

# Withdrawn

NRC Regulatory Issue Summary 2012-10, “NRC Staff Position on Applying Surveillance Requirements 3.0.2 and 3.0.3 to Administrative Controls Program Tests” dated August 23, 2012, has been withdrawn.

ADAMS Accession Number: ML12079A393  
See *Federal Register* notice dated March 13, 2018.  
83 FR 10911

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
OFFICE OF NUCLEAR REACTOR REGULATION  
OFFICE OF NEW REACTORS  
WASHINGTON, DC 20555-0001

August 23, 2012

NRC REGULATORY ISSUE SUMMARY 2012-10: NRC STAFF POSITION ON APPLYING  
SURVEILLANCE REQUIREMENTS 3.0.2  
AND 3.0.3 TO ADMINISTRATIVE  
CONTROLS PROGRAM TESTS

## ADDRESSEES

All holders of, and applicants for, power reactor operating licenses issued under Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, "Domestic Licensing of Production and Utilization Facilities," except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel.

All holders of and applicants for a power reactor early site permit, combined license, standard design certification, standard design approval, or manufacturing license under 10 CFR Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants."

## INTENT

The U.S. Nuclear Regulatory Commission (NRC) is issuing this regulatory issue summary (RIS) to inform addressees that Enforcement Guidance Memorandum (EGM) 2012-001 was issued on February 24, 2012 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML11258A243). The EGM was issued for testing requirements in Section 5.0, "Administrative Controls," Technical Specification (TS) 5.5, "Programs and Manuals," that make available surveillance requirement (SR) 3.0.2, SR 3.0.3, or both. This RIS does not transmit any new requirements and does not require any specific action or written response on the part of an addressee.

## BACKGROUND INFORMATION

Task Interface Agreement (TIA) 2010-001, "Evaluation of Application of Technical Specification SR 3.0.3, 'Surveillance Requirement Applicability,' at Clinton Power Station" (ADAMS Accession No. ML101100101), documented the NRC staff's review of that licensee's position that SR 3.0.3 from TS 5.5.6, "Inservice Testing Program" applies to non-TS excess flow check valve testing performed under 10 CFR 50.55a(f), "Inservice Testing Requirements." The specification in SR 3.0.3 allows licensees to apply a delay period before declaring the SR for TS equipment "not met" when the licensee inadvertently exceeds or misses the time limit for performing TS surveillance. The NRC staff determined that licensees cannot use TS 5.5.6 to apply SR 3.0.3 to an inservice test under 10 CFR 50.55a(f) that is not associated with a TS surveillance. To invoke SR 3.0.3, the licensee must first discover that a TS surveillance was not performed at its specified frequency. Therefore, the delay period SR 3.0.3 provides does not apply to non-TS support components tested under 10 CFR 50.55a(f), such as the excess flow check valves reviewed under the Clinton TIA.

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## **SUMMARY OF THE ISSUE**

As a follow up to TIA 2010-001, the NRC staff considered the generic impact of the Clinton TIA position. This review determined that restructuring TS chapters during the development of improved standard technical specifications (STS) resulted in unintended consequences when Section 3.0, "Surveillance Requirement Applicability," provisions were made applicable to Section 5.0 TS. Specifically, applying STS rules of usage would prohibit licensees from using the SR 3.0.2 and SR 3.0.3 allowances in Section 5.0 TS, unless the Section 5.0 TS tests are associated with a TS SR. Therefore, the NRC staff concluded that applying either the SR 3.0.2 or SR 3.0.3 general provisions on the applicability of SRs to non-TS testing required by program tests is generic and applies to all addressees with plant-specific TS based on improved STS (NUREG-1430 through NUREG-1434). Plant-specific TS that do not match up with NUREG-1430 through NUREG-1434 may apply to this position, depending on the extent to which the SR applicability and TS 5.5 deviate from STS content. To ensure licensees appropriately apply the findings of its review, the NRC staff issued EGM 2012-001.

### Effect of EGM 2012-001 on Reactor Operations

SR 3.0.2 and SR 3.0.3 cannot be applied to TS 5.5 for tests that are not associated with a TS SR. Therefore, programmatic test frequencies cannot be extended in accordance with SR 3.0.2, and programmatic test frequencies cannot be delayed in accordance with SR 3.0.3, when there is no associated requirement from SR 3.0.1 for program tests to be both performed and met. Using SR 3.0.2 to extend a program test or using SR 3.0.3 to delay declaring a missed program test "not met" without having a TS SR related to the program test would result in noncompliance with TS or nonconformance with other regulatory requirements because these SR allowances cannot be applied to non-SR tests.

The information provided in EGM 2012-001 provides guidance on how the NRC staff will disposition licensee noncompliance with Section 5.0, TS 5.5, testing requirements that make available SR 3.0.2, SR 3.0.3, or both.

## **BACKFIT DISCUSSION**

This RIS conveys the information in EGM 2012-001 for testing requirements in Section 5.0, TS 5.5, that make available SR 3.0.2, SR 3.0.3, or both. This RIS requires no action or written response and, therefore, is not a backfit under 10 CFR 50.109, "Backfitting." Consequently, the NRC staff did not perform a backfit analysis.

## **FEDERAL REGISTER NOTIFICATION**

The NRC did not publish a notice of opportunity for public comment on this RIS in the *Federal Register* because it is informational and does not depart from current regulatory requirements and practices. The NRC intends to work with the Nuclear Energy Institute, industry representatives, members of the public, and other stakeholders to develop final guidance and revise related guidance documents.

## CONGRESSIONAL REVIEW ACT

The NRC has determined that this RIS is not a major rule as designated by the Congressional Review Act (5 U.S.C. §§ 801–808).

## PAPERWORK REDUCTION ACT STATEMENT

This RIS does not contain information collection requirements. Therefore, the NRC did not request Office of Management and Budget (OMB) review to determine requirements under Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

## PUBLIC PROTECTION NOTIFICATION

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

## CONTACT

Please direct any questions about this matter to the technical contact listed below.

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Note: NRC generic communications may be found on the NRC public Web site, <http://www.nrc.gov>, under Electronic Reading Room/Document Collections.

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