

March 31, 2010

TSTF-10-01
PROJ0753U. S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, DC 20555-0001

SUBJECT: TSTF Position Regarding Required Action Completion

Dear Sir or Madam:

At a public workshop on Technical Specification issues held between the NRC and the Technical Specifications Task Force (TSTF) on January 27-28, 2009, with a follow-up meeting on February 24, 2009, the TSTF and the NRC discussed an NRC position regarding whether a licensee is required to perform Required Actions. The TSTF agreed to review the Technical Specifications and address the issue with the NRC in the future.

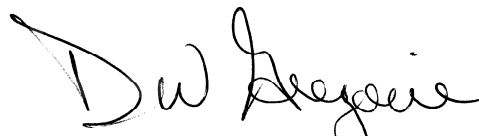
The TSTF has considered the NRC's position, reviewed the Technical Specifications, and reviewed the development of the Improved Standard Technical Specifications (ISTS). The results of our review are described in the attached document.

We look forward to discussing this issue with the NRC staff at the next scheduled TSTF/NRC public meeting.

Should you have any questions, please do not hesitate to contact us.



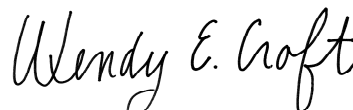
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TSTF Response to NRC Position on Required Action Completion

Background

At a public workshop on Technical Specification issues held between the NRC and the Technical Specifications Task Force (TSTF) on January 27-28, 2009, with a follow-up meeting on February 24, 2009, the TSTF discussed a concern with the NRC's position regarding the River Bend station event on October 31, 2005. River Bend received a non-cited violation which stated, "The licensee's failure to restore compliance with TS LCO 3.4.1 or complete the required action of TS 3.4.1.A.1 to shut down one RR loop within 2 hours was a performance deficiency." At the public workshop and subsequent meetings, the NRC stated the position that all Required Actions must be taken if it's physically possible to do so. The TSTF believes that this position is contrary to normal TS usage and could lead to actions contrary to safe plant operation.

NRC Position

The NRC's position can be summarized as:

- TS require licensees to perform the Required Actions specified in the Actions table and licensees do not have the flexibility to choose to not perform a Required Action and to enter the default action at the expiration of the Completion Time (i.e., an action such as "Required Action and associated Completion Time not met.") The NRC's position is based on the statement in LCO 3.0.2, "Upon discovery of a failure to meet an LCO, the Required Actions of the associated Conditions shall be met, except as provided in LCO 3.0.5 and LCO 3.0.6."
- If it is not possible to perform the Required Action (such as to restore Operability), it is permissible to enter the default action at the expiration of the Completion Time.

TSTF Position

The TSTF's position is that licensees are allowed to utilize any Actions in the Actions Table that are applicable.

Prior to the Improved Standard Technical Specifications (ISTS), Actions were written in a prose style. Examples:

"With a Reactor Coolant Loop operating loop temperature less than 541°F, restore T_{avg} to within its limit within 15 minutes or be in HOT STANDBY within the next 15 minutes."

"With the number of OPERABLE channels one less than the Minimum Channels OPERABLE requirement, restore the inoperable channel to OPERABLE status within 48 hours or be in HOT STANDBY within the next 6 hours."

"With one or more of the [containment] isolation valve(s) specified in Table 3.6-1 inoperable, maintain at least one isolation valve OPERABLE in each affected penetration that is open and either:

- a. Restore the inoperable valve(s) to OPERABLE status within 4 hours, or

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- b. Isolate each affected penetration within 4 hours by use of at least one deactivated automatic valve secured in the isolation position, or
- c. Isolate each affected penetration within 4 hours by use of at least one closed manual valve or blind flange; or
- d. Be in at least HOT SHUTDOWN within the next 6 hours and in COLD SHUTDOWN within the following 30 days."

It is clear from these examples that normal English rules apply and the licensee had choices, joined by an "or" in the Action. Note in particular that in the last example, a licensee may choose to take Action a, b, c, or d.

During the development of the ISTS, human factor analyses recommended changing the prose style of Actions to separated boxes with Conditions, Required Actions, and Completion Times. This change in format did not change the application of the Actions.

During the plant-specific conversion to ISTS format Technical Specifications, licensees annotated and justified changes to their TS. Changes from the prose style of Actions to the ISTS format were either annotated as administrative with no change in intent or, most commonly, not shown as a change at all. Attachment 1 contains an example of the Actions for the Containment Isolation Valves, similar to the last example given above. Note that the "or" connectors between each Action are not eliminated and no technical change is indicated associated with dividing the pre-ISTS Actions into the individual Conditions and Required Actions in the corresponding ISTS Actions Table. This example and ISTS conversion markup is typical of all the pre-ISTS Actions and ISTS conversions.

Prior to conversion to the ISTS, licensees had the flexibility to apply any of the parts of the Action that were applicable. Conversion to the ISTS format did not change that flexibility.

