coming out with  
8 respect to N-513 for Class 2 piping, which basically  
9 provides an alternative means of dealing with flaws  
10 and leakage separate from Generic Letter 90-05. And  
11 the Generic Letter 91-18 should also be able to handle  
12 future co-cases or recognize the fact that future co-  
13 cases can provide alternative means also.

14 The third topic that we dealt with is leak  
15 repairs, basically housekeeping versus non-code  
16 repair. There needs to be some clarification between  
17 structural evaluations and housekeeping. That is if  
18 a flaw or leak is okay structurally, it is operable by  
19 tech specs, and the leak or whatever else should be  
20 handled under the corrective action process. That is  
21 code inoperability and does not necessarily mean tech  
22 spec inoperability, and that needs to be clarified  
23 consistent with some of the other discussions that we  
24 had today.

25 The last thing we discussed was can we use

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1 compensatory actions to restore operability without  
2 relief request? The current guidance in Generic  
3 Letter 91-18 basically implies that you have to  
4 request a relief request. This doesn't necessarily  
5 seem to be the best use of NRC and industry resources,  
6 especially if the licensee has demonstrated that there  
7 is structural integrity there, and it might be putting  
8 a clamp or whatever else on there for an operational  
9 housekeeping issue. Why do we need to go forward with  
10 the relief request under those conditions? So those  
11 are the four topics.

12 FACILITATOR WALKER: Don, do you want to  
13 use this or do you want to go up there? Okay.

14 MR. VOGT: Hello. My name is Don Vogt.  
15 I am from Palo Verde. We had some overlap with the  
16 morning session, as you would expect, with respect to  
17 Inspection Manual 9900, Section 6.15. We thought that  
18 we needed to separate out tech spec operational  
19 leakage, especially Class 1, which is generally what  
20 you're talking about, from the Class 2 and Class 3  
21 leakage section. We also thought, like the morning  
22 session, that we should recognize approved code cases  
23 in the 91-18 guidance, and also make reference to  
24 50.55 alpha.

25 Another overlap again was when is NRC

1 approval required for non-code repair of class  
2 components, especially Class 3 components? Another  
3 issue I didn't hear in the morning session though was  
4 what do we do with heat exchanger leakage, especially  
5 Class 2 heat exchangers, where you have leakage across  
6 the interconnecting system boundary, but not boundary  
7 leakage to the environment.

8           Given a pressure boundary leakage, clarify  
9 what needs to be declared inoperable. In that Section  
10 6.15, in 9900, it talks about if you have got, you  
11 know, the boundary leakage, you have to declare the  
12 component inoperable. Some folks take that to mean  
13 the system is inoperable, and where do you draw that  
14 line and where do you draw that boundary?

15           And then, again, I think everybody  
16 understands if you can isolate the component, if that  
17 is reasonable to do, you do that and you don't have  
18 any further implication, but that didn't seem to be  
19 spelled out real well in 9900. We might want to add  
20 that, as well. And that is all we have.

21           FACILITATOR WALKER: Thanks, Don. Okay.  
22 The fourth topic area, who is the reporter for that?  
23 It was the Component Reliability.

24           MR. GRIME: Component Reliability?

25           FACILITATOR WALKER: Yes.

1 MR. GRIME: Larry Grime for the fourth  
2 group on reliability. The group talked about several  
3 issues, and we boiled them down to about six main  
4 issues. We did not necessary decide a lot of issues,  
5 but identified a lot of areas where there is  
6 opportunity for the guidance to be provided in this  
7 area of reliability, one of which, the first, was how  
8 do you deal with components with an increasing failure  
9 rate? For example, do you need to do an operability  
10 determination for other similar components or should  
11 this be part of the plant's Corrective Action Program?

12 The suggestion was to push it to the  
13 Corrective Action Program or perhaps treat it under  
14 the Maintenance Rule. The operability guidance should  
15 then, in that case, provide a brief reference to those  
16 other programs. However, there was some concern with  
17 some. It wasn't a unanimous decision by any means  
18 that that is the best way to deal with that particular  
19 issue.

20 The second issue was one that the group  
21 one mentioned, and that is the extent of condition  
22 review concern where you are concerned with the common  
23 mode failure risk, and a little bit similar to our  
24 first issue, but again, the question was, you know, do  
25 you need to look at all other similar components in

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1 operability determination space or is it best to treat  
2 those under the Corrective Action Program, as well?

3 A third area of discussion dealt with  
4 clarifying what do we mean by mission time, time in  
5 which to accomplish particular functions during which  
6 we may have to have some consideration with regard to  
7 operability. It was agreed that it should be part of  
8 operability, but it was also recognized that very  
9 frequently, we don't have a quantification of these  
10 mission times, and it can be quite an exercise  
11 necessary in order to determine exactly what the  
12 mission time should be for inoperability.

13 So the question becomes then how should  
14 that be, mission time that is, incorporated into the  
15 guidance for Generic Letter 91-18? We also recognized  
16 that it's only important for some conditions,  
17 definitely not a necessity for all conditions, and  
18 what is required, perhaps some guidance could help on  
19 what is required to reconstruct the mission time.

20 Our fourth issue dealt with potential  
21 application of 50.59 with regard to reliability  
22 issues. We recognize that there are a couple of  
23 guidance or questions in 50.59 that deal with  
24 malfunction likelihood, and also a question that deals  
25 with accident frequency that are potentially related

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1 when you get into a reliability question.

2 And so one of the concepts was that,  
3 although, we hear loud and clear that we don't apply  
4 PRA to operability determinations, we recognize that  
5 the licensee may have the option to move an item from  
6 operability space into 10 CFR 50.59 space, which would  
7 then, if they didn't use the negligible criteria and  
8 engineering judgment in the 50.59 space, they might  
9 end up using quantified calculations of either  
10 frequency or likelihood issues.

11 Also, we recognize that the 50.59 criteria  
12 dealing with malfunctions might also provide a means  
13 of triggering or identifying for us that if we cannot  
14 use engineering judgment to say that we're well within  
15 those 50.59 guidance areas, negligible and I can  
16 easily use engineering judgment for that, then that  
17 tells us we should at least probably be either in  
18 operability space doing a detailed operability  
19 determination for that as a trigger, if you will, for  
20 when operability is important.

21 We also recognized, of course, that the  
22 whole concept, particularly in 1997 revision of the  
23 operability determination was that, indeed, there  
24 could be situations where you fail to meet the 50.59  
25 criteria, but still might be operable.

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1           A fifth item dealt with manual actions.  
2           We had manual actions replacing automatic actions.  
3           They were mentioned briefly. It was noted that there  
4           is other guidance on that, and that it would just be  
5           a good idea to make sure that the operability guidance  
6           adequately references that, as opposed to there didn't  
7           seem to be strong support for trying to get  
8           duplication or a lot of additional information on  
9           that.

10           Our sixth item was a concern with  
11           different performance indicators on system  
12           reliability, and the desire there was for consistency  
13           or, at least, prioritization for the programs to help  
14           provide some additional guidance on performance  
15           indicators.

16           Maybe to summarize just a little bit on  
17           the reliability issues, this question of PRA.  
18           Although, it wasn't zero, there was very little  
19           support for the quantification relative to reliability  
20           issues, but there was, indeed, much support for a  
21           qualitative approach to reliability issues in  
22           operability determination space.

23           And, other members of the group, do you  
24           have any comments to add to that or subtract, as the  
25           case may be?

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1 FACILITATOR WALKER: Thank you very much.  
2 And then Topic 5, which was anything else we didn't  
3 cover in the assigned four breakouts.

4 MR. ANGSTADT: Curt Angstadt, Perry.  
5 Topic 5 is the infamous other. We have four items  
6 briefly I would like to cover. The first involves  
7 compensatory measures, a suggestion being made that we  
8 feel the industry could use some more focused  
9 explanation of exactly what a compensatory measure is,  
10 especially when you need to transition into 50.59 for  
11 when you do have a compensatory measure.

12 And some of the examples we kicked around  
13 briefly were things like an operator on his rounds  
14 needing to monitor and replenish an oil supply in a  
15 pump. If that was really part of an operability type  
16 evaluation, is that a comp measure or not? If it is,  
17 does it get a 50.59? Does it really change a  
18 procedure or is it in some standing instruction or  
19 something like that? You get into a lot of subtleties  
20 that often it's not very clear whether or not you  
21 really have a true compensatory measure or is it  
22 really more of a monitoring type thing?

23 One other subtlety we brought up was at my  
24 plant, we call certain things bounding limitations.  
25 They are not necessarily an action you take. It's

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1 something like you're limiting one of your inputs like  
2 a temperature for your cooling water input to your  
3 heat exchangers, because you have found some calc  
4 deficiency, you couldn't handle the maximum water  
5 temperature, so you cut it back to something less to  
6 be able to handle the deficiency. Is that a  
7 compensatory measure?

8 Now, you can just see how subtle you get  
9 on some of this, so we felt the industry could use  
10 some additional guidance from the Agency on exactly  
11 what are their expectations for compensatory measure?  
12 Again, so that you transition into the 50.59 space,  
13 and also to understand what process you're in and  
14 where you're at, I guess, is the bottom line.

15 Number two, briefly, is we talked this  
16 morning some about the NRC's probable intent of taking  
17 the two attachments to the Generic Letter and melding  
18 them into one document. I think most of us would  
19 agree that would probably have a lot of merits,  
20 because you do bounce around a lot between those two  
21 attachments. If that is done, probably what would  
22 also be done is take some of the existing guidance on  
23 hazard removal and how you can do that evaluation, and  
24 probably put that in there, too.

25 But what we see that would open up is

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1 Generic Letter 91-18, the way it is now, is basically  
2 for those found conditions, those deficiencies that  
3 you find in the plant where removing the barriers is  
4 for a whole new world of planned evolution, knowingly  
5 going into a situation.

6 So, I think, the whole issue there we  
7 don't have the answer, is do you really want to take  
8 this one new document that we have melded together and  
9 open it up now to almost a much broader type of venue  
10 where you have additional entry points, because once  
11 you do that, then you probably won't stop at barriers.  
12 You will come up with something else. The industry  
13 will say well, I want to have that in there, too. So,  
14 I guess, just a recognition. What do we want to do  
15 here? Are we going to get this thing so cumbersome,  
16 then the industry will come back and say I can't use  
17 this anymore. It's too complex.

18 Number three, I have entitled how timely  
19 is timely? We know the Generic Letter has discussion  
20 about when you have a deficiency of significance, you  
21 really need to get it fixed no longer than one  
22 operating cycle, but also a forced outage if it's  
23 suitable duration.

24 I guess, the question on the street is  
25 would examples to help explain timely be of worthwhile

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1 benefit to the industry, to the users of the Generic  
2 Letter, and if we think it is useful, would the  
3 industry be willing to sort of give examples to put  
4 into the revised Generic Letter, a question.

5 And lastly is a specific item related to  
6 rev 1 of the Generic Letter concerning evaluation of  
7 compensatory measures, evaluation of them. The  
8 specific sentence right now says "A licensee may  
9 decide to implement a compensatory measure as an  
10 interim step to restore operability or to otherwise  
11 enhance the capability of SSCs until the final  
12 corrective action is complete."

13 We had quite a bit of discussion about  
14 that word, restore, because it doesn't really seem to  
15 address all the possibilities of degraded inoperable,  
16 inoperable that you're then taking it back to  
17 operable, operable and also enhancement. So we felt  
18 that some benefit could be achieved in clarifying that  
19 whole paragraph, so that you cover the waterfront with  
20 how you're really using compensatory measure for those  
21 three categories of inoperable, Degraded But Operable  
22 and then an enhancement not to only know where you're  
23 at and what space you're at, but also they will feed  
24 your determination of timeliness to fix the problem if  
25 you know what pot you're in. And did I do okay, team?

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1 Thank you.

2 FACILITATOR WALKER: Okay. Well, when we  
3 started this morning, I told you my job was twofold,  
4 to give you an opportunity to provide comment. I  
5 think you all can judge best, but I think there has  
6 been ample opportunity to provide comment, and I  
7 appreciate your work in the breakout sessions and the  
8 recorders' willingness to come up and report on that.

9 Secondly, I told you my job was also to  
10 get you out of here on time. Pretty good? Okay. A  
11 couple little things before I ask Dr. Beckner to come  
12 up here. He is going to talk to you about the meeting  
13 summary, where that is going to be. Kerri wanted me  
14 to mention that she is interested. Many of you all  
15 mentioned in the breakouts that I was in, plus almost  
16 every one of you mentioned in your reports about  
17 examples, Kerri said, please, send those to her. Many  
18 of you have her email. If you don't, it's  
19 kak@nrc.gov. All right.

20 And lastly, please, fill out your  
21 evaluation forms on the way out. There is a box out  
22 there on the desk to plop them in, and we would like  
23 to hear your feedback. Thank you very much for your  
24 participation and cooperation, and thank you, NRC, for  
25 hosting this. Dr. Beckner?

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1 DR. BECKNER: Okay. Andrew has kept us on  
2 time and he is assuming that I am going to be short.

3 FACILITATOR WALKER: Well, that was  
4 pressure. That's pressure.

5 DR. BECKNER: I don't know short jokes,  
6 okay, and I will keep my remarks short. That is the  
7 pleasure of being able to finish up is that the more  
8 succinct I am, probably the better everyone will like  
9 it. I heard a lot to think about here today, and I  
10 guess I was pretty pleased with both the turnout and  
11 the level of interaction. It shows that this is an  
12 important subject and there is a lot of interest.

13 You may have been disappointed. You  
14 probably didn't get a lot of answers today. I think  
15 the intent, at this point in time, again, like Bruce  
16 said this morning, it's very early in the process.  
17 We're trying to figure out what the concerns are out  
18 there, the areas we should -- issues that we should  
19 address, and I think that objective, we have been very  
20 successful. I have heard a lot of stuff today. It  
21 has been very useful.

22 Also, I want to reinforce, I think,  
23 something Bruce said though. We're not looking for  
24 major overhaul here. We're looking for clarification  
25 and improvement, and that is consistent with what a

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1 few people, I think, told me during the break. 91-18  
2 is used every day. It works and we don't want to  
3 change that process. We want to just make it better.  
4 We want to clarify, find out the areas that it's not  
5 working and improve it, and I think that's our  
6 objective.

7 With that, is there anyone who didn't get  
8 their point across. Now, I'm not going to ask you to  
9 come up to the microphone. Anybody that didn't get a  
10 question asked? Again, it's early in the process.  
11 Use the feedback forms. We just gave out Kerri's  
12 email address. It's going to be flooded probably.

13 Again, if you don't think that you got  
14 your point across or you think of something when you  
15 get home, tell us, so we can try to bound on the type  
16 of issues that we should be looking at. Yes?

17 AUDIENCE MEMBER: The questions on the  
18 schedule, what are you anticipating?

19 DR. BECKNER: Boy, you're my straight man.  
20 Okay. The next thing I was going to say is that we  
21 will be putting out a draft for comment, and that's  
22 where it's important and we heard the question this  
23 morning. We're going to target to try to get a draft  
24 for comment out by the end of the year or probably,  
25 given the holidays typically, the middle of January.

1 It certainly probably won't be anywhere near final.  
2 It's going to be the best we can do.

3 Again, I think this is going to be a long  
4 time just trying to digest everything we have heard  
5 today, but Kerri has said that if she can neglect some  
6 of her other work, and we'll negotiate that or get her  
7 some help, that I think probably in a few months, we  
8 can try to get something out that you can see early  
9 next calendar year and that's what we are going to  
10 shoot for.

11 And, again, that will be a draft for  
12 comment. Do we need another workshop to get beyond  
13 just the scope and now, trying to solve issues? I  
14 don't know. Kerri says absolutely not, never, but  
15 we'll think about it. Okay?

16 Okay. We will be putting the meeting  
17 notes, making them publicly available. We'll be  
18 putting them in ADAMS, but I know that -- before we  
19 make ADAMS jokes, ADAMS is getting much better. I am  
20 told that the web based version is much better. But  
21 let me also commit to we'll put a link to wherever  
22 these notes are in our tech spec web page, and the  
23 reason I say that is I can control the tech spec web  
24 page. And also, if you haven't found it, it's a good  
25 chance to find our tech spec web page. So wherever it

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1 resides, we'll commit to put a link to the notes in  
2 our web page. Okay?

3 With that, I guess we're to thank you.  
4 Kerri Kavanagh has worked hard. Stew Magruder has  
5 been working sort of silently. Stew has been my right  
6 hand man for the past three months, acting as my  
7 acting section chief, and so he has been instrumental  
8 in getting this done. I want to thank the Panelists.  
9 Andrew, he left already? He is still here?

10 FACILITATOR WALKER: I'm here.

11 DR. BECKNER: Okay. I want to thank him  
12 and his staff. This is the first time I have used the  
13 facilitated meeting like this. I know it helped us  
14 out with a lot of the administrative activities.  
15 Again, let us know what you think about it as far as  
16 the feedback forms.

17 Have I forgotten anything, Stew or Kerri?  
18 Okay. The only think I have to do now is, I guess,  
19 thank you. Thank you for coming and that's it. Okay.

20 (Applause)

21 (Whereupon, at 3:48 p.m. the workshop was  
22 concluded.)

23

24

25

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This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name of Proceeding: Operability Workshop

Docket Number: n/a

Location: Rockville, MD

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings.

*Debra Wilensky*

Debra Wilensky  
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**Official Transcript of Proceedings**  
**NUCLEAR REGULATORY COMMISSION**

**Title:** Operability Workshop Breakout Session  
Topic 1: Definition of Operable but Degraded

**Docket Number:** (not applicable)

**Location:** Rockville, Maryland

**Date:** Thursday, August 14, 2003

**Work Order No.:** NRC-1041

**Pages 1-77**

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1 UNITED STATES OF AMERICA  
2 NUCLEAR REGULATORY COMMISSION

3 + + + + +

4 OPERABILITY WORKSHOP  
5 BREAKOUT SESSION - TOPIC 1  
6 DEFINITION OF OPERABLE BUT DEGRADED

7 + + + + +

8 ROCKVILLE, MARYLAND

9 + + + + +

10 THURSDAY, AUGUST 14, 2003

11 + + + + +

12 The workshop was held in the Auditorium at  
13 the Nuclear Regulatory Commission, NRC Auditorium, Two  
14 White Flint North, 11545 Rockville Pike, at 10:30  
15 a.m., Andrew Walker, facilitating.

16 PRESENT:

17 ANDREW WALKER, Facilitator

18 STEVE ALEXANDER, NRR/IEPB

19 DR. WILLIAM BECKNER, Chief, Reactor Operations Branch

20 BRUCE BOGER, Director, Division of Inspection

21 Program Management

22 TERENCE CHAN, Section Chief, Materials and Chemical

23 Engineering Branch, Office of Nuclear Reactor

24 Regulations  
25

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PRESENT: (CONT.)

