

January 6, 2011

Technical Specifications Task Force (TSTF)  
11921 Rockville Pike  
Suite 100  
Rockville, MD 20852

SUBJECT: TSTF WHITE PAPER, "INCLUSION OF REGULATORY GUIDE 1.177 TIER 2 CONSIDERATIONS IN TSTF-423-A AND IN TECHNICAL SPECIFICATION REQUIRED ACTIONS"

Dear Members of the TSTF:

In a white paper dated July 22, 2008 (Agencywide Documents Access and Management System Accession No. ML090540595), you documented your concerns related to questions raised by the U.S. Nuclear Regulatory Commission (NRC) staff during review of two plant-specific license amendment requests seeking to adopt TSTF-423-A, Revision 0, "Technical Specifications End States (NEDC-32988-A)." Specifically, the NRC staff questioned whether assumptions contained in TSTF-423-A on primary and secondary containment and the standby gas treatment system should be included as Required Actions in the Technical Specifications (TS). Because these system assumptions were identified as Tier 2 considerations per Regulatory Guide (RG) 1.177, "An Approach for Plant-Specific, Risk-Informed Decisionmaking: Technical Specifications," the NRC staff effectively questioned whether or not TSTF-423-A needed to be revised to include Tier 2 considerations as Required Actions in TS. Your white paper discussed your position in question and answer format. The first question was specific to TSTF-423-A:

Should the NRC withdraw their approval of TSTF-423-A and require [it to be modified] to include the assumptions on primary and secondary containment and the standby gas treatment system to be included in the Required Actions of Technical Specifications?

The second question was generic to any risk-informed TS change:

When implementing risk-informed license amendments, should actions identified as meeting Regulatory Guide 1.177 Tier 2 be included in the Technical Specifications as Required Actions?

You responded "no" to both questions, and cited that RG 1.177 provides the option to address Tier 2 considerations in the TS or in plant procedures. You further clarified that, specific to the first question, when a licensee adopts the Risk Initiative 1 Topical Report NEDC-32988-A, "Technical Justification to support Risk-Informed Modification to Selected Required Action End States for BWR Plants" and the associated Risk Initiative 1 traveler TSTF-423-A, the licensee is choosing the regulatory commitments option to implement the Tier 2 considerations in accordance with Title 10 of the *Code of Federal Regulations* Section 50.65 (Maintenance Rule) program. In other words, the licensee is choosing to address Tier 2 considerations in plant procedures rather than in TS. As a general matter, you informed us that the industry position is

that Tier 2 considerations are often too numerous and too broad to implement in TS as Required Actions with fixed Completion Times (CTs).

With regard to the first question, the NRC staff has reviewed your response and concludes that TSTF-423-A does not need to be revised to incorporate Tier 2 considerations as Required Actions in TS. RG 1.177 states that the objective of Tier 2 considerations is to ensure that appropriate restrictions on dominant risk-significant configurations associated with the TS change are in place. Tier 3 is the establishment of an overall configuration risk management program (CRMP) to identify and compensate for risk-significant configurations resulting from maintenance and other operational activities. The intent of the CRMP is, in part, to implement Section a(4) of the Maintenance Rule. Consistent with the fundamental principle that changes to TS should result in only small, if any, increases in risk to public health and safety, and as part of proposed TS change evaluations, certain compensatory measures that balance the calculated risk increase caused by the changes may be considered, and these considerations may be part of Tier 2 or Tier 3 programs. In order to adopt TSTF-423-A licensees are required to commit to TSTF-IG-05-02, Implementation Guidance for TSTF-423, which addresses a variety of issues such as considerations and compensatory actions for risk-significant plant configurations. The licensee's risk-informed CRMP, implemented in response to Section a(4) of the Maintenance Rule, will ensure that high-risk configurations are avoided. As a result, there is not sufficient reason for the NRC staff to reconsider their original SE that concluded TSTF-423-A should be approved. Therefore, licensees may adopt TSTF-423-A without incorporating Tier 2 considerations as Required Actions in TS.

With regard to the second question, the NRC staff concludes that for TSTF travelers pursued under Risk Initiative 1, "Technical Specification Required Actions Preferred End States," which includes TSTF-423, actions identified as meeting RG 1.177 Tier 2 do not need to be included as Required Actions in TS. This NRC staff conclusion applies only to Risk Initiative 1 travelers because the NRC staff does not agree with the TSTF's premise that Tier 2 considerations are too numerous and too broad to be implemented in TS as Required Actions with fixed CTs. Therefore, for any risk-informed travelers pursued outside of Risk Initiative 1, the NRC staff will evaluate the merits of excluding Tier 2 considerations as Required Actions in TS on a case-by-case basis.

Sincerely,

**/RA/**

Melissa S. Ash, Acting Chief  
Licensing Processes Branch  
Division of Policy and Rulemaking  
Office of Nuclear Reactor Regulation

Project No. 753

cc: See next page

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DISTRIBUTION FOR TSTF LETTER RE: WHITE PAPER

Dated: January 6, 2011

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