The TSTF understands how the wording of LCO 3.0.2 could be interpreted to support various conclusions. In several instances in Chapter 1 and Section 3.0 of the ISTS, the term "Required Actions" is used when a reference to the defined term "Actions" would be more accurate. The intention is clear in the LCO 3.0.2 Bases, which states "LCO 3.0.2 establishes that upon discovery of a failure to meet an LCO, the associated ACTIONS shall be met." The defined term "ACTIONS" refers to the entire ACTIONS Table, not a single Required Action. This is also consistent with 10 CFR 50.36(c)(2), which states, "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."

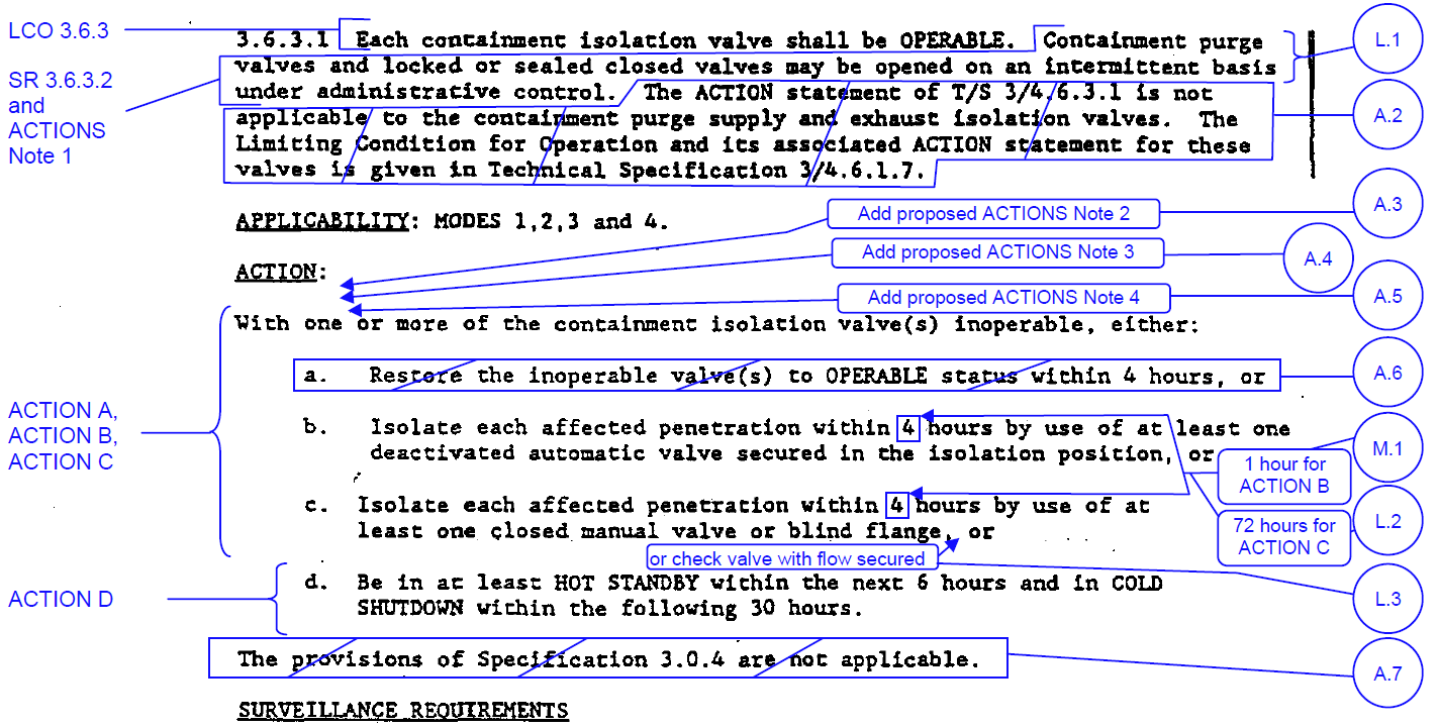
The TSTF believes (1) the NRC position is a departure from historical and current TS usage practices, (2) this new NRC position appears to be an unintended consequence of the administrative reformatting of TS Actions during the development of the ISTS, (3) this NRC position unduly restricts a Licensed Operator from making decisions believed to be in the best interest for safe operation of the plant, and (4) this NRC position could lead to the inappropriate use of 10 CFR 50.54(x).

The TSTF looks forward to working with the NRC to clarify this issue.

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Attachment 1

(Markup from D.C. Cook ITS Conversion, typical for all conversions)



Equivalent ISTS Requirements Follow

TSTF Response to NRC Position on Required Action Completion

Containment Isolation Valves (Atmospheric, Subatmospheric, Ice Condenser, and Dual)
3.6.3

3.6 CONTAINMENT SYSTEMS

3.6.3 Containment Isolation Valves (Atmospheric, Subatmospheric, Ice Condenser, and Dual)

LCO 3.6.3 Each containment isolation valve shall be OPERABLE.

APPLICABILITY: MODES 1, 2, 3, and 4.