KERRI KAVANAGH, Senior Reactor Engineer, Office of  
Nuclear Reactor Regulations

JIM LUEHMAN, Deputy Director, Office of Enforcement

EILEEN MCKENNA, Senior Reactor Engineer, Office of  
Nuclear Reactor Regulations

WAYNE SCOTT, Senior Operations Engineer, Office of  
Nuclear Reactor Regulations

## P-R-O-C-E-E-D-I-N-G-S

10:50 a.m.

1  
2  
3 FACILITATOR WIGHT: Hi, my name is Evelyn  
4 Wight. It's our intent to be recorded. Carl, I'm  
5 afraid I don't know how to pronounce your last name.

6 MR. SCHULTEN: Schulten.

7 FACILITATOR WIGHT: Schulten and Sam  
8 Hernandez, and I also was just informed that the  
9 transcription person is going to also be recording.  
10 So, in the back of the room, Debra.

11 MR. SCHULTEN: Okay. Good.

12 FACILITATOR WIGHT: So let me just review  
13 our intentions here and go over just really minor  
14 ground rules and then we can just get started. We  
15 heard earlier today that the overall purpose of this  
16 workshop is to gather input prior to the NRC drafting  
17 a revision to this guidance, so that's what we're here  
18 to do. The morning that we just spent together was  
19 intended to try to answer some questions.

20 Each breakout session has a slightly  
21 different purpose. We're not really able in this  
22 chunk of time to answer questions. What we want to do  
23 in this chunk of time is record as many additional or  
24 the same that we talked about this morning issues,  
25 questions, ideas, concerns and also specific examples

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1 that any of you can provide that are relevant and  
2 important that the NRC address as it goes through its  
3 revision process.

4 So Debra has asked me to have all of you  
5 who want to be recorded, who want to have your  
6 interests recorded to speak into the microphone, so  
7 that she can capture that, and then Carl and Sam will  
8 also be capturing things. So feel free to just jump  
9 in. I'm not necessarily going to be writing up  
10 anything on the flip chart unless we need that.

11 There's two other brief things. At the  
12 end of the day today, we're having a plenary session  
13 and in that plenary session each breakout session is  
14 going to be asked to report out to the overall group  
15 what happened in the session, so I would like to ask  
16 for a volunteer who is willing to do that. And then  
17 we'll spend the last 10 minutes of this session making  
18 sure we know what it is we want that person to say.

19 Does anybody want to volunteer to do that?  
20 Great. Thanks. What's your name?

21 MR. WICKS: Jim Wicks.

22 FACILITATOR WIGHT: Tim Wicks, okay.

23 MR. WICKS: No, Jim.

24 FACILITATOR WIGHT: Jim, okay. Jim Wicks.

25 Thank you. So at 10 minutes before the end of our

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1 time, which is from now until 12:15, I'll stop any  
2 conversation and we'll record what it is we want Jim  
3 to say on behalf of this group. So jump in, please,  
4 speak into the mikes or if you can, speak loudly.

5 MR. WEINKAM: I'm Ed Weinkam from Nuclear  
6 Management Company. One of the things that I found  
7 effective out of Generic Letter 91-18, the way it is  
8 done now, is the flow chart that shows you how to  
9 address degraded or nonconforming conditions. And I  
10 would ask that the staff consider expanding on each of  
11 the blocks as part of a flow process to just give a  
12 little bit more definition on what is expected to  
13 occur in those blocks and what the decision making  
14 actions are in those blocks. But I think it is a very  
15 effective tool.

16 Secondly, in this morning's session, we  
17 discussed in the earlier session, we talked a little  
18 bit about reasonable assurance of operability in  
19 Generic Letter 91-18. It's actually, I believe,  
20 reasonable assurance of safety as stated in the  
21 Generic Letter, and it talks about SSCs that are not  
22 expressly subject to the tech specs. And obviously,  
23 the way I read that is that's criteria 16 issues and  
24 I think that perhaps we could talk a little bit more  
25 about the applicability of criteria 16 to reasonable

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1 assurance of safety. Thank you.

2 FACILITATOR WIGHT: Other issues,  
3 questions? Just come on up to the mike.

4 MR. LEBLOND: Pete LeBlond, LeBlond and  
5 Associates. The current Generic Letter speaks and, we  
6 had talked a lot about this in the earlier session,  
7 defines the term reasonable expectation of  
8 operability. It's supposed to have that so that the  
9 end of a determination time period that can be some  
10 period of time, 24 hours, except for cases that take  
11 longer.

12 We heard a lot of discussion. I think  
13 there needs to be a lot of examples on what  
14 constitutes a reasonable expectation, what it looks  
15 like when you've got it, and what it looks like when  
16 you don't have it. It seems like that's a big area of  
17 confusion.

18 FACILITATOR WIGHT: Are there examples  
19 that you can provide?

20 MR. LEBLOND: Oh, I got a lot of examples,  
21 sure. But I mean, do you want them now, I mean?

22 AUDIENCE MEMBER: Yes.

23 FACILITATOR WIGHT: Yes. Well, at least  
24 a few anyway.

25 MR. LEBLOND: All right. Well, the

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1 problem is I used to work for a big utility, but now  
2 I'm a consultant, so I'm scared about, you know,  
3 pulling out somebody who is going to smack me upside  
4 the head here.

5 FACILITATOR WIGHT: I understand.

6 MR. LEBLOND: Just give me a second to  
7 recraft some, and then I'll stand up and give an  
8 example.

9 FACILITATOR WIGHT: Okay.

10 MR. LEBLOND: Okay. Okay.

11 MR. BARBER: Hi, my name is Scott Barber.  
12 I work for Region 1 right now. I was the senior  
13 resident at Susquehanna a number of years ago. The  
14 one I would give you is one where I thought it was  
15 appropriate. It was a circumstance where the utility  
16 where I worked had discovered that a Luwa pump for a  
17 HPSI turban had a deficiency. Specifically, it was  
18 actually in the discharge piping and the piping they  
19 found out was supposed to be seismically qualified and  
20 it was not seismically qualified.

21 And the concern was if there were a  
22 seismic event, that the piping could fail and could  
23 cause a loss of luwa and cause a subsequent loss of  
24 function of the HPSI turban. This is the large 5,000  
25 gallon a minute turban for a boiling water reactor.

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1 And what they did, they had, in fact, installed some  
2 piping that was an appropriate schedule for the  
3 application. It was actually like a schedule higher.  
4 And what they used is they actually had surveyed the  
5 area and looked at the pipe that was affected, had  
6 noted it was a very short running pipe, it was on the  
7 order of like 3 feet long.

8 The pipe actually was supported just  
9 through pipe supports over that very short section.  
10 And even though the pipe and the installation, there  
11 was some question about it, they said based on the  
12 configuration fact that it was short, it was a rugged  
13 pipe. They had some conservatism in the design. They  
14 considered that to be reasonable, and they had a  
15 reasonable expectation once they evaluated that it  
16 would be operable.

17 In actuality, that was actually about a  
18 sentence or two in the operability determination and  
19 I said that's fine. I had no problem whatsoever with  
20 that. And I had actually went down and I saw it for  
21 myself, too, so that was another added assurance.  
22 Now, that's probably an overly simplified version.

23 AUDIENCE MEMBER: That's what I was going  
24 to say.

25 MR. BARBER: Yes.

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1                   AUDIENCE MEMBER: That would be. You're  
2 sitting here and the kind of case where I think would  
3 be gray area would be a vendor notification. It says  
4 "We even tested these switches from somebody else, and  
5 we found that if you got this defect, then it is a  
6 problem." Oh, by the way, we've only found one.  
7 We've looked at a thousand, and you've got 100 of  
8 them. So where do they go from here? So there would  
9 be an area where you are sort of in between. You  
10 know, minor loss of full qualification, as this fellow  
11 just talked about, you know, once you look at what is  
12 my initial margin, what's my full qualification, what  
13 have I lost adds functional areas.

14                   Whereas if I got the disease, I'm dead.  
15 How can I tell if I've got the disease? I'm not sure.  
16 That would be an example of sort of gray areas.

17                   FACILITATOR WIGHT: Yes, great. Thanks.

18                   MR. WICKS: I'm Jim Wicks, Palisades,  
19 again. The example, NRC resident, former resident  
20 Gaith, I can imagine it's not just a few minutes for  
21 engineering to go down there and look at all this  
22 piping and get all this information to come up so they  
23 can provide that line of information or operability  
24 determination. But I think the question earlier was  
25 the prompt determination of operability, since there

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1 is no indeterminate state.

2 While engineering is off looking at this  
3 and determining how long the run of pipe is and what  
4 the schedule was and everything, the shift manager  
5 needs to have some reasonable assurance that it's  
6 operable or not. Now, again, it goes back to prompt  
7 determination of operability. You assume an SSC is  
8 operable until proven not. So in this case, the shift  
9 managers say if the HPSI turbans pass that  
10 surveillance test for the past umpteen months, you  
11 know, it has proven its operability tech spec big "O."

12 Well, now, you know, I allow some time for  
13 engineering to go out and gather information to give  
14 me, you know, back that up, and then if you need, like  
15 you said, further documentation or research that might  
16 take a couple of days, then that's fine, too. But  
17 prompt determination of operability is the big  
18 question. So I just wanted to address that. And I  
19 think it is great. Right. And that's how we do  
20 business, and I personally believe that meets the  
21 intent of Generic Letter 91-18.

22 But the issues I want to address are more  
23 Operable But Degraded type stuff, and I can give real  
24 good examples. One would be a valve that, let's say,  
25 a normally closed valve, the safety function is to

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1 open to provide sub-coin to a high pressure safety  
2 injection pump during recirculation activation system.  
3 For those boiler people on a pressurized reactor, that  
4 safety injection flowing water tank empties in the  
5 first 20 minutes, your safety injection pumps then  
6 suck off the sump and provide recirculation that way.

7 So your high pressure safety injection  
8 pumps need sub-coin to maintain that part of the  
9 suction head. So this valve provides a function.  
10 Okay. So now the valve slant -- it won't come off a  
11 closed seat, it's inoperable, pretty darn straight  
12 forward. Well, you can't -- you go up and there is  
13 two questions I had. One, you finally get it off its  
14 closed seat, and the first question is what if you  
15 suspend it and you need an operability of 72 hour  
16 action statement to make it operable again, so you can  
17 meet the LCO.

18 What if during that 72 hours you get it to  
19 work again, you get the stroke and it meets all the  
20 surveillance requirements, however, you can never  
21 figure out why it is stuck. Can you call it operable?  
22 I don't know the answer to that question. The correct  
23 question is do you ever need to find out the root  
24 cause to declare something operable and it is tech  
25 speced and can go on and meet its surveillance

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1 requirement with repeatability and pretty strong  
2 assurance that there is no reason to see why it would  
3 stick again?

4 Okay. Now, in this case, we're lucky we  
5 found the problem and we were able to fix it. Okay.  
6 Now, the valve stroke is fine. However, then they  
7 found that the position indication, remote position  
8 indication in the control room didn't work. Something  
9 happened to it. Okay. Now, the next question is do  
10 you need remote position indication of a valve for  
11 that valve to be operable knowing that it would stroke  
12 when it is supposed to? I mean, you got local  
13 indication. You have indicators of flow. So again,  
14 this goes into the are Operable But Degraded type  
15 questions.

16 And the last example I have is contain  
17 isolation valve. This is the one that has confused me  
18 for years at Palisades. To contain isolation valves,  
19 you're going to do maintenance on it. We're new  
20 getting into the Maintenance Rule issues. If you want  
21 to work on a containment, a valve downstream, a  
22 containment isolation valve and you're going to the  
23 find the containment isolation valve closed, and  
24 that's a safety function, right, in the closed  
25 position?

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1           So if you fail to close, do you have to  
2 enter the tech spec action statement? It's in a  
3 safety position. It won't move, but it's performing  
4 safety function. Is it operable, because it is  
5 performing a safety function or is it inoperable  
6 because you isolate the air to it and cause it to fail  
7 close. So again, that goes into is it operable? Is  
8 it Operable But Degraded? Is it inoperable?

9           So these are three Operable But Degraded  
10 questions that I would like to see resolved in this  
11 workshop. See what other people think, feel and maybe  
12 get some further guidance. Thank you.

13           FACILITATOR WIGHT: Thanks. Other issues  
14 or questions? Are there any of you that have specific  
15 ideas or suggestions that you would like NRC to  
16 include in the structure of the revised guidance or  
17 the content? Like for instance, some of these  
18 examples that we're talking about in the revised  
19 guidance?

20           MR. LEBLOND: It's me again, Pete LeBlond.  
21 It's common for people to extend the scope of their  
22 corrective action operability determination processes  
23 to beyond safety related. I know of nobody that  
24 limits it just solely to a safety related point. So  
25 that fact, I think, should be more clearly -- and

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1 that's consistent with the existing Generic Letter,  
2 that should be more clearly stated in the existing  
3 Generic Letter, because people get confused as to  
4 well, my tech specs is safe evaluated, not tech spec  
5 safe evaluated. When, in fact, in practice people  
6 follow the spirit of the 91-18. It says their  
7 identification process is substantially larger,  
8 broader than that. And that's not what we currently  
9 articulate.

10 FACILITATOR WIGHT: Okay.

11 MR. SIMPSON: Pat Simpson with Exelon  
12 Nuclear. A clarification in terms of when you do find  
13 it degraded or nonconforming condition, usually, you  
14 do some sort of extensive condition review to see  
15 where else that might occur or exist. And some of the  
16 issues we have had with that is that some residents  
17 have the opinion that you need to go to an Op. Eval.  
18 for everything that might be in that population, even  
19 though you have no evidence at all that they are  
20 degraded or nonconforming, but they think you ought to  
21 go do one.

22 And I guess we've taken the position,  
23 typically, we don't do that, because unless you  
24 actually discover one or have reason to believe that  
25 it is inoperable or it may be degraded, that there is

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1 really no point in doing that. So I think it would be  
2 beneficial to get clarified whether the Agency expects  
3 you to do one or not do one, so that we quit having  
4 this discussion. And then that's basically it.

5 MR. SCHULTEN: What did you say do what?  
6 What was it?

7 MR. SIMPSON: Oh, do an Op. Eval.

8 MR. SCHULTEN: A what?

9 MR. SIMPSON: An operability  
10 determination.

11 MR. SCHULTEN: Okay.

12 MR. DOUGHERTY: Chuck Dougherty, Pacific  
13 Gas and Electric Company. I guess I was a little  
14 unprepared for this meeting when it came to the  
15 examples, and I haven't heard good examples, because  
16 I think of the examples in the NEI guidance for 50.59,  
17 where people that have to make decisions or, you know,  
18 do analysis for 50.59, there's some examples in that  
19 document that gives good guidance on how we apply  
20 that. Now, I've heard one example here where former  
21 resident NRC inspector gave an example and said, you  
22 know, this was provided in an hour. That's a pretty  
23 good time period.

24 But I think that's the examples they are  
25 looking for, right? They are looking for examples

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1 that will help us to apply the guidance that they want  
2 to issue. So I just want to say I wasn't prepared to  
3 provide examples like that. I think -- I don't know  
4 if everybody else was, but I haven't heard any yet in  
5 this meeting.

6 FACILITATOR WIGHT: Let me just note that  
7 this isn't the only opportunity to provide input, of  
8 course. This is pre-revision. So the examples are  
9 exactly what you just said, as well as, you know,  
10 examples where you all are having difficulty. So not  
11 only what would be in the revised guidance, but just  
12 the specifics of where there is currently problems.  
13 So if you have input at some point after this  
14 workshop, feel free to email it to Kerri, please.  
15 This isn't your only chance. This is just a chance.

16 MR. OWENS: James Owens with Grand Gulf.  
17 I have an example and I guess kind of a comment. An  
18 example in our, what would be called at some plants,  
19 emergency service water pitting in the piping, wall  
20 thinning and the system has passed all the  
21 surveillances.

22 So per tech specs, the system is operable,  
23 but a determination has to be made as to is the wall  
24 thinning adequate? Does it still meet all the  
25 standards? And can we continue to operate in that

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1 condition? And also, how long can we continue to  
2 operate? Can we continue to operate to the next  
3 refueling outage where we can repair it or is it a  
4 condition where it needs to be repaired sooner?

5 And NUREG 10-22, and I would think based  
6 on examples that you get, we'll get a document that  
7 looks similar to that, it provides examples and that  
8 gives everyone a better basis for making  
9 determinations, because you have examples that you can  
10 look at, and it gives you a better comfort level that  
11 you're making the right determination.

12 MR. SCHULTEN: So the comment is to  
13 provide examples similar to those found in NUREG 10-  
14 22. Okay.

15 MR. WICKS: Jim Wicks, Palisades. Two  
16 issues. One, the gentleman brought up the extended  
17 condition, that's a good one. I would also like to  
18 see clarification as to what you would -- like how far  
19 you want to go with the extended condition or  
20 aggregate review, as the term has become popular  
21 lately. When one thing is declared inoperable or  
22 you're doing an evaluation on it, what kind of  
23 aggregate review and how far do you want to go?

24 That also attaches to the question or the  
25 issue this gentleman just raised on if wall thinning

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1 of the piping, okay, fine, meets the surveillance  
2 requirements today, but if you had a design basis  
3 accident and your flow raised, both of the piping was  
4 raised because of the now increased cooling unit,  
5 would it be able to hold up to that? And do you need  
6 to do that kind of review to determine operability,  
7 currently or is that something that goes into an  
8 Operable But Degraded evaluation for when you have to  
9 repair it?

10 MR. BURTON: Steve Burton, senior at  
11 Monticello. I think I heard you ask a question, which  
12 is what do you have to do to reflect operability  
13 currently? And the answer, I believe, is already  
14 contained in 91-18, but it probably requires  
15 clarification is what I'm hearing. And that is that  
16 the operability determination has to discuss the  
17 current licensing basis.

18 An example of the service water pipe is a  
19 great example. Let me give you a simpler example.  
20 The current licensing basis, a plant has a pump, a  
21 pump is -- this is an actual example. The pump has an  
22 amount of bearing material that is slowly increasing  
23 in the oil. At some point that pump will fail. The  
24 question is not only is it operable because it passed  
25 the surveillance, it has to meet the current licensing

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1 basis.

2 The current licensing basis includes the  
3 mission time of that pump and the mission time of that  
4 component, as it was pointed out. So your pump  
5 operability eval has to get surveillance as only a  
6 demonstration of operability, and this is also stated  
7 in 91-18, a demonstration of operability in that all  
8 the current licensing bases are currently met. Once  
9 you find a degraded condition, you have to evaluate  
10 that further to include the current licensing bases,  
11 and that would include the original analysis.

12 Does it meet its mission time? Is it  
13 maybe going to make a seismic -- is it going to be  
14 seismically qualified? So once you find a degradation  
15 in the current licensing bases, operability itself is  
16 not guaranteed any more by just the passing of the  
17 surveillance. And you have to go further than that.  
18 The prompt operability evaluation, to another comment  
19 that was made, is made immediately. When the shift  
20 supervisor is presented with that degraded condition  
21 and he makes a decision, I think or I don't think, I  
22 got to get help.

