

From: Stephen Sands
Sent: Thursday, January 08, 2009 12:25 PM
To: 'timothy.byam@exeloncorp.com'
Cc: Russell Gibbs
Subject: TSTF-423 - RAIs

Importance: High

Technical Staff Task Force (TSTF)-423-A, Revision 0, "Technical Specifications End States, NEDC-32988-A," was approved by the NRC and published in the Federal Register on March 23, 2006 (Ref. [ML060760206](#)). TSTF-423-A modifies the Required Actions of twenty-two Specifications to allow the plant to remain in Mode 3 (Hot Shutdown) instead of exiting the Applicability by proceeding to Mode 4 (Cold Shutdown) when inoperable equipment is not restored. ([ML032270250](#) provides TS markup of LCOs affected by TSTF- 423, and [ML060760206](#) provides model safety evaluation for the TSTF.) To-date, the staff has received three applications from Exelon's plants (Clinton, Quad Cities and Dresden).

While reviewing the TSTF-423 license amendment request for the Clinton nuclear facility, the staff identified two concerns. First, revising the technical specifications to allow the licensees to remain in Mode 3 indefinitely with inoperable systems would also permit starting up using the allowance of LCO 3.0.4(a) with inoperable systems or equipment. This was an unintended consequence of the staff's approval of TSTF-423. The purpose of TSTF-423 was to allow licensees to remain in Mode 3 (instead of proceeding to cold shutdown) while conducting repairs, and then return to Mode 1. The second concern is that primary containment should not have been treated the same as the other systems included in the TSTF-423. For this reason, primary containment has been removed from the TSTFs for the PWR designs. The reason for this is that unlike the other systems included in TSTF-423, an inoperable primary containment constitutes a loss of a primary fission product barrier. From a risk perspective, secondary containment does not provide an equivalent level of protection as the primary containment.

Considering these two concerns, the staff is requesting additional information as follows:

RAI 1

Please explain how the licensee would prevent LCO 3.0.4(a) from being inappropriately invoked during startup to facilitate going up in mode with inoperable systems or equipment.

RAI 2

Please demonstrate how the licensee would maintain an equivalent level of protection while operating in Mode 3 with an inoperable primary containment.

REGULATORY ANALYSIS BASIS FOR RAIs

10 CFR 50.36(d)(2)(i), states:

Limiting conditions for operation. (i) Limiting conditions for operation are the lowest functional capability or performance levels of equipment required for safe operation of the facility. When a limiting condition for operation of a nuclear reactor is not met, the licensee shall shut down the

reactor or follow any remedial action permitted by the technical specifications until the condition can be met.

The actions in the licensee's LAR appear to be non-compliance with 10 CFR 50.36(d)(2)(i), in that the plant technical specifications will contain LCOs in which the lowest functional capability or performance levels of equipment required for safe operation of the facility are not met.

If you have any questions or need additional information, please contact Stephan Sands at 301-415-3154 or Ravi Grover at 301-415-2166.

Stephen Sands

Division of Operating Reactors
Clinton & LaSalle Project Manager
Licensing Project Branch 3-2
Phone: 301-415-3154
E-mail: Stephen.Sands@nrc.gov

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From: Stephen Sands

Created By: Stephen.Sands@nrc.gov

Recipients:

timothy.byam@exeloncorp.com ('timothy.byam@exeloncorp.com')
Tracking Status: None
Russell.Gibbs@nrc.gov (Russell Gibbs)
Tracking Status: None

Post Office:
HQCLSTR02.nrc.gov

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