ACTIONS

-----NOTES-----

1. Penetration flow path(s) [except for [42] inch purge valve flow paths] may be unisolated intermittently under administrative controls.
 2. Separate Condition entry is allowed for each penetration flow path.
 3. Enter applicable Conditions and Required Actions for systems made inoperable by containment isolation valves.
 4. Enter applicable Conditions and Required Actions of LCO 3.6.1, "Containment," when isolation valve leakage results in exceeding the overall containment leakage rate acceptance criteria.
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CONDITION	REQUIRED ACTION	COMPLETION TIME
<p>A. -----NOTE----- Only applicable to penetration flow paths with two [or more] containment isolation valves. ----- One or more penetration flow paths with one containment isolation valve inoperable [for reasons other than Condition[s] D [and E]].</p>	<p>A.1 Isolate the affected penetration flow path by use of at least one closed and de-activated automatic valve, closed manual valve, blind flange, or check valve with flow through the valve secured.</p> <p style="text-align: center;"><u>AND</u></p>	<p>4 hours</p>

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Containment Isolation Valves (Atmospheric, Subatmospheric, Ice Condenser, and Dual)
3.6.3

ACTIONS (continued)

CONDITION	REQUIRED ACTION	COMPLETION TIME
	<p>A.2</p> <p>-----NOTES-----</p> <ol style="list-style-type: none"> 1. Isolation devices in high radiation areas may be verified by use of administrative means. 2. Isolation devices that are locked, sealed, or otherwise secured may be verified by use of administrative means. <p>-----</p> <p>Verify the affected penetration flow path is isolated.</p>	<p>Once per 31 days for isolation devices outside containment</p> <p><u>AND</u></p> <p>Prior to entering MODE 4 from MODE 5 if not performed within the previous 92 days for isolation devices inside containment</p>

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Containment Isolation Valves (Atmospheric, Subatmospheric, Ice Condenser, and Dual)
3.6.3

ACTIONS (continued)

CONDITION	REQUIRED ACTION	COMPLETION TIME
<p>B. -----NOTE----- Only applicable to penetration flow paths with two [or more] containment isolation valves. ----- One or more penetration flow paths with two [or more] containment isolation valves inoperable [for reasons other than Condition[s] D [and E]].</p>	<p>B.1 Isolate the affected penetration flow path by use of at least one closed and de-activated automatic valve, closed manual valve, or blind flange.</p>	<p>1 hour</p>
<p>C. -----NOTE----- Only applicable to penetration flow paths with only one containment isolation valve and a closed system. ----- One or more penetration flow paths with one containment isolation valve inoperable.</p>	<p>C.1 Isolate the affected penetration flow path by use of at least one closed and de-activated automatic valve, closed manual valve, or blind flange. <u>AND</u></p>	<p>72 hours</p>

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Containment Isolation Valves (Atmospheric, Subatmospheric, Ice Condenser, and Dual)
3.6.3

ACTIONS (continued)

CONDITION	REQUIRED ACTION	COMPLETION TIME
	<p>C.2</p> <p align="center">-----NOTES-----</p> <p>1. Isolation devices in high radiation areas may be verified by use of administrative means.</p> <p>2. Isolation devices that are locked, sealed, or otherwise secured may be verified by use of administrative means.</p> <p align="center">-----</p> <p>Verify the affected penetration flow path is isolated.</p>	<p>Once per 31 days</p>
<p>D. [One or more shield building bypass leakage [or purge valve leakage] not within limit.</p>	<p>D.1 Restore leakage within limit.</p>	<p>4 hours for shield building bypass leakage</p> <p><u>AND</u></p> <p>24 hours for purge valve leakage]</p>
<p>E. [One or more penetration flow paths with one or more containment purge valves not within purge valve leakage limits.</p>	<p>E.1 Isolate the affected penetration flow path by use of at least one [closed and de-activated automatic valve, closed manual valve, or blind flange].</p> <p><u>AND</u></p>	<p>24 hours</p>

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Containment Isolation Valves (Atmospheric, Subatmospheric, Ice Condenser, and Dual)
3.6.3

ACTIONS (continued)

CONDITION	REQUIRED ACTION	COMPLETION TIME
	<p>E.2 -----NOTES----- 1. Isolation devices in high radiation areas may be verified by use of administrative means. 2. Isolation devices that are locked, sealed, or otherwise secured may be verified by use of administrative means. ----- Verify the affected penetration flow path is isolated.</p> <p><u>AND</u></p> <p>E.3 Perform SR 3.6.3.7 for the resilient seal purge valves closed to comply with Required Action E.1.</p>	<p>Once per 31 days for isolation devices outside containment</p> <p><u>AND</u></p> <p>Prior to entering MODE 4 from MODE 5 if not performed within the previous 92 days for isolation devices inside containment</p> <p>Once per [92] days]</p>
<p>F. Required Action and associated Completion Time not met.</p>	<p>F.1 Be in MODE 3.</p> <p><u>AND</u></p> <p>F.2 Be in MODE 5.</p>	<p>6 hours</p> <p>36 hours</p>