23 If he says I don't think I got to get help  
24 or I got to get help, but I have a reasonable  
25 assurance that it's down there, he makes the decision

1 whether it is operable or inoperable. That decision  
2 is made immediately by that guy. Now, he may further  
3 amplify that decision within a 24 hour basis or within  
4 the guidance of, I believe, it says the allowed outage  
5 time.

6 The reason that statement is in there is  
7 to simply say that if he is in doubt or it is  
8 indeterminate, he says it is inoperable. Once he says  
9 it is inoperable, now he is going down the road, the  
10 allowed outage time is governing. Now, this is where  
11 we, as residents, have recommended changes or  
12 improvements in 91-18, and that is to integrate that  
13 final decision process. What happens if he says it is  
14 inoperable, then they go down there afterwards and  
15 they start that operability eval and determine it is?  
16 How does that impact performance indicator time,  
17 Maintenance Rule, out of service time?

18 We need a lot of guidance in that area to  
19 determine those impacts. So I think to answer your  
20 question -- hopefully, I answered your question about  
21 the current licensing bases and the examples. And  
22 there's lots of good examples out there. And the  
23 examples that we provide them have also been  
24 recommended by the resident staff to be added to the  
25 documentation.

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1 MR. OKORN: Hello, my name is Al Okorn.  
2 I'm from Perry Operations. I've had a comment with  
3 91-18 for a while now. And it has nothing to do, I  
4 don't think, specifically with the examples that were  
5 given here. But I heard statements made in the room  
6 that, I think, reinforces my opinion of this. And  
7 that is that I heard it said that you are operable  
8 until you have reason to believe you are inoperable.

9 And I think that comes from the statement  
10 in 91-18 that says without information to the  
11 contrary, you probably remember reading this, "Once a  
12 component is established as operable, it is reasonable  
13 to assume that the component or system should continue  
14 to remain operable." In other words, the  
15 interpretation of that is I'm operable until somebody  
16 proves me wrong. And I think that gives the operator  
17 an incorrect bias on operability, that particular  
18 statement.

19 That is I can tell you when I was on  
20 shift, if somebody came to me with a concern saying,  
21 for example, the design mod that we just put in the  
22 plant, the calculations that we did that design mod  
23 with, the software for that, didn't have the right  
24 revision level of upgrade, for example. Now, does  
25 that affect my operability? In other words, I might

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1 have a design calculation that is wrong. As a shift  
2 manager, I have no idea if I'm operable or not.

3 Now, you can't be indeterminate, so I have  
4 to make a decision. My bias says well, until you tell  
5 me that calculation affects operability, I'm operable,  
6 with this statement. And I heard it from you, too,  
7 Jim. But you really ought to be not biased in that  
8 situation. That is if I hear that you've got to  
9 convince me that I'm operable, not convince me that  
10 I'm inoperable. Otherwise, you'll go non-conservative  
11 on us. You are bias, non-conservative. So I think  
12 the statement which is just a description of  
13 operability could be clarified to remove that bias.  
14 Thanks.

15 FACILITATOR WIGHT: Great. Thanks.  
16 That's exactly the kind of input we're looking for, as  
17 well as what we've heard so far.

18 MR. LEBLOND: I promised you an example.  
19 The revision to 91-18 that was out last -- two years  
20 ago included a statement that said "The degree of  
21 reliance on a comp action is one indication of degree  
22 of degradation." I thought that was pretty good. So,  
23 for example, I'm aware of a fire pump at a location  
24 that has got a three hour mission time, and that makes  
25 a lot of sense because it is only connected to a tank

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1 that if the pump ran for it's full capacity, it is  
2 only good for four hours anyhow. So it certainly  
3 appears that the three hour mission looks good.

4 So let's say there is a cooling issue and  
5 now the vendor says that well, the pump will only run  
6 for three hours, if after an hour and a half you go  
7 down and have somebody realign the cooling system to  
8 make sure it runs for the full three hours. That  
9 would be the example that the degree of degradation is  
10 large. It's reliance on a comp measure. Are you  
11 operable? Probably, but just barely. And the need  
12 for corrective action is exquisite.

13 There would be an example, I think, that  
14 would sort of be in that gray area that might have a  
15 foundation in your earlier draft.

16 MR. OKORN: I need to think how to phrase  
17 this. Al Okorn at Perry. One of the things that 91-  
18 18 with all its increased visibility in the business,  
19 the effect that it's having on a guy in a control  
20 room, is the determination of reasonable assurance of  
21 operability for why is the shift manager calling the  
22 component operable. Now, I'm not saying that it is  
23 wrong that this happens. But you ought to know what  
24 the effect is on the operator when that happens.

25 At some point, the guy making the decision

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1 has got to start doing research. He has got to get on  
2 the phone. He has got to have people come up and call  
3 and talk to him. Maybe even hold meetings sometimes.  
4 And then he is expected to document all that somewhere  
5 in the Corrective Action Program, so that there is  
6 traceability on why he is saying that that component  
7 is operable.

8 So now you take an individual that you've  
9 got running a nuclear reactor and you are putting him  
10 into an administrative role, sometimes for a good  
11 portion of his shift, researching this just to gain  
12 that interim operability statement to say I'm operable  
13 while the operability recommendation is being  
14 produced. And the extent to that documentation in the  
15 Corrective Action Program varies, naturally, with the  
16 situation. But often times it is extensive. So it  
17 takes a lot of research on this individual's part in  
18 some instances, and the more research you do,  
19 naturally, the more you have to document.

20 So the inclination then is to start asking  
21 for more operability determinations from your  
22 engineering organization, which loads them down pretty  
23 significantly. One of the questions you will see out  
24 on the network a lot is how many do you do a year?  
25 You know, we do 90. They do 70. We do too many. Why

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1 are we doing too many? And that pushes it back onto  
2 the shift guy again so to try to completely resolve it  
3 on the shift and document that.

4 So this whole thing of interim  
5 operability, I think, needs to be clarified, just so  
6 that the guy in the control room understands what it  
7 is that he needs to do to have reasonable assurance.  
8 I think that's it. Thanks.

9 FACILITATOR WIGHT: Thanks.

10 MR. CROSSMAN: My name is Jim Crossman.

11 AUDIENCE MEMBER: Oh, I'm sorry.

12 MR. CROSSMAN: From Dominion.

13 FACILITATOR WIGHT: Let's go over here  
14 first.

15 MR. CROSSMAN: I guess what I would like  
16 to see happen as we're, you know, looking through this  
17 91-18 document and maybe making some revisions is to  
18 expand a little bit on what constitutes a degraded  
19 condition, you know, for instance, for nonconforming  
20 conditioners, for example, of what constitutes a  
21 nonconforming condition, but for a degraded condition,  
22 it's just real basic, any loss of quality or  
23 functional capability.

24 Well, does that mean like a one drop per  
25 day oil leak from a high head safety injection pump?

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1 Is that a loss of quality, because that's where the  
2 operators, SROs at our plant, are struggling with  
3 lately is, you know, at what point do you need to do  
4 this operability determination? You know, so where is  
5 the threshold, I guess, of normal operational type  
6 seal leaks and oil leaks?

7 We have had some problems with, I guess,  
8 the NRC resident inspector when he sees there is a  
9 work request submitted on some sort of safety  
10 equipment like a diesel generator for maybe a minor  
11 oil or coolant leak. He wants to know where the  
12 operability determination is and, you know, it has  
13 been our policy in the past that the shift manager  
14 will look at the work request, ask the appropriate  
15 questions and determine if it's really any sort of  
16 significance and if not, you know, there is no  
17 documentation of operability. So I think that might  
18 be resolved if we expanded on what a degraded  
19 condition was, provide some examples, help the  
20 operational shift figure out.

21 FACILITATOR WIGHT: Can you think of any  
22 examples or are you looking for NRC to give those to  
23 you?

24 MR. CROSSMAN: Well, examples might be the  
25 best way to go about it, provide some examples of loss

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1 of quality that should be considered in a degrading  
2 condition requiring an operability determination, I  
3 guess, formal documentation.

4 FACILITATOR WIGHT: Okay.

5 MR. VIDAL: Avi Vidal, Plant Hatch. I had  
6 a question or something that I think needs  
7 clarification is in the Generic Letter and it's on  
8 page -- it appears it's attachment 1, page 11 of 14,  
9 and down here it says page 8. But at any rate, it's  
10 the change of the current licensing basis, and let me  
11 quote. "The other situation is a final resolution in  
12 which the licensee proposes to change the current  
13 licensing basis to accept the as-found nonconforming  
14 condition. In this case, the 50.59 evaluation is of  
15 the change from the SAR-described condition to the  
16 existing condition in which the licensee plans to  
17 remain, i.e., the licensee will exit the corrective  
18 action process by revising its licensing basis to  
19 document acceptance of the condition." If you then do  
20 a 50.59 and it concludes that you need a change to the  
21 tech specs or it's a USQ, a license amendment has to  
22 be sought.

23 Now, in that same section, it states "In  
24 this situation, the need to obtain NRC approval for a  
25 change, e.g., because it involves a USQ, does not

1 affect the licensee's authority to operate the plant.  
2 The licensee may make mode changes, restart from  
3 outages, provided that necessary equipment is  
4 operable."

5 And here is the offending statement to me,  
6 being that "The degraded condition is not in conflict  
7 with the tech specs or the license." The last part,  
8 "or the license," we have already determined that it's  
9 outside our licensing basis, so is that a  
10 contradiction from the earlier statement?

11 FACILITATOR WIGHT: I'm about to put you  
12 on the spot. A couple of you in the front have been  
13 discussing something. Is there a question or an issue  
14 you would be willing to share with us?

15 MR. HOLZMAN: Yes, Phil Holzman again.

16 FACILITATOR WIGHT: Thank you.

17 MR. HOLZMAN: I came to this with an  
18 expectation that this meeting, this breakout session,  
19 would be a dialogue. Okay?

20 FACILITATOR WIGHT: With the NRC?

21 MR. HOLZMAN: Absolutely. All right.  
22 And, I think, fundamentally there is a defect in what  
23 you're doing, because you just want questions, but  
24 there is no dialogue to help us create, to help us  
25 refine those questions and to help us sort of seek

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1 some understanding about, you know, where there are  
2 issues that need clarification. So I think to some  
3 extent, at least my impression would be certainly,  
4 we're struggling.

5 I think maybe some of the other people  
6 might the same way, because, you know, the way to get  
7 at some of the questions that need clarification is to  
8 have the kind of dialogue that we had this morning.  
9 I don't know how many NRC people are here or that they  
10 could -- you know, that they are relatively well  
11 informed about this particular topic area, but I think  
12 that's part of a problem in this session. I don't  
13 know if it is necessarily in the other session, as  
14 well.

15 FACILITATOR WIGHT: Can I just get a sense  
16 from the room? Is that a common feeling here?

17 ALL: Yes.

18 FACILITATOR WIGHT: Wow. Okay. Well, let  
19 me put Carl on the spot and ask is that something we  
20 can do even though we weren't prepared to do that, we  
21 meaning you?

22 MR. SCHULTEN: The only thing I could  
23 suggest is that we see if we could get people here for  
24 either the rest of the session today, I mean, this  
25 morning or certainly for this afternoon, and of a high

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1 enough level and a knowledge of the guidance that's  
2 contained in 91-18. I think that would probably be  
3 Jim Luehman. I did ask him before he left if he was  
4 planning to remain at the session. Obviously, he is  
5 not. He has, I think, a representative here. I don't  
6 know if that representative is interested in coming  
7 forward and fielding questions. That's what I'm  
8 hearing, is that you would like the -- oh, you can?  
9 I mean, that's --

10 AUDIENCE MEMBER: Yes, I think that's  
11 okay. I would like to ask NRC about breakout  
12 sessions, the way they breakout discussions and any  
13 questions. I think there's clearly opportunity to do  
14 this and sufficient letter for the public, I think,  
15 you know provide for the answers.

16 FACILITATOR WIGHT: Oh, I'm sorry, go  
17 ahead.

18 AUDIENCE MEMBER: What I was going to say  
19 is we had a discussion.

20 FACILITATOR WIGHT: I apologize if I made  
21 it seem that that's not possible in this room. We're  
22 certainly -- I'm not trying to suggest that we can't  
23 have dialogue. I just wanted to set the expectation  
24 that in this breakout, we're not necessarily able to  
25 provide specific answers. But if you have things you

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1 would like to react to, please, do so. I would  
2 encourage that.

3 We're a little stilted in this room. You  
4 will find out in the other breakout sessions, we're in  
5 much smaller rooms, and it will be a more free flowing  
6 dialogue, partly because of that. But, please, don't  
7 hesitate to stand up at the mike or just shout it out.  
8 The disadvantage of shouting it out is it won't get  
9 captured in the transcript, but we have note takers up  
10 here, so it's all right if every single word isn't  
11 captured. So, please, feel free to dialogue back and  
12 forth. If any of you all want to come up here since  
13 there are mikes, feel free to do that, as well.

14 MR. SCHULTEN: Or maybe we can sit down  
15 there. Would that help?

16 FACILITATOR WIGHT: This is a lavalier  
17 mike, too, which I might hand you. Would you be  
18 interested in that?

19 AUDIENCE MEMBER: All right. I'll talk,  
20 but I don't want it to be just me. I don't want to --

21 FACILITATOR WIGHT: Well, but, I mean, you  
22 could pass it around.

23 AUDIENCE MEMBER: I know Steve would  
24 suggest --

25 AUDIENCE MEMBER: Steve never has an

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1 opinion.

2 AUDIENCE MEMBER: I don't know, you guys.  
3 You want to hear what we have to say about anything or  
4 you just want to -- or is that what you have?

5 AUDIENCE MEMBER: Is there a  
6 representative?

7 AUDIENCE MEMBER: Well, given that we have  
8 sort of gotten that out of the way, I mean, one of the  
9 things that, I think, came up this morning that's  
10 directly related to this discussion, sort of evolved  
11 out of this ultimate source term question, which I  
12 don't necessarily want to talk about. We can talk  
13 about, but I was -- my question was a broader  
14 question, okay, and that is that the guidance, I guess  
15 we'll call it 91-18 guidance, it's really an  
16 inspection manual, but the guidance on operability,  
17 you know, defines making the determination about  
18 operability.

19 It says you don't have to meet your  
20 licensing basis. It's not necessarily clear whether  
21 that determination -- it doesn't say anything clearly  
22 about whether you must meet your design basis, but  
23 what it says is that you have to have a reasonable  
24 expectation that the equipment will perform its  
25 function. And I think we were struggling this morning

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1 to understand to the extent that that can be clear,  
2 understand more clearly what that means or at least  
3 what people interpret that to mean. And, I guess,  
4 part of my question might be does that mean you have  
5 to meet your design basis or you can be somewhat less  
6 than that?

7 AUDIENCE MEMBER: There are two parts to  
8 operability from the resident inspector perspective,  
9 and let me start out by saying we're trying to get --  
10 we have recommended a flow chart. We have recommended  
11 definitions. We have recommended some basis for our  
12 each of these elements and, hopefully, they will flow  
13 together. That is some of the types of things we have  
14 recommended.

15 When it comes to operability and you make  
16 this prompt operability determination, which is made  
17 when you discover the condition, and this sort of  
18 leads to something I want to comment before on that  
19 other question over there about what does -- I forget  
20 how it was worded, but there is a statement in 91-18  
21 that says something to the effect that people are  
22 saying it's operable until proven otherwise.

23 Well, once you -- there is a gray area  
24 there, which we have asked for clarification on. That  
25 gray area is that when you have a calculation, for

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1 example, and the calculation is in question, does that  
2 constitute a degraded condition? In general, I think  
3 the resident staffs allow the engineering staffs to  
4 continue to evaluate that calculation, because  
5 operability is a continuous and ongoing process, until  
6 they come to something that says oh, this now impacts  
7 operability.

8 On the other hand though, you have another  
9 type of degraded condition, the non-seismic qualified  
10 piece of piping once it's discovered. At that point,  
11 the shift manager makes -- when he says I'm going to  
12 call this operable, he has made an operability  
13 evaluation. Now, that's really the first part of the  
14 prompt evaluation.

15 Generally, he is going to want to back  
16 that up with some engineering judgment. He will call  
17 engineering and he'll say how long do I have to do  
18 this? Well, you have really got a guidance there, and  
19 we have asked again for clarification on it. A  
20 guidance is usually within 24 hours. A good guidance  
21 though, being the thumb rule, is the allowed outage  
22 time.

23 Why is that statement there? That  
24 statement is there, because if he doesn't know and he  
25 had to go the other way, he would go down there and he

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1 would look at that piece of piping on that seismically  
2 qualified component and said this seismically  
3 qualified component is now -- I am in doubt. He goes  
4 the other way, inoperable.

5 Now, in this prompt operability  
6 evaluation, what we hear are our management telling  
7 us, specifically OE, is a preponderance of the  
8 evidence. What does that mean? That means it's 51  
9 percent it's operable. That is what they tell us.  
10 Okay. 51 percent. Now, again, that process is  
11 ongoing.

12 If you sway the -- once you make that  
13 prompt evaluation, you have got that 51 percent  
14 competence that you're -- somewhere down the line is  
15 operable, I think this is going to now allude into  
16 answering your question, that as you move down that  
17 road of operability from there, you continually are  
18 now going to perform the full operability evaluation,  
19 the one operability evaluation, which is going to  
20 evaluate that condition against the current licensing  
21 basis.

22 And as you move down that road, you are  
23 always on this preponderance of evidence line, and its  
24 comparability is continuous and ongoing and, at some  
25 point, you may find that you have become inoperable.

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1 Hopefully, your final evaluation will support your  
2 prompt decision, but you may find not. But that  
3 initial prompt decision is based on a preponderance of  
4 evidence.

5 You move down the line now assessing that  
6 condition against the current licensing basis, and  
7 that is an interesting thing. It's not just that it  
8 passes tech spec surveillance or so on. Current  
9 licenses basis is every commitment, every document,  
10 every regulation out there. There is a definition in  
11 both Part 54, as well as in Generic Letter 91-18 that  
12 says it's everything, and it's not and that's why the  
13 Design Basis Reconstitution Program is very important,  
14 and that is why engineering is going to have to be  
15 involved, and that is why the recommendation that we  
16 had in examples of, you know, is an oil leak impacting  
17 your current licensing basis, where is that threshold?

18 You know, that is a really good example,  
19 and I think more of those would be great, but you do  
20 go -- as you go down this road, you are continually  
21 making a decision. At some point, the guy signs off  
22 and says this issue is now operable, and we believe  
23 it's operable, because or the degraded conditions have  
24 been resolved. And that final operability  
25 determination is either operable or Operable But

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1 Degraded, and that is supported by that decision  
2 making process.

3 All right. And that is what I perceive is  
4 the process that goes on. I'm not sure it's  
5 consistently applied. I'm not sure the threshold is  
6 the same for every inspector. I mean, I am hearing  
7 somebody talk about oil leaks. I might not be -- that  
8 might not be my threshold, but maybe I don't  
9 understand the situation. Maybe that oil leak is such  
10 that somebody is questioning will it under load make  
11 its mission time?

