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

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.

1.0 USE AND APPLICATION

1.3 Completion Times

PURPOSE	The purpose of this section is to establish the Completion Time convention and to provide guidance for its use.
BACKGROUND	Limiting Conditions for Operation (LCOs) specify minimum requirements for ensuring safe operation of the unit. The ACTIONS associated with an LCO state Conditions that typically describe the ways in which the requirements of the LCO can fail to be met. Specified with each stated Condition are Required Action(s) and Completion Time(s).
DESCRIPTION	The Completion Time is the amount of time allowed for completing a Required Action. It is referenced to the time of discovery of a situation (e.g., inoperable equipment or variable not within limits) that requires entering an ACTIONS Condition unless otherwise specified, providing the unit is in a MODE or specified condition stated in the Applicability of the LCO. Required Actions must be completed prior to the expiration of the specified Completion Time. An ACTIONS Condition remains in effect and the Required Actions apply until the Condition no longer exists or the unit is not within the LCO Applicability. If situations are discovered that require entry into more than one Condition at a time within a single LCO (multiple Conditions), the Required Actions for each Condition must be performed within the associated Completion Time. When in multiple Conditions, separate Completion Times are tracked for each Condition starting from the time of discovery of the situation that required entry into the Condition. Once a Condition has been entered, subsequent trains, subsystems, components, or variables expressed in the Condition, discovered to be inoperable or not within limits, will <u>not</u> result in separate entry into the Condition, unless specifically stated. The Required Actions of the Condition continue to apply to each additional failure, with Completion Times based on initial entry into the Condition. However, when a <u>subsequent</u> train, subsystem, component, or variable expressed in the Condition is discovered to be inoperable or not within limits, the Completion Time(s) may be extended. To apply this Completion Time extension, two criteria must first be met. The subsequent inoperability: a. Must exist concurrent with the <u>first</u> inoperability and