

January 23, 2009

From: Donald E. Jackson
Branch Chief
Division of Reactor Projects

Subject: Task Interface Agreement (TIA) – Evaluation of Application of Technical Specification (TS) 4.0.3, "Surveillance Requirement Applicability," at Pilgrim (TIA2008-004)

MEMORANDUM FOR THE RECORD

Reference: ML083660174

The attached memorandum shall be placed in **Public** availability.

This report covers Pilgrim Task Interface Agreement.

2004 RT Subm IRI Intend-
→ Nov 2004

December 31, 2008

MEMORANDUM TO: Thomas B. Blount, Deputy Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

FROM: James W. Clifford, Deputy Director /RA/
Division of Reactor Projects
Region I

SUBJECT: TASK INTERFACE AGREEMENT (TIA) – EVALUATION OF
APPLICATION OF TECHNICAL SPECIFICATION (TS) 4.0.3,
“SURVEILLANCE REQUIREMENT APPLICABILITY,” AT
PILGRIM (TIA2008-004)

This TIA documents the regulatory position as determined by Region I and the Office of Nuclear Reactor Regulation regarding the application of TS 4.0.3, “Surveillance Requirement Applicability” at Pilgrim Nuclear Plant.

On June 22, 2007, at the Pilgrim Nuclear Plant, a “B” relay of the Reactor Protection System (RPS) failed. Entergy, the licensee, replaced the relay and, during review of post maintenance testing requirements, identified that scram contactor time response testing would be required. On June 25, 2007, Entergy informed the Nuclear Regulatory Commission (NRC) staff that it had “missed” a TS surveillance requirement to perform time response testing on 4 RPS scram contactors. During their review, Entergy identified that the 4 RPS scram contactors had never been tested. Entergy evaluated the operability of the RPS system and determined that the system remained operable and that TS 4.0.3, “Surveillance Requirement [SR] Applicability,” would allow a delay period up to the limit of the specified surveillance frequency. Entergy also conducted a risk evaluation of the missed RPS surveillance, in accordance with TS 4.0.3, and determined that the surveillance could be delayed up to 90 days with no significant increase in risk. Subsequently, Entergy modified the applicable surveillance procedures and successfully response time tested all RPS scram contactors on June 27, 2007.

The NRC inspectors reviewed the applicable surveillance TS requirements, RPS system drawings, operability and reporting requirements, risk evaluation, and operator actions. The NRC inspectors also questioned the licensee regarding the applicability of TS 4.0.3 given that the time response test had never been performed on four of the RPS scram contactors, as compared to missing (i.e., failure to perform) a surveillance test following a satisfactory test to establish system operability.

Licensee Position:

Entergy applied Technical Specification Task Force (TSTF)-358 which provides a time period to perform surveillance testing if it is discovered that a Surveillance is not performed within its

specified Frequency. The licensee also applied industry-developed implementation guidance (IG) for TSTF-358, TSTF-IG-06-01, dated May 2006, which addresses the question of SRs that have never been performed by asking the question "[i]f it is discovered that a Surveillance has never been performed or has never been completely performed, can SR 3.0.3 be used?" [Note: SR 3.0.3 is the Standard TS (STS) equivalent of Pilgrim TS 4.0.3]. The IG, in response, states, "Yes, SR 3.0.3 applies in conditions in which a Surveillance has never been performed or has never been performed completely provided that there is an expectation that the Surveillance will pass when it is performed and that the associated system is OPERABLE."

Applicable Regulatory Position:

In its review of the applicable regulations, the Pilgrim TSs, the Standard TSs, the Standard TSs Bases, and all other applicable guidance and licensing basis documents associated with this TS, the NRC staff has found that there are no statements that specifically make a distinction between a missed Surveillance and one that has never been performed. However, the implementation guidance document, TSTF-IG-06-01, which does make this distinction, was never reviewed nor approved by the NRC staff. Therefore, it similarly does not form an applicable regulatory basis for the distinction.

NRC Staff Position:

SR 4.0.3 for Pilgrim and STS SR 3.0.3 state that "[i]f it is discovered that a Surveillance was not performed within its specified Surveillance Frequency, then compliance with the requirement to declare the LCO not met may be delayed, from the time of discovery, up to 24 hours or up to the limit of the specified Surveillance Frequency, whichever is greater." Use of the word "frequency" establishes an interval, a period of time, that includes an initial performance of the SR, and a specified time period to re-perform the SR thereafter, i.e., to repeat the surveillance.

This understanding that frequency includes an initial performance of the SR is informed by the Use and Application section of the STS for Frequency. Example 1.4-1 of this section states that "[t]he Frequency specifies an interval (12 hours) during which the associated Surveillance must be performed at least one time. Performance of the Surveillance initiates the subsequent interval," thus plainly including an initial performance of the SR.

Pilgrim's TSs support this understanding in defining a Surveillance Frequency with the statement that "[e]ach Surveillance Requirement shall be performed within the specified SURVEILLANCE INTERVAL with a maximum allowable extension not to exceed 25 percent of the specified SURVEILLANCE INTERVAL," followed by the definition "[t]he SURVEILLANCE INTERVAL is the calendar time between surveillance tests, checks, calibrations, and examinations to be performed upon an instrument or component when it is required to be operable." The use of the word "between" for a Surveillance Interval would appear to include an initial performance, which is confirmed in the later portion of the Surveillance Interval definition, which provides that "[t]hese tests may be waived when the instrument, component, or system is not required to be operable, but the instrument, component, or system shall be tested prior to being declared operable," again plainly including an initial performance of the SR.

SRs are performed at frequencies that are more often than the mean-time to failure of particular systems. Thus, most SRs confirm that SSCs are operable given an operable finding at the previous testing interval. However, in this case, the SR was never performed and, therefore,

proper response time of the contact had never been demonstrated. As such, despite the very small contribution of contact response time to overall control rod scram time, the 4 contacts were never shown to be operable as defined by successfully completing applicable SRs. Hence, the appropriate TS must be followed for an inoperable system.

Therefore, the NRC staff's position is that a missed SR is different than an SR that was never performed.

Conclusion:

The NRC staff disagrees with the licensee on its implementation of SR 4.0.3 (STS SR 3.0.3) and considers the licensee was in violation of SR 4.0.3. However, the current applicable regulatory basis documentation does not specifically clarify the distinction between a missed surveillance and one that has never been performed. As such, the NRC staff recommends exercising enforcement discretion in accordance with Section VII.B.6 of the NRC Enforcement Policy. It is further recommended that the NRC staff incorporate this distinction into appropriate regulatory standards documents through our normal processes.

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SUNSI Review Completed: EEB (Reviewer's Initials)

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