12 There is some judgment that has to be  
13 involved in the threshold, and not everybody's  
14 threshold is the same. I think it is a great idea  
15 that examples are provided to get there. So, I think,  
16 that is my interaction to those parts, and I will be  
17 happy, and I'm sure the rest of the resident staff  
18 will be happy to give you their perspective. The rest  
19 of the inspection staff here will be happy to  
20 interject as I did if that is what you would like, if  
21 this is more what you would like.

22 FACILITATOR WIGHT: Okay. Who else has  
23 something they would like to comment on then?

24 AUDIENCE MEMBER: I'll comment on that,  
25 because I --

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1 FACILITATOR WIGHT: Can you use the mike?

2 Thanks.

3 AUDIENCE MEMBER: I guess if it's really  
4 51 percent, here is how I would react to that. You  
5 know, number one, I don't think I would ever tell  
6 anybody to do that. Okay. Number one, it tells you  
7 that there is 49 percent chance that the call is  
8 wrong. Okay.

9 So let's just say a utility decides to go  
10 with 51 percent. One of two things will happen,  
11 either A, when they are all done, they will say look,  
12 it's still operable. That's really cool. But,  
13 obviously, the degree of degradation was pretty large  
14 or else it would have been an easier call. So,  
15 therefore, they have made themselves vulnerable for a  
16 corrective action violation, because they have  
17 extended out their time period for corrective action.  
18 And this is all -- I mean, I got specifics sites, at  
19 this point, this happens a lot, or B, they are a  
20 loser. It's 49 percent and the next week it comes  
21 back and it says 49 percent. It's 49 percent, it's  
22 operable and it turns out it's inoperable.

23 So now, it turns out they have been  
24 running now for a week, 10 days, as you suggested, 30  
25 days in our conversation, 30 days, holy-schmolly, so

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1 they have been running on a bad operability evaluation  
2 with a 49 percent chance of getting the wrong answer  
3 for 39 days. Those people will not go unnoticed when  
4 it comes time for their PI indicator.

5 So if it's really 51 percent, then we got  
6 to get that written down someplace and we got to have  
7 that integrated in with corrective action guidance and  
8 corrective action citation, because the door is going  
9 to swing one of two ways there. It's either going to  
10 be operable, corrective action delayed, or it's going  
11 to swing the other way and they are going to get a  
12 citation for having run with inoperable equipment and  
13 not having entered the LCO. So either way, those are  
14 losers. So if we're really going to go with that, we  
15 got to get that written down, because that's what  
16 makes people vulnerable.

17 AUDIENCE MEMBER: I would concur to some  
18 extent in that preponderance of evidence is not  
19 necessarily, the way I understand it applied, is not  
20 necessarily a degree of degradation. It's the  
21 evidence relative to the degraded condition.  
22 Additionally, right now the only current guidance we  
23 have if somebody makes the wrong call and then at a  
24 later time -- is there is a statement in 91-18 that  
25 says you can expect a call from the region to your

1 staff on why you made the wrong decision.

2 We as the resident staff have asked also  
3 for resolution in that area or maybe better  
4 clarification. I don't know if it will come, but we  
5 would concur with some of that observation.

6 AUDIENCE MEMBER: I would like to do  
7 something a little different. I want to give you an  
8 example of something that happened at a plant. Let's  
9 call it Nameless Power Plant, and kind of get your  
10 reaction to it. There was a diesel surveillance, I'm  
11 sorry, not diesel, battery surveillance. A battery  
12 surveillance was done Monday morning, and there was a  
13 requirement to do individual cell voltages, and there  
14 was a tech spec that asked for a minimum individual  
15 cell voltage to meet operability requirements.

16 The technician that did the work recorded  
17 all the data and he happened to miss that one of the  
18 cells did not meet its ICV, it's tech spec required  
19 minimum ICV. So he took it up to control and gave it  
20 to the shift manager and, you know, like most shift  
21 managers, they got a million things going on. And so  
22 he looked at it and he probably looked through the  
23 data and he just missed it. He didn't see it. So he  
24 signed it off. He checked off the operable blank and  
25 that was the end of it.

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1 On Tuesday, the next day, the resident  
2 came in and he happened to decide to look through the  
3 data and said hey, it looks like you got an ICV that's  
4 less than tech specs. He showed it to the shift  
5 manager, at the time, and he said hey, you're right.  
6 We must have missed that.

7 Now, my question to you is it's more of a  
8 question about time of discovery and LCO and when it  
9 should be entered, if this happened at your power  
10 plant, what would you expect the shift manager to do  
11 for those circumstances?

12 AUDIENCE MEMBER: Anybody want to answer  
13 that? Okay. Now, what about everybody else?

14 AUDIENCE MEMBER: Does everybody agree  
15 with that? Okay. So you don't think the fact that he  
16 missed it even though it was pointed out the next day,  
17 that the time of discovery should have been -- let's  
18 say it was noon on Monday and it's noon on Tuesday,  
19 let's say it's a 24 hour lapse. You think it should  
20 be entered on Tuesday?

21 AUDIENCE MEMBER: Tuesday.

22 AUDIENCE MEMBER: Does everybody think  
23 that?

24 AUDIENCE MEMBER: I think that's what the  
25 tech spec requirements discuss.

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1 AUDIENCE MEMBER: Good.

2 AUDIENCE MEMBER: I think on Monday.

3 FACILITATOR WIGHT: Can you go up to the  
4 mike, please?

5 AUDIENCE MEMBER: We're not going to face  
6 each other.

7 MR. WICKS: Jim Wicks, Palisades, shift  
8 manager. Now, on Monday, you say you took the  
9 surveillance test?

10 AUDIENCE MEMBER: Yes.

11 MR. WICKS: He missed it?

12 AUDIENCE MEMBER: Yes, he missed it.

13 MR. WICKS: And on Tuesday, NRC says hey,  
14 you missed this?

15 AUDIENCE MEMBER: Yes.

16 MR. WICKS: Okay. Monday, you realize,  
17 somebody realized it didn't meet the surveillance  
18 requirement. That's when it's inoperable just  
19 because, again, I could be wrong, it's just my  
20 opinion. You know, Tuesday, if somebody finds it,  
21 just because you missed the data doesn't mean that it  
22 wasn't discovered on a Monday. It was discovered on  
23 Monday. Someone just didn't communicate it properly.  
24 So I do have a hard time saying that Tuesday is when  
25 you declare it inoperable.

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1           It's not like passed operability when  
2 okay, how long has this minimum voltage not met the  
3 surveillance requirement? Well, you're right, that's  
4 passed operable. That's a different issue. But  
5 someone discovered it on Monday, just not communicated  
6 properly, I would have a hard time arguing that you  
7 didn't enter it on Monday, but they will tell me I'm  
8 wrong.

9           AUDIENCE MEMBER: I guess, let's not  
10 confuse reportability and the time you entered the  
11 action statement. I mean, the fact is that you do  
12 have a reportable condition that would be backdated to  
13 that time. We're talking about a scenario in which  
14 you have an action statement, and which might be 72  
15 hours and now, if I identify it 27 hours into the  
16 situation, let's go to 73 hours into the 72 hour  
17 action statement, where am I? What action do I take?  
18 Am I in 303?

19           Clearly, you have to declare it inoperable  
20 at the time which you realize it, but from a  
21 reportability perspective, you go back to -- and I  
22 think 91-18 is pretty clear in that perspective.

23           AUDIENCE MEMBER: So what was the answer?

24           AUDIENCE MEMBER: Take action.

25           AUDIENCE MEMBER: Actually, what happened

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1 was the first shift manager took the position espoused  
2 mainly throughout the room. He said our time of  
3 discovery is noon, Tuesday. And then on the later  
4 shift, there was another. It was very close to  
5 turnover. It really wasn't noon, but it was near  
6 turnover time. The next shift manager said no, I'm  
7 going to backdate the LCO, the time of entry as being  
8 noon on Monday.

9 From an effect on plant operation, there  
10 was no difference in the effect. The LCO was long  
11 enough. It didn't change things. But there was a lot  
12 of interesting discussion in the region about that  
13 case, because there were really two people involved  
14 that had the opportunity to identify "the  
15 nonconforming condition." The technician that was  
16 taking the data, I mean, he had a requirement to  
17 report any out of specification conditions, and then  
18 there was also the responsibilities of the SRO, you  
19 know, per his license to evaluate, you know, the data  
20 for, you know, that kind of operability type  
21 conditions.

22 So, you know, it ended up that the issue  
23 resolved itself based on the way it was handled  
24 eventually. But those are the kinds of things that we  
25 have to deal with and we have to -- you know, we

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1 struggle sometimes with what the right answer is, too,  
2 because, I guess, from a practical standpoint, I think  
3 we as inspectors tend to believe if the information is  
4 obvious there is an inoperability, we would expect the  
5 call to occur at the time the inoperability is  
6 discovered.

7 In the case where there is very detailed  
8 engineering evaluation, we, I think, prudently think  
9 it's reasonable to take the time you need after you  
10 have done your prompt operability determination, as  
11 Steve suggested, to come to the right answer, you  
12 know, I mean, in a reasonable amount of time. You  
13 know, if the calculation would normally take a day to  
14 do, then it should take a day and not a week, and  
15 something along those orders, along that order. So  
16 that's really all I had to say on that.

17 AUDIENCE MEMBER: Let me ask a question as  
18 long as we're talking examples. Say if you have a  
19 tech spec piece of gear or system, some of the things  
20 on that system, some of the features of that system  
21 are surveilled and some are not. Not everything in a  
22 safe related system is surveilled.

23 So let's take two degraded conditions.  
24 Let's put a degraded condition on something that's not  
25 surveilled and one that is surveilled. The degraded

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1 condition on the surveilled part would not allow it to  
2 pass its surveillance. You are not running the  
3 surveillance. You just discover a degraded condition  
4 on a surveilled component, and you can't pass your  
5 surveillance now if you were running it on that  
6 component.

7 So is there a difference between those two  
8 degraded conditions? Again, one is a not surveilled  
9 component that is degraded. The other one is a  
10 surveilled component that now won't pass its  
11 surveillance.

12 AUDIENCE MEMBER: It depends on whether it  
13 affects the operability.

14 AUDIENCE MEMBER: Well, that's the  
15 question. In other words, can you do an operability  
16 determination on the surveilled component that is  
17 degraded and stay operable. If you ran it on that  
18 component, yes, it won't pass your surveillance  
19 requirements.

20 AUDIENCE MEMBER: Then you're inoperable.

21 AUDIENCE MEMBER: It's not operable?

22 AUDIENCE MEMBER: Yes.

23 AUDIENCE MEMBER: Okay. All right.

24 AUDIENCE MEMBER: The tech spec has a  
25 specific requirement.

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1 AUDIENCE MEMBER: Right. And you cannot  
2 use an operability determination to override the fact  
3 that you can't pass the surveillance?

4 AUDIENCE MEMBER: Correct.

5 AUDIENCE MEMBER: That's right? Okay.

6 AUDIENCE MEMBER: That's a good question.  
7 It goes back to the containment isolation valve I  
8 brought up earlier. The failed containment isolation  
9 valve closed. That is a safety function. However,  
10 you know now that you can't perform its surveillance.  
11 It's not due for another month, but you can't perform  
12 the surveillance. Is it operable or inoperable? I  
13 think it kind of ties into what you were just saying.  
14 What is --

15 AUDIENCE MEMBER: What is the  
16 surveillance?

17 AUDIENCE MEMBER: Oh, the surveillance is  
18 you have to stroke it every quarter, is surveillance.

19 AUDIENCE MEMBER: So it flows.

20 AUDIENCE MEMBER: Within a certain time,  
21 correct. Correct, and I agree with you.

22 AUDIENCE MEMBER: If the action fails.

23 AUDIENCE MEMBER: Close off the close and  
24 isolate it.

25 AUDIENCE MEMBER: And that is stable then,

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1 right?

2 AUDIENCE MEMBER: But it's if you declare  
3 it in operable.

4 AUDIENCE MEMBER: Right.

5 AUDIENCE MEMBER: So what I'm saying is if  
6 you fail in its closed position and you do maintenance  
7 on another valve downstream, I say if the air valves  
8 are closed, is that valve itself operable or  
9 inoperable?

10 AUDIENCE MEMBER: Have you declared it  
11 operable?

12 AUDIENCE MEMBER: We would say the valve  
13 is inoperable.

14 AUDIENCE MEMBER: Well, the reason they  
15 are closing it, they are failing at close, is because  
16 you're going to break, reach the system downstream,  
17 work on a manual valve or vent valve or drain valve  
18 off the line downstream. So it's part of the tag.  
19 You close this valve. You isolate the air, so it  
20 stays closed, and having nothing to do with the LCO  
21 required action. So the question would be would you  
22 then no longer meet the LCO for that valve? Like Ed  
23 said, it's performance of safety function. It's  
24 closed. It's isolated. It's doing what it is  
25 supposed to do.

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1 AUDIENCE MEMBER: We would say you could  
2 still make it.

3 AUDIENCE MEMBER: Okay.

4 AUDIENCE MEMBER: We would call it  
5 inoperable.

6 AUDIENCE MEMBER: A component performing  
7 a safety function. That's good enough. Okay. That  
8 answers one question.

9 AUDIENCE MEMBER: Is it currently open?

10 AUDIENCE MEMBER: If you isolate the air  
11 to it, it's not going to apparently open.

12 AUDIENCE MEMBER: Yes, but you may render  
13 a system inoperable.

14 AUDIENCE MEMBER: Which goes to my next  
15 question, components versus systems, a nice segueway.  
16 When you declare a component, and we're talking about  
17 making components inoperable, but tech specs deal in  
18 trains and systems, how do you locate a shift manager,  
19 I'm on shift, I find out using this other pressure  
20 instrument. It doesn't meet CEQ requirements. Okay.  
21 Well, you know, I deal in operability of trains and  
22 tech specs. So what do I declare operable, the  
23 component and then there's no effect? You know enter  
24 an NRR tech spec takes action because the system is  
25 inoperable or does this component make the system,

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1 that train inoperable? What's the general feeling in  
2 the room on that?

3 AUDIENCE MEMBER: It's a requirement, so  
4 it's just called qualification.

5 AUDIENCE MEMBER: Right.

6 AUDIENCE MEMBER: You haven't said  
7 anything about functionality.

8 AUDIENCE MEMBER: Right.

9 AUDIENCE MEMBER: Doesn't it act as a  
10 safety function of the system?

11 AUDIENCE MEMBER: Right. Right. It also  
12 goes back to this impact, the safety function of the  
13 system. If the safety function of the system is  
14 impacted, then operability is in question. If it's  
15 not, for example, a great example, you have a -- your  
16 own example. You have a light on a position switch  
17 for a value in the control room. Does that light  
18 cause that value to be inoperable? But you just told  
19 me you have other ultimate methods to validate the  
20 flow is going through that system. The light itself  
21 is a degraded condition, but it does not impact the  
22 safety function.

23 That's where I think some people were  
24 talking about, and we've also again as residents asked  
25 for clarification between the big "Os" and the little

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1 "os" and when does operability apply? Somebody else  
2 earlier today had the question all seven or eight  
3 aspects of operability goes all the way down to  
4 anything in your SAR. There is the big "Os" and there  
5 is the little "os." And when you look at the safety  
6 function, again, it has to do with -- a great example  
7 is your own example, a light on the switch. You can  
8 demonstrate that you can monitor and it will perform  
9 a safety function. It's only the light bulb that's  
10 broken.

11 AUDIENCE MEMBER: And I happen to agree  
12 with you. I'm just bringing up examples.

13 AUDIENCE MEMBER: Right, great examples.

14 AUDIENCE MEMBER: Trying to find examples.  
15 But since you have gone down that avenue, let's talk  
16 about the seismic clarification of the restraint on  
17 the piping for a safety injection line. Okay? You go  
18 down and engineering says hey, this snubber is  
19 inoperable. It affects the seismic restraint on the  
20 pump, I mean, on the piping. So do you declare that  
21 train of high pressure safety injection operable?

22 Well, I mean, you have a design base XL  
23 LOCA. You don't assume you're going to have a seismic  
24 event, as well, so will the system do its safety  
25 function? And then you get into the term using

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1 mission time. Would it actually do it if you had --  
2 if it had to run for, you know, several hours without  
3 that snubber in place?

4 AUDIENCE MEMBER: Okay. And now, you're  
5 back into the comment somebody made before about do  
6 you start out as operable or do you start out as  
7 inoperable in this thought process when you find the  
8 degraded condition? And in this case, you found a  
9 degraded condition and where are you at with its  
10 potential to cause that system to be inoperable an  
11 event?

12 If you don't know, your preponderance of  
13 evidence, at this point, is such that you don't know.  
14 It's inoperable. What would govern the time for you  
15 to figure that out? There would be a lot of outage  
16 time for that system, and on HPSI it may be a 14 day  
17 system. So you have got 14 days to determine  
18 operability.

19 Now, what happens if somebody says no, you  
20 were wrong? We have got an analysis that says you can  
21 have every other snubber out? Well, the LCO was  
22 conservatively entered. You were never inoperable.  
23 You don't have to take any time against your  
24 performance indicators. You don't have to take any  
25 time against anything else, because you were already

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1 there.

2 FACILITATOR WIGHT: Sorry about the  
3 microphones.

4 AUDIENCE MEMBER: The snubber issues are  
5 real interesting issues from an inspector's  
6 standpoint. One of the things that I have seen, and  
7 I don't see this much anymore, but I used to see it a  
8 lot in the past, is you have to ask yourself why this  
9 snubber is inoperable. And oftentimes there is a  
10 plausible explanation for it, and you may not be aware  
11 of it, but maybe you had a significant water hammer on  
12 the system that caused the snubber to be inoperable.

13 I mean, you may have a technician come up  
14 to you and tell you hey, the snubber is inoperable,  
15 and you're not sure what that means. You're sitting  
16 in the control room. But if you go out and look at it  
17 like us, we have a little bit of an advantage over you  
18 in many respects, because we go out in the field. We  
19 can look at the snubber.

20 We may go out there and see the baseplate  
21 is ripped out of the wall. All the retaining rings  
22 are snapped off, and if we had some experience with  
23 snubbers, specific scientific mechanical snubbers have  
24 a certain rating depending on their sizes, you know.  
25 A 10 is rated for 8,000 pounds force or a 35 is some

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1 higher, 25,000. And we can get a rough idea of the  
2 kind of event or the transient that might have had to  
3 occur to cause that, where you're at a disadvantage.

4 You're sitting in the control room. You  
5 got a technician come up and say hey, the snubber is  
6 inoperable. So we're coming in and we have a lot more  
7 information to go on, because we have already went out  
8 in the field. We have looked at it. We have done  
9 some preliminary assessment.

10 The other thing that we see when we look  
11 at snubber issues, not only is there usually a tech  
12 spec for the snubber itself, but it says that you have  
13 to evaluate the condition and whether it affects the  
14 operability of the underlying system. So in the case  
15 of RHR water hammer, you have to evaluate the effects  
16 on the RHR systems.

