



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, IL 60532-4352

May 9, 2008

MEMORANDUM TO: Ho K. Nieh, Deputy Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

FROM: Gary L. Shear, Deputy Director
Division of Reactor Projects
/RA by Cynthia D. Pederson for/

SUBJECT: TASK INTERFACE AGREEMENT (TIA) – EVALUATION OF
IMPLEMENTATION OF LIMITING CONDITION FOR
OPERATION (LCO) 3.0.4a, "MODE CHANGE LIMITATIONS," AT
PALISADES NUCLEAR PLANT (TIA2008-002)

On January 14, 2008, with Palisades Nuclear Plant in Mode 3, the NRC resident inspector observed that radiation monitor RIA-1805 was declared inoperable, but the bi-stable associated with the instrument was not in the trip condition. The Palisades Technical Specifications (TSs) require the channel (bi-stable) to be placed in trip within seven days from time of discovery of the inoperable condition or be in shutdown in the following six hours. RIA-1805 is one of four containment radiation monitors required to be operable in Modes 1-4 by Limiting Condition for Operation (LCO) 3.3.3, "Engineered Safety Features," Table 3.3.3-1, Function 6. The monitors are engineered safety features (ESF) instrumentation that actuate to isolate containment on a two out-of-four coincidence logic upon detection of a high radiation condition.

The NRC staff questioned the licensee operators if the radiation monitor was to be restored to an operable status or if the bi-stable was to be placed in trip prior to start-up. Limiting Condition for Operation 3.0.4a prohibits a transition from Mode 3 to Mode 2 unless the associated actions to be entered permit continued operation in the applicable Mode or other specified condition for an unlimited period of time. The operators stated the issue had been reviewed and no action was required prior transition to Mode 2.

However, following NRC discussions with plant management, the licensee decided to place the channel in trip and then proceed with the startup transition to Mode 2. The licensee wrote a Condition Report to address the issue.

Licensee Position:

The licensee's position on the application of LCO 3.0.4a was that the seven day required completion time to place the unit in trip did not have to be completed prior to the mode transition. The licensee stated that although the TS actions to be entered permit operations for an unlimited time period, the required actions do not (emphasis added) need to be completed prior to the mode transition; rather a delay time equal to the allowed completion time, in this case seven days, is permitted.

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The basis for the licensee's position is that LCO 3.0.4 does not specifically require action prior to the mode transition because LCO 3.0.4a uses a future tense: "Actions to be entered." Secondly, LCO 3.0.4 does not contain a statement requiring compliance with a sooner completion time than the LCO 3.3.3 required completion time. The licensee also indicated that their position is supported by TS implementation training documents provided by Improved Technical Specifications (ITS) contractors which have the approval of the Nuclear Energy Institute (NEI) Technical Specifications Task Force. However, approval by NEI does not constitute an applicable regulatory position or NRC staff position.

Applicable Regulatory Position:

The NRC staff reviewed the applicable requirements in 10 CFR 50.36 in conjunction with the Palisades TS as well as the applicable staff position contained in Standard Technical Specifications and concluded that the plant specific Palisades TS and Bases for LCO 3.0.4 are consistent with that regulatory position on aforementioned application of LCO 3.0.4a.

The applicable staff position for Palisades in LCO 3.0.4a states:

"When an LCO is not met, entry into a mode or other specified condition in the Applicability shall only be made:

- a. When the associated ACTIONS to be entered permit continued operation in the MODE or other specified condition in the Applicability for an unlimited period of time;"

Although the Palisades LCO contains the future looking statement "to be entered" the Palisades LCO 3.0.4a Bases clarify the intent of the LCO by stating:

"Compliance with Required Actions that permit continued operation of the plant for an unlimited period of time in a MODE or other specified condition provides an acceptable level of safety for continued operation.... Therefore, in such cases, entry into a MODE or other specified conditions in the Applicability may be made in accordance with the provisions of the Required Actions."

NRC Staff Guidance:

LCO 3.0.4.a indicates that entry into a Mode, i.e., transitioning from MODE 3 to 2, may only be made when (emphasis added) the associated ACTION to be entered permits continued operation for an unlimited period of time. For TS 3.3.3 this requires placing the affected bi-stable in trip. The unlimited period of time for operation cannot begin until the ACTION is complete because meeting the action establishes the basis for continued operation in the degraded condition while ensuring adequate safety for the plant is maintained. In the Palisades case, if the bi-stable is not tripped within seven days, the plant must shut down per TS Action 3.3.3.E.

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Conclusion:

Therefore, based on the applicable staff guidance provided in the Standard Technical Specifications, as illuminated by its Bases, the NRC staff inspection guidance is that LCO 3.0.4a prohibits a Mode transition while not in compliance with the Required Action. Thus, the associated action which allows operations for an unlimited time (in this case tripping a bi-stable) must be completed prior to mode ascension in order to apply TS 3.0.4a. This NRC staff inspection guidance disagrees with the licensee's interpretation of LCO 3.0.4a.

Docket: 50-255

cc via E-mail:

C. Pederson

C. Haney

M. Case, D/NRR/ADRO/DRP (**MJC**)

S. Rosenberg, C/NRR/PSPB (**SLR1**)

S. Peters, PM/NRR/PSPB (**SEP**)

G. Waig, C/NRR/ITSB (**TJK1**)

C. Schulten, NRR/ITSB (**CSS1**)

M. Chawla

L. James

J. Ellegood

J. Giessner

R. Lerch

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R. Lerch

SUNSI Review Completed: ADAMS: Yes No Initials:
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NRR/PSPB/BC	NRR/DPR/DD				
SRosenberg	HNieh				
	M. Case for				
5/8/08	5/8/08				

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