17 So it's a lot more -- many of these issues  
18 tend to be much more complex and they may come up to  
19 you at face value, and it's something that you really  
20 need to be wary of, just accepting, you know, the  
21 first initial information. You really got to get, you  
22 know, enough information on those kinds of issues.

23 AUDIENCE MEMBER: I understand, but as the  
24 gentleman from Perry so eloquently stated several  
25 times, a shift manager in a control room, an engineer

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1 walks up and says hey, the snubber is now plugged, no  
2 idea why, okay, reasonable assurance of operability.  
3 Based on what you are saying is all the thought  
4 process could go through your mind and you're exactly  
5 right of what caused it to be inoperable. Was it a  
6 water hammer event?

7 You know, we don't know that, but what do  
8 you do? I got a 72 hour tech spec action requirement  
9 if this left train HPSI is inoperable, do I just wait  
10 and do a little more research? Do I say no, the  
11 snubber is broke? It's inoperable now and I will go  
12 find out why later.

13 AUDIENCE MEMBER: Doesn't it depend on  
14 your experience with your plant like if you know  
15 that --

16 AUDIENCE MEMBER: Now you're making it --

17 AUDIENCE MEMBER: Well, let's say  
18 engineering has told you a couple times that half the  
19 snubbers can be inoperable and the system is still  
20 operable. The other thing is you ask the guy standing  
21 there well, when you looked at the snubber, was the  
22 baseplate intact? You know, how did it look? And  
23 you're going to get one of two responses. The  
24 individual says I didn't look at a thing, so you don't  
25 have enough information. It's inoperable. The system

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1 is probably inoperable unless you know that half the  
2 snubbers can be inoperable, right?

3 AUDIENCE MEMBER: So what you're saying  
4 is --

5 AUDIENCE MEMBER: The other thing is if he  
6 says, you know, I looked at the baseplate. It all  
7 looked good. You know, I think somebody stepped on  
8 it. Then I think you would have a basis to say the  
9 system is operable until I get engineering out there  
10 to do a more thorough investigation to go from there.

11 AUDIENCE MEMBER: So if I may summarize,  
12 you are agreeing with what this gentleman is saying  
13 that the 50.49 percent issue is really misleading,  
14 because if he doesn't know why it's operable, and I  
15 know the snubber is required for this piping, without  
16 any lack of evidence that it's not something simple  
17 like someone stepping on it, I have to enter the tech  
18 spec action and call that train inoperable until  
19 engineering has a chance to go out and determine what  
20 we got.

21 AUDIENCE MEMBER: I just think a shift  
22 manager would know well, when was the last time the  
23 system operated, what did we do, you know? When this  
24 guy came up, if it was on the RHR, did we just run a  
25 pump test, you know?

1 AUDIENCE MEMBER: That would be true. You  
2 would know when the last --

3 AUDIENCE MEMBER: And, you know, based on  
4 that preponderance of evidence, I believe you could  
5 say it's operable.

6 AUDIENCE MEMBER: And you are also making  
7 the assumption that they go out and do a system lock  
8 down after every surveillance test?

9 AUDIENCE MEMBER: No, I'm saying --

10 AUDIENCE MEMBER: It could be months or  
11 whatever.

12 AUDIENCE MEMBER: I'm saying right there,  
13 you have the preponderance of evidence. Your next  
14 step would be to say it's operable. I want people to  
15 go out and walk it down. I want more evidence, so  
16 that you continue with the decision process to  
17 validate that your operability assessment is valid as  
18 you continue to investigate it.

19 AUDIENCE MEMBER: Okay. I was more  
20 confused now than I was when I started asking that  
21 question.

22 AUDIENCE MEMBER: In the spirit of  
23 discussion, I would just like to offer an observation  
24 consistent with that fellow over there, I think. I  
25 take a broader view. That is not a decision an

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1 operator should be making. You got to get engineering  
2 input into that. So if you ask your average operator  
3 here is a snubber, what do you think? I am an ex-  
4 operations manager. They don't have that  
5 qualification.

6 So your site has to make the provision for  
7 quickly getting the engineering input that that guy is  
8 going to need to make that call. So I will tell you  
9 what I would say to you is you don't make that call.  
10 You call up the guy that can make the call, is what I  
11 would say.

12 AUDIENCE MEMBER: If you have to make the  
13 call right then and there whether it's operable, so  
14 I'm going to go --

15 AUDIENCE MEMBER: That's not what 91-18  
16 says, but that's okay. It gives you immediately for  
17 some, 24 hours for others.

18 AUDIENCE MEMBER: Oh, no, no, no.

19 AUDIENCE MEMBER: The indeterminate state,  
20 you're exactly right. In a case where something like  
21 a snubber, and as the gentleman pointed out, you have  
22 a situation where you know half the snubbers are  
23 allowed to be out, which I know the plant I'm at has  
24 that analysis, the shift manager -- well, I can say  
25 they do at my plant. And the fact is they know that

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1 and you get that kind of feedback.

2 On the other hand though, if you don't  
3 know that or it requires some sort of engineering  
4 analysis or the bolts are ripped out of the wall on  
5 the baseplate, it's not just a snubber was stepped on,  
6 or something else that gives you an indication that  
7 you have some sort of problem, it's indeterminate.  
8 That's why that statement that says "usually within 24  
9 hours or within the allowed outage time," that is why  
10 that is there, because it's telling you your allowed  
11 outage time is, you call it indeterminate, that  
12 allowed outage time defines the importance of getting  
13 or the risk significance or the safety significance  
14 based on our old deterministic processes of how long  
15 you need to get that operability evaluation done. If  
16 it's a 14 day LCO, because HPSI is out of service, you  
17 know, you call it operable and people can come in on  
18 Monday and do it. If it's standby with the control,  
19 they got 12 hours.

20 AUDIENCE MEMBER: Phil, but the answer  
21 though is that he does have some time to call  
22 engineering to get that assessment.

23 AUDIENCE MEMBER: And that would be  
24 commensurate with safety.

25 AUDIENCE MEMBER: Right.

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1           AUDIENCE MEMBER: Usually within 24 hours,  
2 definitely governed by the allowed outage time.

3           AUDIENCE MEMBER: Exactly right.

4           AUDIENCE MEMBER: And that is why the  
5 allowed outage time is there. That is why that  
6 statement is there, because if you call it inoperable,  
7 you have got whatever the allowed outage time is.

8           AUDIENCE MEMBER: Right.

9           AUDIENCE MEMBER: You will have to make a  
10 call.

11          AUDIENCE MEMBER: Hey, Jim, just a second.

12          AUDIENCE MEMBER: You have got to make a  
13 call. Is it operable or is it inoperable? You can't  
14 say indeterminate. And then the follow-up is to  
15 confirm your original conclusion, either inoperability  
16 or prove otherwise or operability and prove otherwise.  
17 You can't just say I don't know.

18          AUDIENCE MEMBER: Exactly, you got to take  
19 a position and you have to stick by that position, and  
20 that's your prompt operability call. If you elect not  
21 to call that component inoperable, you have by de  
22 facto made a prompt operability that it is operable.  
23 Now, you may be wrong, and that will come out as the  
24 evaluation continues. Okay.

25          But as soon as you made that call that I'm

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1 not going to declare that inoperable, and I don't  
2 think, reasonably speaking, would an inspector inspect  
3 you to make that from the control room? They would  
4 allow you to go down there and look at that, make some  
5 sort of tour out in the plant. What is the 10 minute  
6 tour? Every SRO is allowed out of the control room to  
7 make tours in the plant.

8 There is some reasonable aspect people  
9 have to apply the reasonable man aspect when they are  
10 inspecting. If they are not, then there's a problem  
11 there and you need to discuss that with their regional  
12 staff.

13 AUDIENCE MEMBER: And that is discussed,  
14 to determine the standard of operability on page 13,  
15 9900.

16 AUDIENCE MEMBER: Right. Okay. Go ahead.

17 AUDIENCE MEMBER: It says "The  
18 determination process during this time, however, must  
19 be predicated on the licensee's reasonable expectation  
20 that the SSC is operable." And I got to go back  
21 again. We keep saying reasonable assurance of  
22 operability. That is not what it says. It says  
23 "reasonable assurance of safety for non-tech spec  
24 systems." It says "reasonable expectation of  
25 operability for tech spec systems." Okay. Reasonable

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1 expectations, there is a difference there.

2 And again, you go back to the question we  
3 had before. If you go to page 4 of 9900, "Without any  
4 information to the contrary, once a component or  
5 system is established as operable, it is reasonable to  
6 assume that the component or system should continue to  
7 remain operable, and the previously stated  
8 verifications should provide that assurance. However,  
9 whenever the ability of a system or structure to  
10 perform its specified function is called into  
11 question, operability must be determined from a  
12 detailed examination of the deficiency."

13 So you go to the point in which the shift  
14 manager has the call to make. He calls what his  
15 reasonable expectation is for operability, and then a  
16 detailed examination follows in accordance with 9900.

17 AUDIENCE MEMBER: Yes, I don't think we're  
18 contradicting each other. The component in this case,  
19 in this question discovered or called inoperable is  
20 the snubber in the example. You no longer have  
21 reasonable assurance if the snubber is broken, for the  
22 operability of that component. So you have stepped  
23 into the next area unless you have some other  
24 knowledge about the snubber.

25 AUDIENCE MEMBER: That's the reasonable

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1 expectation.

2 AUDIENCE MEMBER: Right.

3 AUDIENCE MEMBER: Reasonably made by this  
4 man, at the time, in the control room.

5 AUDIENCE MEMBER: Exactly.

6 AUDIENCE MEMBER: Right.

7 AUDIENCE MEMBER: And when he is in doubt,  
8 his reasonable expectation would be inoperable.

9 AUDIENCE MEMBER: He has to make the call  
10 one way or the other.

11 AUDIENCE MEMBER: Right, exactly.

12 AUDIENCE MEMBER: He has to make the call.

13 AUDIENCE MEMBER: That's it.

14 AUDIENCE MEMBER: Not making the call, he  
15 makes the call.

16 AUDIENCE MEMBER: Exactly. And if he  
17 makes the call that it's operable, then either the  
18 follow-up decision will be played out by the  
19 engineering justification. If he makes the call that  
20 it's inoperable, then the allowed outage time will  
21 govern the length of that determination process,  
22 exactly.

23 AUDIENCE MEMBER: He can go down, get the  
24 information.

25 AUDIENCE MEMBER: Exactly.

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1 AUDIENCE MEMBER: And then make the call.

2 AUDIENCE MEMBER: Exactly. I mean, if you  
3 walk down there and it's obvious somebody stepped on  
4 the snubber, you know what your answer is going to be.

5 AUDIENCE MEMBER: Exactly. And he would  
6 still have the -- make the intent of not having to  
7 determine that.

8 MR. HORIN: Bill Horin with Winston and  
9 Strawn. This is a great discussion. I wanted to just  
10 step back for a second. I am an attorney and we  
11 represent a number of the utilities and we actually  
12 here are representing the Nuclear Utility Group on a  
13 criminal qualification, and I wanted to just ask some  
14 broader questions just so I make sure we have some  
15 establishment of baseline here, and I think I know the  
16 answers, but I just want to make sure we kind of, in  
17 effect, get it all on the record so to speak.

18 They posed some questions when they issued  
19 the notice for this meeting, and the first question,  
20 I think, raised an issue, which I had some problem  
21 with and I asked Kerri about it. I just want to make  
22 sure that we're clear on this, so that when they go  
23 back and review the record as to the discussion that  
24 took place, they know the answer to the question.

25 The first question that they asked was can

1 a degraded SSC ever be determined operable? Does  
2 anybody disagree that the answer to that is yes?  
3 Okay. I mean, there hasn't been any discussion that  
4 suggests otherwise, but yet, it was thrown out there  
5 and I want to make sure when they go back and review  
6 this, nobody has a question that somebody thought that  
7 that was the case.

8 If so, what are the requirements for an  
9 Operable But Degraded determination? Now, we can get  
10 into some technical specifics on that, but I think  
11 overall the 91-18 guidance suggests that it is whether  
12 you can make a reasonable judgment that the component  
13 can perform its specified functions, and that is  
14 basically the language that's used in there. And do  
15 we have any belief that that language needs to be  
16 changed in 91-18, able to perform its specified  
17 functions?

18 AUDIENCE MEMBER: Well, you've answered  
19 specified functions and specified safety functions,  
20 because there seems to be an area there than needs  
21 further clarification.

22 MR. HORIN: So it may be helpful perhaps,  
23 from your perspective, where you see there needs to be  
24 some clarification?

25 AUDIENCE MEMBER: Right, because --

1 MR. HORIN: What do you need for  
2 clarification, so these people can give you some  
3 feedback as to the practicality from their  
4 perspective.

5 AUDIENCE MEMBER: Right. Exactly, there  
6 is the big "O" operability tech specs.

7 MR. HORIN: Right.

8 AUDIENCE MEMBER: Specified safety  
9 function, and then as you heard this morning that  
10 there is some discussion about 50.59 Maintenance Rule.  
11 There is operability with respect to determining other  
12 things, EQ, Appendix R, that aren't necessarily tech  
13 spec functions that are supporting or there are  
14 barriers or hazard barriers or such that are the  
15 little "os" that can impact the big "O" or that may be  
16 impacting some other things, such as Maintenance Rule  
17 or some other viable aspects.

18 So we have asked for some clarification on  
19 where, you know, we demark from tech spec operability  
20 and specified safety function to specified functions  
21 and those other kinds of things. So we have asked for  
22 clarification for that.

23 AUDIENCE MEMBER: Yes, I just wanted to  
24 make a little bit of a comment on this last dialogue.  
25 One of the things that happens when we start talking

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1 about operability and we start talking about specified  
2 functions and things like that, I feel like sometimes  
3 we get a little bit far away from, you know, what  
4 operability really means, what it means to me anyway,  
5 what it used to mean to me as an inspector and what it  
6 still means to me as an evaluator of operability  
7 conditions.

8 To me, it means that the system structure  
9 component is capable of performing its intended safety  
10 function during accident conditions and can complete  
11 its function over its required mission time. I don't  
12 know if it has ever been articulated like that, but  
13 it's something that we have discussed internally many,  
14 many times, that many components have a mission time,  
15 and it was kind of alluded to when we talked earlier  
16 in the day about environmental equipment  
17 qualification, EQ.

18 You may have a component that is required  
19 to be qualified to operate for 30 days in a post LOCA  
20 environment, but, in fact, the mission time may only  
21 be six hours. So if you find something that says oh,  
22 it will only operate for three days, well, that means  
23 it will meet its mission time, but it won't be fully  
24 qualified. That's a classic example of something that  
25 would be considered Operable But Degraded, because

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1 it's not fully qualified.

2 And the concern from an inspection  
3 standpoint is not as great, obviously, if it only  
4 could operate for two hours, something along those  
5 lines, which would be a condition of inoperability.  
6 And when we get farther and farther away from what  
7 would happen during an accident, then I think things  
8 become more confused. It becomes harder to discern  
9 what the right answer is.

10 But for me, I mean, for myself in  
11 evaluating those conditions, I like to keep going back  
12 to that. I mean, the case that the other gentleman  
13 brought up regarding, you know, the degradation or  
14 corrosion of piping. What would happen during an  
15 accident? Would that piping withstand the accident  
16 generated forces? Would there be a pipe whip concern?  
17 Would there be jet impingement concern? Would there  
18 be seismic? What would happen?

19 And if doing that type of evaluation, that  
20 type of analysis would show that the function would be  
21 jeopardized, then it would appear that the right  
22 answer for that would be that the equipment is  
23 inoperable.

24 FACILITATOR WIGHT: Can you come up to the  
25 mike, please?

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1                   AUDIENCE MEMBER: There are some internal  
2 inconsistencies in 91-18 right now in that the term  
3 specified function, specified safety function, safety  
4 function are used, and I believe they are meant to be  
5 interchangeable, and I suggest that they go back and  
6 use one term to address the specific incidence that  
7 we're discussing.

8                   AUDIENCE MEMBER: I have a related  
9 question and it is a question for you all. The  
10 operability guidance, at least as I see it right now,  
11 says -- it defines what fully qualifies is. It  
12 defines what degraded nonconforming are. It defines  
13 the licensing basis. It defines the design basis.  
14 And then, I think, in some general ways, it says well,  
15 you know, if you have a degraded nonconforming  
16 condition, you perform this assessment. If, at one  
17 point -- please, disagree with me if I run into  
18 something that's incorrect.

19                   It says if there is specific criteria or  
20 requirements in the tech specs, such as the  
21 surveillance center, if you fail that, then it's  
22 inoperable. But otherwise, it also says that there  
23 may be margin or conservatism that go beyond the  
24 licensing or the design basis, and if you're eroding  
25 those, that's not an operability issue.

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1           It suggests even you don't even have to  
2           make an operability call, I think. But if there is  
3           some erosion of the licensing and design basis, then  
4           you perform operability, and the ultimate criterion is  
5           the one of functionality. I think we have all had --  
6           it never says, and this is my question, it never says  
7           that you have to fully meet the design basis. It  
8           never says you have to fully meet the licensing basis.  
9           It doesn't, right? It does say you have to?

10           AUDIENCE MEMBER:           Degraded or  
11           nonconforming conditions.

12           AUDIENCE MEMBER: I believe it does answer  
13           that. When you go out of the operability section and  
14           you have a degraded or nonconforming condition, you  
15           identify that. Then it sends you down the road that  
16           you would have to restore or change for corrective  
17           action.

18           AUDIENCE MEMBER: Corrective action?

19           AUDIENCE MEMBER: So that's where it's  
20           addressed.

21           AUDIENCE MEMBER: We're not talking about  
22           that. We're talking about making the operability  
23           call.

24           AUDIENCE MEMBER: Operability.

25           AUDIENCE MEMBER: Oh, you're right. Okay.

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1 I misunderstood.

2 AUDIENCE MEMBER: Okay. But we're talking  
3 this morning -- I mean, this gets back to Pedro's  
4 question related to the ultimate source term. To me,  
5 it gets back to a question related to seismic. If you  
6 had a panel or something else that there were some  
7 questions about whether it was seismically qualified,  
8 well, it may not meet your design criteria, but  
9 someone may have made a determination. It was  
10 degraded, but it's going to stay on the wall and it's  
11 going to do what it needs to do.

12 And I have heard this discussion, but I  
13 haven't heard anyone talk about the criteria or the  
14 criterion associated with what operability -- with how  
15 you make that. I know it's nebulous, but we do have  
16 agreement that it is something less than the design.  
17 It can be something less than the design basis. It  
18 can be something less than the licensing basis. Is  
19 that true?

20 AUDIENCE MEMBER: Just dovetailing off  
21 what that fellow said, the most clear discussion that  
22 says the accident has got to occur is in section 69 on  
23 the prohibition against PRAs. It says "The inherent  
24 assumption is that the occurrence conditions or event  
25 exists and the safety function can be performed." And

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1 why that is not up under specified function, I don't  
2 know.

3 FACILITATOR WIGHT: I would like to do a  
4 quick time check, and I will give you a chance to  
5 speak. We had said at the beginning that we were  
6 going to stop actually five minutes ago to capture our  
7 output for the plenary session for Jim who has  
8 generously offered to do so. If you can make your  
9 comment quickly, I would like to ask the group to go  
10 ahead and work with us to do that, so Jim has  
11 something to say to the group this afternoon. Go  
12 ahead.

13 AUDIENCE MEMBER: I'm probably going to  
14 throw some more confusion into this ultimate source  
15 term thing. The ultimate source term comes into play  
16 when you do a dose calculation. You do a dose  
17 calculation to show compliance with the regulation.  
18 The only way you can show compliance with the  
19 regulation is using an analysis method that has been  
20 approved by the staff that meets the design basis.  
21 Okay. So the criterion has already been established  
22 here.

23 Now, where this has come into play here  
24 recently is with regard to control room where because  
25 of various things, people find their unfiltered end

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1 leakages higher than what they originally considered  
2 in the design basis. They can't fix it right away, so  
3 they go to the analysis and see where can we get some  
4 margin of the analysis? If they can get the margin of  
5 the analysis by still staying within their current  
6 methodology, they can do that on the 50.59 and they  
7 can declare success and go off.

8 The problem comes up, however, is when  
9 they decide to change their methodology, because there  
10 is a regulation that says if you want to use the  
11 alternate source term, you have to apply for an  
12 amendment. At that point, you are changing your  
13 design basis.

14 Okay. I will draw a very wide parallel to  
15 that. Okay. As some of you may be aware is that when  
16 you do the LOCA analysis under Appendix K, you prove  
17 that through all the design basis events, single  
18 failure and all that other good stuff, that you will  
19 not get core damage.

20 When you go over to the radiological side,  
21 however, you assume that there is core damage. You  
22 couldn't in a JCO environment take the assumption oh,  
23 we don't have core damage. That does not meet the  
24 intent of the design basis in showing compliance with  
25 the regulations, in this case, dose.

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1           So I think there is various issues and  
2 confusion getting into this, but I heard the key here  
3 a moment ago. What is the criterion? And for the  
4 things that involve the alternate source term, there  
5 are regulations. You are trying to show compliance  
6 with the operability of this equipment as specified in  
7 the bases that was put there to demonstrate you could  
8 comply with Part 100.

9           If you're going to change how you do that  
10 analysis, that is a change to the design basis. You  
11 can do that under 50.59, but not with the alternate  
12 source term, because the rule says if you're going to  
13 change your design basis source term, you must ask for  
14 an amendment.

15           AUDIENCE MEMBER: Without changing our  
16 license.

17           FACILITATOR WIGHT: Okay. So we just have  
18 about three minutes left. I'm sorry to cut that off,  
19 but why don't you all, would you all like to throw out  
20 a few points you would like to have reported back to  
21 the main group? Alternatively, you could leave it up  
22 to us, but if there is a few things you would like to  
23 make sure get reported back, just shout them out and  
24 I will write them up here.

25           AUDIENCE MEMBER: I guess we're still

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1 working toward clarifying timeliness.

2 FACILITATOR WIGHT: I'm writing down  
3 timeliness and expectation for operability  
4 determination. Okay. What else?

5 AUDIENCE MEMBER: Examples of reasonable  
6 expectation.

7 FACILITATOR WIGHT: Examples for  
8 reasonable expectations.

9 AUDIENCE MEMBER: Of operability.

10 FACILITATOR WIGHT: Of operability. Okay.  
11 What else? I can barely hear you. I'm sorry. Safety  
12 functions, specified safety functions?

13 AUDIENCE MEMBER: (Speaking off  
14 microphone.)

15 FACILITATOR WIGHT: Okay. What else?  
16 Include them, you mean?

17 AUDIENCE MEMBER: Yes.

18 MR. SCHULTEN: We had a clarification of  
19 not in conflict with tech spec or licensing basis on  
20 page 11 of 14. I think that was it, wasn't it, Ed?  
21 You made the comment, Ed.

22 FACILITATOR WIGHT: Page 1 of 14?

23 MR. SCHULTEN: Page 11 out of 14 in the  
24 Generic Letter.

25 AUDIENCE MEMBER: I made that comment.

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1 MR. SCHULTEN: You made that comment? I'm  
2 sorry.

3 AUDIENCE MEMBER: Extent of condition  
4 review.

5 FACILITATOR WIGHT: Extent of condition  
6 review?

7 AUDIENCE MEMBER: Yes, extent of condition  
8 review.

9 FACILITATOR WIGHT: If I just write extent  
10 of condition review, is that enough? Jim, I'm getting  
11 a comment here, extent of condition review. Is that  
12 enough for you to remember that?

13 MR. WICKS: Yes.

14 FACILITATOR WIGHT: Okay. Anything else?  
15 Yes?

16 AUDIENCE MEMBER: The threshold for 91-18.

17 FACILITATOR WIGHT: The threshold for 91-  
18 18?

19 AUDIENCE MEMBER: For example like an oil  
20 leak.

21 FACILITATOR WIGHT: Anything else? I  
22 don't see any other heads nodding. We had a pretty  
23 good discussion, I think, there finally towards the  
24 end. Again, there is another session this afternoon  
25 on the same topic. You're welcome to attend that one

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1 if you like or any of the other sessions. We'll have  
2 a one hour break for lunch, and what we would like to  
3 ask you to do is come back down to the auditorium to  
4 check the room for the session that you're going to  
5 attend this afternoon. If you're going to be here for  
6 this topic, it will be up on the ninth floor. Thank  
7 you very much and have a good lunch.

8 (Whereupon, the Topic 1 Breakout Session  
9 was adjourned at 12:17 p.m.)

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CERTIFICATE

This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name of Proceeding: Operability Workshop

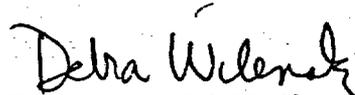
Breakout Session

Topic 1: Definition of  
Operable but Degraded

Docket Number: n/a

Location: Rockville, MD

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings.



---

Debra Wilensky  
Official Reporter  
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**Official Transcript of Proceedings**  
**NUCLEAR REGULATORY COMMISSION**

**Title:** Operability Workshop Breakout Session  
Topic 2: Support System Operability

**Docket Number:** (not applicable)

**Location:** Rockville, Maryland

**Date:** Thursday, August 14, 2003

**Work Order No.:** NRC-1041

**Pages 1-47**

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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OPERABILITY WORKSHOP  
BREAKOUT SESSION - TOPIC 2  
SUPPORT SYSTEM OPERABILITY

+ + + + +

ROCKVILLE, MARYLAND

+ + + + +

THURSDAY, AUGUST 14, 2003

+ + + + +

The workshop was held in the Auditorium at  
the Nuclear Regulatory Commission, NRC Auditorium, Two  
White Flint North, 11545 Rockville Pike, at 1:40 p.m.,  
Andrew Walker, facilitating.

PRESENT:

- ANDREW WALKER, Facilitator
- STEVE ALEXANDER, NRR/IEPB
- DR. WILLIAM BECKNER, Chief, Reactor Operations Branch
- BRUCE BOGER, Director, Division of Inspection  
Program Management
- TERENCE CHAN, Section Chief, Materials and Chemical  
Engineering Branch, Office of Nuclear Reactor  
Regulations

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PRESENT: (CONT.)

KERRI KAVANAGH, Senior Reactor Engineer, Office of  
Nuclear Reactor Regulations

JIM LUEHMAN, Deputy Director, Office of Enforcement

EILEEN MCKENNA, Senior Reactor Engineer, Office of  
Nuclear Reactor Regulations

WAYNE SCOTT, Senior Operations Engineer, Office of  
Nuclear Reactor Regulations

## P-R-O-C-E-E-D-I-N-G-S

1:19 p.m.

1  
2  
3 FACILITATOR PETERSON: Okay. Welcome back  
4 to this afternoon's session. This is Topic 2, Support  
5 System Operability, both tech spec and non-tech spec,  
6 and this is the most challenging group layout, trying  
7 to sort of interact, which is the purpose of the  
8 breakout. So there are a couple of things about this  
9 room that we're going to try and work with. One is  
10 that -- does that work?

11 COURT REPORTER: That works.

12 FACILITATOR PETERSON: Okay. That as much  
13 as possible to speak into the microphone, so the  
14 transcriber can capture what we say. There are two  
15 microphones over here and also, I will just be passing  
16 around this mike to try and encourage discussion, so  
17 you don't necessarily have to get up out of your seat.  
18 But don't feel that in order to comment on what  
19 someone says, you have to stand up and go to the mike.  
20 Just try and do that as much as possible.

21 Normally, for the other sessions, we try  
22 to go around and have everyone introduce themselves  
23 and suggest topics they want to see covered. Given  
24 the size of the room, we're not going to do that in a  
25 round robin fashion. However, just from the morning

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1 session, two of the main topics we had related to  
2 hazard barriers and snubbers, and so I wanted to offer  
3 this opportunity for people just to brainstorm topics  
4 that we need to try and cover during today's session.

5 So does anyone have additional topics  
6 related to support systems that we want to put up  
7 here? Go ahead.

8 AUDIENCE MEMBER: Use of operability and  
9 support of maintenance.

10 FACILITATOR PETERSON: Okay. Use of  
11 operability and what?

12 AUDIENCE MEMBER: Support of maintenance.

13 FACILITATOR PETERSON: Okay. Go ahead.

14 AUDIENCE MEMBER: Further clarification of  
15 the terms required and necessary.

16 FACILITATOR PETERSON: And that was  
17 clarification of the terms necessary and required.  
18 Okay. Other topics?

19 AUDIENCE MEMBER: Clarification on  
20 specified safety functions.

21 FACILITATOR PETERSON: Specified safety  
22 functions? Okay. Specified safety functions with?

23 AUDIENCE MEMBER: (Speaking off  
24 microphone.)

25 FACILITATOR PETERSON: Anything else?

1 Okay. Well, we have about -- okay, go ahead.

2 AUDIENCE MEMBER: Yes, I think with system  
3 operability, there is a statement here that NRC  
4 inspectors -- just a little clarification on it. Does  
5 that mean that each plant has to have a tech spec  
6 train or system?

7 FACILITATOR PETERSON: Go ahead.

8 AUDIENCE MEMBER: (Speaking off  
9 microphone.)

10 FACILITATOR PETERSON: Okay. Good. So in  
11 terms of how far along a train -- could you just  
12 summarize that, so I can --

13 AUDIENCE MEMBER: Sure. What is the  
14 expectation of the sentence about --

15 FACILITATOR PETERSON: Okay. So  
16 clarification about which support systems are required  
17 for the supported system to be considered operable.  
18 Is that close enough? Thank you. Okay. So we're  
19 just basically going to move down the different topics  
20 that we have here and we have, like I said, about an  
21 hour and a half. So I would just like to, I guess,  
22 open up discussion and, again, as we pointed out this  
23 morning, the goals of the session are to first of all,  
24 to identify areas of potential confusing that need  
25 additional clarification.

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1                   So we don't necessarily have to try and  
2 come to agreement about whether or not you can do this  
3 or you can't do that or whether this should apply or  
4 that should apply. It's to identify areas where there  
5 are those kinds of confusions and differences.

6                   Another is to try and identify specific  
7 examples of operational experience that illustrate  
8 areas where there are these confusions and need for a  
9 clarification. And Kerri asked all of us to stay this  
10 afternoon, that one of the things she would appreciate  
11 is if you have examples that you bring up in these  
12 sessions, that she would really appreciate it if those  
13 could be emailed to her, like a description of them be  
14 emailed to her to assist in doing the guidance. So  
15 she asked us to pass that along.

16                   And then the third goal is, essentially,  
17 to identify any suggestions that you might have on how  
18 guidance can be structured in order to improve  
19 clarity, how 91-18 can be structured to meet the  
20 different areas that are being laid out today.

21                   So okay. Hazard barriers. Is there  
22 anyone with questions about hazard barriers?

23                   AUDIENCE MEMBER: What is that? Is there  
24 an example?

25                   FACILITATOR PETERSON: Go ahead.

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1 AUDIENCE MEMBER: Why isn't RIS 2001-09  
2 sufficient? Why is this on the list today?

3 FACILITATOR PETERSON: In terms of  
4 hazards?

5 AUDIENCE MEMBER: Yes. In other words,  
6 there is a RIS out on this. You know, 2001-09, I  
7 think it tells you how to handle hazard barriers and  
8 what you should do for them for the, you know, tech  
9 specs to be carried out. So why do we have to be  
10 clear? I have read it. I guess, what will we be  
11 talking about?

12 FACILITATOR PETERSON: Well, I don't know  
13 if you wanted to point out some of the things that  
14 were discussed this morning.

15 AUDIENCE MEMBER: Well, I think probably  
16 the RIS, if you feel that it's adequate, I think  
17 probably as far as it concerns adequacy toward the  
18 problem, what would be the appropriate length of time  
19 that the hazard barrier could be inoperable, might be  
20 a concern. What type of analysis in each and every  
21 situation would be appropriate, whether or not it  
22 could be taken out for maintenance. So in the area of  
23 the RIS tech specs, it has been addressed by  
24 Initiative 7, a standard amount of time that the  
25 barrier can be inoperable or not consider support

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1 systems inoperable, so the question then --

2 AUDIENCE MEMBER: Yes. I mean, in  
3 response to his observation about the RIS being good  
4 enough, I guess there is two things. One is I think  
5 there might have been some expectation that either the  
6 revised guidance recognize the RIS or at least  
7 paraphrase the RIS as part of the revision to 91-18.

8 The second thing is I consulted Nuclear  
9 Utility Group on EQ and there were a number of group  
10 members in that group that had different opinions  
11 regarding the guidance that was provided in the  
12 barrier RIS. There were some that had a perspective  
13 that if you remove the hazard barrier from service,  
14 and I think this was sort of consistent with the  
15 experience that they had dealing with the staff over  
16 the years, that if there was equipment, for example,  
17 if it was a HELB barrier, not just limited to -- if it  
18 was a HELB barrier that all the equipment on the other  
19 side of the barrier had to be fully qualified to  
20 50.49, if it had to function for that HELB.

21 And, you know, so it wasn't a question of  
22 implementing operability to evaluate the equipment  
23 that was on the other side of the barrier. It was  
24 fully meeting the regulations. And I think there were  
25 others, and I think it was our belief that the

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1 guidance in the RIS was fairly clear that you would  
2 apply operability methods just like the ones that were  
3 in 91-18 that are in the inspection manual.

4 There was enough confusion that we ended  
5 up, you know, writing a whole bunch of Q&As and  
6 sending them into the staff that just, for the  
7 benefits of our members, reinforced the fact that it  
8 was operability that you are really making -- that  
9 it's really operability that you are determining.  
10 It's not full qualification if you determine to remove  
11 a barrier from service.

12 And so I think it's important that that  
13 needs to be reinforced in part of 91-18. I won't jump  
14 subjects, but just to recognize that the whole  
15 discussion in the barrier RIS relates to taking a  
16 purposeful action to remove or degrade the barrier in  
17 support of maintenance.

18 And so this was some indication that  
19 operability could be a methodology used to make a  
20 determination about the "operability of the supported  
21 equipment," you know, the barriers of support system,  
22 make determinations about the supported equipment. So  
23 a reasonable question came up and we thought very  
24 reasonable, which is well, if you can do this for  
25 hazard barriers in support of maintenance, why can't

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1 you do it in other situations in support of  
2 maintenance?

3 Can't we use the same operability  
4 evaluation methods in support of maintenance  
5 recognizing that the A-4 risk evaluations and other  
6 things related to the Maintenance Rule still apply?  
7 But anyway, that's why that there was an interest in  
8 having it addressed in 91-18.

9 FACILITATOR PETERSON: Do you feel like  
10 it's clarified in other things? It just needs to be  
11 further clarified in 91-18?

12 AUDIENCE MEMBER: Well, we spent a lot of  
13 time, the NUGEQ spent a lot of time trying to clarify  
14 the RIS. Okay. And we sent that stuff in to staff  
15 and we sent a Q&A format document in, and we got a  
16 response back that they thought that the guidance or,  
17 you know, that the responses we had made in the Q&A  
18 were consistent with the objectives.

19 And, you know, the fact that our members  
20 were confused would be suggestive that the guidance in  
21 the hazard barrier RIS by itself wasn't necessarily  
22 perfectly clear to everyone. I think just like the  
23 operability guidance that was in 91-18 isn't perfectly  
24 clear.

25 FACILITATOR PETERSON: Do people have any

1 examples of experiences with hazard barriers where  
2 there were some of these confusions?

3 AUDIENCE MEMBER: I think we, as the  
4 resident staff, hazard barriers --

5 FACILITATOR PETERSON: Good. Did you have  
6 something you wanted to add?

7 AUDIENCE MEMBER: No, just the essence in  
8 like whatever is in RIS 2001 ought to be just stuck in  
9 91-18.

10 FACILITATOR PETERSON: Okay.

11 AUDIENCE MEMBER: Yes.

12 FACILITATOR PETERSON: Good. Go here and  
13 then over there. I'm just going to try and do this  
14 first.

15 AUDIENCE MEMBER: Yes, but the draft RIS  
16 that was going to be issued on the Generic Letter 91-  
17 18 in 2001 actually had a statement, a proposed  
18 statement in it that says you will not use this for  
19 purposeful and for maintenance and things like that.

20 AUDIENCE MEMBER: But that was related to  
21 Degraded and Nonconforming Conditions. The guidance  
22 in 91-18 was arguably not operability guidance. It  
23 was the process of what you do for Degraded and  
24 Nonconforming Conditions. We're sort of here talking  
25 about operability, which is arguably somewhat a

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1 different piece of this.

2 I can give you an example. The hazard  
3 barrier RIS had an example that is somewhat consistent  
4 with the example in 91-18 about support systems and  
5 judgment, and the example that it gave was, and I  
6 don't remember all the details, but it was basically  
7 a situation where there was a barrier that provided  
8 protection from hurricane effects. And it said that  
9 there was a time of the year when hurricanes were  
10 unlikely to occur and so, in fact, this barrier wasn't  
11 needed. So the barrier as a support system wasn't  
12 "needed," and so that, in fact, the supported systems  
13 would be operable even though you did work on that  
14 barrier.

15 There were some members that said well,  
16 you know, it says that a hurricane is unlikely to  
17 occur, so that means that there is some probabilistic  
18 considerations and RIS considerations being integrated  
19 into this. And so in a similar manner, we might argue  
20 that hazard barriers such as doors might be open for  
21 a relatively short amount of time, and if the duration  
22 is short enough, so that the risk impact is small,  
23 that we're permitted to do this under the RIS.

24 And there were others that said well, no,  
25 that seems to be in conflict with the guidance in 91-

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1 18, and so the conclusion was that -- you know, so  
2 there were two differences of opinion about that  
3 example. So I think that's an example of confusion.

4 FACILITATOR PETERSON: Yes, this morning  
5 someone mentioned a similar situation regarding HVAC  
6 systems, and there are times of the year when those  
7 are more or less important. Okay. Another topic was  
8 snubbers and oh, the person who is here who wanted to  
9 talk about snubbers has temporarily left. I don't  
10 know if you want to just speak to Initiative 7(a)?

11 AUDIENCE MEMBER: Well, I don't  
12 particularly want to talk about it. Snubbers is  
13 another support system, which has been taken out what  
14 used to be in the old standard or are still probably  
15 in some of the custom specs, those that haven't  
16 converted, and in taking it out we inadvertently  
17 created a problem. And that problem was that in the  
18 old specs, as you are aware, snubbers were given 72  
19 hours before you had to -- they could be inoperable  
20 for 72 hours before you had to declare the supported  
21 system inoperable and this allowed time for  
22 maintenance, snubber maintenance.

23 Well, in the improved standard tech specs,  
24 the snubbers were taken out. The problem that that  
25 caused is that now the supported tech spec systems

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1 don't have that 72 hour cushion. You have to enter  
2 the specs immediately after performing operability  
3 determination.

4 And so the question is -- and some of the  
5 plants were under the impression that they still had  
6 the 72 hour delay time that they had in their old, in  
7 their prior specs. And, as I said, it was an  
8 inadvertent oversight and we may not have taken it out  
9 if we had realized the problems that we were causing,  
10 at the time.

11 However, we weren't comfortable with  
12 giving a blanket 72 hours across the board without the  
13 consideration of the risks involved in snubber  
14 inoperabilities. And basically, where we are right  
15 now with snubbers with TSTF-372 of NEI proposed change  
16 is that the industry is going back to make a proposal.

17 Right now, the staff is comfortable with  
18 granting an across the board single train  
19 inoperability. In other words, snubbers on a single  
20 train and snubbers that affect the single train can be  
21 made inoperable for 72 hours, because we are  
22 comfortable with the bounding and the safety analysis  
23 that was done saying that it is acceptable.

24 There are a few snubbers that physically  
25 affect, not analytically affect, but a few snubbers

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1 that physically affect multiple trains, and that is  
2 the hurdle that we have to get over. And my  
3 understanding is that there is a proposal going to be  
4 made by NEI in the near future addressing the snubbers  
5 that physically affect multiple trains, and it is  
6 going to, I just heard today, to be addressing perhaps  
7 a 12 or 24 hour window, and that they can make the  
8 risk assessment acceptable in a bounding type analysis  
9 for that.

10 But that is the status of that, and that  
11 was one of the concerns that was brought up in the  
12 morning session, I think that's it. I'm not sure.  
13 Maybe I raised more questions than I answered in the  
14 process, but at any rate.

15 AUDIENCE MEMBER: In fact, when the plants  
16 converted, the snubber spec was taken out. As the  
17 gentleman said, most plants, I believe, and Hatch did,  
18 was take that snubber spec and put it in what is  
19 called a technical requirements manual, which is a  
20 licensee controlled document under control 50.59.  
21 Basically, you can call it a procedure.

22 So the issue is does LCO-306 apply,  
23 because the snubber spec is not outside the tech spec  
24 and in an owner controlled document? NRC's position  
25 is that the LCO-306 applies, but it's just like it's

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1 not being there. So it's just because you have it in  
2 the TRM, it's not in the tech spec, so it's as if it's  
3 not there and you have to apply 306. Just a point of  
4 clarification.

5 AUDIENCE MEMBER: I mean, I have a  
6 question about that, again, related to snubbers and  
7 operability. I mean, if the licensee could make a  
8 determination during an operability evaluation for the  
9 snubber, and determine that the system was capable of  
10 performing its function, then you wouldn't be in this  
11 space at all, right?

12 AUDIENCE MEMBER: The problem is that if  
13 you do that --

14 AUDIENCE MEMBER: Not a RIS determination,  
15 but an operability determination.

16 AUDIENCE MEMBER: Well, the operability  
17 determination is based on what? Well, if we have to  
18 make an operability determination that it's operable,  
19 I guess you wouldn't need the snubber at all in that  
20 case, you know.

21 AUDIENCE MEMBER: Well, but remember,  
22 there is a question of the licensing basis, the design  
23 basis and then operability, which is a lower standard  
24 than the licensing basis and potentially the design  
25 basis. So you might need the snubber to fully meet

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1 your design basis, but you may have made a  
2 determination that the system can perform its required  
3 functions without the snubber from an operability --

4 AUDIENCE MEMBER: Face the facts.

5 AUDIENCE MEMBER: No, I mean, I'm not  
6 saying that it just works today.

7 AUDIENCE MEMBER: If I hear you right, I  
8 think what you're saying is if you would have a  
9 snubber and you make the determination that the system  
10 is Degraded But Operable, then you can move on. I  
11 don't think anybody would disagree with that.

12 AUDIENCE MEMBER: Yes.

13 AUDIENCE MEMBER: It's when, let's say,  
14 you have a snubber, if you have a plant, and in the  
15 cross-tie line you have a snubber and that snubber is  
16 out of service and when that snubber is out of  
17 service, both sides are inoperable and you're in a  
18 shutdown LCO, there is some discussion about well, we  
19 want to be able to do maintenance on that and that is  
20 what the initiative is about.

21 FACILITATOR PETERSON: Does anybody have  
22 any questions or suggestions about how that would  
23 apply in 91-18, make, I mean, the connection in terms  
24 of what the initiative is at 7(a) and how it needs to  
25 either relate or not relate to the 91-18?

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1           AUDIENCE MEMBER: I think that both the  
2 issue related to the hazard barriers and the snubbers  
3 in this context really gets down to the fourth item,  
4 and that's related to what is necessary, because in  
5 this sense, the snubbers are a support system, all  
6 right, and so it ultimately gets down to the question  
7 of what is the determination regarding what is  
8 necessary?

9           FACILITATOR PETERSON: Okay. Well, let's  
10 move down there then. And, I think, were you the one  
11 who had the initial question about, okay, defining,  
12 clarifying the terms necessary and required in this  
13 document.

14           AUDIENCE MEMBER: Do you want me to  
15 clarify what I mean by that?

16           FACILITATOR PETERSON: Yes, or just raise  
17 what your question is.

18           AUDIENCE MEMBER: Well, the standard  
19 definition of operability has declared a statement  
20 that says you got to the former specified function.  
21 Then it goes on and there is two adjectives associated  
22 with support function, necessary and required. When  
23 you read the existing guidance, it seems rather  
24 confusing until you finally get to the fourth  
25 paragraph where there is one example, and just in my

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1 mind, that example, and this is Section 6.12, and it  
2 seemed to imply that necessary means support of that  
3 function must be performed, and required means well,  
4 during this time period, a component that is degraded  
5 has to do that function like, for example, in cold  
6 weather, well, maybe normal ventilation is enough and  
7 you don't need the auxiliary ventilation.

8 So do you still need room cooling? Yes.  
9 But you don't need it if you are formed by that little  
10 bitty fan on the wall that the normal cooling can be  
11 done. Well, you have a hard time getting to that  
12 point and, in fact, some of the paragraphs seem  
13 internally inconsistent to me.

14 So my view would be to have a little more,  
15 so we don't need one, two, three, four, five, six,  
16 seven paragraphs to say what could be said in, I  
17 think, two clearer. I'll go back to this fellow's  
18 point about well, does the snubber perform a necessary  
19 and required support function and is it okay? Does  
20 required mean you have to presume the full DVA? It  
21 sounds like hurricane. If you can it's not hurricane  
22 season, well, is that what they really wanted to say  
23 in the example 4 or do you still have to presume the  
24 full DVA at all times? So there are some  
25 inconsistencies there, and I think example 4 in the

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1 RIS is part of the answer to that one.

2 AUDIENCE MEMBER: Yes, I think when you  
3 talk about the example of the ventilation where  
4 ventilation is not required in the wintertime or it  
5 may required of a lesser degree in the wintertime, you  
6 are able to perform, the system is able to perform its  
7 intended function without that. But when you go to  
8 the current licensing basis, that system is required.  
9 So where would you be in operability space? I think  
10 the answer to that would be you're Operable But  
11 Degraded.

12 AUDIENCE MEMBER: Right.

13 AUDIENCE MEMBER: And you have to put some  
14 sort of provision in place that that will be restored  
15 prior to the time when it is needed, right. Another  
16 great example is you have a diesel generator. You  
17 plug too many tubes on the cooling heat exchanger, is  
18 it inoperable? If it's wintertime, it might not be  
19 inoperable, but it's Operable But Degraded, and you  
20 have to put a barrier in place before summertime  
21 comes, that new heat exchanger is installed.

22 AUDIENCE MEMBER: And my message is when  
23 I read Section 6.12, those examples are consistent  
24 with my understanding, and what I get from reading the  
25 current Section 6.12, but it's a struggle to get

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1 there, and it takes seven paragraphs to say what I  
2 think could be said in two or three paragraphs and  
3 reduced just in my view.

4 FACILITATOR PETERSON: Are there any other  
5 comments? Okay. What about specifying safety  
6 functions?

7 AUDIENCE MEMBER: This is the big "O"  
8 versus little "o" operability in that we're using the  
9 same term really with two different meanings. We talk  
10 about operability and specified function being  
11 everything that is in the licensing basis. Whereas,  
12 tech spec operability is by regulation and by tech  
13 spec scope, a subset of that. So you can have  
14 components that have specified functions clear in the  
15 tech specs, clear in the basis what that function is,  
16 and have other functions in the licensing basis that  
17 aren't covered by that tech spec.

18 And you could have a situation, take  
19 hazard barriers, take the hurricane example, let's use  
20 a tornado, because there is specific regulatory  
21 guidance. It would say that the containment and the  
22 portions of systems that are there for like design  
23 basis accidents like LOCA do not have to be protected  
24 from a tornado, only things that are used in the long  
25 term, not those things that only have a function in

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1 the short term.

2 So you could have a barrier or some other  
3 support system that might be outside of your licensing  
4 basis, but not something that would have tech spec  
5 operability, so it would have a little operability  
6 problem, but not a tech spec operability in that there  
7 really are -- the same term is being used two  
8 different ways, and the specified function depends on  
9 which one is being affected.

10 And like I said, you could have an  
11 inoperability of a tech spec component that doesn't  
12 make it tech spec inoperable. This would come up in  
13 hazards barriers significantly, because a lot of  
14 hazard barriers that have to be moved for maintenance  
15 are not there for design basis accidents. They are  
16 for other events, and should be evaluated and just  
17 exactly as the guidance says, but it doesn't  
18 necessarily mean you're in a tech spec inoperability  
19 when you're doing that.

20 So I'm saying that the clarification of  
21 specified safety function should say you have the  
22 overall licensing basis specified safety function, but  
23 tech specs are a subset of that, and you should look  
24 at your basis of the tech spec to determine if that  
25 specified safety function is the one being inoperable.

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1 Is that clear?

2 FACILITATOR PETERSON: Well, yes. Does  
3 anyone have any questions or give any examples about--  
4 I mean, is there anyone here who can answer the  
5 question?

6 AUDIENCE MEMBER: I'll give you a brutal  
7 one. We have a licensing basis event, which is a  
8 nonmechanistic crack in a steam line, and in our  
9 licensing basis, that is it's a nonmechanistic event  
10 in which we do not assume single failure, loss of off-  
11 site power, a seismic event, etcetera. It is an  
12 extremely unlikely event. It is in our licensing  
13 basis, but it's not a design basis accident nor is it  
14 covered by tech specs. And we found an inoperable  
15 barrier between it and on our feed water pumps, for  
16 example, and we said that's not a tech spec event, and  
17 the tech spec for those feed water pumps don't apply  
18 to that event.

19 What applies is our licensing basis, and  
20 in that basis we don't have to assume a single failure  
21 or a loss of off-site power and our auxiliary feed  
22 water pump is sufficient to meet our licensing basis  
23 for that event, and the fact that we may toast our  
24 motor driven pumps doesn't make us -- they are not  
25 tech spec inoperable, because they are there for all

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1 other types of events.

2 In this case, there is no assumption of a  
3 seismic event or loss of off-site power and other  
4 events. So we meet all of our licenses basis  
5 requirements, but we didn't declare them tech spec  
6 inoperable even though we had a hazard barrier  
7 problem.

8 FACILITATOR PETERSON: Is that what other  
9 people's understanding would be?

10 AUDIENCE MEMBER: So your comment is what  
11 is reflected in the -- let me figure out what I was  
12 going to say.

13 AUDIENCE MEMBER: You know, simply to say  
14 that, recognize that there is a capital operability  
15 where you would look at the tech spec bases for the  
16 specified function, and the little one where you look  
17 at your real licensing basis and then you treat them  
18 based on the basis for that. But you could have  
19 something operable tech spec, but inoperable licensing  
20 basis. You're not necessarily in a tech spec  
21 inoperability if you have a problem, because the  
22 functions -- fire protection is another example.

23 If I have a fire barrier, I'm taking  
24 credit for the pump for fire safe shutdown, but if I  
25 have fire barrier impairment, I don't enter the LCO

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1 for feed water, because that is for design basis  
2 accidents not for fires, and fires are not in the  
3 basis in the tech specs for that component, but in my  
4 licensing basis, it is, but it's treated under that  
5 evaluation. These others are treated under, you know,  
6 Degraded and Nonconforming Conditions.

7 AUDIENCE MEMBER: I have a comment about  
8 that, and it relates to the -- in the discussions we  
9 had about the hazard barrier question, there was a  
10 problem, because -- there was an apparent problem,  
11 because there were people to talk about the big "O"  
12 and the little "o." They talked about tech spec  
13 operability and other operability.

14 And it got those people to the conclusion  
15 that the operability determination, not the actions  
16 that you take for Degraded and Nonconforming  
17 Conditions, but that the process of making the  
18 operability determination was somehow different for  
19 these two types of operability. And we went around  
20 and around and around about that and, ultimately, came  
21 back no, operability is operability.

22 So I am just going to caution you that in  
23 drawing a distinction if you make such a distinction  
24 in the revision, then you run the risk of reinforcing  
25 this view that the determination method is different.

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1 Certainly, the consequences are different, but I would  
2 see that as being part of the process that is part of  
3 the Degraded and Nonconforming Condition process, not  
4 making the operability determination process. That is  
5 how I would see it at least.

6 And, as I said, I have heard today the big  
7 "O" and little "o" several times, and I keep going  
8 back to this meeting, because there were some people  
9 that said oh, tech spec operability is full  
10 qualification and the other -- and it got everything  
11 very confused.

12 AUDIENCE MEMBER: Maybe a solution in 91-  
13 18 is not to use -- is to use operability purely with  
14 respect to tech specs, and then for licensing basis  
15 events, we use functionality.

16 AUDIENCE MEMBER: That is an idea, because  
17 it is confusing. People think, you know, if I am  
18 inoperable for this, I should be in the LCO, and that  
19 is where the confusion is. How you determine if you  
20 are operable or not doesn't change. It's just does  
21 inoperable for this event make you inoperable for tech  
22 spec? And I am just saying bases should govern.

23 AUDIENCE MEMBER: I was just going to  
24 suggest the same thing, that operable relate to where  
25 you have to change the state of a plant, which is what

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1 you're really concerned about, is the consequences,  
2 not how you determine operability. But in terms of  
3 functionality though, couldn't you deal with that  
4 under a Corrective Action Program, as opposed to an  
5 operability determination? Like if the component  
6 doesn't require you to enter a tech spec LCO, can you  
7 deal with that inoperability under a Corrective Action  
8 Program, as opposed to entering a change of state?

9 AUDIENCE MEMBER: I'm going to comment on  
10 it.

11 FACILITATOR PETERSON: Yes, go ahead.

12 AUDIENCE MEMBER: Yes. The concern that  
13 I would have with that is for those components that  
14 are determined to be inoperable, and I am going to use  
15 that term expressly, and that don't have a tech spec,  
16 now, if you want to insert nonfunctional instead of  
17 inoperable in there, I will grant that.

18 But there are some cases where that loss  
19 of functionality might prompt a shutdown, and there is  
20 a lot of examples, fire protection, emergency  
21 planning, security issues, all of which can prompt a  
22 change in operating status, and just because there is  
23 no tech spec, that doesn't mean that that's going to  
24 prompt a -- I mean, think of Davis-Besse, there is no  
25 tech spec on corrective action process, but here they

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1 are.

2 Now, admittedly, now, there is a call  
3 involved, but before that point, you said look, I got  
4 such programmatic issues here and I am in such massive  
5 noncompliance with, insert the regulation of the  
6 interest, you want to change the operating state.  
7 Where is that captured currently in the guidance?  
8 It's captured under reasonable assurance of safety,  
9 and it says it's therefore inoperable SSCs that don't  
10 have tech specs and they use the term inoperable. So  
11 that is a concept that is worth capturing, I think.

12 FACILITATOR PETERSON: Okay. We're going  
13 to go back here.

14 AUDIENCE MEMBER: To address the gentleman  
15 who just spoke, again, going back to the big "O"  
16 versus the little "o." Again, as a shift manager, I  
17 deal in tech spec space, and at the Nuclear Management  
18 Company, we do send the little "os" on to the  
19 Corrective Action Program to be evaluated for degraded  
20 or nonconformance issues, because you're right, the  
21 upper site management might look at all the issues  
22 that you're addressing and make the determination  
23 that, you know what, we might have too many things  
24 going on here, you know, and we need to change modes.

25 But operability, big "O" or prompt

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1 determination of operability only deals in tech spec  
2 space. And if you don't have a tech spec for fire  
3 protection, you don't have a tech spec for EQ and you  
4 don't have a tech spec for pressurized thermal shock  
5 issues, you know, they have to -- and that was, thank  
6 you. Those have to be addressed by the corrective  
7 action process, because nothing will drive you to  
8 change modes and really, you shouldn't or else it  
9 should be in the tech specs. Any response before I  
10 give this up?

11 AUDIENCE MEMBER: It's covered in the flow  
12 chart that for non-tech spec issues, you look for  
13 reasonable assurance of safety and either it exists or  
14 it doesn't, and then either the operation is  
15 acceptable or it's not acceptable. So, I mean, it's  
16 covered in here already. You can't just tick it off  
17 and wait for an answer down the road sometime.

18 AUDIENCE MEMBER: You're agreeing with  
19 what I said earlier?

20 AUDIENCE MEMBER: Yes.

21 AUDIENCE MEMBER: I'm agreeing with you,  
22 right?

23 AUDIENCE MEMBER: Yes, it's covered. What  
24 do you do if it's not covered by tech specs? You  
25 still have to evaluate it.

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1                   AUDIENCE MEMBER:   That's the problem.  
2   There is a lot of supported systems that are out there  
3   that support something that don't have a specific tech  
4   spec requirement, and they are necessary for the main  
5   system to perform its intended function. The big "O"  
6   and the little "o," whether you want to call it  
7   operability functionality, the segregation between the  
8   two, a great example would be you have a diesel  
9   generator. It's got an air start system. If the  
10   receiver is inoperable, it would cause the diesel to  
11   be inoperable. That is the big "O."

12                   The little "o" has an air compressor.  
13   Okay. The air compressor keeps the receivers charged.  
14   If it's not functional, the receivers are not going to  
15   stay charged. It's inoperable, but it's not going to  
16   cause you to be tech spec inoperable, of course,  
17   unless that component is in the tech specs until the  
18   receivers can no longer have enough air in them to  
19   maintain your start, your diesel starts.

20                   So in one case, you have a supported  
21   system that does, in another case you don't, but in  
22   some cases you may not even have the air start system  
23   in the tech specs. At that point, that is where the  
24   big "O" would apply to something that's not in tech  
25   specs and you have to evaluate it.

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1           That would also be true for hazard barrier  
2 or an EQ qualification. There was an example given  
3 this morning with an EQ qualification where you had an  
4 EQ component that was not functional. It was required  
5 by design basis to be functional for 12 or 24 hours or  
6 30 days or something after the hazard event. The  
7 reality of the situation is it's degraded right now,  
8 and it's only good for three hours. Well, if the  
9 event is going to last longer than three hours, the  
10 design event is going to last longer than three hours,  
11 that EQ component being inoperable would cause the  
12 supported piece of equipment to be inoperable.

13           Now, if that happens to be a local  
14 pressure instrument, that's one thing. If it happens  
15 to be an automatic start sequel or an automatic  
16 transfer switch, that's a different thing. If it's  
17 going to be operable for less amount of time than the  
18 -- greater or less would determine its operability.  
19 Greater than the three hour event if it's going to  
20 last longer than the three hour event, obviously, you  
21 could say Operable But Degraded. If it's going to not  
22 last longer than the three hour event, you would not  
23 be operable and you would have to declare the system  
24 inoperable. That is an example of another component  
25 that is not in tech specs.

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1                   AUDIENCE MEMBER: Well, besides components  
2 being inside or outside tech specs or hazard barriers,  
3 I think you got to look at what the barrier is  
4 protecting. Is it protecting a tech spec function or  
5 is it protecting a non-tech spec function?

6                   AUDIENCE MEMBER: Exactly. That's why I  
7 think --

8                   AUDIENCE MEMBER: And that's why. Just a  
9 second. See, that's why, I guess, maybe I don't know  
10 enough, but, you know, for a HELB barrier, is the HELB  
11 barrier protecting a tech spec function? Our tech  
12 specs weren't written with a the High Energy Line  
13 Break in mind.

14                   AUDIENCE MEMBER: Exactly.

15                   AUDIENCE MEMBER: So do we really need to  
16 be in tech specs and what do you really get? It's a  
17 fictional LCO.

18                   AUDIENCE MEMBER: Well, see, the hazard  
19 barriers are already recommended by the RIS. The RIS  
20 suggests you do a 91-18 evaluation evaluating that  
21 aspect of it, so that is kind of directing us in that  
22 direction. I think the bottom line is specified  
23 functions, specified safety function, and the next to  
24 the bottom bullet there, which somebody else said,  
25 inoperability, I think we need to better define those.

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1 I would concur with the gentleman's statement over  
2 there.

3 AUDIENCE MEMBER: What I would do, too,  
4 with the Safety Function Determination Program in the  
5 tech specs, you know, if you have converted, the SFDP  
6 Program is intended when you get into these little "o"  
7 situations, by the way, I had never heard of little  
8 "o" and big "O" until I came here today, but if you  
9 get into a little "o" situation with a support system  
10 that is not in the tech specs, then the tech specs,  
11 the standard, will have you go into the Safety  
12 Function Determination Program, and that's designed to  
13 tell you whether or not you should be in that LCO for  
14 the supported system.

15 AUDIENCE MEMBER: Only for RTLF, correct.  
16 That's correct.

17 FACILITATOR PETERSON: Okay. The last  
18 topic is which support systems are needed and required  
19 for operability? Whose topic was that?

20 AUDIENCE MEMBER: And actually, the  
21 discussion we just had in the last 10 minutes kind of  
22 drives this point home. Going back to the diesel  
23 generator air start system. Okay. When you look at  
24 support supported, okay, in Palisades, in our tech  
25 spec bases we only require the air receivers to

1 maintain a certain pressure to ensure diesel  
2 operability, but those receivers are charged by  
3 compressors. Okay.

4 So when the compressors break, whatever,  
5 we don't declare our diesels inoperable as long as the  
6 receivers have certain pressure. But as the gentleman  
7 brought up the question, that would be support system  
8 for the receivers, which is a support system for the  
9 diesel.

10 So my question that I raised earlier was  
11 I would like to just get a feel for how many plants  
12 based on what Generic Letter 91-18 says, "The licensee  
13 is responsible to understand which support systems  
14 make your main system inoperable." How many people  
15 out there actually have a list of systems that if this  
16 breaks, well, then your HPCI train is inoperable? If  
17 that breaks, your RCIC train is inoperable, you know,  
18 for example, or do you take it on a one-on-one basis?

19 For example, if the compressor breaks, you  
20 say well, diesel operability really is not affected,  
21 because I have 200 and some pounds in my air receiver.  
22 Does the letter say you got to have a list or does the  
23 letter say you just understand one-on-one on a case-  
24 by-case basis?

25 FACILITATOR PETERSON: Anything?

1                   AUDIENCE MEMBER: I don't think the letter  
2 says you have to, but we do. I mean, we wanted to  
3 have it planned ahead of time and thought through  
4 ahead of time instead of having to do it on the spot.  
5 Our operators just like us to think ahead. I don't  
6 think it requires you to, but I think it helps.

7                   FACILITATOR PETERSON: Someone else who  
8 can comment on that and respond to his question?

9                   AUDIENCE MEMBER: What I have seen is a  
10 list of equipment that serves as a starting point for  
11 the operability evaluation. You can never have a list  
12 of equipment and say, you know, some do and some  
13 don't, because you have to consider failures and what  
14 might be wrong with it. So the lists I have seen are  
15 just the starting point to kick off, you know, the  
16 operability measure.

17                   AUDIENCE MEMBER: That was my original  
18 question. What does this statement mean? Understand,  
19 you're required to understand which support systems  
20 support your main system.

21                   AUDIENCE MEMBER: On a case-by-case basis?

22                   AUDIENCE MEMBER: If you can understand to  
23 do it without a list, go ahead. If you want a list,  
24 you have a leg up with engineering. Is it clear to  
25 everybody or not?

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1 AUDIENCE MEMBER: Is it clear that it  
2 doesn't ask for a list?

3 AUDIENCE MEMBER: Right.

4 AUDIENCE MEMBER: Does anyone believe it  
5 asks for a list?

6 AUDIENCE MEMBER: Well, it says  
7 understand.

8 FACILITATOR PETERSON: Go ahead.

9 AUDIENCE MEMBER: I think some clarity  
10 might be needed for those people who don't have tech  
11 specs. I don't know how many there are that are left,  
12 but how you handle nonfunctional tech specs, the issue  
13 of cascading the tech specs and when you cascade and  
14 when you don't get published and give guidance. You  
15 know, I mean, unless everybody has had that already,  
16 the people that I am familiar with are being confused  
17 as to when they cascade and when they don't.

18 AUDIENCE MEMBER: I think the guidance  
19 doesn't --

20 AUDIENCE MEMBER: Once you understand one.

21 FACILITATOR PETERSON: Go ahead. I  
22 thought you were raising your hand.

23 AUDIENCE MEMBER: No.

24 FACILITATOR PETERSON: Oh.

25 AUDIENCE MEMBER: I just have a question

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1 about this. As we're linking all these requirements  
2 together and the Maintenance Rule is being tied in  
3 with tech specs and ERAs used in doing risk  
4 assessments as part of the Maintenance Rule, and in  
5 order to adequately model your plant, you have to know  
6 what the system dependencies are, so I would assume  
7 that the list of support systems already exists that  
8 a plant use in order to model their plant effectively.  
9 Does every plant have a system dependency matrix they  
10 could use as a starting point?

11 AUDIENCE MEMBER: They don't all go to  
12 that level.

13 AUDIENCE MEMBER: Isn't that an area that  
14 maybe we should tackle as part of this whole  
15 operability question?

16 FACILITATOR PETERSON: It sounds like  
17 there are some people who had some disagreement with  
18 that. Does anyone want to articulate that?

19 AUDIENCE MEMBER: Well, I guess I am of  
20 the opinion, having been licensed before and then  
21 knowing what our company does and things, that one, we  
22 rely on the operators to the great extent was the  
23 integrated knowledge of the overall plant to determine  
24 what is related and what is interrelated through their  
25 training and experience, and then also engineering to

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1 help provide the definition with respect to that when  
2 questions do arise.

3 I would hate to have to develop for each  
4 plant a list of what systems are interdependent  
5 components and what level of detail you go to, and I  
6 would see that being an unnecessary burden with little  
7 value added. I mean, unless somebody has got a  
8 specific problem at their specific plant, let them  
9 develop a list. Don't make the whole industry do it  
10 when most people don't have the problem.

11 AUDIENCE MEMBER: For what it's worth, the  
12 company I work for, we got in trouble at a plant. We  
13 decided we were going to make a list. We're going to  
14 make a list, all right? We're making a list. After  
15 we decided how much money it was costing us, we made  
16 the list. It was a great list, but we realized it was  
17 incomplete and we ended up throwing money away and  
18 went back and said all right and we just gave up.

19 FACILITATOR PETERSON: Are there other  
20 issues related to support systems? Any comments or  
21 questions you want to make sure that are captured  
22 going into drafting the revised guidance? Oh, I'm  
23 sorry. Go right there. So whose topic was this one?

24 AUDIENCE MEMBER: I think as I mentioned  
25 briefly before, when we were doing work on the hazard

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1 barrier guidance and the RIS associated with hazard  
2 barriers, the RIS basically says you can take a hazard  
3 barrier out of service or degrade a hazard barrier in  
4 support of maintenance, and we won't go into all the  
5 other aspects of A-4 and other things that you need to  
6 do in support of the maintenance, when 50.59 doesn't  
7 apply and when 50.59 might apply.

8 But in any case, the guidance in the  
9 hazard barrier RIS said that you can take a barrier  
10 out of service in support of maintenance, and for the  
11 "supported systems and components" you are still  
12 required under the tech specs to make an operability  
13 determination, and we agreed with that.

14 It was, again, clarifying to some people,  
15 because some of our group members thought that if you  
16 took, for example, a HELB barrier out of service that  
17 any of the equipment that was behind that barrier had  
18 to be fully qualified to 50.49. The guidance here was  
19 no, it just has to be operable. You have to make a  
20 reasonable determination based on available  
21 information.

22 So it seemed to us that the same concepts  
23 would apply to other things, including tent mods and  
24 other things that might be done in support of  
25 maintenance that the tent mods and other things and

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1 compensatory actions, etcetera, in support of  
2 maintenance, that the criterion that would be applied  
3 would be an operability criterion to determine, you  
4 know, whether it was tech spec operable and not a full  
5 qualification criterion.

6 And there were several group members that  
7 thought this had a significant impact in terms of how  
8 they conducted their operations. There, in fact, was  
9 an example. I'm sorry. I was going to mix things, so  
10 let me just stop right there. There was an example  
11 related to the room coolers and the PI indicators  
12 associated with maintenance where they were getting  
13 killed, because every time a room cooler was out of  
14 service, the core spray pumps and the RHR pumps and  
15 the whole system was declared inoperable even though  
16 it could have been under a situation where, in fact,  
17 they were operable if it was an operability evaluation  
18 and, in fact, it might have been in support of  
19 maintenance.

20 So if they took the room coolers out of  
21 service to do maintenance, by definition the  
22 associated system, whether it be RHR core space, the  
23 room was like declared inoperable, and they thought  
24 that that was in the inappropriate thing to do, that  
25 if, in fact, they had information supporting depending

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1 on the time of year or whatever other considerations  
2 that taking room coolers out of service shouldn't  
3 automatically render the core space system, for  
4 example, inoperable.

5 So, I think, what we are saying is we  
6 would like to see the 91-18 guidance expand upon the  
7 concepts that are in the hazard barrier and discuss  
8 their applicability, other support systems that are --  
9 I hesitate these were degraded functionality, but  
10 whose functionality may be reduced in support of  
11 maintenance, and that the operability is the criterion  
12 that would apply.

13 FACILITATOR PETERSON: Does anybody have  
14 a response to that?

15 AUDIENCE MEMBER: I think the process --  
16 if you take the HPCI snubber out of service, for  
17 example, then the generator will be extra. There's a  
18 time to take the coolers out of service with their  
19 pumps, called spray pumps, and it's wintertime and you  
20 don't need those. You have to have the LCO prior to  
21 taking that service. This processes very well.

22 AUDIENCE MEMBER: I don't agree with you.  
23 There were some people in the group that don't agree  
24 with -- that would agree with us. The problem is that  
25 there is clearly a wide variety of perspectives, and

1 not that they say this is my opinion. They believe  
2 that the guidance says that they can't do it.

3 FACILITATOR PETERSON: Are there any other  
4 examples that anyone has of that?

5 AUDIENCE MEMBER: I think I have an  
6 example. In an outage, we have a requirement for an  
7 RHR pump to be operating and one to be operable on  
8 standby, and the ventilation system during that mode  
9 had to come down for maintenance, the support system  
10 for the standby pump. So following the 50.59  
11 guidance, we did a temporary procedure change to  
12 arrange alternate qualified ventilation to be  
13 available for the stand pump in a timely manner if it  
14 was needed.

15 And so we did risk assessments on  
16 Maintenance Rule. We also did 50.59 evaluation of  
17 determining that we could meet operability and have it  
18 have an operable support system, temporary alterations  
19 of procedures to support the maintenance of the safety  
20 chillers and support the operability of the RHR  
21 system. I think that is pertinent, right? What do  
22 you think?

23 AUDIENCE MEMBER: Yes.

24 AUDIENCE MEMBER: Do you agree that fits?

25 AUDIENCE MEMBER: Yes.

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1 AUDIENCE MEMBER: Okay.

2 AUDIENCE MEMBER: It's a variation of  
3 identify the pumps that are being controlled by the  
4 specs.

5 AUDIENCE MEMBER: Right.

6 AUDIENCE MEMBER: It is actually, yes. We  
7 don't use the term BCO.

8 AUDIENCE MEMBER: Yes.

9 FACILITATOR PETERSON: Okay. We have  
10 about half an hour left, though I don't know if there  
11 are other topics or questions, clarifications,  
12 comments you want to make.

13 AUDIENCE MEMBER: This isn't my question,  
14 but it would have been one, if some of my colleagues  
15 were here, related to the maintenance, and that is  
16 that some of the temp alts that would be implemented  
17 in support of maintenance, you know, they thought that  
18 the operability criterion would apply to the temp  
19 alts, as well, so I wanted to get some feedback about  
20 that.

21 FACILITATOR PETERSON: Yes, that was a  
22 topic that was discussed this morning, as well, what  
23 criteria are there for temporary alterations.

24 AUDIENCE MEMBER: Barrier cause a problem?

25 AUDIENCE MEMBER: I think the question is

1 more are the temp alts implemented with the goal of  
2 achieving operability or are the temp alts implemented  
3 with the goal of achieving full qualification, not in  
4 an EQ sense, full qualification in the 91-18 sense?  
5 No, this is a temp alt in support of maintenance, not  
6 a corrective action.

7 FACILITATOR PETERSON: Go ahead and say  
8 your question.

9 AUDIENCE MEMBER: How do we capture that?  
10 It sounds like what you're saying is like in the  
11 guidance on the use of operability in support of  
12 maintenance in temporary alteration. How can we apply  
13 this or if, in fact, it can be applied, the  
14 operability process can be applied?

15 AUDIENCE MEMBER: That is what they want.

16 AUDIENCE MEMBER: So that's what they are  
17 asking.

18 FACILITATOR PETERSON: Are there any other  
19 direction, comments you want to provide to Kerri and  
20 the other staff who are going to be working on  
21 revising the guidance?

22 AUDIENCE MEMBER: A question to clarify  
23 his question. Did you say a temp alt is used to  
24 support a temporary change in support of operability?

25 AUDIENCE MEMBER: No, in support of

1 maintenance, a temp alt for maintenance.

2 AUDIENCE MEMBER: Okay. I just want to  
3 make sure. Okay. So you're saying a temp alt in  
4 support of maintenance? Now, so then where is the  
5 confusion?

6 AUDIENCE MEMBER: The question is can the  
7 temp alt be designed to achieve qualification or can  
8 temp alt be designed --

9 AUDIENCE MEMBER: I'm slightly confused on  
10 that one. What I'm thinking of as a temporary  
11 alteration is you lift the lead on a protected feature  
12 of a pump, so that you don't bump into the switch and  
13 cause a trip, and then at the end of the week when you  
14 finish your maintenance, you move it back. To me,  
15 that's what temporary alteration is.

16 AUDIENCE MEMBER: There might be other  
17 alterations.

18 AUDIENCE MEMBER: There is one that would  
19 apply.

20 AUDIENCE MEMBER: That is not for support  
21 of maintenance.

22 AUDIENCE MEMBER: So that's in support of  
23 maintenance.

24 AUDIENCE MEMBER: Okay.

25 AUDIENCE MEMBER: And then the question

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1 RIS would say, battery 09 would say, is the battery  
2 operable with that one cell jumpered out, and if the  
3 answer is yes, then you go ahead with the lead in  
4 support of maintenance.

5 AUDIENCE MEMBER: Right.

6 AUDIENCE MEMBER: So I don't --

7 AUDIENCE MEMBER: I ask for more  
8 clarification. You have to make it clear.

9 AUDIENCE MEMBER: Right, and there may be  
10 other alterations. There may be temporary alterations  
11 related to some other fielding. There may be  
12 alteration barriers. There may be other types of  
13 alterations, other features of area scaffolding, that  
14 sort of thing, and the question that they were asking  
15 is operability criterion. Again, some felt that the  
16 criterion had to be --

17 FACILITATOR PETERSON: Are there any other  
18 points, comments, questions that need to be captured?  
19 Well, Bob, do you have what you need to report?

20 AUDIENCE MEMBER: When we reconvene or  
21 whatever, someone has to present what was discussed.  
22 If I have any comments or present what we discussed,  
23 what I'll do is I would just -- if I were to present  
24 it, I would just go down and present what was  
25 discussed of the main topic. If anybody wants to

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1 report on operability, you're welcome to.

2 FACILITATOR PETERSON: Okay. If there are  
3 no other comments regarding the support system then,  
4 we'll be reconvening in here at about 3:00, and it  
5 might be possible to -- I mean, it's possible to go  
6 upstairs.

7 AUDIENCE MEMBER: Go up to the cafeteria?

8 (Whereupon, the Topic 2 Breakout Session  
9 was adjourned at 2:23 p.m.)

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CERTIFICATE

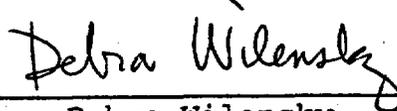
This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name of Proceeding: Operability Workshop  
Breakout Session  
Topic 2: Support System  
Operability

Docket Number: n/a

Location: Rockville, MD

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings.



---

Debra Wilensky  
Official Reporter  
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